By Mr. THOMAS of Iowa: Petitions of George L. Quenby and 61 others, W. C. Bender and 61 others, and F. W. Greene and 75 others, all of Sioux City, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. TIRRELL: Petitions of Eugene O. Cutler and 30 others, of Groton, Mass., and W. A. Dingley and 15 others, of Pratts Junction, Mass., in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WADE: Petitions of the pastor and members of the First Presbyterian and the Methodist Episcopal churches and the members of the Women's Synodical Home Missionary Society, of Iowa City, Iowa, relative to amending the Constitution, defining marriage, etc.—to the Committee on the Judiciary.

Also (by request), petition of citizens of Monmouth, Iowa, in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the First Presbyterian and the Methodist Episcopal churches and the members of the Women's Synodical Home Missionary Society of Iowa City, Iowa, relative to investigating the charges against Senator SMOOT—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. WEBB: Paper to accompany bill H. R. 12528, granting an increase of pension to Stephen M. Davis—to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Resolution of the Brooklyn Chapter, American Institute of Architects, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. YOUNG: Petition of the Trades and Labor Council of Hancock, Mich., in favor of the enactment of an eight-hour law and an anti-injunction bill—to the Committee on Labor.

Also, resolution of the Licensed Tugmen's Protective Association, against the practice of the Government building dredges—to the Committee on Rivers and Harbors.

Also, resolution of Societa Cristoforo Colombo M. S., favoring October 12 as a national holiday, to be known as "Columbus Day"—to the Committee on the Judiciary.

Also, resolution of Societa Fratellanza Italiana di Muto Socorso, favoring October 12 as a national holiday, to be known as "Columbus Day"—to the Committee on the Judiciary.

By Mr. ZENOR: Petitions of Rev. J. W. Gilley and 21 others, of Georgetown, Ind., and S. E. Sittason and 32 others, of New Albany, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers to accompany bill H. R. 2469, for the relief of William Stone—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10643, for the relief of James F. Belcher—to the Committee on Invalid Pensions.

## SENATE.

FRIDAY, *April 15, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

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

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

### ADMINISTRATION OF FOREST RESERVES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation of $50,000 for the administration of forest reserves, to be applied to the construction of roads and trails on the national forest reserves; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### PROSECUTION OF CUSTOMS-SERVICE FRAUDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that an appropriation of $50,000 be included in the general deficiency appropriation bill for fees and expenses, including remuneration for special assistant attorney-general in the investigation and prosecution of certain frauds upon the customs service, etc.; which was referred to the Committee on Appropriations, and ordered to be printed.

### ESTATE OF VALOROUS G. AUSTIN, DECEASED.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Manville Austin, Emma A. Johnson, Edgar H. Pullman, and Olive C. Kefauver, heirs of Valorous G. Austin, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### POST-OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DOLLIVER. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY were appointed.

Mr. BACON. Do I understand that my colleague [Mr. CLAY] has been appointed on the conference committee?

The PRESIDENT pro tempore. He has.

Mr. BACON. I will simply take advantage of this opportunity to state that my colleague is necessarily absent and will not be back for several days. It may be necessary, therefore, to substitute another in his stead.

The PRESIDENT pro tempore. The Senator from Georgia calls the attention of the Senator from Iowa to the fact that his colleague is absent from the city and will be for several days.

Mr. BACON. I am informed by the Senator from Kansas [Mr. LONG] that he thinks some arrangement in reference to the matter was made in contemplation of the absence of my colleague; and if the conference committee is not to be at work immediately, possibly my suggestion is not material.

Mr. DOLLIVER. The Senator from Texas [Mr. CULBERSON] is the next in seniority of service on the Democratic side upon the committee.

The PRESIDENT pro tempore. The Senator from Georgia [Mr. CLAY] will be excused, and the Chair will appoint the Senator from Texas [Mr. CULBERSON] in his place.

Mr. DOLLIVER. I will ask the Chair to withhold the announcement until I can have a little further opportunity to consult about the matter.

The PRESIDENT pro tempore subsequently said: The Chair will appoint as a member of the committee of conference on the part of the Senate on the post-office appropriation bill the Senator from Georgia [Mr. CLAY].

### MAJ. THOMAS W. SYMONS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 54) to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York.

The amendment of the House of Representatives was to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to grant Maj. Thomas W. Symons, Corps of Engineers, leave of absence without pay; and that he be permitted to assist the State of New York by acting as member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York. The permission hereby given shall be held to terminate at such date or dates as the Secretary or War may determine.

Mr. PROCTOR. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 4769) validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. DIXON, and Mr. GRIFFITH managers at the conference on the part of the House.

The message further announced that the House had passed the

following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes; and

A bill (H. R. 14944) establishing a regular term of the United States circuit and district courts at Lewisburg, W. Va.

ENROLLED BILLS SIGNED.

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

A bill (S. 987) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants;

A bill (S. 1607) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery;

A bill (S. 1974) amending the act of Congress approved January 26, 1895, entitled "An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes:"

A bill (S. 5438) making an appropriation to supply a deficiency in the contingent fund of the United States Senate;

A bill (H. R. 685) granting an increase of pension to Philip J. Harlow; and

A joint resolution (S. R. 9) authorizing the issue of duplicate medals where the originals have been lost or destroyed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry citizens of the State of New York, praying for the enactment of legislation granting lands in severalty to the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of Acme Lodge, No. 231, Brotherhood of Boiler Makers and Iron-ship Builders, of Olean, N. Y., and a petition of Local Lodge No. 186, Brotherhood of Boiler Makers and Iron-ship Builders, of Hornellsville, N. Y., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Mount Vernon, N. Y., praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was ordered to lie on the table.

He also presented a petition of Local Circle No. 93, Department of New York, Ladies of the Grand Army of the Republic, of Clinton, N. Y., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Poughkeepsie Grange, No. 839, Patrons of Husbandry, of Arlington, N. Y., and a petition of Local Grange No. 424, Patrons of Husbandry, of Pittsford, N. Y., praying for the passage of the so-called "Currier good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Union No. 159, of Syracuse, and of Local Union No. 2, of Olean, of the American Federation of Labor, in the State of New York, and of the International Typographical Union, American Federation of Labor, of Indianapolis, Ind., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which were referred to the Committee on Education and Labor.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Ulster County, N. Y., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York. I present a memorial of the Samana Bay Company, of Santo Domingo, relative to the claim of that company against the Dominican Government, which I ask be printed as a document and referred to the Committee on Foreign Relations.

Mr. PLATT of Connecticut. Is it a memorial of citizens of a foreign country?

Mr. PLATT of New York. I understand that it is a memorial of citizens of the State of New York.

The PRESIDENT pro tempore. It is a corporation of the State of New York, as the Chair understands it. The Chair hears no objection to the request of the Senator from New York, and the memorial will be printed as a document and referred to the Committee on Foreign Relations.

Mr. HOPKINS presented a petition of sundry citizens of Peoria, Ill., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a memorial of the National Business League, of Chicago, Ill., remonstrating against the enactment of legislation providing for the grading of the United States consular service and the substitution of salaries for fees; which was referred to the Committee on Foreign Relations.

Mr. GIBSON (for Mr. CLARK of Montana) presented a petition of the Farmers' Institute of Beaverhead County, Mont., praying for the enactment of legislation providing for an increase in the annual appropriation for State agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. CLARK of Montana) presented a petition of Local Lodge No. 80, Brotherhood of Boiler Makers and Iron-ship Builders, of Anaconda, Mont., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. CLAPP presented a petition of the congregation of the Methodist Episcopal Church of Amboy, Minn., and a petition of the Woman's Christian Temperance Union of Amboy, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of the Columbia Heights Citizens' Association, of Washington, D. C., remonstrating against the enactment of legislation requiring fire escapes to be placed upon all houses used for apartments and for purposes other than private residences; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry architects, of Columbus, Ohio, of Providence, R. I., and of Jamestown, Rochester, and Brooklyn, in the State of New York, praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. FAIRBANKS presented a petition of Local Union No. 14, Journeymen Barbers' International Union, of Fort Wayne, Ind., praying for the passage of the so-called "eight-hour bill," and also the "anti-injunction bill;" which was referred to the Committee on Education and Labor.

Mr. BACON presented sundry papers to accompany the bill (S. 4763) for the relief of the trustees of the Big Bethel African Methodist Episcopal Church, of Atlanta, Ga.; which were referred to the Committee on Claims.

Mr. WARREN submitted sundry papers to accompany the bill (S. 5450) granting an increase of pension to George R. Lingenfelter; which were referred to the Committee on Pensions.

Mr. DANIEL presented a paper to accompany the bill (S. 645) for the relief of the Presbyterian Church of Highland County, Va.; which was referred to the Committee on Claims.

He also presented a petition of sundry citizens of Gloucester, Va., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of Richmond, Va., and a petition of Straus, Gunst & Co. and sundry other business firms of Richmond, Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the American Federation of Labor of Baton Rouge, La., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. ALLEE, from the Committee on Claims, to whom was referred the bill (S. 1492) for the relief of the widow and children of Daniel McDonough, deceased, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment providing for the retrocession of certain lands in the city of Washington, D. C., to Howard University upon which to erect a hospital and for other purposes, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 13218) for relief of Adolph Weinhold, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4685) for the relief of Adolph Weinhold, submitted an

adverse report thereon, recommending that the bill be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 13773) to provide for the settlement of certain outstanding checks drawn by the disbursing officers of the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4694) to provide for the settlement of certain outstanding checks drawn by disbursing officers of the District of Columbia, submitted an adverse report thereon, recommending that the bill be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 5506) to acquire certain ground for a Government reservation, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1258) to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 14048) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of branch libraries in the District of Columbia, to establish a commission to supervise the erection of branch library buildings in said District, and to provide for their suitable maintenance, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 5095) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of branch libraries in the District of Columbia, to establish a commission to supervise the erection of branch library buildings in said District, and to provide for their suitable maintenance, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4085) to amend an act entitled "An act to establish a code of law for the District of Columbia," reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5067) to prevent the fraudulent sale of merchandise, reported it with amendments, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5504) to amend an act entitled "An act to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River," approved March 29, 1904, reported it without amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 5525) for the extension of Twenty-third street from S street to California avenue, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2834) for the extension of Twenty-third street from S street to California avenue, reported adversely thereon; and the bill was postponed indefinitely.

Mr. LONG, from the Committee on Territories, to whom was referred the bill (S. 5065) permitting the Missouri, Kansas and Oklahoma Railroad Company, a consolidated railroad corporation organized and existing under the laws of the Territory of Oklahoma, to sell its railroads and properties to the Missouri, Kansas and Texas Railway Company, a corporation organized and existing under the laws of the State of Kansas, reported it with an amendment striking out the preamble, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 5454) permitting the Ozark and Cherokee Central Railroad Company and the Arkansas Valley and Western Railway Company, and each or either of them, to sell and convey their railroads and other property in the Indian Territory to the St. Louis and San Francisco Railroad Company or to the Chicago, Rock Island and Pacific Railway Company, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11126) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Indian Territory, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4732) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Indian Territory, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 14th instant, authorizing the Secretary of the Treasury to pay such sum, not exceeding $25,000, as compensation for difference in values in order to accomplish the exchange of tracts of lands, to acquire certain lands desired for the use of the Government Hospital for the Insane, etc., intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10417) to prevent cruelty to certain animals in the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3455) to prevent cruelty to certain animals in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

### REPORT OF DAUGHTERS OF AMERICAN REVOLUTION.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Sixth Annual Report of the National Society of the Daughters of the American Revolution, with illustrations, be printed as a document.

### REPORT OF ANTHRACITE COAL STRIKE COMMISSION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 70) to provide for the printing of the report of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that there shall be printed 10,000 copies, in cloth binding, of the report of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners, including the testimony taken by and the arguments made before the commission, 3,000 copies for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the Commissioner of Labor.

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

### LAND AND PENSION DECISIONS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. HANSBROUGH on the 11th 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 the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 100 copies each of volumes 2, 3, 4, 5, 7, 8, 9, 12, 13, 14, 15, 16, and 20 to 32, Land Decisions, and volumes 12, 13, and 14, Pension Decisions, for sale and distribution by the Department of the Interior: *Provided*, That five copies each of all volumes of Land Decisions already issued and to be issued be delivered to the Committee on Public Lands of the Senate and House of Representatives, and that five copies each of all volumes of Pension Decisions already issued and to be issued be delivered to the Committee on Pensions of the Senate, and to the Committees on Pensions and Invalid Pensions of the House of Representatives.

### EXCLUSION OF OBSCENE LITERATURE FROM THE MAILS.

Mr. CLAPP. I have a supplemental report to submit from the Committee on Interstate Commerce. I ask for the present consideration of the bill (S. 3431) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same, heretofore reported from that committee.

The Secretary read the bill.

Mr. PLATT of Connecticut. I wish the Senator in charge of the bill would explain the proposed amendment—how it differs from the present law.

Mr. CLAPP. The present law applies only to territory within the United States. The bill is designed to make the law which now exists applicable to transportation between the United States and our outlying possessions, or whatever you might call them.

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

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

Mr. CLAPP. I am directed by the Committee on Interstate Commerce to submit an amendment to the bill. On page 2, line 15, after the word "abortion," I move to insert "or any indecent or immoral purpose."

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.

BILLS INTRODUCED.

Mr. ALLEE introduced a bill (S. 5526) to establish a life-saving station in Sussex County, State of Delaware; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. PLATT of New York introduced a bill (S. 5527) granting an increase of pension to John A. Kingman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 5528) granting an increase of pension to William P. Dunnington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON (for Mr. CLARK of Montana) introduced a bill (S. 5529) granting an increase of pension to Alvin W. Tillotson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BALL introduced a bill (S. 5530) granting a pension to William R. Cahoon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5531) granting an increase of pension to Catherine Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5532) granting an increase of pension to Edwin A. Knight; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 5533) correcting the record of Harris Graffen; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 5534) granting an increase of pension to James W. Hutzl r; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5535) granting an increase of pension to Alexander McConneha; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 5536) granting a pension to John W. Hooser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5537) for the relief of night inspectors of customs who performed double duty; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5538) for the re ief of Albert Wood; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 5539) granting an increase of pension to A. L. Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5540) granting an increase of pension to Jerome Bradley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5541) granting an increase of pension to George F. White; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5542) granting a pension to Minerva Kenney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5543) creating a commission to consider and recommend legislation for the development of the American merchant marine, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FORAKER introduced a bill (S. 5544) to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and accepted by the Department of Agriculture during the fiscal year 1902; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry.

Mr. DANIEL introduced a bill (S. 5545) granting a pension to Eva V. Turner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5546) for the relief of William H. Howard and Oliver D. Lewis; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to appropriate $1,000 to pay Frank D. Koonce for expenses incurred by him as contestant for a seat in the Fifty-third Congress from the Third Congressional district of North Carolina in the contest entitled "Koonce *v.* Grady," intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LONG submitted an amendment providing for allowances to clerks of the United States courts for the Indian Territory at the rate of $1,000 each per annum for their personal services in filing and recording mortgages, issuing marriage licenses, etc., from May 31, 1900, to March 3, 1901, as provided in the act approved May 31, 1900, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $4,000,000 for paying any deficiency which may arise during the fiscal year ending June 30, 1904, by reason of recent pension legislation, intended to be proposed by him to the pension appropriation bill; which was referred to Committee on Pensions, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $1,000 to enable the Secretary of the Interior to compromise, adjust, and obtain the formal relinquishment of the alleged claim of Castanos Paine or any person claiming under him to any and all portions of township 11 south, range 3 east of San Bernardino meridian, within the reservation patented to the Santa Ysabel band or village of Mission Indians in the State of California, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $5,000 for payment of a certain Treasury settlement, No. 5000, in favor of the Eureka Insurance Company, of Pittsburg, Pa., William L. Jones, receiver, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SALE OF PANAMA CANAL PROPERTY.

Mr. MORGAN submitted the following resolution, which was read:

*Resolved*, That the Committee on Interoceanic Canals is discharged from the further consideration of the following resolution, and that the same be brought before the Senate for consideration:

"*Resolved*, That the Attorney-General is hereby directed to inform the Senate, at his earliest convenience, of the present state of the negotiation or agreement between the New Panama Canal Company and the Government of the United States, together with a copy of any agreement or agreements that have been made or proposed by said parties, or either of them, touching the sale of the property of the said canal company, since March 11, 1903; and that he also transmit to the Senate copies of all papers relating thereto that are or have been in his possession and under his control, so as to inform the Senate fully as to the entire transaction."

Mr. KITTREDGE. I ask that the resolution may go over.

Mr. MORGAN. Let it be printed.

The PRESIDENT pro tempore. It will be printed and go over under the rule.

HOUSE BILL REFERRED.

The bill (H. R. 14944) establishing a regular term of the United States circuit and district courts at Lewisburg, W. Va., was read twice by its title, and referred to the Committee on the Judiciary.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

The bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, was read twice by its title.

Mr. BURROWS. There is a bill on the Calendar on the same subject and with the same title, Senate bill 5328, reported from the Committee on the Philippines. I ask to have the House bill substituted for that bill and take its place on the Calendar.

The PRESIDENT pro tempore. The Senator from Michigan asks that the House bill, which is identical with the Senate bill already on the Calendar, may take the place of that bill, and that Senate bill 5328 may be indefinitely postponed. Is there objection? The Chair hears no objection.

GOVERNMENT OF CANAL ZONE.

Mr. KITTREDGE. I move that the Senate proceed to the consideration of the bill (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

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

The Secretary read the next section, as follows:

SEC. 23. That to pay the expenses above mentioned, including the proper share of the United States in the expenses of the joint commission referred to in section 20 of this act, so much of the $10,000,000 appropriated by section 5 of an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, as may be necessary is hereby authorized to be used.

The PRESIDENT pro tempore. It is agreed to.

The Secretary read the next section, as follows:

SEC. 24. That the accounts of said commission in the expenditure of all moneys appropriated by Congress for the construction, sanitation, and protection of said canal, or in the government of said zone, or in carrying o t the stipulations of said treaty, of every name and nature, shall be audited by the Auditor of the Treasury for the War Department.

The PRESIDENT pro tempore. It is agreed to.

The Secretary read the next section, as follows:

SEC. 25. That the President may require a preliminary audit on the Isthmus, monthly or otherwise, of all the expenditures of said commission, and may appoint or assign to that duty such accountants and clerical assistance as may be necessary to that end. The said audit and the officials engaged therein shall be subject to the immediate control and direction of the Auditor of the Treasury for the War Department.

The PRESIDENT pro tempore. It is agreed to.

Mr. MORGAN. When the Senate adjourned yesterday the following addition to section 27 was pending, and it has not been disposed of:

The moneys so deposited shall be secured in such manner as the Secretary of the Treasury may direct.

The PRESIDENT pro tempore. The amendment was submitted by the Senator from Oregon [Mr. MITCHELL], and he simply sent it to the table to have it printed. It is not regularly and formally offered, because the section was not reached yesterday, and the section has not been reached yet.

Mr. MITCHELL. The amendment was ordered printed yesterday.

The PRESIDENT pro tempore. It was simply ordered printed. The section will be reached in one minute.

Mr. MORGAN. What section is the Secretary now reading?

The PRESIDENT pro tempore. Section 26 is the next section to be read.

Mr. MORGAN. Where did the Secretary commence reading this morning? I did not know the bill was up. Other gentlemen engaged my attention.

The PRESIDENT pro tempore. The Secretary commenced reading at section 23, and has just reached section 26.

Mr. SPOONER. We can hear the Chair, but it is impossible to hear what the Senator from Alabama says or to know what is under discussion.

Mr. MORGAN. Was section 22 acted on yesterday?

The PRESIDENT pro tempore. It was. The Secretary will read the next section.

The Secretary read the next section, as follows:

SEC. 26. That the specific grants to the said commission of legislative power in this act contained shall not be construed to diminish the general grant of legislative power contained in section 3 hereof.

The PRESIDENT pro tempore. It is agreed to.

The Secretary read the next section, as follows:

SEC. 27. That the Secretary of the Treasury is hereby authorized to designate in the canal zone, or in the city of Panama or Colon, a Government depository for the deposit and safe-keeping of all public moneys required in said zone.

The PRESIDENT pro tempore. To this section the Senator from Oregon offers an amendment.

Mr. MITCHELL. I offer the amendment which I submitted yesterday and had printed.

The SECRETARY. It is proposed to add at the end of the section the following:

The moneys so deposited shall be secured in such manner as the Secretary of the Treasury may direct.

Mr. ALDRICH. Mr. President, I think it is extremely desirable that this bill shall not contain any doubtful or disputed provisions. The question as to the selection of a fiscal agent or Government depository was called to the attention of the Finance Committee by the Secretary of the Treasury, and that committee, after giving the matter full consideration, decided that it was not desirable to enter upon this question at the present time.

Certainly we are without any knowledge as to the wishes of the commission and as to just what will be required in the zone in the way of fiscal agencies. The provision as it now stands would be certainly inadmissible, as the only Government depository which could be made is a national bank, under the provisions of the law. Also the provision which is now submitted by the Senator from Oregon in regard to the safe-keeping of public money is certainly inadmissible; that is, from my standpoint, as I think it will be from that of all Senators when they come to understand it.

I therefore ask that this section may be left out of the bill. There will be plenty of time for the proper consideration of a public depository or fiscal agent long before the commission will have any money to deposit there; and as it is an uncertain and doubtful question I move to strike out section 27 from the bill.

The PRESIDENT pro tempore. The Senator from Rhode Island moves to strike out section 27.

Mr. MITCHELL. Do I understand the Senator from Rhode Island to state that the Secretary of the Treasury is not favorable to it?

Mr. ALDRICH. He called our attention to it in the Committee on Finance and asked for our consideration, and we thought it not desirable to act on the subject now.

Mr. MITCHELL. The provision was put in the bill on the suggestion of the Secretary of the Treasury that he thought it advisable.

Mr. ALDRICH. Yes, the Secretary of the Treasury thought it advisable; but the Secretary was not very clear himself as to the nature of the fiscal agent required. I think it would be better to let the matter go over. There will be ample time to take up the question next fall.

The PRESIDENT pro tempore. The amendment offered by the Senator from Oregon is in order before the motion to strike out the section.

Mr. ALDRICH. I understand that.

The PRESIDENT pro tempore. Does the Senator from Oregon desire a vote on his amendment?

Mr. MITCHELL. I will withdraw it for the present.

The PRESIDENT pro tempore. The amendment of the Senator from Oregon is withdrawn.

Mr. DRYDEN. Mr. President, while I favored the section which is now under consideration in committee, in view of what the Senator from Rhode Island says, I do not personally see any objection to letting the section go out. I can not see that any interest will suffer before Congress will meet again and be able to take up the matter deliberately and carefully and treat it at that time.

The PRESIDENT pro tempore. The Senator from Rhode Island moves to strike out section 27 of the bill.

Mr. MORGAN. Mr. President, it seems to be the habit of the Senate, particularly of late years, whenever they want to know what to do, to go to some Department and consult a Cabinet officer first. I expect that is a very good habit as the Senate is now organized, for we do not seem to be quite able to take care of the Government upon our own responsibility.

It appears here as a fact, and as we were informed in committee, that the Secretary of the Treasury had advised putting section 27 in the bill, and against all the objection I and other members of the minority of the committee could urge it was put in. I thought it was a fatal invasion of the sovereignty of Panama that the Government of the United States should by an act of Congress establish a depository of the United States within the Republic of Panama, and that it would be a most dangerous movement with reference to our financial security. I thought again that it must be a reward for some services that had been rendered there in the recent revolution by some great banker who had served the cause of liberty and the President with dangerous financial risk. I could not understand why it was that the Secretary of the Treasury wanted to have a depository there. Now we are informed that he has changed his opinion.

Mr. ALDRICH. No; I beg the Senator's pardon. The Secretary has not changed his opinion.

Mr. MORGAN. He has not changed it?

Mr. ALDRICH. He has not. I will say that the Committee on Finance, after consideration, did not think it a wise thing to do at present.

Mr. MORGAN. I am astonished at the boldness of the Senator from Rhode Island in daring to set up the opinion of the Committee on Finance against the opinion of the Secretary of the Treasury. That, Mr. President, is a return to the virility of the Senate as I understood it when I first came here, quite a while ago, when there was no question asked from time to time about the opinions of even the President of the United States.

I know that on some occasions I was guilty of the discourtesy or the impropriety of questioning the opinion of Mr. Cleveland on several questions, and even voting against him, when it was known that he was here in a combination with Republicans trying to put certain measures through the Senate.

So I congratulate that side of the Chamber on the return to correct principles of government. I am very happy indeed that the Committee on Finance has agreed to strike out this extremely obnoxious measure from the bill, and equally so that the Senator in charge of the bill is so amiable and so respectfully indulgent toward the ruling of the Committee on Finance. The atmosphere is clearing again.

The PRESIDENT pro tempore. The question is on the amendment to strike out section 27 of the bill.

The amendment was agreed to.

Mr. HALE. Mr. President, that brings the Senate to the con-

sideration of the amendment which I offered, which was somewhat debated last night.

Mr. HOPKINS. I wish to suggest to the Senator from Maine that he withhold the amendment and let the subject-matter go over until the next session of Congress. It is apparent from what occurred here last evening that the presentation and consideration of that amendment will lead to prolonged debate, and the subject-matter can as well be treated at the next session of Congress as at the present time.

I will say to the Senator from Maine that I am in sympathy with the subject-matter of the amendment and shall favor it, but I think that the more appropriate time to consider it will be at the next session of Congress.

Mr. ALDRICH. Mr. President, I hope the Senator from Maine will yield to the suggestion of the Senator from Illinois [Mr. HOPKINS]. There are a great many questions raised by the amendment which he has proposed that we can not settle offhand. The status of the ports of Colon and Panama is such that it seems to me we can not undertake to say——

Mr. MORGAN. I wish the Senator would give his views of the status of those ports. I have presented mine on another occasion, and they have been disputed. I should like to hear the Senator from Rhode Island now state his views.

Mr. ALDRICH. I think perhaps the Senator from Alabama will agree with me that whatever that status may be in some respects, it is such that the United States can not undertake to regulate the commerce and to say what ships shall or shall not enter those ports.

Mr. MORGAN. If the Senator will allow me, I stated that I thought the same thing when the Hay-Varilla treaty was under consideration, and I offered amendments in the Committee on Foreign Relations to have the effect to clean up that question. The committee voted upon those amendments and reported them to the Senate, but when the matter came into the Senate there was such a hurry for getting the treaty through that the committee abandoned all of those amendments. I believe it was stated that M. Bunau-Varilla had advised that the Senate should not put those amendments on, and therefore, of course, we did not do it, for M. Varilla was in charge; he was at the helm.

Now we come in and find ourselves in such condition that we are incapable of conducting proper legislation. This measure which the Senator from Maine [Mr. HALE] has offered here is proper legislation, particularly proper in reference to these ports; but we are in such condition now that we can not indulge in proper legislation for the protection of the interests of our own people until we have got that treaty changed. We have got to get it changed, and when it is changed it will be done in accordance with those amendments which the Senate struck out in its hurry in order to accommodate M. Varilla.

Mr. ALDRICH. I do not care to enter into the questions suggested by the Senator from Alabama. I do not think they are pertinent to the suggestions I am making.

I was about to say that there are no ports of the United States there now that we can regulate the commerce of. That is the status.

Mr. MORGAN. No; none that we have got any control of.

Mr. ALDRICH. I am heartily in sympathy with all efforts to aid American shipping, and I think at the proper time, when we have an opportunity to consider this matter, some measure may be presented that will receive the approval of Congress; but I ask that the Senator from Maine will now allow his amendment to go over.

Mr. HALE. Mr. President, the object of the amendment is, I think, a very good one, and, whatever happens now, I shall not at any future time abandon the general principle that trade between our ports and ports of the canal zone shall be conducted in ships of American registry and that at no distant day the traffic between these ports shall be included in the coastwise-trade provisions. That, however, is not involved in this amendment of mine, but in another amendment, offered by another Senator. There is no reason why those laws should not be applied, as we have made the coastwise-trade laws apply to Atlantic and Pacific ports in the United States, and this is the same as trade along either ocean shore.

I see the force, Mr. President, of the suggestion made by the Senator from Illinois [Mr. HOPKINS] and the Senator from Rhode Island [Mr. ALDRICH], and I saw last night the force of the suggestion made by the Senator from Wisconsin [Mr. SPOONER], that in framing a provision of this kind great care should be taken that it should not interfere with the rights of citizens making contracts, and that it would be difficult, in such a state of affairs, to interpose the opinion of the Secretary of War or the Secretary of the Navy conducting transportation, because they would cease to conduct it. All of that can be covered at the next session of Congress by a provision including this in the coastwise trade provisions. Then the status of the ports can be known and fixed.

Under these circumstances, and in view of the fact that the bill is practically completed, and with the pressure of business, the Appropriations Committee being ready to go on with its bills, I do not feel like delaying further the passage of this bill. Therefore, for the present and upon this bill, I withdraw the amendment.

I have no authority to speak for the Senator from Maryland [Mr. MCCOMAS], who offered the other amendment; but as the subjects are kindred I presume that would take naturally the same course.

I shall not further interpose now; but at the next session I shall submit a proposition to the Committee on Commerce that will cover this encouragement and protection of American registered ships included in all of this trade.

Mr. MORGAN. Mr. President, the Senator of course may withdraw his amendment.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Alabama?

Mr. HALE. I yield.

Mr. MORGAN. Before the Senator withdraws the amendment, or before that order is taken, I wish to make a statement as to the attitude which the Senator from Maryland [Mr. MCCOMAS] holds toward this matter. We know the unfortunate cause of the absence from the Senate of the Senator from Maryland, and we all lament it.

That Senator came to me with his amendment, which has been printed and is on the desk here, and asked me what I thought of it. I told him that I agreed to it, although I was opposed to the navigation laws of the United States; that I thought they ought to be modified; but that in this particular instance I found a special reason for yielding my attitude upon those laws and for applying the laws of the coastwise trade to the ports of Panama and Colon. I stated to him what those reasons were, and I will in a very brief way restate them so that the Senate may know what interest Judge MCCOMAS feels in this matter and my reasons for showing it.

I said to him that there was not any material that would be used in the construction of that canal, not found on the ground or within the 10-mile zone, that could not be furnished abundantly from the United States. I called his attention to the fact that when the Panama Canal Company applied for a revival of the old lottery laws in their favor, the French Government put a condition into the act that all the machinery that was to be used in that canal should be manufactured in France and that all the material to be used in that canal should come from countries under French jurisdiction.

That action of the Government of France, while it was an exercise of power on that Isthmus utterly inconsistent with anything we had ever admitted that France had the right to do, was nevertheless a clear indication of the point that the government that has charge of and responsibility for that canal has the perfect right to prescribe what it pleases in respect of the material to be used in it and also all the agencies or vehicles by which it may be conveyed to any of those ports from foreign countries.

I do not believe, Mr. President, that the Government of the United States ought on any occasion or on any account to yield the proposition that all the material and all the machinery to be used in that canal shall come from the United States or countries over which the United States has jurisdiction. I think now is the time to introduce that feature into our legislation. It is already contended—not formally, perhaps, but it is an opinion that is entertained and pressed in many foreign countries—that we have not got a right under the Hay-Varilla treaty to do this thing; that we have dedicated that canal zone, or the canal itself, to universal commerce and the ports on either side to free commerce. That is their proposition.

Mr. SPOONER. If there is any commerce.

Mr. MORGAN. "If there is any commerce!" There will be commerce while we are building the canal; commerce from other countries conveying material and men there to do the work.

But the true construction of the Hay-Varilla treaty, and one we can never afford to depart from, is that the neutrality of that canal and its universal and innocent use by all the nations of the earth are for the purposes of transit, and not for the purposes of trade. We have got to take that distinction, and we had better take it at once and show to these governments, before they commence to institute their traffic with these ports, that we have got the perfect control of everything relating to commerce between either of those ports and any other country in the world. When we come to open the canal, as we have now got a railroad open there, or will have if we ever succeed in getting title to it, we will manage so that traffic across the Isthmus by either form of transit shall be neutral, fair, and free from all levies, taxation, and assessments, except, perhaps, some that belong naturally to matters of traffic or transit, and that the United States opens these ways for no other purpose than the neutral transit of goods and men through that Isthmus.

So far as the local trade is concerned, the local management, the local control, in every possible particular in that canal zone belongs to us just as much, under the Hay-Varilla treaty, as if that canal should be dug across the peninsula of Florida.

We are supposed to be about to begin operations on that canal. I do not believe it, but still I assume that it is so. I do not believe there is any purpose to do it for a long time to come; still I will assume that it is so. We are about to begin operations in digging that canal: we must have labor; we must have material, and in the very outset the transportation to these two ports will be heavier, perhaps, than it will ever be during any period of the construction of the canal. Here comes along material in foreign bottoms from any part of the world, treated just as if it had come from the United States, and we surrender to those people in the beginning the very point that we are bound to make and preserve for the protection of the rights of our own people in that work.

If there is any one provision that ought to be in this bill, it is that we ought now to define clearly to the nations of the world what our rights are there and let them conform their action to it or take the consequences; but if we wait until the trade sets in, until those people are accustomed to going there, we shall lose all control of it or be put to much trouble.

In one particular, Mr. President, that is going to be a very difficult proposition. In one particular it is going to be a terrible proposition. There will be men coming from all parts of the earth to work on that canal—from China, possibly from Japan—when they get through killing the Russians, or the Russians get through killing them—from the Pacific isles, from Jamaica, South America, the United States, Europe, everywhere men will be rushing in there, tempted by offers of ready pay and high prices when the work is commenced, even at the risk of their lives.

They will come on ships of such character as they please to select, ships that have not passed the quarantine inspection in foreign countries. The men who come there perhaps will be subject the moment they land to the operations of the ninth section of this bill, which authorizes the commissioners to banish them for any cause they think proper from that zone. The right of the free admission of such ships bringing such immigrants is of the greatest danger to our operations in the canal zone, and we should have the unrestricted authority to order them off, as we have the right to prevent the access of such vessels to our home ports.

Ought we not to take special pains in the beginning to put the same kind of a guard out over the waters adjacent to Colon and Panama? We have got no bays there. The privileges we have got there under the Hay-Varilla treaty are simply to anchor and repair ships and to take in or discharge cargoes.

This bill, Mr. President, like the Hay-Varilla treaty, contains a feature that I have always regarded as being almost absolutely fatal to the successful construction of a canal at Panama. What is that? Two outside ports were established in favor of Colombia in the Hay-Herran treaty, and in favor of Panama in the Hay-Varilla treaty—two outside ports. What ports we are to have there are inside of those ports. That means the ports that we have the right to take care of, ports of the United States over which we have got absolute control on this canal line—inside ports to be constructed by the United States.

The outside ports constructed by nature are turned over to the Panama Republic, so that in passing through either mouth of the canal we have got to first pass through a port under the control of a foreign Government. We are shut in by these outside ports, although they lay right across the canal zone, and vessels to reach the canal must pass through them. They operate as an outside patrol for quarantine and other purposes, and an open gateway to the entrances to the canal, through which anything may pass that Panama chooses to permit to pass.

That Government can permit any ship that it wants to come there from any country in the world, loaded with any kind of people, and to disembark within those towns. They have nothing to do but to step over an imaginary line—the boundary of the canal zone—and we will lose all control of the health of that region and the other police features unless we start right and start immediately to take charge of that zone in our own right and control it.

We passed the Hay-Varilla treaty with the understanding that there were amendments to be added to it hereafter by agreement between the two countries. When are they to be made? If we are as slow in making amendments to this treaty as we are in paying the money for it, it will be some time before we can have necessary authority over that property, and this matter will have gone a good ways into a dangerous future before we have any right at all to ask those people to amend this treaty. When we get the amendments Congress will not be here to consider them if it remains in vacation until next December.

Mr. President, this work ought to be at least projected at once. The preliminary surveys ought to be made. The axial line of this canal ought to be located, because we can not even locate the borders of the 10-mile zone until the axial line of this canal is located. It has not been located. The boundaries of the cities of Colon and Panama ought to be adjusted and fixed. They are not ascertained. There is not a man in this Senate that can point to a fact that indicates where the boundary of the city of Panama on its eastern side or the boundary of the city of Colon on its western side is to be found.

I will not go into the history of how these boundaries originated under Spanish grants, except to say that, under the Spanish law, when a pueblo grant was made, a grant for the establishment of a city or a town, it was usually a very large grant of land; it covered miles in extent, according to the condition of the country where the town was located; if a commercial town, it was smaller; if a town in an agricultural or a grazing region, it was very much larger.

I do not know what the grants are to the cities of Colon and Panama. Nobody in this Senate knows. The cities of Colon and Panama are excluded from the canal zone, not only without a definition of their boundaries, but without any fact stated in the treaty or elsewhere from which a definition can be made. We have got no provision of the treaty for defining the boundaries of these cities. The truth is there was never a treaty drawn that I have ever seen that had so many gaps and deficiencies in it; and it is for that reason that I have always supposed that it was *not* drawn by Mr. Hay, but was drawn by Mr. Loomis while Mr. Hay was sick. I can not account for it in any other way.

Now, as to the port question. We do not include in this canal zone the harbors adjacent to Colon or Panama. Where is the harbor of Panama? Three miles away from the city, at the same location where the harbor is supposed to be and has always been supposed to be for ships that transfer their cargoes to and from the Panama railroad, a harbor for the canal zone down there between the island of Naos and its next neighbor—I forget which one it is, but I believe it is the island of Flamenco. Where is the harbor on the other side? Colon is built on a mud bank, an island. Sea water, or some kind of water, runs up around it and separates it from the mainland by a very small distance. The navigable waters of Colon lie along the eastern and northern boundary of the shore of its bank. We have to pass through that piece of water to get into the mouth of the canal coming from the east, from the Caribbean Sea. That water is not a part of the canal zone. It is excepted from the canal zone, and the exception covers all the territory that is covered by water that is available for ships in that port that receive and discharge cargoes from the Panama Railroad.

Mr. President, we are in a very crippled and a very dangerous condition down there, and I have believed, and still believe, that for that reason and for reasons that I need not now pause to state, because I have stated them heretofore in some remarks that I have made on this bill during its progress, it is necessary for us to take possession of that zone immediately. We should pay the money and take possession of the zone immediately, and when we get into possession of it then we will have something to say about it and something to do about it besides sitting here and making legislation for it that is not to take effect until the Panama Canal Company has concluded to sell us its property. This law, if it is enacted, does not take effect until then.

What we ought to do now is to pass a law to pay that money to Panama and take possession of that zone, and when we have done that then we can proceed at once to say to Panama that we understand this treaty to mean thus and so. Of course, if we say that we understand it to mean thus and so, she will understand it to mean thus and so.

That is our situation, and we may as well be candid about it. We are not dealing with Great Britain, nor France, nor Germany, nor Russia. We are dealing with a little bantling that we are holding up in our hands to make it serve any convenience we desire. But to take care of our rights there, if they are worth taking care of, we had better put some energy into our legislation and into our executive action—go down there and take hold of this vital subject and work it out.

We must tell Panama and all the rest of the world that we are the proprietors there, and we are there for business; not for commerce, not for franchises, or speculations, or judgeships, or any of the other methods of drawing money out of the United States Treasury, or of making advantages for favorites. That is not what we are there for. If we are there for any sincere, rightful, and honest purpose, it is to use all the power that the Congress of the United States possesses to accomplish success speedily in this important work.

I do not believe you intend to do it; I have not believed it. The further we get into this bill the more I am convinced you do not intend to do it. Our progress thus far has seemed to be in the direction of postponement and delay by encumbering the canal zone with needless offices that will obstruct progress.

Mr. SPOONER. Mr. President, there are one or two observations made by the Senator from Alabama [Mr. MORGAN] to which I wish to make brief reply. I am not a member of the Committee on Interoceanic Canals. I have not felt like offering amendments to this bill.

I have not seen, although the Senator from Alabama, I inferred, has, a challenge of the right of the United States to incorporate in its laws such restrictions as it chooses as to the source of material and supplies to be utilized in the construction of this canal.

If there be anywhere in the world a suggestion that there is not under the Hay-Pauncefote treaty and under the Hay-Varilla treaty, a matter as completely under the control of the United States as the legislation of this District is under the control of the Congress, it is as baseless as the fabric of a dream, in my judgment.

The Hay-Pauncefote treaty relates entirely to the commerce through a constructed canal. It deals outside of the provisions relating to neutrality, which we solely guarantee, with the rules which shall regulate the commerce through the canal; but the construction of that canal, to be made by the United States, with the money of the people of the United States, to be owned by the United States, protected and operated by the United States, is just as completely within our control as to the material which shall enter into it as is the construction of any work in the United States.

We have a right to provide that all material which is to enter into the construction of the canal, except such as we may find on the Isthmus of Panama fit and adequate for that purpose, shall be produced in the United States, if it is thought hereafter that that is a wise policy for the Government to inaugurate as to this great work.

It might be inferred, from what the Senator from Alabama said, although I do not know that it would be a fair inference, that he has some doubt as to our right under the Hay-Pauncefote treaty, after the canal shall have been constructed, to provide for such rates for its use as we may see fit as to vessels of the United States sailing from ports of the United States through that canal to ports of the United States on another ocean. In other words, some doubt as to whether under the Hay-Pauncefote treaty we may or may not apply our coastwise navigation laws to that transit, so far as it relates to charges for passage through the canal.

I do not at this time desire to discuss it, but I wish to say that I am not at all willing to abandon the proposition that under the Hay-Pauncefote treaty we may, as to ships engaged in the coastwise trade sailing from one of our ports to another of our ports, make different rates for transit through the canal than as to vessels—our own and foreign vessels—engaged in the foreign trade.

Mr. TELLER. Mr. President——

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

Mr. SPOONER. Certainly.

Mr. TELLER. I should like to ask the Senator if he does not think we would have that power unless we have stipulated it away?

Mr. SPOONER. Of course; and my proposition——

Mr. TELLER. Is there anything in the treaty that can be construed into a stipulation of that character?

Mr. SPOONER. I think not. That is what I mean.

Mr. TELLER. If there is, we ought never to have ratified such a treaty.

Mr. SPOONER. My friend will remember that some doubted that here. I can not refer to that debate, for it was in executive session. It seemed to me quite a plain proposition under the Hay-Pauncefote treaty as to our rights.

Mr. President, the Senator from Alabama seems to have grave doubts, intensified by some of the provisions of this bill, as to the desire of Senators on this side and of the Executive, charged with certain duties, of course, as to this work, to hasten the construction of this canal and at the earliest possible date to inaugurate the work. For the life of me I can not imagine upon what predicate the Senator finds it in his mind to build any such doubt. I see nothing in this bill to generate it.

I see nothing in this bill, so far as the Senator has objected to it, except perhaps as to some of its details, justly to be criticised. I see nothing either suspicious, violative of the treaty, or in any wise open to criticism in the delay in paying to the Republic of Panama the $10,000,000 to be paid under the Hay-Varilla treaty.

The Senator from Alabama must concede that it was the plain purpose of Congress in the canal act of June 28, 1902, that the property of the New Panama Canal Company on that Isthmus should be acquired and should be utilized in the construction of the canal.

The first section of the act provided for the acquisition of that property, said to constitute, so far as the work on the Isthmus is concerned, at least two-fifths construction of the canal. Congress never had in mind at all the laying aside of the work which had been done toward the construction of the canal on the Isthmus and the acquisition from the Republic of Colombia of the right to build a canal upon some other route, to be begun *de novo*. That was not the theory of the canal act. That was not the theory of the Canal Commission in its report.

It could not be plainer than the act makes it, because under the canal act the President was not authorized to pay a dollar to the Republic of Colombia until he had arranged to secure title to the property of the Panama Canal Company. And if he could have obtained the requisite concession from the Republic of Colombia but had failed to obtain a satisfactory title to the property of the canal company on that Isthmus, under the act of Congress he could not have moved a step.

It never was the policy or theory of that act that the President of the United States could bind this country to pay to the New Panama Canal Company a single dollar unless in the same moment, so to speak, he could pay for the requisite concession from Colombia to enable the United States to utilize the property on the Isthmus to be bought from the New Panama Canal Company.

It would have been, of course, utterly childish and a wanton and foolish thing for the Congress to have provided for the acquisition of either the property of the canal company on the Isthmus or the concession from Colombia unless it received both. If the Congress had separated the two branches of the transaction, made by the law interdependent, and had authorized or required the President to pay to the Republic of Colombia $10,000,000, if that should be the amount agreed upon, without regard to having acquired the property from the canal company, we would have been in this attitude.

The canal company could have held up the Government for an extortionate price, and we might have been left with a right from Colombia to build a canal without the canal property having been acquired.

Nor is that all. Colombia could not give us a valid concession if we did not acquire the canal property, for there was outstanding a concession from Colombia to the French company, and an exclusive concession to the French company, until the expiration of which the hands of Colombia were fettered as to giving this Government or any company or association the right to construct a canal on the Isthmus of Panama at all. This language is too plain for doubt. Section 3 of the canal act says:

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, *and* shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company $40,000,000 and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, etc.

The $40,000,000 to the canal company and the sum agreed upon to the Republic of Colombia. The two were conditions precedent to any payment to either. That was the purpose of that act, and that act is still in force. If it be not, there is no act of Congress that authorizes the President to expend a single dollar in the construction of a canal.

Mr. MORGAN. There.

Mr. SPOONER. There or anywhere. It has been my opinion that this act is still in force, not only as to the route which was preferred by the Canal Commission, but also the alternative route by Nicaragua, and if for some overwhelming reason it should become obvious within a week that the conditions precedent, either or both, to the authority of the President to dig a canal across the Isthmus of Panama could not be performed and therefore that route could not be utilized, I have never been willing to admit that the President is not required by the canal act to exercise the alternative of this law.

The President shall then—

That is, after the two conditions precedent have been performed—

through the Isthmian Canal Commission hereinafter authorized cause to be excavated, constructed, and completed, *utilizing to that end as far as practicable, the work heretofore done by the New Panama Canal Company*, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean.

All through the act—and that was the purpose of the act—and sedulously guarded as far as I had the mental acuteness to devise safeguards, it was made plain that the two conditions precedent must be observed, and all through the act it is apparent that the canal was to be constructed, if constructed across the Isthmus of Panama, utilizing the work which had been done and which we were to purchase from the New Panama Canal Company.

Now, the Senator from Alabama, in my judgment, would depart from the canal act. I think his substitute—and I have never questioned in all the controversy over this subject or on anything else his absolute sincerity, although we differ—is a departure from this act, because it would require the President of the United States to pay to the Republic of Panama the $10,000,000 for the concession *before there had been performed the other condition precedent*. The Senator's argument in support of it seemed

to proceed upon the theory that that act, with the treaty, contemplated as an original proposition, without regard to the work on the Isthmus done by the New Panama Canal Company, a canal across the Isthmus. That has not been my understanding.

The Republic of Panama is just as much bound by the concession which Colombia gave to Wyse as Colombia was. The Republic of Panama, succeeding to the territory because of the changed sovereignty, took it obviously *cum onere*. That did not invalidate at all the Wyse concession. That did not free the hands of Panama in dealing with the Wyse concession any more than the hands of Colombia were freed. The Republic of Panama agreed with France, and properly, too, to observe the concession and to recognize the extension of the concession to 1910.

So the Republic of Panama was not in position to grant to the United States the right to build a canal across that Isthmus, much less to utilize the property of the New Panama Canal Company for that purpose except through the acquisition of the canal company concession and property. For I think the Senator from Alabama will remember that the Wyse concession was exclusive, and the Senator will not forget that what is granted to the United States by the Hay-Varilla treaty as to a canal across that Isthmus is a monopoly, and after we, proceeding under the treaty and owning the canal company property, have acquired the right to build, maintain, and operate a canal across the Isthmus no other government and no other company can be given a right to construct and maintain and operate a canal anywhere across that Isthmus.

Now, to say that the Government of the United States shall pay for concessions before the Republic of Panama has put herself, by this purchase by us from the New Panama Canal Company of its property and concessions, in position to grant us any concessions at all, to my mind imputes to this treaty and to the law a purpose that is not at all to be supported. This treaty, if the Senator from Alabama will bear it in mind, was made with distinct reference to the canal act. It refers to it by the date of its approval. It thereby incorporates it in the treaty itself. It refers to it as an act—

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act, approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time, etc.

Is it to be said, reading this treaty in a lawyer-like way, that it is not made with a full knowledge on the part of the Republic of Panama with reference to the canal act and to the authority given to the President under that act? And if any proposition ever was plain, it is that the President was to have no power to pay out a dollar to Colombia or any other sovereign of the Isthmus until he has acquired the property or secured it of the New Panama Canal Company; nor had he a right to pay out a dollar to the New Panama Canal Company until he had acquired or secured the necessary concessions from the Government of Colombia or Panama.

Mr. DRYDEN. I should like to ask the Senator from Wisconsin, calling his attention to the last clause in Article XIV——

Mr. SPOONER. Yes; I will refer to that. Panama understood that. Panama was notified of that in the very treaty itself, which refers to the act and to the date of its enactment.

That is not all. This treaty contains a provision, article 8, which authorizes the United States to purchase from the New Panama Canal Company, and authorizes the New Panama Canal Company to sell and convey to the United States its property on the Isthmus, including its shares of the stock of the Panama Railway Company. But for that consent we could not buy it, for the Wyse concession, as I have said, prohibits the transfer of the concession or the property to any Government, and the New Panama Railroad Company owns 68,863 shares of the railway company stock, nearly all of it. And so, with the knowledge of the act of Congress to which the contracting parties refer; with full knowledge of the restrictions contained in the Wyse concessions, the Republic of Panama gives assent to our acquisition of that property.

I do not read article 3 in the absolute sense in which the Senator reads it. It grants to the United States not land in fee, but all the rights, power, and authority within the zone mentioned in article 2, etc., which the United States "would possess and exercise *if it were the sovereign* of the territory within which said lands, etc., are located."

The grant of article 2 is not of a fee, but it is the perpetual use, occupation, and control of a zone of land and land under water "*for the construction, maintenance, operation, sanitation, and protection of said canal*," etc. The treaty is to be read as a whole, and thus reading it all parts are clear and harmonious.

So this bill, in perfect harmony with the act of Congress, provides for what? It provides for the performance of the two precedent conditions—the acquisition of the canal company property and concession, including the railroad shares, and then the taking possession of the zone and governing it. And this being done, under the canal act the work of construction of the canal is to go on.

The distinguished Senator from Alabama has referred frequently to Article XXII of the Hay-Varilla treaty. This article is not only consistent with my construction of the treaty, but is corroborative of it. It is as follows:

ARTICLE XXII.

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the canal under Article XV of the concessionary contract with Lucien N. B. Wyse, now owned by the New Panama Canal Company, and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms, and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above-mentioned party and companies, and all right, title, and interest which it now has or may hereafter have, in and to the lands, canal, works, property, and rights held by the said companies under said concessions or otherwise, and *acquired or to be acquired by the United States from or through the New Panama Canal Company*, including any property and rights which might or may in the future, either by lapse of time, forfeiture, or otherwise, revert to the Republic of Panama under any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company, and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama and the title of the United States thereto *upon consummation of the contemplated purchase by the United States from the New Panama Canal Company*, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

The purpose of the article is plain when one remembers that by the Wyse concession from Colombia, owned by the New Panama Canal Company, provision is made for the forfeiture of the concession and of the canal to Colombia for abandonment of the work, or for violation of the terms of the concession, and in any event at the expiration of ninety-nine years; and also that by the terms of the railroad concession the sovereign—formerly Colombia, now the Republic of Panama—is to receive $250,000 a year for a term of years (fifty or sixty still remaining), and at the expiration of the term the railway is to become the property of the Republic of Panama absolutely.

The article shows the clear understanding that the United States is to acquire the canal company *concession* and *property* and the *shares of the railway stock*, but in view of the fact that our right is to be *perpetual* (we would not have it otherwise), the Republic of Panama relinquishes all her present and reversionary rights in the canal property and in the railroad and to the rental to the United States "upon consummation of the contemplated purchase by the United States from the New Panama Canal Company," etc. *After the purchase* our rights rest upon the *treaty*, not upon the concessions. Our duties and the annual sum we are to pay are defined by the treaty alone.

So, taking it all together, we stand as if we were proceeding under an original grant from the Republic of Panama which was to last forever without any provision of forfeiture or reversion.

Mr. President, that looks to me like entire harmony with the canal act. And the proposition of the Senator from Alabama that we shall, without regard to the acquisition of the canal property and concession, pay $10,000,000 and take possession of the strip which, up to 1910, belongs to somebody else than Panama, is entirely without foundation in law and is entirely inconsistent with the act which I call the canal act.

The Senator says we violated the treaty in not paying this $10,000,000 to the Republic of Panama. I think not. And this is not any grant in fee to us. I think if we should abandon the construction of the canal the zone would be the property of the Republic of Panama. It is a grant to us of the right to control, to occupy, to use this zone, ten miles in width, for a special purpose. What purpose? The construction, maintenance, operation, sanitation, and protection of a canal. It is not a fee grant. It never was contemplated that we should under any circumstances become the sovereign there and that the New Panama Canal Company should be our tenant.

Now, Article XIV of this treaty says:

As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no *delay* or *difference of opinion under this article* or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

This language—that no delay in payment under that article of this treaty should affect the full operation and effect of the convention—was obviously placed there in view of the fact that all through the treaty, as in the act, it is recognized that we were to acquire the property of the New Panama Canal Company on the Isthmus and to utilize it, and it was not intended that a delay

essential to carrying out by the President of the canal act should operate to invalidate or affect this treaty adversely to the interest of the United States.

Now, Mr. President, the Senator has spoken of amendments which were offered in the committee to this treaty, and he has referred to one in particular. I have no right to say what happened in the committee, but I take the liberty to say that I agreed with the Senator from Alabama, that the amendments which were proposed and adopted by the committee and reported to the Senate were substantial, although I did not regard them as vital. I am of the same opinion now. But the Senator from Alabama implies that because of the influence or dictation of Bunau-Varilla his associates on the committee abandoned those amendments. Mr. President, we all say things in the heat of debate——

Mr. MORGAN. I spoke of the Senate; I did not speak of the committee.

Mr. SPOONER. Well, the committee is a part of the Senate. The committee instructed by a vote its chairman to move to lay those amendments on the table. I voted for that proposition, not having changed my mind in the slighest as to the desirability of the amendments. But, Mr. President, I think my good friend from Alabama will perhaps on reflection and in cooler moments not be willing, for he is never wittingly unjust, to impute the action of his associates on the committee or in the Senate on those amendments, or on anything else, to French influence or to subservience to any intrigue.

The Senator knows that the minister from the United States to Panama reported to the Secretary of State (who in guarding the diplomatic interests of the United States is no understudy of any diplomat who ever came here, nor has any President been, nor has any Senator been) that if the treaty were amended it would be thrown open to amendment in a constitutional convention, and that the situation was such there that with amendments and counter amendments the whole matter would be prolonged indefinitely; and it was deemed wise in that situation by the members of the committee, and I think by the members of the Senate who considered the matter, especially in view of the experience we have had in South America, that as we had a good treaty to which these amendments were not vital, we had better close that and close it promptly, and go on with the business, if it was not to be abandoned, leaving to the future the working out of the amendments to which the Senator from Alabama refers, and with which most of us were in accord.

One of the amendments referred to by the Senator from Alabama I thought was of especial importance, as I said a few moments ago, and I still think so. That amendment gave to the United States the right, at its own cost and upon its own plans, to maintain the harbor of Panama—I think it did not include Colon, but possibly it did—in such a condition at all times as to render it adequate for the demands of commerce. I did not have any doubt that the Republic of Panama would agree, nor have I any doubt that the Republic of Panama will agree, that if the United States will take the burden of that expense it will be entirely agreeable to Panama.

There was another element in it, and that was that the United States should have charge of the commercial quarantine in those harbors. The Senator from Alabama, albeit much more resourceful than I, can not give a more unyielding assent to the wisdom of that proposition than I give, because I think it important that there should be uniformity in quarantine along the zone and in the ports, for one badly quarantined or unquarantined ship in the harbor of Panama or Colon might do infinite damage in spite of all that we could do on that zone in the way of sanitation.

It has been my understanding that the treaty-making power would secure at the earliest possible day those amendments to which the Senator from Alabama referred.

But the Senator must not forget one thing. We have the right to make ports. Of course they are outside the port of Panama and they are outside the port of Colon; but one thing is very certain: We would have a right to quarantine our own ports, and, being outside of those ports, no ship could get into the port of Panama or the port of Colon that had not passed the quarantine scrutiny of the United States in the outer ports.

I would have been much better satisfied if those amendments had been adopted, but I did not regard them as vital.

Mr. TELLER rose.

Mr. SPOONER. Does the Senator wish to interrupt me?

Mr. TELLER. I want to interrupt the Senator, but I will not do so before he takes his seat.

Mr. SPOONER. I am willing to be interrupted now.

Mr. TELLER. A short time since the Senator was contending, as I understood him, simply for the right to apply the coastwise trade laws of the United States to the operations through this canal—that is, that we have the right to say that goods being conveyed from New York to San Francisco shall be carried in American ships. To that I gave my assent. A Senator sitting near me understood the Senator to contend that we could make special canal rates. If that is what the Senator means——

Mr. SPOONER. I think both.

Mr. TELLER. If the Senator means that we could put the toll down on the ships going from New York to San Francisco, to that I should wish to dissent.

Mr. SPOONER. The Senator will remember——

Mr. TELLER. To the first proposition I will agree.

Mr. SPOONER. That of course is now an abstraction. I simply do not wish to be understood as stipulating that we would not have that right. The Senator will remember, and I take but a moment on that, that the basis of that argument or that contention was that as no foreign ships could be engaged in that trade, and therefore our coasting trade was not in any wise in competition, therefore with foreign trade——

Mr. TELLER. That is true.

Mr. SPOONER. Such rules as we might see fit to make relative to our coastwise trade could not be regarded as a discrimination in any wise against foreign countries and foreign commerce under the treaty. Of course we would be obliged to treat our own ships engaged in foreign trade upon precisely the same basis as we treated the ships of other countries engaged in foreign trade. But I do not want to argue that question. I do not think it worth while to do so.

Mr. TELLER. I wish to say just a word in reply to that. When the treaty was before the Senate I contended that we ought to be allowed, perhaps, some special privileges in our coastwise trade. To that it was replied, and I thought with some considerable force, that if that was reserved to us—that is, if we might say a ship carrying goods to California might go through for half the rate for a ship carrying goods from Liverpool to San Francisco—it would be said that by landing the goods in New York or some other place, and reshipping, then we could get an advantage in the foreign trade.

Mr. SPOONER. That can be easily guarded, but that is a question for the future.

Mr. TELLER. And for that reason I think it was the consensus of opinion that we must treat all the ships alike.

Mr. SPOONER. Whatever we said then was said in executive session—but I value my friend's opinion so much——

Mr. TELLER. I do not know that there is any objection to mentioning it.

Mr. SPOONER. I was not challenging the Senator for that, for I have no right to do it; but I value the Senator's opinion so much that I hope he will reserve his conclusion as to that.

Mr. TELLER. I am not going to say as to that; but I did not want to agree, as I apparently did, if the Senator had intended to extend it as far as the senior Senator from Florida [Mr. MALLORY], who sits near me, thought he had done.

Mr. SPOONER. I said I would not abandon it.

Mr. TELLER. As to the first proposition, I am very clear that the Senator was right.

Mr. SPOONER. What I said about the second was that I would not abandon it.

Mr. TELLER. I do not know that I should, either.

Mr. SPOONER. That is all.

There are one or two amendments, perhaps more, that have been suggested by the Senator from Alabama, which, before I take my seat, which I will do in a moment, I wish to commend to the consideration of the Senator in charge of the bill.

One of them is the situation in which the bill leaves the pardoning power.

Mr. TELLER. On what page is that provision?

Mr. SPOONER. If the Senator will turn to page 4 he will find that the members of the commission to the number of four or more shall constitute a legislative quorum, and all laws and ordinances shall be enacted by said commission upon the Isthmus of Panama. Now, that is for legislative business. In another place, on page 10, in section 13, the bill provides that—

> Said commission shall have power to appoint all necessary subordinate officers of the Government provided for by law and to fix their compensation, and to grant pardons or reprieves for offenses against the laws of said commission and those continued in force in said canal zone by this act.

I do not think the function of granting pardons or reprieves should be vested in the commission. It is an executive function.

Mr. KITTREDGE. It can be made alternative.

Mr. SPOONER. Very well, then; make it alternative. If the President should not appoint a governor, of course it would have to be left to the commission. But the President will appoint a governor. There must be a man, and a strong man, a broad-minded man, in charge of the execution and the administration of the laws.

Mr. MORGAN. And when appointed, if the Senator will allow me, he will not be the commission. He will be the governor.

Mr. SPOONER. He can be governor in addition to being a member of the commission.

Mr. MORGAN. He can, but his function will be that of governor.

Mr. SPOONER. Yes; and he ought to have the pardoning power.

Mr. MORGAN. The power to pardon is not anywhere in this bill conferred upon him when he assumes that function.

Mr. SPOONER. The very point I am making is that the power to pardon is an executive function that ought to be vested in the governor. That is the point which was made by the Senator from Alabama, and which I think was well made. The power to grant reprieves for the conviction of offenses against the United States will have to be exercised sometimes very suddenly.

Mr. BACON. The Senator means the respite as to offenses.

Mr. SPOONER. Well, they call it a respite. There is a difference between a commutation of sentence and a reprieve or a respite.

Mr. BACON. A reprieve may be a good deal more than a respite.

Mr. SPOONER. And it may be no more.

Mr. BACON. And it may be no more. Therefore a respite——

Mr. SPOONER. If a man should be condemned to die and the sentence be changed to imprisonment for life, that is not a reprieve; it is a commutation of sentence, as I understand it. But it is really an executive function, and it ought to be in a single hand, not in the hands of half a dozen men. I commend to the Senator from South Dakota to give some attention to that suggestion.

Mr. HOPKINS. If the Senator will allow me right there, I desire to say to him that the committee having the bill in charge in going over it gave a good deal of attention to that provision. In the section he has called attention to we provide that a majority of 4 shall constitute a legislative quorum. Our purpose in making this provision and putting the pardoning power in the commission was to emphasize the fact that at least a majority of the commission should be on the canal zone. They are paid a salary one-third higher than a Cabinet officer receives. Their duties, if they are to be performed at all, should be performed upon the canal zone, and they should be there.

Now, when we come to speak of the exercise of the pardoning power, it has been found in most of the States that it is wise to take that in the first instance from the governor and place it in a pardoning board, the same as is done in the State of Illinois. We have a pardoning board there of three men who consider the applications of persons who are imprisoned or who have been punished in any form under the laws of our State, and the board making the recommendation, of course, the executive authority is exercised by the governor. But we thought, and I still think, it is infinitely better to leave it with the commission as the committee have provided than to take it from them and lodge it in one person who may be designated by the President as governor.

Mr. SPOONER. I think it is not right, but will not further discuss it. If the Senator from South Dakota [Mr. KITTREDGE] will turn to the provision about courts, I think it should refer to district or circuit courts sitting in a State instead of to a question arising in a State, which refers to a cause of action. I think that change ought to be made.

Mr. HOPKINS. When the Senator gets ready he can suggest that change.

Mr. SPOONER. I will make a memorandum of it. I should like to have added, as far as I am concerned, to this bill another section.

That all salaries or other compensation authorized by this act to be fixed by said commission shall be subject to the approval of the President.

The bill authorizes the commission to fix the compensation of subordinate officials. We may modify the provision later if we desire to do so.

Mr. HALE. The Senator thinks, for instance, if the commission shall fix the salaries too low, that the President should have the right, if he believes they ought to be increased, to increase them.

Mr. SPOONER. I put it the other way—that if the commission should fix the salaries too high the President would not approve them.

Mr. HALE. Well, either way.

Mr. SPOONER. I want to see every expenditure down there audited, and audited down there, audited promptly, reported for audit up here, and with all confidence in the commission, strict safeguards imposed here against too much discretion in the matter of salaries and all that. I move, if it is agreeable to the Senator from South Dakota that it be done at this time, to add this section:

All salaries or other compensation authorized by this act to be fixed by said commission shall be subject to the approval of the President.

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

The SECRETARY. It is proposed to add at the end of the bill as a new section the following:

SEC. 28. That all salaries or other compensation authorized by this act to be fixed by said commission shall be subject to the approval of the President.

Mr. KITTREDGE. There is no objection to that amendment.

The amendment was agreed to.

Mr. KITTREDGE. Mr. President, at the suggestion of the Senator from Wisconsin, I move to amend line 7, page 12, section 16, of the bill by striking out the words "if arising," and inserting in lieu thereof the word "sitting."

The amendment was agreed to.

Mr. SPOONER. I move to insert after the word "judge," in section 16, line 10 of page 12, the words "subject to the approval of the President." I think the practice and procedure of the court——

Mr. MORGAN. Read the context.

Mr. SPOONER. I will read it.

The practice and procedure of said court shall be prescribed by act of the commission, after a conference with said judge, subject to the approval of the President.

That would make it subject to the review of the Attorney-General.

Mr. BACON. I will ask the Senator this question: We have a general practice and rule now under which the Supreme Court of the United States prescribes rules for other courts in certain instances, as the Senator will recall. Why not put this under the same authority instead of placing it under the President?

Mr. SPOONER. I would have no objection, but I think there will be many little things in it. The rules of the Supreme Court are mainly equity rules. They would be adopted, probably, anyway as to chancery cases.

Mr. BACON. I have no objection to the amendment. I simply made the suggestion.

Mr. KITTREDGE. There is no objection on the part of the committee to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. GORMAN. I wish to call attention to section 25, on page 16. The provision there is that the President may require a preliminary audit on the Isthmus, monthly or otherwise, of all the expenditures of said commission, and may appoint or assign to that duty such accountants and clerical assistance as may be necessary to that end.

I suggest that instead of "may" we ought to say "the President shall require a preliminary audit on the Isthmus monthly," and "shall appoint or assign to that duty such accountants and clerical assistance as may be necessary to that end."

Mr. HOPKINS. Does the Senator think there ought to be a monthly report?

Mr. ALDRICH. "Monthly or otherwise."

Mr. HOPKINS. This provides that the President may call upon them; and we provide in the bill, as the Senator will observe, that they must make a detailed and specific report at each session of Congress.

Mr. GORMAN. Here is an extraordinary provision in the bill that all the revenues that are derived from this zone shall be assessed by the commission and disbursed by them, without going into the Treasury of the United States. I think it is a very wise thing that the President shall appoint independent of the commission an auditor, and to have the accounts stated in that zone every month, and then the summary to be sent here at the beginning of every Congress.

Mr. HOPKINS. All right.

Mr. GORMAN. In section 25, on page 16, line 16, after the word "President," I move to strike out the word "may" and to insert "shall," and in line 18, before the word "appoint," to strike out "may" and insert "shall;" so as to read:

That the President shall require a preliminary audit on the Isthmus, monthly or otherwise, of all the expenditures of said commission, and shall appoint or assign to that duty such accountants and clerical assistance as may be necessary to that end.

Mr. KITTREDGE. There is no objection, Mr. President, to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

Mr. BACON. Mr. President, I have an amendment to offer. Before doing so I want to say one word in connection with what the Senator from Wisconsin has said relative to the Hay-Pauncefote treaty. Of course, I am not going to speak of any matter which occurred in executive session other than that which has been made public by order of the Senate. The provisions of that treaty have been made public, and the amendments which were offered have also been made public. I hold them in my hand.

I trust the Senator may find that his present view is correct,

and that we may be able to enjoy the advantages which he thinks we are entitled to in favor of our coastwise trade. As, however, the matter has come up, and as public mention is thus made of the same, it is probably proper to call attention to the fact that the language of the Hay-Pauncefote treaty—the first section or clause of Article II—does not make any exceptions, and that any claim of exception is merely a matter of construction, such as that now *suggested* by the Senator from Wisconsin. The language of that clause is as follows:

> The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

Now, there are some of us who thought that language was not sufficient to give us the advantage which the Senator now thinks by construction we will enjoy, as there is no exception made therein in favor of any vessels of the United States.

That opinion was based not only upon the language of the treaty which I have just read, but upon this further consideration: In the clause of the Hay-Pauncefote treaty immediately preceding that which I have read it is declared that the "high contracting parties" enter into the treaty because of the desire "to preserve and maintain the general principle of neutralization established in Article VIII of the Clayton-Bulwer convention." When we turn to Article VIII of the Clayton-Bulwer treaty we find as the duty which shall be imposed on the owners of the canal the following language:

> In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

This language in the two treaties impressed some of us with the conviction that an amendment was required for the benefit of vessels engaged in our coastwise trade. Consequently, and in accordance with that view, the junior Senator from California [Mr. BARD] offered the following amendment as Article III:

> ARTICLE III. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

There was an effort to make it plain and explicit beyond possibility of doubt or contention, and upon that the yeas were 27 and the nays 43.

> On motion by Mr. TELLER, the yeas and nays being desired by one-fifth of the Senators present,
>
> Those who voted in the affirmative are: Messrs. Bacon, Bard, Bate, Berry, Beveridge, Butler, Clay, Cockrell, Culberson, Daniel, Elkins, Lindsay, Mallory, Martin, Mason, Money, Penrose, Perkins, Pettigrew, Sullivan, Taliaferro, Teller, Tillman, Turley, Turner, Towne, and Vest.
>
> Those who voted in the negative are: Messrs. Aldrich, Allison, Burrows, Carter, Chandler, Cullom, Deboe, Dillingham, Fairbanks, Foraker, Foster, Frye, Gallinger, Hale, Hanna, Hansbrough, Hawley, Hoar, Jones of Nevada, Kean, Lodge, McBride, McComas, McCumber, McEnery, McLaurin, McMillan, Morgan, Nelson, Pettus, Platt of New York, Pritchard, Proctor, Quarles, Scott, Shoup, Spooner, Stewart, Thurston, Warren, Wellington, Wetmore, and Wolcott.

So that the amendment was rejected.

I will state that the vote on that occasion was one in which there were Senators on each side of the Chamber who voted in the affirmative—some Republicans, some Democrats—most of the Republicans voting in the negative and most of the Democrats voted in the affirmative. Some of the Republicans voted in the affirmative.

I desire to say, Mr. President, as the matter is now up and gets into the public record, holding in my hand the treaty and the various votes upon it, which have all been made public by the order of the Senate, that on that account, and on account of the fact that I believe this treaty did not give to the United States the authority which Senators on the other side contended it did, not only in this particular, but in the right to properly fortify and control the canal when built, I voted against that treaty upon the final vote. The only votes in the negative on the ratification of the treaty were Messrs. BACON, BLACKBURN, CULBERSON, MALLORY, TELLER, and TILLMAN. Mr. BAILEY was paired in the negative with Messrs. DEPEW and ELKINS in the affirmative, and Mr. Rawlins in the negative with Messrs. Hanna and Sewell in the affirmative. So that, counting the two pairs, there were but 8 votes in the negative.

I do not desire to pursue that, because, while that is the history of the matter, I entirely agree with the wish the Senator from Wisconsin [Mr. SPOONER] has. I regret that that amendment was not adopted, because I think that when we build that canal with our money we should have that right. I trust the Senator's construction may prove to be the correct one, but I fear we shall have trouble about it which would have been obviated had that amendment been adopted.

Mr. SPOONER. I simply wish to say to the Senator that a good many Senators who voted "no" on that question were as heartily in favor of the proposition as the Senator was.

Mr. BACON. I think they were all in favor of it.

Mr. SPOONER. The treaty had been once sent back to Great Britain; there was an indisposition to send it back again; and therefore, as a great many thought it was plain enough in that respect without any further amendment, they voted against any further amendment.

Mr. BACON. I would go further than the Senator in simply saying that a great many were in favor of that proposition. I believe all of us, generally speaking, were in favor of it, and I think it was a mistake that we did not put it on. I only mention the fact, however, in passing.

Returning to the canal bill, now pending, I offer as an amendment to the first section and in addition at the close thereof what I send to the desk.

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

The SECRETARY. At the end of the first section of the bill it is proposed to add:

> The payment of the $10,000,000 provided by article 14 of said treaty shall be made in lieu of the indefinite appropriation made in the third section of the act of June 28, 1902, and is hereby appropriated for said purpose.

Mr. BACON. Mr. President, I desire to say that I quite agree with the Senator from Wisconsin [Mr. SPOONER] that the act of June 28, 1902, is a living act; that its provisions are still vital—not only vital in importance, but vital in the fact that it is alive. At the same time I do not think, in the absence of an amendment such as that which I now propose, the Treasury Department would be justified in paying out this $10,000,000. I think it very probable, from what I have heard as an expression of opinion on the part of the Department, that the money would be paid; but I do not think it is authorized to be paid under the law. We desire that it shall be paid, and that there shall be explicit authority for such payment, and no doubt be left regarding it.

I will say but one single word, as I presume there will be no objection to the adoption of this amendment, the word being said in order that there may be a clearer understanding of the reason and necessity for the offering of this amendment.

The act of June 28, 1902, was passed at a time when we had no contract either with Colombia or with Panama for the construction of the canal, or for any transfer of any rights in the canal zone, and the appropriation did not specify any particular amount; it simply authorized the payment of such an amount as might thereafter be agreed upon.

The fact which I have just mentioned is material from this point of view. If the contract for the payment of $10,000,000 had been made with Colombia prior to the secession of Panama, it might be contended—and probably would be—with considerable logic that Panama succeeded to that contract with Colombia, and therefore the appropriation was good. But the trouble is in the fact I have just mentioned, that not only was there no contract at the time of the act of 1902, but there never was any contract with Colombia on the subject, and consequently there was none to which Panama could succeed. There was a stipulation in the proposed convention or in the proposed treaty between Colombia and the United States for the payment of $10,000,000, but as that treaty was never ratified by the two contracting parties there never matured a contract to which Panama could succeed. Therefore it is impossible that the act of 1902, relating exclusively, as it does in terms, to Colombia, could apply to Panama, it not being either one of the original parties contemplated by the statute nor a party succeeding to a party with which any contract was made.

For that reason I have deemed it important, upon consultation with Senators in charge of the bill and those who have particular charge of the financial measures of the Senate, to offer this amendment, which is considered as the proper one to be added to the bill.

Mr. KITTREDGE. There is no objection to the amendment, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Georgia [Mr. BACON].

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

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

The Secretary again read the amendment submitted by Mr. BACON.

Mr. TELLER. Mr. President——

Mr. BACON. If the Senator will pardon me, in that connection I will read the section which is spoken of as an indefinite appropriation.

Mr. TELLER. I know what it is. I have got it before me.

Mr. BACON. I beg pardon.

Mr. TELLER. I think that is a very proper amendment. Whatever may be said, or whatever authority may be brought to

bear on this question. I do not believe that if the question were submitted to a respectable body of lawyers there would be any considerable number of them who would agree that the authority exists now to pay the money without further legislation. I understand, however, there has been an opinion from the legal department of the Government that it can be done: but, in my opinion, it ought not to be done, because it is certainly a doubtful question, and the doubt can be removed by this amendment.

I only say this because I have been contending all along that such an amendment ought to be put on this bill or some other.

Mr. BACON. I ask leave to insert as part of my remarks sections 2 and 3 of what is known as the "Spooner Act," in order that they may appear in connection with my amendment.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

The sections referred to are as follows:

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than 6 miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company $40,000,000 and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Georgia [Mr. BACON].

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. MORGAN. Mr. President, before this bill goes into the Senate from the Committee of the Whole I have some observations which I desire to make on it, but part of what I had intended to say has been relieved by the amendment the Senate has just consented to, which forms the real connection by law between the Spooner act, as we call it, and this bill and the Hay-Varilla treaty.

We have had a great deal of debate on this question, based upon supposition, construction, inference, and intendment. A very unusual situation, that seems intended to cover some concealed purpose and to accomplish ends by indirection. The gentlemen on this side of the Chamber who felt interested in this question have not had any satisfaction in looking it over, for the reason that we differed so widely with learned gentlemen on the other side of the Chamber in regard to the proper construction of this medley of legal proceedings that there could be no certainty and satisfaction in legislating upon the subject. We have not understood what the attitude of the Government is about this business, and I do not know that I fully understand it yet.

I believe, however, that if the Senator from Wisconsin, who was the author of the act of the 28th of June, 1902, is credited on the other side of the Chamber with being of as high authority as he is by myself, we are approaching a time when there is not much difference between us in respect of this proceeding upon the facts as they now exist, without regard to the legitimacy of the methods by which they were created.

I regret, Mr. President, that the opportunity is not afforded to me, and to the Senate also, to see the remarks of the Senator from Wisconsin in print after careful revision by himself, because that line of demarcation which exists between our views of the legal situation, whatever it may be, would be entirely distinct, and much of the trouble, anxiety, confusion, doubt, and mistrust which has clouded this subject all the time since the beginning of this session of Congress and during the time of the extra session would be dispelled, and the issues between us, if there are issues between us of a material character, would be perfectly understood. We have misunderstood each other, possibly, because of the reticence of those who represent the Administration.

There are but two laws in existence which affect this question. One of them is the Spooner law and the other is the Hay-Varilla treaty. I know of no others. They are the only two laws that relate to the subject at all, and it is my judgment that the Hay-Varilla treaty, which is the last law on the subject, the paramount law, the supreme law under the declaration of the Constitution of the United States, is in conflict with the Spooner Act, and that there is no chance to get rid of that conflict or of the doubt created thereby until Congress shall express in some form, or by an authentic declaration, just how much of the Spooner Act is left in vitality. Senators have said here to-day—though the Senator from Wisconsin did not make any statement about that proposition—that they regarded the entire Spooner Act as being in full force and effect.

Mr. BACON. If the Senator will pardon me, I made some statement on that point which I wish to qualify. I do not know whether the Senator has me in mind or not, but I do not think the appropriation contained in the Spooner Act, which provides for a payment to Colombia for the canal zone, is in full force and effect.

Mr. MORGAN. The Senator from Wisconsin [Mr. SPOONER] evidently thinks that that act is in full force and effect, except so far as it has been intercepted and annulled, we will say, temporarily by the Hay-Varilla treaty; and if it should turn out that the Hay-Varilla treaty should never become operative, or if for any reason whatever it should turn out that our commissioners who have gone to Panama should despair of building a canal there, and that they should so recommend to the Congress of the United States, and we should choose therefore, either by agreement with Panama or by an act of Congress repealing the Hay-Varilla treaty, to get rid of the whole subject as we are connected with it at Panama, then the Spooner law would come into full force and effect, into full operation, and a canal at Nicaragua could be constructed under it, and under the appropriation made in it. That is what I understand to be the situation, as the Senator from Wisconsin [Mr. SPOONER] defines it.

I should very reluctantly, Mr. President—and perhaps the Senate will be a little surprised at hearing me say so at the present time and under present conditions—I should very reluctantly reach the conclusion that there should be such a situation created by the action of anybody connected with the Government of the United States as the abandonment of what we have acquired in the canal zone, whether rightfully or wrongfully, for the reason that our refusal or failure to build a canal at Panama would result in one of two things, either the loss of the canal entirely or its being built by some foreign government, if that were possible—one of the two.

I have no idea, Mr. President, and never have had such an idea during my occupancy of a seat in this body, that any transoceanic power could be permitted to acquire the right of building and controlling a canal across the isthmus which connects North America with South America at any place or at any time or under any conditions or circumstances. I think that that is a part of the power we have acquired over the right of government and the destiny of our own country—the United States particularly—which we have expanded now by the acquisition of other countries out in the Pacific Ocean, to wit, Hawaii and the Philippine Islands; and that this is a power which is rightfully under our control and is exclusive.

Hence it was that at an early date, when Mr. Eaton, followed by Mr. Burnside, was the chairman of the Committee on Foreign Relations, I voted with them most cheerfully, and the Senate did also, and the House committee made a report upon the same resolution favorably, which I believe was not acted upon, in laying down the proposition as our settled policy that the consent of the United States was necessary to the establishment of a canal across that isthmus at any point, whether by a European or Asiatic government or by a foreign people aided by such government.

In tolerating the effort of De Lesseps to construct the Panama Canal, we acted upon the distinct disclaimer of France that she had any interest in the enterprise and her pledge that she would not aid it.

I have been, perhaps, considered as an extremist on that question, but I have seen no occasion to modify any of my views on that subject. I believe that it is a part of the proper political and natural duty of the Government of the United States to control in a governmental way whatever canal may be dug across that Isthmus at any point whatever. It is due to ourselves, for reasons which I need not amplify, but one of which I can state, which I think quite covers the whole question, and that is that

that canal is a necessary means of transit between our most valuable and important possessions, the defense of which devolves upon the Government of the United States, and the prosperity of which devolves upon the Congress of the United States through its legislation.

I should therefore regret that this measure of acquiring special canal rights at Panama, which has gone so far, should fail. I should regret it, but I would never consent, if it does fail, either that Panama should resume the ownership of that zone or that any other government or any association of individuals should enter that zone for the purpose of constructing a canal there.

I have many reasons for this conviction, which I need not state, but there is one which is paramount. In that zone there is a railroad built under an American charter. We seem to look entirely aside from that in all our consideration of this question, yet it is one of the most important features of the whole case.

We ignore it in this bill; we ignore it everywhere; we came very near ignoring it in the Hay-Varilla treaty. That railroad was built by Americans, with American money, under an American charter granted by the State of New York. It is under that law yet, and so far as I am concerned, it will never be out from under the control of that law, unless it is by agreement with the United States. As matters stand now, if the Panama Railroad should pass outside of and beyond the control of that law, if this property, through some legal intendment, should fall back into the hands of Panama or into the hands of the French company or anybody else because we have failed to complete the Hay-Varilla treaty, we have gone so far in the direction of ownership that I do not think we could ever permit that railroad and its privileges and rights and concessions the attitude that we hold to-day to be taken away from the United States. Having gained it, I propose to hold it.

I am not responsible, Mr. President, in any sense for the methods by which that was done. I deprecate them; I was opposed to them; they weigh upon my conscience to-day as an American Senator, and I might say that I continually resent in my heart and mind the methods by which this was done, holding that they were entirely unnecessary, and that we could easily have accomplished all that we have done if we had declared our independence of the New Panama Canal Company.

That company has been the barrier that has been the cause of the interruption of our progress in every direction that we have gone in the effort to get a canal at either location, and I have stated the facts to the Senate, drawn from the records to prove it conclusively, and they have never been disputed nor questioned.

No trouble would have occurred in acquiring canal rights at Panama if in the beginning we had declared our independence of that company and had said to it: "We look upon you as a lessee, with certain rights and privileges which, according to our construction of the law, we are bound to respect, and according to our conception of duty and honor we will respect, giving you all the benefit that you are entitled to under your contract. We hold that the owner of this soil was Colombia, and the ownership of this soil is now, at least by legal intendment that we can not deny, in Panama. We will deal with the sovereign, not with you; and we will acquire these rights from the sovereign, placing ourselves in the shoes of these Governments, and, having assumed that attitude, we will deal with you with all justice and propriety and generosity."

There is where we made the fatal mistake. That mistake was made in consequence of a misconception by the Isthmian Canal Commission of what the attitude of that company was and what its rights were. Admiral Walker conducted with Monsieur Hutin, who was director-general of the New Panama Canal Company, a long correspondence, covering months and months, in respect of the sale of that property by the New Panama Canal Company to the United States. I need not go into the particulars of what the differences between them were in regard to price, etc., but Admiral Walker acted upon the hypothesis that the New Panama Canal Company had been authorized by Colombia to make that trade. That is altogether incorrect—altogether untrue.

Minister Silva from Colombia, by the authority of President Marroquin, and not by the authority of the Congress of Colombia, authorized a negotiation between the United States and the New Panama Canal Company, to see what terms could be agreed upon, but in that letter of authority the right was expressly reserved to Colombia to pass upon that negotiation, to approve or disapprove what might be agreed upon, not to the President of Colombia, but to the Congress of Colombia.

We went ahead, as we too often do in the midst of the excitements of our growth and prosperity; we went ahead recklessly, and finally made a trade with the New Panama Canal Company, which Colombia was in no respect bound to ratify. Having made that trade, and it being supposed on all sides, except on the part of some persons who believed quite the contrary, that it was a very excellent bargain, the Government of the United States jumped at it, grasped it, and based its operations entirely upon the validity of that agreement.

When the Senator from Wisconsin came to offer a bill for the purpose of putting the United States on the right footing about this matter, he knew the situation—he must have known it—and he provided that that trade should be consummated before any treaty with Colombia could be made for the acquisition of that property by the President, thereby creating a condition precedent that was the necessary basis of all further action under the Spooner law.

The provisions of that act, Mr. President, under ordinary circumstances might have been considered as a transgression of the constitutional power of the President to negotiate treaties, but the President had come to Congress for that authority.

All the proceedings between M. Bô and Admiral Walker were laid before the Senate. We understood the whole subject, and, acting upon the idea, which at the time I pointed out was incorrect, that that company had the right to make the trade, the Senate considered that it had, and the Spooner law was based upon the proposition that that trade should first be made, and it went so far as to specify the property we were to receive by classes, and also the maximum amount that we were to pay for the property.

The trade then stood in the situation of a proffer by this company, which the Congress of the United States was to accept; and the Spooner law very wisely said, "We will first send our law officers out there and see whether or not we can get a title, and if they say that your title is good, the President of the United States expressly by statute is made the agent of the Government of the United States to close that trade at a price not exceeding $40,000,000." That was the situation.

This was accomplished to the satisfaction of the Attorney-General, and being accomplished, we proceeded to negotiate the Hay-Herran treaty, which the Senate of Colombia refused to consider because the Colombian Congress had never authorized the canal company to sell its concession to the United States. Acting upon that idea, it has been the conception, I must conclude, of the President of the United States and the leading Senators on the other side of this Chamber that, in virtue of that contract, we had acquired what I think is called an "inchoate right" in some of the letters of Mr. Hay to acquire the particular property named from the New Panama Canal Company at that price.

In looking into the scope of the authorization to the President as the agent of the United States Government, given in the Spooner law, it is very important that two points should be considered. The first is that the price was limited to $40,000,000, and, secondly, and quite as important, that certain property mentioned in the Spooner law was to be acquired; otherwise the President could not have the right to make the agreement.

The Spooner law was passed upon that basis, and that gave the authority to the President of the United States to make a treaty for the purchase of this property from Colombia. Thereby we made that a condition precedent to the right of the President to treat with Colombia.

Following that act, and claiming that as his authority, the President made the treaty with Colombia, and in order to justify every step that he took in the matter he put that act bodily into the Hay-Herran treaty. Senators will all remember that, and how it was insisted that the act was copied and set out in words and terms so that Colombia would understand precisely what our movement was and the authority for it. The authority did not come alone from the treaty-making power, but it came from the lawmaking power also, the lawmaking power laying down the basis of the transaction, and the treaty-making power effectuating it by treaty as an instrumentality of convenience and because he controlled the diplomatic affairs of this Government. That was the situation.

Now, there was thus created a condition precedent to the acquisition by the United States of any right whatever to build a canal at Panama, and the President of the United States, after that action was taken by Congress, would have violated his duty if he had fallen back upon his constitutional diplomatic power to make a treaty with different conditions in it, or to make a treaty with Colombia without reference to the Panama Canal Company's rights or claims of right.

The Spooner law placed the deal with the Panama Canal Company in advance of the right to treat with Colombia as a condition precedent. There we took our ground as a government, and the majority are trying to hold it to-day, and I would be willing that it should be held if the Hay-Varilla treaty had not entirely set aside and dispensed with that condition precedent. Congress had so voted, and I do not propose to complain of that or to object to the situation which was so created, but it has been changed by the Hay-Varilla treaty, and in that respect the later law has at least changed the former law. It sometimes does turn out—yes, very often—that situations are created by the concurrence or concatenation of circumstances which every man on the floor of

the Senate or of the House of Representatives is bound to respect as an accomplished fact.

Whether you can run back through it and find grounds of objection to accepting it makes no difference any more than it would on the part of a man who loses a case in the Supreme Court of the United States and takes it upon himself to say, "I can find reasons why that decision is not correct. Therefore I shall not abide by it." There is such a thing in our Government, and it is fortunate that there is, as a determination by circumstances, whether rightly or wrongly determined, which binds every man in the country.

I find myself to-day, then, in the presence of the Spooner law, bowing my acquiescence to it, though I opposed in the Senate as long as opposition was of any avail, and as far as it is possible to make it apply to the present situation I want to apply it. I want, as the Senator from Wisconsin has said, to preserve it in its vitality and its vigor.

I wish to preserve every provision of that act; and it is of immense consequence to the United States that every provision of it should be kept alive, so that if we fail for any cause whatever to build a canal at Panama the situation will be that we have no canal there, but we will still have the zone and the railroad, and we will still have the right to build a canal on the Nicaraguan route, where we know that it is easily possible under the Spooner law.

That is the situation I have been trying to arrive at ever since the President of the United States took it upon himself to disobey the Spooner law and to go to Panama, and, instead of accepting the Spooner Act and the Nicaragua route as the alternative provided in that act, he created a different alternative—well, I was about to say, by creating a republic in Panama. I do not think I would violate the proprieties in the slightest degree if I should say so.

I know I would not do the least violence to the truth. With the assistance of the Senate, the President has created a condition in Panama that has become a national, political condition that is conclusive, while it continues, in spite of the fact that his participation in it was lawless and reckless.

I am bound by that condition until Congress has changed it. Under it we have gained certain national rights that I am unwilling to abandon. We have been placed in an attitude, no matter how, that I do not propose as an American Senator to yield. If there was nothing of value in connection with it except the railroad there, I would never yield it.

Yet there is much more in connection with it that would compel me to adhere to it, to support it, and to fight for it as an accomplished fact—a right acquired by the Government of the United States that we can not abandon or surrender without national humiliation and without creating other conditions that would result in disaster.

Now, how shall we treat this new situation? How shall we execute the Hay-Varilla treaty? I insist—contrary to the position taken by the Senator from Wisconsin here to-day—that the Hay-Varilla treaty does not put the Panama Canal Company in front of the United States and does not create a condition precedent that we are bound to comply with before we can get any rights in that zone. Quite the reverse. There is the point of controversy between the Senator and myself. And that point is settled in Article XXII of the treaty.

This treaty does not require us, before we obtain a title to the canal zone under Article III, and the right to occupy that canal zone and the right to control the railroad property as the owner of the soil, to go to the Panama Canal Company and first obtain from the tenant a sale of the property as if it was the landlord and owner—not by any means.

The Hay-Varilla treaty is based upon a different idea. The idea is that, under Article III of the Hay-Varilla treaty, we acquire the right to that zone. I will read it so that the Senate may see again how very clear the power and right are and how they exclude every possibility of ownership on the part of Panama in the canal zone, until something occurs which makes it proper that we can enter into an agreement with Panama by which we will surrender the property to her. But until we do so, until we voluntarily surrender it, this property can never pass within the sovereign authority and power of Panama.

> The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

I do not think there is any possible chance to mistake that language. I do not think Panama could say to us, "If you do not first buy some rights of this tenant under the lease from Colombia, and now under us, in regard to the privileges of building a canal there, you shall not have the title to the canal zone under Article III." I do not think it means that, and I have never heard any lawyer assert that it did mean that.

If it means that we have acquired the property described in Article III as a sovereign power and have acquired the sovereignty over it and excluded the sovereignty of Panama, then no question is to be asked us by anybody as to our title.

Mr. MITCHELL. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly.

Mr. MITCHELL. What is the purpose, I will ask the Senator from Alabama, of reciting in the beginning of this treaty the passage of the act of June 28, 1902, and also the other provision in Article XIV where it refers to the contemplated purchase?

Mr. MORGAN. I had to guess at that in the Hay-Varilla treaty, for it is mentioned in that treaty by reference, and in the Hay-Herran treaty, where it was inserted by actual incorporation.

The Senate made it a part of the treaty, as some claim, as a notification to Colombia in the Hay-Herran treaty, and probably they claim that it was a notification to Panama, under the Hay-Varilla treaty, of the limits and scope of the purpose of the United States and of the power conferred by Congress upon the President as its agent to act for the Government of the United States. It may have been put in for that purpose.

But there is a very much more important purpose for which it may have been put in, which is this: Each of these treaties, the last one as well as the first, refers to the act as a substantial and subsisting and vital act of Congress, and that it is to be understood that the act remains in full force except so far as this treaty interferes with it, and that if the treaty does not become operative, for instance, by the ratification of the Governments or by the nonpayment of the money, or for any other reason, that the Spooner Act will be considered as not having been affected by any negotiations that have been made for the purpose of getting the canal at Panama.

Mr. MITCHELL. Will the Senator allow me?

Mr. MORGAN. Certainly.

Mr. MITCHELL. It seems to me the purpose was to maintain harmony as to all of these transactions, and when you construe the fourteenth article of this treaty you must take into consideration the Spooner Act, which is really made a part of the treaty.

Mr. MORGAN. If it was a question of harmony, I do not exactly see what was the necessity of harmonizing. I do not see what benefit came from it. I do not think there was much concern to us whether the action of Panama harmonized with what action Columbia had taken while she was sovereign.

Mr. MITCHELL. What I mean by harmony is simply this: It was contemplated by all the contracting parties that as a part of the purchase of a right of way from Colombia, later on from Panama, the purchase contemplated was to be consummated.

Mr. MORGAN. I do not see that the Senator's construction of that act has any very great relevancy to the points I am trying to discuss, or if his construction be true——

Mr. MITCHELL. The Senator is insisting, as I understand, that there is a violation of the treaty in not immediately paying over this money before the contemplated purchase is consummated.

Mr. MORGAN. My mind was not addressing itself at all to the question of the payment of the money, and therefore the Senator has got out of the purview of my argument, and I do not know how practically to apply what he says to what I was saying, or trying to say.

What I was trying to say was that whereas the Spooner law, which was incorporated in one form or another in both of these treaties, created a condition precedent to the right of the President of the United States to negotiate a treaty to acquire these possessions, the Hay-Varilla treaty does not create such a condition precedent, but there is a condition found there which, if it is a condition at all that affects the title, it is a condition subsequent.

It does not affect the title. It does not affect the right of the Panama Canal Company in any way whatever. It merely affects the question whether Panama shall have the reversion of the property under the Wyse concession if the canal is not built.

But the title that we acquire under Article III covers the canal and the railroad, and the railroad for the present is very much the more important property, because it is a money-yielding property and is yielding an immense percentage upon its value. So we can not leave that out of the calculation.

If by any means it turns out that we never can be successful in building the canal in that zone, it does not follow at all that because we can not do it, therefore the zone shall revert to Panama along with the railroad. That is what I have said—that we have substantial rights under this treaty which I want to protect and enforce and will never be willing to yield under any conditions whatever.

If we have to abandon the Panama route and go to Nicaragua and build a canal, we do not thereby yield the property or the

railroad or the zone or the rightful sovereignty we acquire there. We have a fixed status there, and I do not propose to abandon or to qualify it, and I do not propose to neglect to improve it by any act of Congress that we may find it necessary to enact.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. SPOONER. The Senator says we have the railroad there.

Mr. MORGAN. Yes.

Mr. SPOONER. Have we; how?

Mr. MORGAN. The treaty says so.

Mr. SPOONER. No.

Mr. MORGAN. We have the land it rests on. We have all the interest in the railroad that Colombia or Panama ever had.

Mr. SPOONER. But I suppose the Senator will agree that the canal act was referred to here in order to show to the Republic of Panama that the Congress had authorized the President to dig a canal and to acquire the stock of the New Panama Canal Company in the railway company.

Mr. MORGAN. Yes.

Mr. SPOONER. The ownership of the railroad is of course in the stockholders. Nearly all of that stock is owned by the New Panama Canal Company. The Republic of Colombia could not grant us that; but the Republic of Colombia provides there that if we do purchase that, she surrenders to us the perpetual right and concession to operate it and maintain it. We do not own the railroad by getting the land over which it runs.

Mr. MORGAN. We certainly own the most important part of the railroad if we own the land over which it passes.

The stockholders do not in fact or in law own the railroad. It is owned by the company—the corporation—as a legal person, and it can not dissolve by the consent of its stockholders merely, for it is a public corporation that has undertaken a public enterprise for public uses.

It can not abandon these public trusts, to execute which it was created, without the consent of the State of New York. By the laws of Colombia, also, it is created expressly as a public utility, and it can not lawfully abandon its public character without the consent of New York and Colombia.

Mr. SPOONER. You own land subject to an easement which was put upon it before you acquired it.

Mr. MORGAN. Very good; but it is the land which we own. Under the third article of the treaty we acquired the land, the 10-mile zone, which covers the railroad from end to end with a large margin on either side. We took the shoes of Colombia and of Panama successively. We own it subject to certain concessions that have been made heretofore, that have been worked out.

The railroad has earned that property for the term of its lease, which runs until 1967, when it terminates, and at the termination of the lease it reverts, without compensation, to the owner of the soil. So we have not only the soil, under the third article, but we have very important reversions. Property that has probably cost $20,000,000 comes to us with all its equipment of every kind and character, all its buildings, without compensation, in the year 1967, which, I believe, is the date when it falls due. It was ninety-nine years from the date of the lease.

In the meantime we have under the same concession and contract the right to $250,000 a year, to be paid by the railroad company to the Government of the United States. That is the $250,000 a year turned over to Panama after nine years from the date of the treaty, except that we have continued it perpetually, whereas it would end, of course, in 1967 under the previous arrangement.

These are very important rights. They are the whole thing. They make us the landlord, the proprietor, the owner of the soil. The New York company owning the railroad—it is not the stockholders who own it; it is the corporation—and the French company owning the canal concession through that same belt of country have various properties there, some movable and some immovable. These different corporations or companies are the tenants of the United States under the terms of the Wyse concession and the operation of the Hay-Varilla treaty. That is the relation we hold to the railroad and to the canal. If we can not complete the canal, it does not follow that we give up the land.

Now, in looking at that situation, when they came to write Article XXII of the Hay-Varilla treaty, Panama put in her claim and said to the United States: "If you should not build the canal"—mark you, the railroad is already built—"if you should not make this additional improvement for transit there, then the rights of reversion that are secured to us by the Wyse concession still belong to us. We may build it ourselves. We have the right to build it if you do not do it."

Now, we can see the great difference between the condition precedent that was contained in the Spooner law and the condition subsequent that is in the twenty-second article of the Hay-Varilla treaty, and that the requirement there that we should get these rights from the Panama Canal Company could not refer to the title we acquired under Article III but referred to the attitude that the Governments respectively, the United States and Panama, would hold in respect of their rights under the Wyse concession if the United States did not or could not purchase the rights of the lessee—the Panama Canal Company.

Now, that being the case, Mr. President, there can be no occasion for postponing the completion of our rights under Article III of this treaty and the other articles which enlarge those rights until we acquire the property of the New Panama Canal Company. And there is the fatal mistake we are making. We can go into possession of that zone, assert our rights upon it, pay the money to Panama, and then turn around and say to the New Panama Canal Company: "You have equities against us—at least you insist that you have—up to the amount of $40,000,000. Congress approves that, and says it is all right. We will pay you the money. Or, if you prefer to withdraw that proposition and work out your concession, you have the right to do it, and if we interrupt you and get you to surrender your lease upon this property and your privileges, we must pay you for them." That is a fair transaction.

But that brings the subject within reach of Congress, and when I spoke a while ago of the fact that there were only two laws on this subject, I had distinct reference to the fact that the President of the United States in dealing with this subject must deal according to one law or the other or according to both, if they are perfectly coincident with each other. Outside of that he has no power to deal with the question at all. Until he is expressly empowered by Congress he can make no obligatory agreement with the Panama Canal Company.

I wish to call the attention of the Senate again, and I do it in response to some suggestions made by the Senator from Wisconsin, to the fact that the Hay-Varilla treaty does not authorize the President to buy this property from the Panama Canal Company. The Spooner Act did expressly authorize it.

If the President can get authority under Article XXII to buy this property from the New Panama Canal Company, he must do it in some form or by some expression that does not appear in words there. It must be by some strained inference, which I do not think comports either with the twenty-second article of the Hay-Varilla treaty or with the Spooner Act. There is the difference between us.

There is the point of divergence, and up to this point it is the real, legitimate, and essential thing that separates the contending parties over the bill which is now before the Senate. What I claim, and I will repeat it in order that it may be distinctly understood, is that under the Hay-Varilla treaty we are not required to purchase anything from the New Panama Canal Company before our rights become perfect under that treaty.

But we are required to pay the $10,000,000. That is a condition precedent. Of course it is, because it was agreed that it should be paid at the time of the exchange of ratifications. The amount was fixed and the time of payment was fixed and the consideration was expressed in the treaty as a condition precedent.

But we are not bound to buy the property of the New Panama Canal Company, and that is indicated not only by the fact that there is no provision in the treaty for an agent to buy the property as there was in the Spooner Act for an agent to buy the property from the Panama Canal Company in reference to a proposed treaty with Colombia.

This treaty reverses the situation absolutely; and, whereas under the Hay-Herran treaty Colombia had for its basis the performance of the condition precedent mentioned in the first section of the Spooner Act, the Hay-Varilla treaty has no condition precedent at all, or if there is any condition to qualify our rights in the slightest degree it is a condition subsequent.

Mr. President, we are very nearly together about these matters, as the Senate will discern by drawing the contrast between the argument of the Senator from Wisconsin, who wrote the Spooner law, and myself. That Senator's interpretation of the Spooner law is correct. He did not extend it to the proposition as to what the effect of that measure had been upon his act in some other particulars.

The Hay-Varilla treaty has the same characteristics and the same strength as if it had been enacted by Congress, and when that act comes in conflict with a prior act, the prior act must yield.

There is one distinction in the application of this doctrine upon which the Supreme Court has not passed, so far as I have heard. I am sure it has not. It is this: That a subsequent act of Congress can repeal a treaty there is no doubt, but a subsequent act of Congress can not amend a treaty.

That a subsequent treaty will repeal an act of Congress that is prior to it there can be no doubt; but a subsequent treaty can not amend an act of Congress. The question involved in the decisions of the Supreme Court as between prior and subsequent statutes and treaties is a question of repeal, not of amendment.

Now, here comes along the Hay-Varilla treaty. It provides for

the payment of $10,000,000 for the purchase of property from Panama. The Spooner Act required that the $10,000,000 shall be applied, or whatever sum might be necessary, to the purchase of property from Colombia.

Since that time changes have taken place, so that it is asserted by the United States, and I am prepared to maintain the assertion, not as an act of law, but as an accomplished fact, that Panama is entitled to any payment that hitherto we would have made to Colombia. I am perfectly willing to admit that. But Panama is not mentioned in the statute.

It was not in contemplation. We had no more expectation of the existence of Panama as an independent republic when we passed the act than we had expectation of the dissolution of the British Empire. So the act itself does not apply in terms to the new condition when Panama, instead of Colombia, became the owner of the soil over which the canal is to be built.

Therefore it is our duty, in order to make the application, to say so. "We hereby make it apply and appropriate the money," according to the amendment which the Senate has now adopted, coming from the Senator from Georgia. We take the $10,000,000, which in the Spooner Act was an indefinite sum, and make it a definite sum of $10,000,000, and we say that in virtue of that appropriation, "We hereby appropriate and apply the money."

So there can be no difficulty in the Treasurer paying the money. Is there any harm in that? There is nothing in it but virtue and rightfulness and propriety of action.

Now we come to another feature of it. Here is the $40,000,000 to be paid to the Panama Canal Company, provided in the Spooner Act. Compare that with the language of this bill, by which the payment of $40,000,000, or a sum not named in the Hay-Varilla treaty, is attempted to be made a condition precedent to our right to have any property under the Hay-Varilla treaty.

Compare the two for a moment. The Spooner Act specified the concessions that have been granted to the Panama Canal Company by Colombia. It mentioned the property that has been created or acquired by purchase. The property is all of that which is situated on the Isthmus and certain property in France, to wit, maps and records, priced at $2,000,000, and certain other property which it acquired by purchase, about seventy-nine hundredths out of eighty hundredths of the stock of the Panama Railroad Company.

Now, there are three classifications of property, one of them mentioned by a class including all that is on the Isthmus, the next mentioned specifically to include the records and the surveys, the third mentioned specifically to include the railroad stock, naming the amount of it held by the old company or the new.

Now, what does this bill say? Upon the acquisition of all the property of the Panama Canal Company your title shall be perfect. Is there not a departure? Is that not a difference? Does not all include more than a part? Panama had other property, valuable property. At the time that treaty was made she had six millions of money in her treasury.

That was proved by Mr. Lampré before the Committee on Interoceanic Canals. I asked him the question, "Does that go under this proposed contract?" "Not by any means." But all "the property" mentioned in this bill includes whatever money they have got; and now they have worked it down until they have, according to the report of the officers of that company made here recently, which I had printed as a document, about three millions of money there.

We go to the canal company and say, "We want all the property you have got. That is the Hay-Varilla treaty." "Well, if you want all the property we have got, you have got to pay more money for it. Forty million dollars is not the limit."

There is no reconciliation between these propositions. They can not stand together as different sections of a law. Therefore it is the duty of Congress to make the reconciliation by appropriate legislation.

Now, what ought to be done is this: We ought to pay the $10,000,000, take possession, and let Panama come along and say what she demands. Let us decide what we require, whether we require more or whether we require less property than was engaged to be sold to the United States in that cable contract between M. Bô and Admiral Walker, consisting of three lines of cablegram on the one part, and the acceptance, which did not take more than two lines, on the other.

We can say to Panama when she comes, "Now, if you want to change this proposition that you made to us, let us see in what particulars; and if we differ about it, or if we do not differ about it, if we agree to it, here is a tribunal that never has had an opportunity to pass upon this question, that has the sole right to consider it, the Congress of the United States, which can either ratify or confirm a contract made by the President of the United States or by the Attorney-General as his agent or his subordinate, without authority in the treaty expressing that the contract shall be made by any particular person whatever." Here is this contract. Let the Congress of the United States pass upon it, and then everybody is bound to be satisfied.

I know the proposition the French people are going to make either now or hereafter will be larger than $40,000,000. It will include all the work that they have done on that canal since they made the first proposition to sell, while they were working on that canal for the purpose of saving their concession from forfeiture by Colombia, working for dear life to keep themselves in a position where they could make a proposition even of sale to us.

They will now claim that all the work they have done since that time must be paid for by the United States at cost. They may not do it on the 23d day of April. They may want to keep that back. But I asked Admiral Walker the other day if there was any such proposition made. He said he knew of none. "Is it expected that it will be made?" "Naturally it will be," he said, "naturally."

Well, it will be very improperly done, if it is done, for one reason if for no other. While they have been digging away there at Culebra and at Emperador Heights for the purpose of keeping up the appearance of doing work, they have permitted the old canal that we buy from the Panama Canal Company to fill up with silt until M. Hutin, in a written statement, an official statement that he made to Admiral Walker, says it has come within 8,500,000 cubic meters of all the work they have done there—that is, all the result. The residuum, the balance in respect to the work they have done there, is 8,500,000 cubic meters, and we are proposing to pay them for 21,000,000 cubic meters.

Now, Mr. President, I wanted to say these things in reply to the Senator from Wisconsin in order that my position might not be misunderstood and in order that his position might not be misunderstood; but granting all that he says, this bill is wrong.

We are on the wrong footing about it. We are taking the wrong course about it, and very unnecessarily. It may be through pride of opinion or some other reason that I have no cognizance of or notice of, but it is wrong.

We ought to do the simple duty of paying for that property and take possession of it, and when we get there invite the Panama Canal Company to come up and say what their claims are and let Congress recognize them, as it will do probably up to the amount of $40,000,000 under the conditions that exist.

But let Congress pass upon it and conclude the question. Then we will not have trouble about it hereafter. Now, there are some Senators on this side who would not vote for that amendment I offered. Why? Because, as they say, they will never vote for anything that recognizes the validity of that Hay-Varilla treaty.

I take a different ground about that. I say that treaty is a treaty. It has been ratified in due form by us at least, and, being so ratified by the United States, it is obligatory upon us against all objectors.

At the same time I can easily understand, Mr. President, that when the two commissioners who may be authorized to go into the zone value a man's property condemned under this treaty, he may choose to appeal to a judge of the United States court who is there and to say that on the part of the Government of the United States this treaty appears to be all regular and proper and has been ratified in due course of law.

It is not so in regard to Panama. That treaty was not ratified according to the laws of Colombia, which were in force in Panama at the time. It was not ratified by the people of Panama.

The ratification was by the mayors of different towns, not by a vote of the people. We had a constitutional assembly here that had power to ratify that treaty. They have recognized it, it is very true, but that was after the fact. That does not bind us. We make the question; we raise it.

Colombia raises that question upon us, of course. She raises it in the court of nations. But when we proceed by an act of Congress and, ratifying or admitting the full validity of that treaty, pass a law to make an appropriation, and in virtue thereof take possession down there, then the United States judge is bound to say this Congress has complied with all the conditions of that treaty, and this question of the propriety of the action of Congress is a political question that the judiciary can not handle. Therefore you go out of court. We stop the complaint; we prevent it.

Now, when we are all trying to reach the same result, trying to get the money to pay Panama and the money to build the canal, is it not best that we should pursue a course against which there is no objection and upon which there can be no criticism rather than to follow the mistake upon which this bill is founded?

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. If there be no objection, the vote will be taken in gross upon concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for 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 bill (S. 4576) transferring the custody of certain obsolete ordnance to the city of Boston.

The message also announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 1399) to amend section 1225 of the Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools; and

A bill (S. 4453) to amend section 17 of the act of Congress approved June 6, 1900, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes."

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 721) granting an increase of pension to John Ryan, alias John Connell;

A bill (H. R. 6916) granting an increase of pension to Alexander Hardy; and

A bill (H. R. 13739) to authorize the Blackberry, Kentucky and West Virginia Coal and Coke Company (Incorporated) to bridge the Tug Fork of the Big Sandy River, about 1 mile east of Matewan, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

The message also announced that the House insists upon its amendments to the bill (S. 2621) for the widening of V street NE., disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 13850) granting an increase of pension to Mary Heaney, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALDERHEAD, Mr. BRADLEY, and Mr. SNOOK managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the following bills:

A bill (S. 1243) granting a pension to Mary McLean Wyllys; and

A bill (S. 5223) granting a pension to Sara A. Wardell.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 14416, the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14416) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that the formal reading of the bill may be dispensed with and that the bill be read for amendment.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. The Chair hears no objection.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Under the Treasury Department," on page 2, line 13, before the word "hundred," to strike out "one" and insert "two;" and in line 14, after the word "dollars," to insert:

And the Secretary of the Treasury is hereby authorized to acquire, by purchase, condemnation, or otherwise, the properties known as the Peabody and Gunton properties, immediately adjacent to the site of said custom-house building, abutting on Water street, Exchange place, and post-Office avenue, in the city of Baltimore, Md., at a cost not to exceed the sum of $90,000; and the said Secretary is hereby authorized to use for that purpose the sum of $24,988.81, remaining available from the purchase of the Merchants' National Bank property, together with an amount sufficient to make up the said sum of $100,000, from any money remaining available for the construction of said new custom-house building.

So as to make the clause read:

Baltimore, Md., custom-house: For continuation of building under present limit, $200,000; and the Secretary of the Treasury is hereby authorized to acquire, by purchase, condemnation, or otherwise, the properties known as the Peabody and Gunton properties, etc.

The amendment was agreed to.

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

And the sum of $175,000 is hereby appropriated, or so much thereof as may be necessary, to make good the damage to the Baltimore, Md., custom-house by the great fire in Baltimore on February 7 and 8, 1904, and the contractors, Henry Smith & Sons, are released to the extent of said sum, or so much thereof as the Secretary of the Treasury may determine may be necessary to replace any work or materials in said custom-house destroyed or injured by said fire.

The amendment was agreed to.

The next amendment was, on page 9, line 11, to increase the appropriation for rental of temporary quarters for the accommodation of certain Government officials, and all expenses incident thereto, etc., at Los Angeles, Cal., from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to insert:

Los Angeles, Cal., court-house and post-office: The Secretary of the Treasury is hereby authorized, in lieu of the site provided for in the public building act approved June 6, 1902, for the erection of a court-house and post-office building in Los Angeles, Cal., to acquire by donation to the United States the following parcel of land as a site for said building, namely: A plat of ground in the city of Los Angeles bounded by New High street, Temple street, Main street, and a proposed new street running from New High street to Main street, and containing about 37,850 square feet; and the appropriations already made and authorized to be made by said act for the construction of said building on the site therein described shall be applied to its construction on the site herein provided for.

The amendment was agreed to.

The next amendment was, on page 11, after line 18, to insert:

New York, N. Y., appraisers' warehouse: For necessary alterations in order to facilitate the business of the customs service, $12,000.

The amendment was agreed to.

The reading was continued to line 20 on page 12.

Mr. BACON. Mr. President, I must insist that the Chief Clerk must either read more slowly or read it all. I wish to hear the bill as we go over it. We have had no opportunity heretofore, and certainly if the Clerk only reads a part and reads that very rapidly it is an impossibility to keep up with him when looking at the page. I have no objection to his skipping—he does not skip anything that is material—if he will read slowly enough for us to be able to keep up with him with the eye.

The PRESIDENT pro tempore. The Chief Clerk will read more slowly.

Mr. BACON. Either read more slowly or read it all—one or the other.

The reading of the bill was resumed. The next amendment was, on page 13, after line 15, to insert:

St. Paul, Minn., post-office, court-house, and custom-house: For installation of elevator and changes incident thereto, vault shelving, and other necessary improvements, $11,000.

The amendment was agreed to.

The next amendment was, on page 16, line 4, after the clause "Zanesville, Ohio, post-office: For continuation of building under present limit, $25,000," to insert the following proviso:

*Provided*, That the limitation of two years fixed in the proviso to section 5 of the "Act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, in which to acquire a suitable site in any city mentioned in said act, is hereby extended for one year, to June 6, 1905.

The amendment was agreed to.

The next amendment, was on page 18, after line 4, to insert:

For the installation and completion of elevators in the following public buildings, at a cost not to exceed $7,500 each, namely: Court-house and post-office, Covington, Ky.; custom-house, Detroit, Mich.; court house and post-office, Lynchburg, Va.; post-office, Richmond, Ky.; post-office and custom-house, Wilmington, N. C.; and Butler Building, Washington, D. C.; in all, $45,000.

Mr. ALLISON. I move to amend the amendment in line 10, after the word "office," by inserting "and court-house," so as to read: "post-office and court-house, Richmond, Ky." That conforms to the designation in the original statute.

Mr. McCREARY. That is correct.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Quarantine stations," on page 19, after line 23, to insert:

Angel Island, California, quarantine station: For expenses of laying a cable connecting the quarantine station at Angel Island with the quarantine office in San Francisco, Cal., and with the general telephone system of the city, $6,500.

The amendment was agreed to.

The next amendment was, under the subhead "Engraving and printing," on page 24, line 18, to increase the appropriation for labor and expenses of engraving and printing from $1,100,000 to $1,123,000.

The amendment was agreed to.

The next amendment was, on page 25, line 6, to increase the appropriation for wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, etc., from $1,200,000 to $1,250,000.

The amendment was agreed to.

The next amendment was, on page 25, line 19, to reduce the ap-

propriation for engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, from $525,000 to $515,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Smithsonian Institution," on page 26, line 7, to increase the appropriation for expenses of the system of international exchanges between the United States and foreign countries, etc., from $26,000 to $27,000.

The amendment was agreed to.

The next amendment was, on page 28, line 2, after the word "inclosures," to insert "and providing seats in the park;" so as to read:

National Zoological Park: For continuing the construction of roads, walks, bridges, water supply, sewerage, and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures and providing seats in the park; care, subsistence, purchase, and transportation of animals, etc.

The amendment was agreed to.

The reading of the bill was continued to the end of line 3, on page 29.

Mr. ALLISON. On page 28, line 21, before the word "thousand," I move to strike out "thirty-four" and insert "fifty-nine."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 28, under the subhead "Interstate Commerce Commission," in line 21, before the word "thousand," it is proposed to strike out "thirty-four" and to insert "fifty-nine;" so as to read:

For all other necessary expenditures, to enable the commission to give effect to the provisions of the "act to regulate commerce," and all acts and amendments supplementary thereto, $259,000.

The amendment was agreed to.

Mr. ALLISON. On page 29, line 4, before the word "thousand," I move to strike out "two hundred and seventy-five" and to insert "three hundred," which changes the total appropriation for the expenses of the Interstate Commerce Commission from $275,000 to $300,000, to cover the amendment just made.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Treasury Department," on page 30, line 11, before the words "for salaries," to strike out "four" and insert "five;" so as to make the proviso read:

*Provided*, That necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed $500, may be purchased out of the appropriation made for the fiscal year 1905, for salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses.

The amendment was agreed to.

The next amendment was, on page 31, line 7, after the word "appropriation," to insert the following proviso:

*Provided further*, That all limitations as to the amount of subsidiary silver coinage are hereby removed.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Commerce and Labor," on page 39, after line 12, to insert:

For a second water main to the New Jersey shore (in addition to the new main already authorized), $20,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 15, to insert:

For the installation of water-purification plant, including the necessary building, tanks, pumping apparatus, and other appurtenances, $12,000.

The amendment was agreed to.

The next amendment was, on page 39, line 22, before the word "thousand," to strike out "ninety-four" and insert "one hundred and thirty-six;" and in line 24, after the word "immigration," to strike out:

And any balance of any sum heretofore specifically appropriated for repairs and alterations to the Government property at Ellis Island shall not continue available for expenditure after June 30, 1904.

So as to make the clause read:

For the purchase and construction of a tugboat to be used as a boarding cutter by the immigration officials at New York, $75,000; in all, $136,000, which sum shall be paid from the permanent appropriation for expenses of regulating immigration.

The amendment was agreed to.

The next amendment was, on page 40, after line 3, to insert:

San Francisco, Cal., immigrant station: The Secretary of Commerce and Labor is hereby directed to investigate into conditions of the immigration service at the port of San Francisco, Cal., and to report in detail a plan for an immigration detention station on Angel Island, in the harbor of San Francisco; said report shall cover in detail all buildings or improvements of every kind necessary for the completion of said station and the aggregate cost of the same.

The amendment was agreed to.

The next amendment was, under the subhead "Light-houses, beacons, and fog signals," on page 40, after line 17, to insert:

Boon Island light station, Maine: For construction of a keeper's dwelling, $4,000.

The amendment was agreed to.

The next amendment was, at the top of page 41, to insert:

Stonington breakwater light station, Connecticut: For construction of a keeper's dwelling, $5,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 2, to insert:

Black Ledge light and fog-signal station, Connecticut: For establishing a light and fog-signal station at or near Black Ledge, entrance to New London Harbor, Connecticut, $60,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 6, to insert:

Ambrose Channel light station, New York: Toward establishing a light station at the intersection of the axis of the east channel and the west edge of it, to form a range, $75,000, and the total cost of establishing said station, under a contract, which is hereby authorized therefor, shall not exceed $125,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 3, to insert:

Delaware Bay and River, namely: For establishing light-house and fog signal on Elbow of Cross Ledge, $75,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 6, to insert:

For establishing light-house and fog signal on Goose Island Flats, $85,000; in all, $160,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to insert:

Bodie Island light station, North Carolina: For construction of a keeper's dwelling, $5,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 14, to insert:

Cape Lookout light station, North Carolina: For construction of a keeper's dwelling, $5,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 16, to insert:

Cape San Blas light station, Florida: The sum of $7,000 of the appropriation of $15,000 for the removal of Cape San Blas light station to a new and safe site, made by the act approved June 6, 1900, may be used for the construction of two dwellings for light keepers at said station.

The amendment was agreed to.

The next amendment was, on page 43, after line 3, to insert:

Frankford pierhead range light station, Michigan: For construction of a double dwelling for the light keepers, including cost of site, at Frankford pierhead range, Lake Michigan, Michigan, $5,000.

The PRESIDENT pro tempore. In the amendment just read should the name be "Frankford" or "Frankfort?"

Mr. ALLISON. It is "Frankford" in the estimates.

Mr. ALGER. It should be "Frankfort."

Mr. ALLISON. The committee were not very familiar with that particular locality and followed information furnished by those who are supposed to know. I move, however, to amend the amendment by making it read "Frankfort" instead of "Frankford" in both places where it appears in the paragraph.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 43, after line 7, to insert:

Depot for the ninth light-house district: For establishing at or near the city of Milwaukee, Wis., a depot for the ninth light-house district, including the purchase of a site therefor, $75,000.

The amendment was agreed to.

The next amendment was, at the top of page 44, to insert:

Buffalo breakwater (north end), New York: For construction of a keeper's dwelling, $5,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 2, to insert:

Presque Isle light station, Michigan: For construction of a dwelling for the assistant light keeper at Presque Isle light station, Lake Huron, Michigan, $5,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 12, to insert:

Point Conception light station, California: For construction of a double dwelling for light keepers, $9,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 15, to insert:

Cape Mendocino light station, California: For construction of a keeper's dwelling at Cape Mendocino light station, California, $5,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 18, to insert:

New Dungeness light station, Washington: For construction of a light keeper's dwelling at New Dungeness light station, Straits of Juan de Fuca, Washington, $5,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 22, to insert:

Battery Point, Washington: For completing the fog signal at Battery Point, Washington, $6,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 24, to insert:

Tender for light-house service in Porto Rican waters: Toward constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection, and also for construction and repair service, and for freighting light-house supplies and materials from the mainland to Porto Rico, $75,000; and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed $125,000; and the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for the tenders for which appropriations are made by this act, such draftsmen to be paid from and equitably charged to the appropriations for building said vessels, such employment to cease and determine on or before the date when, the plans for such vessels being finished, proposals for building said vessels are invited by advertisement.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to insert:

Tender for the inspector, fourth light-house district: Toward constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the fourth light-house district, to take the place of the worn-out tender Zizania, $75,000; and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed $125,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 24, to insert:

Tender for the inspector, sixth light-house district: Toward constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the sixth light-house district, to take the place of the worn-out tender Wistaria, $75,000; and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed $130,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 7, to insert:

Tender for Lake Superior to be used by the inspector of the eleventh light-house district: Toward constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the eleventh light-house district, $75,000; and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed $140,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 14, to insert:

Tender for the thirteenth light-house district: Toward constructing, equipping, and outfitting, complete for service, a new steam tender for service in the thirteenth light-house district, $75,000; and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed $140,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 20, to insert:

Peshtigo Reef light vessel, Wisconsin: For additional amount for completing the light vessel and fog signal at or near Peshtigo Reef, Green Bay, Lake Michigan, Wisconsin, $5,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 24, to insert:

For expenses of transfer of the two light vessels for the Pacific coast, now being constructed in New York and New Jersey, to San Francisco, in the twelfth light-house district, authority is hereby given to use not to exceed $20,000 of the unexpended balances of the appropriations for constructing light vessels provided for in the sundry civil appropriation act approved March 3, 1903.

The amendment was agreed to.

The next amendment was, under the subhead "Light-House Establishment," on page 48, line 11, to increase the appropriation for repairs of light-houses from $700,000 to $775,000.

The amendment was agreed to.

The next amendment was, on page 48, line 24, to increase the appropriation for expenses of light vessels from $525,000 to $537,500.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 56, line 12, to increase the number of assistants to be employed in the field or office of the Superintendent of the Coast and Geodetic Survey at $1,800 each from three to four.

The amendment was agreed to.

The next amendment was, on page 56, line 16, to increase the number of assistants to be employed in the field or office of the Superintendent of the Coast and Geodetic Survey at $1,400 each from three to four.

The amendment was agreed to.

The next amendment was, on page 56, line 18, to increase the number of assistants to be employed in the field or office of the Superintendent of the Coast and Geodetic Survey at $1,200 each from eight to sixteen.

The amendment was agreed to.

The next amendment was, on page 56, line 23, to increase the total appropriation for the salaries of the Coast and Geodetic Survey from $37,260 to $40,060.

The amendment was agreed to.

The next amendment was, on page 57, line 22, in the clause for chart correctors, buoy colorists, stenographers, etc., to increase the number at $1,600 each from two to three.

The amendment was agreed to.

The next amendment was, on page 58, line 14, in the clause for astronomical, geodetic, tidal, and miscellaneous computers, to increase the number at $1,800 each from two to three.

The amendment was agreed to.

The next amendment was, on page 58, line 15, to increase the number at $1,600 each from two to four.

The amendment was agreed to.

The next amendment was, on page 58, line 16, to increase the number at $1,400 each from one to four.

The amendment was agreed to.

The next amendment was, on page 58, line 17, to increase the number at $1,200 each from two to four.

The amendment was agreed to.

The next amendment was, on page 58, line 19, to reduce the number at $900 each from four to two.

The amendment was agreed to.

The next amendment was, on page 58, after line 19, to strike out:

For one, at $700.

The amendment was agreed to.

The next amendment was, in the clause for electrotypers and photographers, plate printers and their helpers, etc., on page 59, line 1, to increase the number, at $1,200 each, from ten to eleven.

The amendment was agreed to.

The next amendment was, on page 59, line 15, to increase the total appropriation for pay of office force, Coast and Geodetic Survey, from $155,520 to $167,420.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 61, line 15, after the word "dollars," to insert "assistant architect, $1,600;" and in line 19, before the word "and," to strike out "five thousand" and insert "six thousand six hundred:" so as to make the clause read:

Office of architect and engineer: Architect and engineer, $2,200; assistant architect, $1,600; draftsman, $1,200; draftsman, $900; clerk, $720; in all, $6,620.

The amendment was agreed to.

The next amendment was, on page 68, line 12, before the word "car," to strike out "Four" and insert "Five;" in line 13, before the word "car," to strike out "five" and insert "six;" in line 14, before the word "assistant," to strike out "four" and insert "five;" in line 15, before the word "car," to strike out "four" and insert "five;" in line 16, before the word "car," to strike out "four" and insert "five;" and in line 19, before the word "dollars," to strike out "eighteen thousand six hundred and eighty" and insert "twenty-three thousand one hundred;" so as to make the clause read:

Distribution employees: Five car captains, at $1,200 each; six car messengers, at $1,000 each; five assistant car messengers, at $900 each; five car laborers, at $720 each; five car cooks, at $800 each; in all, $23,100.

The amendment was agreed to.

The next amendment was, on page 72, line 9, to increase the appropriation for the fish-cultural station at Neosho, Mo., purchase of land and water rights, etc., from $7,500 to $11,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 22, to insert:

Fish hatchery, Green Lake, Maine: For construction of pipe line from Rocky Pond, and other improvements to water supply, $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 73, to insert:

Fish hatchery, St. Johnsbury, Vt.: The sum of $20,000, appropriated by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, "for completion of the St. Johnsbury Station, Vermont, and for acquiring an additional supply of water at said station, including the purchase of the necessary land and water rights," is hereby reappropriated and made available for the establishment and completion of an auxiliary fish-cultural station in connection with the fish-cultural station at St. Johnsbury, Vt., at a point near by said station to be selected by the Secretary of Commerce and Labor, including purchase of land, construction of buildings and ponds, and purchase of equipment.

The amendment was agreed to.

The next amendment was, on page 74, after line 7, to insert:

Steamer Albatross: For purchase, installation, and repairs to the scientific equipment of the Bureau of Fisheries steamer Albatross, $10,000.

The amendment was agreed to.

The next amendment was, on page 74, line 14, after the word "Alaska," to strike out "under the direction of the Secretary of Commerce and Labor," and insert:

including salaries of one agent, at $2,500, and one agent, at $2,000, to be appointed by the Secretary of Commerce and Labor, and to be in lieu of any and all agents or inspectors now authorized by law for this purpose.

So as to make the clause read:

For the protection of the salmon fisheries of Alaska, including salaries of one agent, at $2,500, and one agent at $2,000, to be appointed by the Secretary of Commerce and Labor, and to be in lieu of any and all agents or inspectors now authorized by law for this purpose, $7,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Commerce and Labor," on page 75, line 22, after the word "appropriated," to strike out "or hereafter appropriated for similar purposes;" so as to make the proviso read:

*Provided*, That so much of the amount hereby appropriated as may be necessary shall be available for the establishment and maintenance of the

Bertillon system of identification at the various ports of entry; but this proviso shall not apply to persons embraced in Article III of the treaty with China of 1894.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," on page 77, line 7, before the word "thousand," to strike out "thirty" and insert "thirty-two;" and in the same line, after the word "dollars," to insert:

*Provided*, That the appropriation for work at Capitol and repairs thereof made by the sundry civil appropriation act for the fiscal year 1904 is hereby continued and made available during the fiscal year 1905.

So as to make the clause read:

For the Capitol: For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, and not exceeding $100 for the purchase of technical and necessary books, $32,000: *Provided*, That the appropriation for work at Capitol and repairs thereof made by the sundry civil appropriation act for the fiscal year 1904 is hereby continued and made available during the fiscal year 1905.

The amendment was agreed to.

The next amendment was, on page 81, after line 12, to insert:

To acquire a site for and toward the construction of a fire-proof building for committee rooms, folding room, and other offices for the United States Senate and for necessary office rooms for Senators, to be erected on square No. 686, in the city of Washington, D. C., bounded by B street NE., First street NE., C street NE., and Delaware avenue NE., $750,000; and said site shall be acquired and said building constructed under the direction and supervision of a commission, which is hereby created, to be composed of three Senators, namely, Hon SHELBY M. CULLOM, of Illinois, Hon. JACOB H. GALLINGER, of New Hampshire, and Hon. FRANCIS M. COCKRELL, of Missouri, and said building shall be constructed in accordance with architectural plans to be secured by said commission in such way as they may deem advisable. The cost of said building, exclusive of site, shall not exceed $2,250,000; the construction thereof and letting of contracts therefor, including employment of skilled and other services, shall be under the control of the superintendent of the Capitol building and grounds, subject to the direction and supervision of said commission. The said commission may acquire said site or any portion thereof by direct purchase, if the prices are reasonable; such portion of said site as can not be so purchased shall be acquired by condemnation, as follows: The said commission shall notify the Secretary of the Interior in writing of such failure, whereupon the said Secretary of the Interior shall, within thirty days after the receipt of said notice, proceed to acquire such portion of said site in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large, and for the purpose of such acquisition the Secretary of the Interior shall have and exercise all powers conferred upon the Public Printer in said act.

The appropriations herein and hereafter made for said site and building shall be disbursed by the Secretary of the Interior.

Any vacancy occurring by resignation or otherwise in the membership of the said commission shall be filled by the presiding officer of the Senate.

Mr. BERRY. Mr. President, it is not a very gracious thing to oppose a proposition which is intended for the convenience of members of the Senate.

Mr. ALLISON. Will the Senator from Arkansas excuse me for a moment?

Mr. BERRY. Certainly.

Mr. ALLISON. The Senator from Arkansas, I infer, desires to debate this proposition briefly, and I suggest to him that if he will allow me I will ask that the amendment may be passed over for the present, so that we can go on with the reading of the bill.

Mr. BERRY. Very well.

Mr. ALLISON. However, I do not wish to take the Senator from Arkansas from the floor.

Mr. BERRY. It is all right, just so I am here when the amendment is called up. I do not want the provision to pass without entering my objections to it. That is all, and I can do that at some other time just as well. Does the Senator propose to wait until to-morrow?

Mr. ALLISON. Undoubtedly. And I will not call it up in the absence of the Senator from Arkasas, if he is in the city.

Mr. BERRY. I have no objection to its being passed over for the present.

Mr. ALLISON. This amendment and the other which follows on pages 83 and 84 I ask may be passed over until to-morrow.

The PRESIDENT pro tempore. Both of the amendments will be passed over.

The reading of the bill was resumed, beginning with line 24 on page 84.

Mr. BACON. Did I understand the Senator from Iowa also to ask for a postponement of action upon the amendment relating to the extension of the building?

Mr. ALLISON. Yes.

The PRESIDENT pro tempore. Both were postponed.

Mr. ALLISON. The Senate is a little thin this evening, and they may give rise to limited debate.

Mr. BACON. I have no objection to their going over. I understood the Senator to make that statement with reference to the proposed new building. I did not know whether it also included the proposition to extend the Capitol.

Mr. ALLISON. Yes; it included both.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Expenses of the collection of revenue from sales of public lands," on page 86, line 4, after the word "of," to strike out:

Employees and officials of the General Land Office or Department detailed by the Secretary of the Interior to examine the books and management of district land offices and offices of surveyors-general and to assist in opening new land offices and reservations while on such duty, and for actual necessary traveling expenses of said employees and officials, including necessary sleeping-car fares.

And insert:

Clerks detailed to examine the books of and assist in opening new land offices and reservations, while on such duty, and for actual necessary traveling expenses of said clerks, including necessary sleeping-car fares.

So as to make the proviso read:

*Provided*, That this appropriation shall be available for the payment of per diem, in lieu of subsistence, not exceeding $3 per day, of clerks detailed to examine the books of and assist in opening new land offices and reservations, while on such duty, and for actual necessary traveling expenses of said clerks, including necessary sleeping-car fares.

The amendment was agreed to.

The next amendment was, on page 87, line 5, after the word "dollars," to insert the following proviso:

*Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

The amendment was agreed to.

The next amendment was, on page 87, line 20, after the word "reservation," to insert:

three hundred and seventy-five thousand dollars: *Provided*, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares.

So as to make the clause read:

Protection and administration of forest reserves: To meet the expenses of executing the provisions of the sundry civil act approved June 4, 1897, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations, $375,000: *Provided*, That forestry agents, superintendents, and supervisors, etc.

Mr. GORMAN. I should like to have an explanation of these two provisos. I do not quite understand them. I understand these provisos take the appointment of these agents outside of the civil service. It seems that they are to be appointed in the discretion of the Secretary of the Interior. I refer to the provisos on page 87, the latter of which provides that the agents shall be appointed wholly with reference to their fitness and without regard to their politics. I should like to know whether it is intended that the appointments shall be taken out of the civil service and be divided between the two parties?

Mr. ALLISON. The Senator is aware that this is a service in the West, distant from the capital, and that men ought to be and probably will be selected without inquiry as to whether they are of one party or the other. The provision as proposed to be inserted by the Senate committee is the existing provision of law, and it seems to work very well, so far as I know, whilst it was thought by the committee that the establishment of a new rule for a distant region, where the pay is small, might cause some embarrassment and perhaps create some little difficulty. So we inserted the provisions of the existing law, which have been the law in these appropriations for a long time.

As the bill came to us from the House it would have subjected all these people, who get fifty or sixty dollars a month, or whatever the pay may be, working in distant parts of the country, in forests and on public lands, to a civil-service régime, which we thought might in some way embarrass this branch of the service. That is the reason for the amendment. The Senator, I trust, will agree with the committee in this regard.

Mr. GORMAN. I should like to ask how many employees are embraced under the two provisos? I find the first proviso relates to "depredations on public timber and protecting public lands," etc. I understand that now practically all these employees are under civil service.

Mr. ALLISON. I do not so understand it. I understand that all the persons employed in these various positions are not now under civil service and have not been.

Mr. GORMAN. But they would be?

Mr. ALLISON. They can be placed of course under the civil service by the Secretary of the Interior. Some of them may have been placed under the civil service, but I think not.

Mr. GALLINGER. If I may be permitted, I think the Senator from Iowa is right in saying they are not now under the civil service, and I think I am correct likewise in saying that many of them are employed for a brief time.

Mr. ALLISON. They are.

Mr. GALLINGER. They are not permanent employees in many cases.

Mr. ALLISON. They are often employed for sixty and ninety days.

Mr. GORMAN. But the provision as it came from the House has placed them all under the civil service?

Mr. ALLISON. All under the civil service.

Mr. GORMAN. This may be the law, but I never observed it before. The second proviso, that they shall be appointed wholly with reference to their fitness and without regard for their political affiliations, is a very proper provision. It applies only to administering and protecting forest reservations and not to the general provision.

Mr. SPOONER. It is the law now, I presume.

Mr. GORMAN. There is a distinction. In the first proviso there is no such provision. It leaves it absolutely in the hands of the Secretary of the Interior. I only wanted to observe the difference and to know what it means.

Mr. ALLISON. I should think that was an omission, and not intentional. These provisions that are here are copied from existing law. We inserted the provisions of the existing law, so that the two paragraphs are as the law now stands.

Mr. GORMAN. Then I will ask the Senator whether he has any objection to embracing the same provision in the first proviso?

Mr. ALLISON. I think that would be a very proper provision. If the Senator desires to move that amendment, I see no objection to it.

Mr. GORMAN. Before we pass the bill I will prepare it and offer it.

Mr. BAILEY. Mr. President, it seems to me that it would be unnecessary under an often and somewhat boisterously professed civil-service administration to insert in this law a requirement that appointments shall be made with reference to fitness and without reference to politics. I have never believed in the thorough sincerity of these civil-service reformers, who appear to think that politics ought to be eliminated from political affairs, and my distrust is justified by those who are now in power and who have long professed to be civil-service reformers, because the present President has suspended the civil-service law oftener to enable him to make political appointments than all of his predecessors combined since the law was first enacted.

If I were to say or if the Senator from Maryland [Mr. GORMAN] were to say that unless prohibited by the law from doing so the President or one of his subordinates would appoint an officer of the Government without reference to his fitness and with reference to his politics, almost every Senator on the other side of the Chamber would be in his place ready to defend his chief. And yet it must be that the President would act in that way unless restrained by law from doing so, because the great Committee on Appropriations, at the head of which stands my distinguished and very careful friend, the Senator from Iowa [Mr. ALLISON], would not do the vain and foolish thing of laying these restrictions on the President unless they thought them necessary.

Mr. GALLINGER (in his seat). It is on the Secretary.

Mr. BAILEY. Well, it is on the President at last, because the Secretaries are under the President, and the Senator from New Hampshire is not so innocent in these political matters as to think that the Secretary would overrule the President.

Mr. GALLINGER. No.

Mr. BAILEY. And although the law might—as under the Constitution it can—lodge the appointment in the head of a Department, the President would dislodge the head of the Department unless the head of the Department lodged the appointment where the President desired it to go.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I did not intend that he should hear what I said in response to his statement. These are appointees of very inconsequential note. They are appointed for a brief time—thirty or sixty or ninety days, most of them, as the case may be—and the committee lodges their appointments in the hands of the Secretary of the Interior. I have no idea that the President ever has any knowledge whatever of the appointment of these men. So, while the Senator's criticism is perhaps well founded in other directions, I do not think it applies or could possibly apply to the President in this particular case.

Mr. BAILEY. Mr. President, as far as I am concerned, I am a spoilsman, and I rather delight in it. I have never yet been able to attain that intellectual etherealism that thinks it is possible to eliminate politics from our political affairs.

Although the man who first asserted it in this Senate Chamber has often been traduced by the mugwumps and those of similar creed, I believe thoroughly in the doctrine that "to the victor belongs the spoils." If I had my way, under a Republican Administration I would not allow a Democratic indorsement to be filed; and if I had my way, under a Democratic Administration it would be useless for any Republican to file an indorsement.

Mr. SPOONER. You live up to it?

Mr. BAILEY. I live up to that. I ask no favors of those now in power. This is a government by political parties; always has been; always must be; and the country never abandons its sound political principles so surely as during an era of good feeling. If I controlled appointments I would appoint Democrats, because I would believe that I could find honest and competent Democrats for every office, and except so far as those now in power might violate the law, I make no complaint that they appoint Republicans. That is natural and, I think, proper; but I complain of that political dilettanteism which, asserting that they desire to make no difference, still must be restrained by the law from doing it.

I think it is an affront to any man who has the authority to make an appointment to tell him that he must make it with reference to fitness of his appointees, because it is fair to assume that any man with character or reputation enough in this country to be intrusted with the making of an appointment will consider the fitness of those whom he appoints.

I must say in passing, however, that if there has ever been or ever will be a Secretary in whose favor that presumption could not be indulged, it would probably be the present Secretary of the Interior.

But even in his case I would assume, and I think I do no violence to the truth in assuming, that he would appoint no man except with reference to his fitness. That he will appoint them without reference to their politics I do not believe, and I venture to say that in some mysterious way when these men are selected with reference to their fitness and without reference to their politics, nine of every ten will turn out to be Republicans.

Let us avoid this sheer hypocrisy. Let the Secretary of the Interior make these appointments under the great responsibility of his office. He is going to appoint Republicans. Of course if this provision becomes the law he ought not to appoint Republicans; he ought not to know the politics of the appointee, but somehow or somehow else Republicans will get the places. I would leave it out, and whether they be short appointments or long appointments I would allow the Secretary of the Interior to make them according to his best judgment.

We had many years of clean and successful administration before the dream of this civil-service fraud ever vexed the brains of Senators and Representatives in Congress, and we never had worse scandals than we have been inflicted with since it has been in force. No scandal affecting the Post-Office Department was worse in the old days of the proclaimed spoilsmen than that under the civil-service regulations of the last few months or years.

When you go to your constituents you do not ask them to elect you to the Senate with reference to your fitness and without reference to your politics. Of course you expect them to examine into the question of your fitness, but you also invite them to examine into the question of your politics. There is not a Senator here who would be here to-day except he professed either one political creed or the other. Now and then, in times of peculiar stress or under peculiar conditions, a man reaches the Senate denying a membership in either party, but he seldom stays here very long.

One term of a political nondescript satisfies any constituency in America. The American people are thorough-going partisans; and so are we partisans, because we believe the success of our party best promotes the interest of our country. No man with intelligence enough to be a Senator is a Republican or a Democrat purely because of his association or purely because of the State or section in which he lives. I do not underrate the influence of environment upon us all. No man has ever been great enough to wholly escape that influence. But making due allowance for that, you are Republicans because you believe Republican policies and Republican principles conduce to the highest and best interest of the country; and we are Democrats for the same reason.

We do not think it any disparagement of our patriotism that we proclaim our partisanship; and if it be no disparagement of a Senator's patriotism to be a partisan, it ought not to disparage the patriotism or the competency of a forest-reserve agent to be a partisan.

Party spirit is not necessarily evil in its influence; it is sometimes like a storm lashing the waves of public opinion into a white rage, as it were, and at the same time it purifies while it agitates. Partisanship never runs too high to please me, provided always that it be based upon intelligent conviction.

I am not able to discriminate between the partisanship of a United States Senator and the partisanship of a forest-reserve agent. He is entitled to have his politics considered the same when he applies for an humble appointment as we are to have our politics considered when we apply for an office second only to the highest within the gift of the people of this great Republic, and we do violence to our own belief as applied to our own cases when we deny these humble officers or servants of the Govern-

ment the right to have their politics considered the same as we have ours.

Of course I know that a certain class of well-educated and well-meaning but misguided people have succeeded in making the country, or at least a large part of it, believe that there is some virtue in destroying the political beliefs of men who serve the Government. It is not for me at this time to follow the system of reasoning by which they have led the people to this conclusion. They seem to think it injuriously affects the destiny of this Republic if a man, whose mere duty it is to make an entry in the books, proclaims himself a partisan and asks that he be permitted to keep the books under a Republican Administration because he is a Republican. My own belief is that it makes precious little difference in the destiny of this Republic who keeps the books, provided they are correctly kept. But it makes a great difference in the organization and discipline of a party whether it puts its own men or its enemies on guard.

To divide with the party in power its responsibility is to destroy the theory of a partisan Administration. We have recently seen the effect of this. When we charge that the Post-Office Department is corrupt, you answer, "Yes: but one of the corruptionists was appointed by your side and continued by ours."

I do not think that there is any more certain way to debauch the mind of a weak man than to let him believe he has his position for life. Let him feel that he is there amenable only to the remote and contingent circumstance that he may be removed for cause, and straightway he begins to tread not "the narrow and straight," but the wide and devious paths. Any man with sense enough to cast an intelligent ballot can learn to perform almost any duty in these Departments within six months, and the best thing that could happen to them is, every time the Administration changes, to send them back to become private and useful citizens rather than to keep them here to become pensioners upon people who work.

It is only a question of time, if you keep up your civil-service law, until you have a civil pension list. One will follow the other as surely as time runs. There is not a session of Congress now in which bills are not introduced to pension almost every class of Government employees. Nobody proposes to pension the people who pay the taxes with which the Government pays the salaries of these gentlemen, but everybody who serves the Government will secure a civil pension sooner or later, and the peculiarity of it all is that the first to get a civil pension, or what we will call a retired pay, are those who hold by the surest tenure and for the longest time. You started, in the case of the Army and Navy, during the war. Nobody defended that as a matter of abstract justice then. In those terrible days it was found that some who had been long in the service were not quite fit for the stubborn work before them, and in order to avoid wounding their sensibilities the retirement act was passed.

Next you provided for the retirement of Federal judges, who hold for life at a salary equal to ours. They have no expenses of election; they have a bond against accident and mischance; and yet when they have served shorter than many Senators here have served, and while they are younger than many men whose services are still of inestimable value to the Republic, they can retire, and without working still continue to draw the people's pay.

Step by step we go on until now with your civil service perpetuating men in these minor offices every Congress is confronted with propositions to retire them, too. That is as certain to come as that you continue your civil service.

Instead of teaching these men that once in the service of the Government they are never again to be other than Government officials, let them be taught the manly and self-reliant idea that they take their chances with their party, and when their party goes out of power they go out of office. That is the better view, and that is the view that ought to be inculcated. That would leave an officer of the Government still a citizen.

But under this new view, when you appoint him to an office you practically decitizenize him, you make a political eunuch of him; and if he attends his party's primary and undertakes to exert a citizen's proper influence upon the councils of his own party, he may be drawn up by some supersensitive superior official and told that by trying to serve his party, and thus to serve his country, he is offending against the law under which he holds his office.

Mr. HALE. May I interrupt the Senator?

Mr. BAILEY. Certainly.

Mr. HALE. Mr. President, I fully agree with a great deal of what the Senator says. I think there is broad, common sense, there is a great deal of practical wisdom in it. I fully appreciate the aggressive and selfish policy pursued by those in charge of what is called the civil-service examinations, who have arrogated to themselves almost every place in the public service and who are watching day and night for every little office that is found anywhere in order to bring it within their charge and control. While I appreciate that, does the Senator think that there is in the present condition the slightest chance of the policy which he is advocating being adopted by Congress?

Mr. BAILEY. I regret to say that I do not think there is.

Mr. HALE. Is there not a sort of pall resting upon men in the public service—in Congress—that has, does now, and will prevent their voting in accordance with what many believe ought to be done? We have instances in every Congress when the appropriation for the Civil Service Commission comes up—not here, but in another body, In the Committee of the Whole the Civil Service Commission is blamed, derided, censured, and on a viva voce vote has no friends, but when the roll call is resorted to and the public record is made, all that changes, and nothing can be done. We have tried here—I have tried—to restrain, to put some limit on the encroachments of the Civil Service Commission. I think the majority of Senators feel as the Senator from Texas does about it—that it ought to be done—but in the present condition we can not get the Members of the House of Representatives or Senators to vote that way. Is not the Senator just as profoundly convinced of that as I am?

I do not know that I will keep the Senator from Texas from going on longer, although I should like to have him—if he is so inclined, with the resources of his mind and with the thoughtful and investigating way he has of examining subjects—give me some light on why it is that this pall rests upon this Congress, on this body as much as on the other, and why nothing can be done?

Mr. BAILEY. Mr. President, while a Member of the House of Representatives I voted to withhold the salaries of the Civil Service Commissioners—not a very proper way of reaching the desired result, but the only way. I did not even then lay the "flattering unction" to my soul that without the salaries the Commissioners would resign their places, because I knew perfectly well that so long as the law created the office they could continue to serve and the Government would owe them the salaries unless Congress expressly repealed the law, because the Court of Claims has held that merely withholding salaries neither abolishes the office nor cancels the Government's obligation.

Mr. HALE. They can bring suit and collect their salaries.

Mr. BAILEY. They can bring suit and collect their salaries. That is good law, and perhaps my method was not exactly a good parliamentary practice, but it was the only one open, and I availed myself of it.

While, Mr. President, I am pursuing this thought, I want to say that, though I agree with a great many Senators and Representatives in opposition to the civil-service law, I would perhaps find myself at variance with them if that law were repealed. If I had my way, I would repeal the civil-service law, and then I would forbid any member of either branch of Congress to solicit any appointment from the President or from any Department.

Mr. SPOONER. Do you think, then, you would ever get back to the Senate?

Mr. BAILEY. I think I would. When I had the honor to serve in the House of Representatives under an Administration elected by my party, I had some differences with that Administration, and they, as they had a right to do, denied me all participation in appointments. I frankly stated that to the people who had honored me with their confidence, and declined to make recommendations on the ground that it would do the applicant more harm than good, and that as a matter of self-respect I would not make any recommendations to an Administration which would not consider them. I do not believe in doing this I alienated a sincere friend or lost a single desirable vote. I discovered then, as you have discovered before and since, that the distribution of patronage upon the recommendation of Representatives and Senators is, first of all, a fruitful source of division and irritation in the delegations from every State. The Senators are frequently, and, as I believe, very justly, charged with taking too much. That creates a kind of friction between the Members of the House and the Senators from a given State.

Then it unfortunately often falls out that the Senators themselves disagree, and this intensifies a disagreeable friction. It sometimes happens that both of the Senators disagree with the President, and then we find political consequences growing, not out of differences upon great issues, but out of the unimportant question of who shall be the collector of a certain port or the postmaster at a certain town.

Not only are these Congressional appointments a fruitful source of irritations and divisions, but they occupy a great deal of time which could be spent to much better advantage in the preparation for and in the performance of our proper duties.

The appointment to office is purely an executive and not a legislative function. True enough, the Constitution of the United States does partly make it a legislative function by providing that as to many appointments the Senate must consent and advise; but that was purely and only because the framers of the Constitution distrusted the power of a single man and were unwilling to give the President the power that executives in other countries have

always possessed. But, except in the exercise of our constitutional right of advising and consenting to appointments, the distribution of patronage is an executive and not a legislative act.

Every Senator here would greatly relieve himself if he refused to attempt a participation in that executive act. If Senators were to refuse to do so, as the law now stands their constituents would probably condemn them; but the people of the country would approve a law that would remove all friction between the Executive and his party in Congress on account of patronage disagreements.

More than that, Mr. President, it frequently happens that a Representative or a Senator is coerced against his better judgment to recommend the least desirable applicant. Senators, almost without exception, are men of great intellect and high character, and yet they are human. If two men apply for a Senator's indorsement, one more competent who has been his political enemy, and another less competent who has been his political friend, is there a Senator here who will profess that peculiar virtue which denies his friend and accepts his enemy?

I would not trust such a Senator, because fidelity to a man's friends is akin to fidelity to his principles, and a man who will abandon a friend is apt to desert a principle under pressure. If we performed our legislative and declined to participate in the executive functions of the Government, we would relieve ourselves from such positions.

It will be asked, as it often has been asked, how the appointments could be made. They would be made by the party organization in the various States. Any man of fair intelligence can take the papers and tell who is the most acceptable applicant.

In the case of an appointment for a post-office in a county, any man disinterested and without a personal acquaintance who takes the papers and finds an applicant indorsed by the county committee and by leading citizens of various occupations will be left in no doubt as to who is the most acceptable appointee. Being free from political and personal obligation and without preferences and prejudices, he will make the best appointment, while it often happens that we are constrained to make the worst one in order to satisfy our sense of obligation to our friends.

But, Mr. President, I must not suffer myself to be drawn further into this discussion. I merely rose to point a moral by the spectacle of a Republican Senate implying that a Republican Secretary would appoint men without reference to their fitness and with reference to their politics. If it suits the majority to leave this in the bill, I suppose we ought not to complain; but I want to say to the civil-service reformers on both sides that this provision itself is a subterfuge. Under the bill as it came from the House these appointees were under the civil-service regulations, and the Committee on Appropriations has had the skill to take them out, and yet placate the civil-service reformers of the country by providing that appointments shall be based on personal fitness and not on politics.

Mr. GALLINGER. Will the Senator permit me to ask him a question before he takes his seat?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. BAILEY. Certainly.

Mr. GALLINGER. I have been hoping ever since my membership in this body that some lawyer, distinguished as the Senator from Texas [Mr. BAILEY] is, would address himself to a certain phase of the so-called "civil service."

The original act, and the only act there is upon the statute book, was passed in 1883, as I recall it. That act took care of a limited number of clerks in the Departments. Since that time it has been enlarged to sweep in probably 150,000, and perhaps more, extra employees, and that has been done by Executive order.

For the purpose of making this specific, I want to call the Senator's attention to a little document that I had printed in answer to a resolution a year ago or thereabouts, addressed to the Postmaster-General, asking him to give the names and the term of service of between three and four hundred employees in the delivery service of the city post-offices. The information was furnished to me, and I found that about fifty of them had served twelve days; one of them had served two days; some of them had served a year, and some two years, but a great many of them—in fact, the bulk of them—had served less than three months. They were appointed at the solicitation of somebody, I do not know who——

Mr. BAILEY. The Senator might get the Post-Office Department to inquire concerning the recommendations of Representatives and Senators on that point.

Mr. GALLINGER. These three or four hundred persons were appointed at the solicitation of somebody; and one day the President sat down, and, by an Executive order, put them under the civil service. As I said, the Senator will find that some of them were not over two days in the service. They are there, and will probably be allowed to stay there until they get aged enough and decrepit enough to go on that civil list which the Senator thinks will be some time a reality, but which I hope never will happen.

Mr. BAILEY. But which the Senator thinks will happen.

Mr. GALLINGER. It is very strongly advocated at the present time by some of our high officials in the Government.

As I suggested, tens of thousands of these people are under civil service by Executive order. In other words, it seems to me, as a layman, that we have delegated to the Executive the power of making law; and under that same system the President can suspend this law and put into office, without examination, an individual—a thing which has frequently been done.

It has seemed to me that that was worthy the attention of some distinguished lawyer, and that he might by way of enlightenment tell us what he thinks about a law that is so elastic that it can be extended by Executive order and suspended by Executive order.

Mr. BAILEY. Mr. President, it is now *too late* in the afternoon to enter upon that, and yet it is a very inviting theme. Except for the fact that I do not desire to delay this bill, I would address myself to that question to-morrow morning.

Without attempting to enter upon a discussion of the legal principle involved, I would be very much more apt to hold that Congress could not regulate in any way the power of the President to appoint officers, except by withholding our consent and advice, than I would be to object to the President making orders according to which he would make appointments.

In common with many who think they understand the law, I still believe the original civil-service law trenches upon the just and constitutional authority of the President. The Constitution gives him the power to appoint the officers of the United States, providing that wherever Congress saw fit it might vest their appointment of inferior officers in the heads of the Departments or in the courts of law. For every officer that Congress provides, and whose appointment is not lodged in the courts or in the head of a Department, the President has the constitutional right of appointment; and I have never yet been able to reconcile my mind to a decision that allows Congress to hedge about his power of appointment with restrictions that practically compel him to surrender it to a civil-service board. His power of appointment is absolute, with the only limitation on it of the power of this Senate to reject.

This Civil Service Board is unknown to the Constitution and obnoxious to it, in my opinion. Therefore I would not be so well prepared to criticise the President for making orders suspending a law which unconstitutionally abridges his power as I should be to criticise Congress for making laws intended for such a purpose.

However, the constitutionality of the civil-service law is not, I suppose, open now to argument or debate. It has passed into our system and become a part of it; and nothing can extirpate it unless Senators and Representatives will vote as they speak, for it is too true, as stated by the Senator from Maine [Mr. HALE], that in the debate the law has few friends and on the roll call few enemies.

Mr. COCKRELL. I should like to ask the Senator from Iowa [Mr. ALLISON] if the Senator from Texas [Mr. BAILEY] is correct in saying that these officers are now under the civil-service law and that this amendment takes them from under that law?

Mr. ALLISON. I do not so understand, but rather to the contrary. I understand that the Senate amendment leaves the people who are holding these places just where they are at the present time.

Mr. BAILEY. My idea was that without the proviso they would be under the civil-service regulations; that the proviso takes them out, in that it dispenses with examinations, etc., and authorizes their direct appointment by the Secretary of the Interior.

Mr. ALLISON. That is a very close technical point. It does not take them out. They are not in. If the House provision shall be retained, then all these people who are now serving the Government under the provisions of existing law will be obliged to cease serving it until the Civil Service Commission shall make an examination as respects their fitness. When that examination is made, of course it will be upon the idea that they are to be examined without reference to their party affiliations or associations. We endeavored as respects these remote appointees to keep as near the line as we considered practicable with the settled policy of the Government.

We therefore say in this bill that these persons shall be selected for their fitness for this particular service, which can easily be determined without a civil-service examination; and we also say what the civil-service law says, that they shall be appointed without reference to political affiliations. So, as near as we can, following the line, we are on all fours with the civil-service law.

Mr. COCKRELL. I still do not understand the Senator, if he will permit me.

Mr. ALLISON. I am sorry I am not understood.

Mr. COCKRELL. I wish to know whether the men mentioned in this provision as it came from the House are under the civil-service laws and regulations?

Mr. ALLISON. I stated, or intended to state, that they are not.

Mr. COCKRELL. Then what change does this amendment make in their status?

Mr. ALLISON. No change whatever.

Mr. COCKRELL. These men never have been, as I understand the law, subject to it. They are special agents for the investigation of land matters, and they never have been under any Administration under the civil-service law.

Mr. ALLISON. Or under any law under the civil service.

Mr. COCKRELL. Never in the world, and that is the reason why I wished to call the attention of the Senator from Texas to it, for I thought he was under the impression that this amendment would take them out. I never would have agreed to the amendment if it had taken them out from under the civil-service law if they had been put there by the President.

Mr. BAILEY. I think it is all plain. If there were no proviso, these places would be under the civil service. The Senator from Iowa agrees to that.

Mr. ALLISON. They would not be under the civil service; at least they would not now be. But after this measure shall become effective they would be examined under the civil-service law, as I understand it. Therefore, we do not intend by this amendment that these people shall either be unfit or that they shall all belong to the political party to which we belong. But we propose to go along on the regular plan of procedure, as we have gone along not only before 1883, when the civil-service law was passed, but during all the years that have passed since that time. I hope the Senator——

Mr. COCKRELL. Mr. President——

Mr. ALLISON. If the Senator will permit me for a moment, I hope the Senator from Texas will not insist in his intense views on this subject, that we shall now in the Senate legislate so that these people who are not under the civil service shall be placed there, especially after the expressions he has given us this afternoon.

Mr. COCKRELL. Let me ask for an explanation. I understand the Senator from Iowa to say that if this amendment is not agreed to, then these men will have to be examined and will practically come under the civil-service law.

Mr. ALLISON. I so understand.

Mr. COCKRELL. Where is there now any such provision?

Mr. ALLISON. In this bill.

Mr. COCKRELL. I have not been able to find it.

Mr. ALLISON. I understand that these officers——

Mr. COCKRELL. They are are not classified. There is no order of the President classifying them, and they are not mentioned in the rules and regulations of the Civil Service Commission, and it takes an order of the President classifying them in order to bring them under the civil-service law. That was the point which I wished to call to the attention of the Senator from Texas.

Mr. ALLISON. If that be true, this amendment is of no significance whatever.

Mr. BAILEY. I was so sure that the great Committee on Appropriations would not adopt an amendment that signified nothing that I believed they had a purpose in it. Now, of course, if the Appropriations Committee desire to say that they have adopted an amendment that means nothing, they are not amenable to the criticism I have made, but subject to another kind.

Mr. President, I desire, in connection with what I said about the power of Congress to establish a civil-service commission, especially to exclude the idea that I doubt the power of Congress to prescribe the qualifications of such officers as it might provide for. In other words, having created an office, I have no question that Congress can prescribe the qualifications of the person who is to fill it. But having created the office and prescribed the qualifications, then I doubt the power of Congress to control the President's appointment, except to the extent of the Senate's constitutional right of advising and consenting.

Mr. FORAKER. If it is in order, I wish to offer an amendment to the pending bill, which I ask to have read and printed, and then that it may lie on the table.

The PRESIDING OFFICER. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 88, after the word "fares," in line 5, it is proposed to insert:

*And provided further*, That persons in the employ of the Departments at Washington as unclassified laborers may, in the discretion of the proper appointing officer, be treated as classified, provided they have served two years or more in a clerical or semiclerical capacity and are specially commended for classification by the chiefs of their respective bureaus, with the approval of the appointing officer, because of their faithfulness and efficiency in the positions occupied by them and because of their qualifications for the positions in which the appointing officers desire their retention.

The PRESIDING OFFICER. The amendment will be printed and will lie on the table.

MARY HEANEY.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 13850) granting an increase of pension to Mary Heaney and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCCUMBER. I move that the Senate insist on its amendment and agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. PATTERSON were appointed.

PUBLIC BUILDING AT LOS ANGELES, CAL.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4453) to amend section 17 of the act of Congress approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," as follows:

On page 1, line 10, after "empowered," to insert "either;" on page 2, line 3, after "of," to strike out down to and including "otherwise," in line 12; on page 2, line 17, after "exceed," to strike out "two hundred thousand" and insert "one hundred and seventy-five thousand;" on page 2, lines 23 and 24, to strike out "two hundred thousand" and insert "one hundred and seventy-five thousand;" on page 3, lines 3 and 4, to strike out "two hundred thousand" and insert "one hundred and seventy-five thousand."

Mr. PERKINS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 16, 1904, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

FRIDAY, *April 15, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

RETIREMENT OF NATIONAL-BANK NOTES.

Mr. BARTLETT. Mr. Speaker, I call up House resolution 311, and ask that the Committee on Banking and Currency be discharged from its consideration, and that the resolution be considered as a privileged resolution.

The SPEAKER. The gentleman from Georgia moves to discharge the Committee on Banking and Currency from the consideration of the resolution which the Clerk will report.

The Clerk read the resolution, as follows:

*Resolved*, That the Secretary of the Treasury of the United States is hereby directed to furnish to the House the following information:

The names of the national banks which, during the months of September, October, November, and December, 1903, respectively, and during the months of January, February, and March, 1904, respectively, applied to the Secretary of the Treasury for the retirement of the national-bank notes of such banks in circulation, the amount which each of said banks applied to have retired during the months named, and the amount of the notes in circulation, issued by each of said banks, which was retired during the months stated.

The motion was agreed to.

The resolution was agreed to.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

CURRENCY CONDITIONS.

Mr. BARTLETT. Mr. Speaker, on Monday last I got permission to file the views of the minority upon the bill (H. R. 4831) to improve currency conditions, a bill reported from the Committee on Banking and Currency. The time expires to-morrow. I desire the information called for in the resolution just adopted, if I can get it, to incorporate in those views. I am not physically able to complete the work within the time limited, and I ask permission of the House that I may have until and during Monday next to file those views.

The SPEAKER. The gentleman asks unanimous consent that the time to file minority views on the bill indicated be extended until and during Monday next. Is there objection?

There was no objection.

MARY HEANEY.

The SPEAKER laid before the House the bill (H. R. 13850) granting an increase of pension to Mary Heaney, with a Senate amendment thereto.

On motion of Mr. SULLOWAY, the House disagreed to the Senate amendment and asked a conference with the Senate; and the Speaker appointed as conferees on the part of the House Mr. CALDERHEAD, Mr. BRADLEY, and Mr. SNOOK.

ALEXANDER HARDY.

The SPEAKER laid before the House the bill (H. R. 6916) granting an increase of pension to Alexander Hardy, with a Senate amendment thereto.

On motion of Mr. SULLOWAY, the House concurred in the Senate amendment.

JOHN RYAN, ALIAS JOHN CONNELL.

The SPEAKER laid before the House the bill (H. R. 721) granting an increase of pension to John Ryan, alias John Connell, with a Senate amendment thereto.

On motion of Mr. SULLOWAY, the House concurred in the Senate amendment.

WIDENING OF V STREET NW.

The SPEAKER laid before the House the bill (S. 2621) for the widening of V street NW., with a House amendment thereto nonconcurred in by the Senate.

On mot on of Mr. BABCOCK, the House insisted on its amendment and agreed to the conference asked by the Senate; and the Speaker appointed as conferees on the part of the House Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana.

MARY M'LAIN WYLLYS.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES,
*April 14, 1904.*

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1243) granting a pension to Mary McLain Wyllys.

The SPEAKER. Without objection, the request of the Senate will be complied with.

There was no objection.

SARA A. WARDELL.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES,
*April 14, 1904.*

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5223) granting a pension to Sara A. Wardell.

The SPEAKER. If there be no objection, the request of the Senate will be complied with.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5436. An act for the relief of the Grand Rapids and Indiana Railway Company:

S. 4682. An act for the relief of Henry Bradley;

S. 3197. An act for the relief of H. H. Thornton and Ben D. Rochblaive;

S. 4636. An act to validate certain original homestead entries and extend the time to make final proof thereon;

S. 5408. An act to provide for the care and support of insane persons in the Indian Territory;

S. 5420. An act for the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minn.; and

S. 5369. An act to extend to Peoria, Ill., the privileges of the seventh section of the act of Congress approved June 10, 1880, governing the immediate transportation of merchandise without appraisement.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following concurrent resolution and Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution No. 66:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the harbor at Oconto, in the State of Wisconsin, with a view of obtaining a depth of 18 feet and ascertaining the necessity for providing an interior basin outside the river channel to be used for a harbor—

to the Committee on Rivers and Harbors.

S. 5408. An act to provide for the care and support of insane persons in the Indian Territory—to the Committee on Appropriations.

S. 5420. An act for the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minn.—to the Committee on Indian Affairs.

S. 5369. An act to extend to Peoria, Ill., the privileges of the seventh section of the act of Congress approved June 10, 1880, governing the immediate transportation of merchandise without appraisement—to the Committee on Ways and Means.

S. 3197. An act for the relief of H. H. Thornton and Ben D. Rochblaive—to the Committee on Claims.

S. 4682. An act for the relief of Henry Bradley—to the Committee on the Judiciary.

S. 5436. An act for the relief of the Grand Rapids and Indiana Railway Company—to the Committee on Claims.

PUBLIC BUILDING SITE, LOS ANGELES, CAL.

Mr. McLACHLAN. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (S. 45 3) to amend section 17 of the act of Congress approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes."

*Be it enacted, etc.*, That section 17 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be, and the same is hereby, amended to read as follows:

"SEC. 17. That the Secretary of the Treasury be, and he is hereby, authorized and empowered to enlarge the public-building site belonging to the United States in the city of Los Angeles and State of California by the acquisition, by purchase, condemnation, or otherwise, of all of that portion of the remainder of the block lying to the west of the alley in the block in which said public-building site is located: *Provided*, That the same can be acquired at a cost of not to exceed $225,000. In the event that said additional land can not be acquired within said sum of $225,000, the Secretary of the Treasury is hereby authorized and empowered either to acquire, by purchase, condemnation, or otherwise, any additional land in said block which, together with the public-building site belonging to the United States therein, he may deem suitable, sufficient, and necessary for the public building hereinafter authorized to be erected: *Provided*, That the same can be acquired at a cost of not to exceed $200,000; or, at his discretion, to acquire, by purchase, condemnation, or otherwise, a new site in said city of Los Angeles for said public building, and for such purpose, either at his discretion to sell the present public-building site and to apply the net proceeds derived from such sale toward the purchase of said new site in said city of Los Angeles, the limit of cost of which is hereby fixed at $ 00,000, together with an amount in addition thereto equal to the sum derived from the sale of the present site, or to exchange the present site, or any part thereof, in part or full consideration of and for such new site, and to expend in addition thereto the said sum of $200,000, or so much thereof as may be necessary for the purpose.

"That upon the present site, when so enlarged, or upon the new site, when acquired, the Secretary of the Treasury is authorized and directed to cause to be erected a suitable and commodious fireproof building for the use and accommodation of the United States courts, post-office, and other Government offices in said city of Los Angeles, at a total cost of not to exceed $850,000, inclusive of the cost of additional land or a new site.

"That the unexpended balance of the appropriation of $100,000 contained in section 3 of the act of Congress approved March 3, 1899, entitled 'An act to increase the limit of cost for the erection of a public building at Stockton, Cal., and making provision for the acquisition of additional land, or a new site therefor, and to provide for an addition to the public building at Los Angeles, Cal., and appropriating money therefor,' together with the unexpended balance of the appropriation for 'court-house and post-office at Los Angeles, Cal.; for completion of addition to present building under present limit, $150,000,' are hereby covered into the Treasury as miscellaneous items. Authority is hereby given to the Secretary of the Treasury to settle and adjust any claims for damages due to the abrogation of certain contracts under former appropriations for a public building at Los Angeles, provided the amounts thereof can be liquidated for such sums as in his opinion are just and reasonable, and the sum of money sufficient to cover such adjustments and settlements shall be paid from the amount herein authorized. The Secretary of the Treasury is hereby further authorized and empowered to enter into contracts for the erection of the building herein authorized within the limit of cost hereby fixed."

The amendments recommended by the committee were read, as follows:

In line 10, page 1, after the word "empowered," insert the word "either."

In page 2, line 3, after the word "of," strike out the words "all of that;" also strike out lines 4, 5, 6, 7, 8, 9, 10, 11, and the word "otherwise," in line 12; also on page 2, line 17, after the word "hundred," insert the words "and twenty-five;" so that it will read "that the same can be acquired at a cost of not to exceed $225,000."

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I want to ask if the gentleman proposes to amend this bill?

Mr. McLACHLAN. If the Speaker pleases, I would like to offer one or two amendments.

Mr. PAYNE. I have seen the gentleman's amendments, and with the amendments the bill, as I understand, makes no increase in the limit of cost either of the site or building, but simply allows the Government to buy another site not connected with the present site. The old law contained a provision which allows the Government to buy an addition to the present site, and this law would simply allow them to buy land not connected with the present site, but in another locality, and, as I understand, the gentleman desires to make this amendment.

Mr. McLACHLAN. I desire to make this amendment: On page 2, line 16, strike out "$225,000" and insert "$175,000;" in line 24 strike out "$200,000" and insert "$175,000;" and in line 4, page 3, strike out "$200,000" and insert "$175,000."

Mr. PAYNE. With these amendments, I would have no objection to the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman has offered his amendments, which the Clerk will report.

The Clerk read as follows:

On page 2, lines 16 and 17, strike out "$225,000" and insert "$175,000;" in line 24 strike out "$200,000" and insert "$175,000;" and in line 4, page 3, strike out "$200,000" and insert "$175,000."

The SPEAKER. The question is on agreeing to the amendments to the committee amendment.

The amendments to the committee amendment were agreed to.

The committee amendment as amended was agreed to.

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from California.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MCLACHLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL CIRCUIT JUDGE IN FIRST JUDICIAL CIRCUIT.

Mr. POWERS of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 7279.

The bill was read, as follows:

A bill (H. R. 7279) for an additional circuit judge in the first judicial circuit.

*Be it enacted, etc.*, That there shall be in the first judicial circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction now prescribed by law in respect to the present circuit judges.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman if this is a unanimous report from the committee?

Mr. POWERS of Massachusetts. It is a unanimous report from the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

On motion of Mr. POWERS of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF OBSOLETE ORDNANCE TO THE CITY OF BOSTON.

Mr. MCNARY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 4576) transferring the custody of certain obsolete ordnance to the city of Boston.

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to deliver, if the same can be done without detriment to the Government, to the city of Boston, in the State of Massachusetts, through its park commissioners, four 15-inch Rodman guns, cast iron; thirteen 10-inch Rodman guns, cast iron; one 10-inch mortar, seacoast, cast iron; four barbette carriages, wrought iron, for 15-inch Rodman gun; thirteen barbette carriages, wrought iron, for 10-inch Rodman gun; one carriage, iron, for 10-inch seacoast mortar; said guns and carriages now forming a part of the armament of Fort Independence, on Castle Island, Boston Harbor, to be retained in said fort for use in the improvement and beautification of Castle Island, belonging to the United States, permission to do which in connection with a public park was granted to the city of Boston by joint resolution approved May 1, 1880 (Vol. 26, Stat. L., p. 671). And should at any time the said guns and carriages be not required for the purpose now authorized they shall be returned and delivered to the United States at such point as the Secretary of War may designate, and the care of said guns and carriages shall be at the expense of the city of Boston while in the possession of said city for the park purposes hereinbefore set forth.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MCNARY, a motion to reconsider the vote by which the bill was passed was laid on the table.

DETAIL OF RETIRED OFFICERS.

Mr. GARDNER of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of a Senate bill with a House amendment.

The Clerk read as follows:

A bill (S. 1399) to amend section 1225 of Revised Statutes, so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1399) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

Whereas the national defense must depend upon the volunteer service of the people of the several States; and

Whereas those schools which shall adopt a system of military instruction are entitled to the assistance of the Government in order to secure to the United States such a knowledge of military affairs among the youth of the country as will render them efficient as volunteers if called upon for the national defense: Therefore,

*Be it enacted, etc.*, That section 1225 of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail under the provisions of that act, and in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of said act, such retired officers and noncommissioned officers of the Army and Navy of the United States as in his judgment may be required for that purpose to act as instructors in military drill and tactics in schools of the United States where such instructions shall have been authorized by the educational authorities thereof, and where the services of such instructors shall have been applied for by said authorities.

SEC. 2. That no detail shall be made under this act to any school unless it shall pay the cost of commutation of quarters of the retired officers or noncommissioned officers detailed thereto and the extra-duty pay to which they may be entitled by law to receive for the performance of special duty: *Provided*, That no detail shall be made under the provisions of this act unless the officers and noncommissioned officers to be detailed are willing to accept such position: *Provided further*, That they shall receive no compensation from the Government other than their retired pay.

SEC. 3. That this act shall take effect immediately.

The amendments recommended by the committee were read, as follows:

Strike out the preamble, which is as follows:

"Whereas the national defense must depend upon the volunteer service of the people of the several States; and

"Whereas those schools which shall adopt a system of military instruction are entitled to the assistance of the Government in order to secure to the United States such a knowledge of military affairs among the youth of the country as will render them efficient as volunteers if called upon for the national defense: Therefore,"

Add after the word "pay," at the end of line 19, page 2 of the bill, the following:

"SEC. 3. That the Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government and which can be spared for that purpose, upon the approval of the governors of the respective States, such number of the same as may be required for military instruction and practice by such school, and the Secretary shall require a bond in each case for double the value of the property for the care and safe-keeping thereof and for the return of the same when required."

Also strike out the figure "3," in line 20, page 2 of the bill, and insert in lieu thereof the figure "4," making it read "Sec. 4."

Mr. RODEY. Mr. Speaker, I would ask the gentleman in charge of the bill if he would permit it to be amended so as to include the Territories in sections 2 and 3? This is a splendid act, and we have long wanted such a bill, to include the Territories.

Mr. GARDNER of Michigan. Mr. Speaker, this bill is unanimously reported by the Committee on Military Affairs.

Mr. HULL. I think there would be no objection to that amendment. It is all with the consent of the retired officers of the Army. There is no objection to it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 8, after the words "United States," insert "and Territories."

On page 3, line 2, after the word "States," insert "and Territories."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments of the committee were agreed to.

The amendment of Mr. RODEY was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. Without objection, the preamble will be amended as recommended.

There was no objection.

The question was taken; and the bill was passed.

On motion of Mr. GARDNER of Michigan, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIGHT-HOUSE AND FOG SIGNAL AT DIAMOND SHOAL, NORTH CAROLINA.

Mr. SMALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 7264.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of the following bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7264) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras.

Mr. STEVENS of Minnesota. Mr. Speaker, I would ask the gentleman from North Carolina if this is the bill reported from the Committee on Interstate and Foreign Commerce for the construction of a light-house at Diamond Shoal?

Mr. SMALL. Yes, sir.

Mr. STEVENS of Minnesota. Then, Mr. Speaker, I feel constrained to object, because a minority of that committee desire consideration of that bill, so there can be a full debate and Congress may understand what the bill means.

Mr. HEPBURN. Just a moment. Could not that occur now by consent?

Mr. STEVENS of Minnesota. Yes, sir.

Mr. HEPBURN. Then I hope the gentleman will modify his request so that the bill may be considered in the House. I do not think, Mr. Speaker, it will occupy a great deal of time.

The SPEAKER. The gentleman modifies his request so as to make the bill upon the same footing as a bill reported from a privileged committee.

Mr. SMALL. I understand that is by the suggestion of the chairman of the committee?

The SPEAKER. Is there objection?

Mr. STEVENS of Minnesota. Mr. Speaker, a parliamentary inquiry. What time would be allowed for debate and how would it be controlled?

The SPEAKER. It would be entirely subject to the will of the House when it is taken up, and it will be in order to call it up at any time and be subject to the previous question and consideration just as other bills. Is there objection? [After a pause.] The Chair hears none.

MISSOURI, KANSAS AND OKLAHOMA RAILROAD COMPANY.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 13692) permitting the Missouri, Kansas and Oklahoma Railroad Company to sell its railroads and properties to the Missouri, Kansas and Texas Railway Company.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Missouri, Kansas and Oklahoma Railroad Company may sell and convey to the Missouri, Kansas and Texas Railway Company, and the latter company may purchase the railway of the said Missouri, Kansas and Oklahoma Railroad Company, extending from Stevens, in the Cherokee Nation, to Guthrie, in Oklahoma Territory; and from Osage Junction, in the Osage Reservation in Oklahoma Territory, to Wybark, in the Creek Nation, in the Indian Territory; and from Fallis, in Oklahoma Territory, to Oklahoma City, in Oklahoma Territory; and from said Oklahoma City to Lehigh, in the Choctaw Nation, in the Indian Territory; and the rights, privileges, and franchises pertaining thereto; such sale and conveyance to be made upon such terms as may be agreed upon by the board of directors of the respective companies.

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

On motion of Mr. CURTIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIFE-SAVING STATION, SUSSEX COUNTY, DEL.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from Delaware asks unanimous consent for the present consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7634) to establish a life-saving station in Sussex County, State of Delaware.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on the coast of Delaware between Indian River Inlet and Fenwicks Island life-saving station at such point as the General Superintendent of the Life-Saving Service may recommend.

The amendments were read, as follows:

On page 1, in line 5, after the word "Fenwicks," insert the word "Island."

On page 1, in line 6, after the word "station," insert the words "at such point."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. HOUSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM ACROSS THE MISSISSIPPI RIVER BETWEEN THE COUNTIES OF STEARNS AND BENTON, MINN.

Mr. BUCKMAN. Mr. Speaker, I would like to call up the bill H. R. 14413 and ask unanimous consent for its consideration.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14413) permitting the building of a dam across the Mississippi River, between the counties of Stearns and Benton, in the State of Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The bill as amended was read, as follows:

*Be it enacted etc.*, That the consent of Congress is hereby granted to the Watab Rapids Power Company, a Minnesota corporation, its successors or assigns, to construct and maintain across the Mississippi River a dam and works necessary incident thereto for water power and supply purposes at any point not less than 400 feet above the mouth of Watab River, between section 21, in township 125 north, range 28 west, in Stearns County, and section 9, in township 36 north, range 31 west, in Benton County, Minnesota, which may be approved by the Chief of Engineers and the Secretary of War: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the aforesaid Watab Rapids Power Company, its successors or assigns, shall not deviate from such plans after such approval, neither before nor after the completion of said structures, unless the modification of said plans has been previously submitted to and received the approval of the Chief of Engineers and the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interests of navigation.

SEC. 2. That suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained at said dam by said corporation, its successors or assigns.

SEC. 3. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the State of Minnesota, and in the courts of the United States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structure from the operation of the same.

SEC. 4. That the right to amend, alter, or repeal this act is hereby expressly reserved; and the act shall become null and void unless the construction of the said dam is commenced within one year and completed within three years from the date of approval thereof.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BUCKMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

TUNNELS UNDER THE CHICAGO RIVER AN OBSTRUCTION TO NAVIGATION.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 4483) declaring the tunnels under the Chicago River an obstruction to navigation, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the tunnels under the Chicago River in the State of Illinois at La Salle street, Washington street, and near Van Buren street, in the city of Chicago, in said State of Illinois, are, and each of them is hereby, declared to be as now constructed an unreasonable obstruction to the free navigation of said Chicago River, and each of said tunnels is hereby declared to be a public nuisance. And it shall be the duty of the Secretary of War to give notice to the persons or corporations owning or controlling said tunnels, or any of them, so to alter the same as to render navigation over said tunnels free, easy, and unobstructed, and in giving such notice he shall specify the changes recommended by the Chief of Engineers that are needed to be made in order that said tunnels, or any of them, shall not thereafter be an obstruction to navigation, and shall prescribe in each case a reasonable time in which to make said changes. If at the expiration of such time such changes have not been made, the Secretary of War shall forthwith notify the United States district attorney for the northern district of Illinois, in which said tunnels are situated, to the end that the criminal proceedings hereinafter prescribed may be taken. If the person or persons, corporation or corporations, owning or controlling any of the said tunnels shall, after receiving notice to that effect, as hereinbefore required, from the Secretary of War, and within time prescribed by him, fail or refuse to remove the same or to make the changes specified in the notice of the Secretary of War, such person or persons, corporation or corporations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $10,000; and each and every month such person or persons, corporation or corporations, shall remain in default in respect to the removal or alteration of such tunnel shall be deemed a new offense and subject the person or persons, corporation or corporations, so offending to the penalty herein prescribed: *Provided*, That in any case arising under the provisions of this act an appeal or writ of error may be taken from the district court or from the circuit court direct to the Supreme Court either by the United States or by the defendants.

Mr. FOSTER of Illinois. Mr. Speaker, I desire to offer an amendment to the bill.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to his colleague?

Mr. MANN. Mr. Speaker, I do not yield for the purpose of offering an amendment. I ask the previous question on the bill, unless the gentleman desires some time. I am perfectly willing to yield him some time.

Mr. FOSTER of Illinois. Mr. Speaker, I desire to offer an amendment, and I do not want any time for any other purpose.

Mr. WILLIAMS of Mississippi. Mr. Speaker, has unanimous consent been granted?

The SPEAKER. It has.

Mr. MANN. Mr. Speaker, I am perfectly willing that the gentleman should have an opportunity to present his amendment, and I yield to my colleague for the purpose.

The SPEAKER. The gentleman from Illinois offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert on page 3, in line 4, after the word "defendants," the following:

"*And provided further*, That this act shall not take effect until July 1, A. D. 1906."

Mr. MANN. Mr. Speaker, I will ask the gentleman if he desires some time?

Mr. FOSTER of Illinois. I do.

Mr. MANN. How much time does the gentleman wish?

Mr. FOSTER of Illinois. Well, I can not say exactly—probably twenty minutes, maybe half an hour.

Mr. MANN. Mr. Speaker, I will yield to the gentleman for five minutes, and if he wants more time I will yield more then.

Mr. FOSTER of Illinois. Mr. Speaker, I can not present this matter in five minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I suggest that this is a very important measure, and I do not think that twenty minutes will prolong the session to-day after 5 o'clock. I hope the gentleman from Illinois [Mr. MANN] will give his colleague at least twenty minutes to present this matter.

Mr. MANN. Mr. Speaker, I yield to the gentleman for twenty minutes.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for twenty minutes.

Mr. FOSTER of Illinois. Mr. Speaker, the question involved in this bill is one of vital importance to the city of Chicago and, I might also add, to the shipping interests. I therefore respectfully ask the attention of the House for a few minutes while I present some reasons why, in my judgment, either this bill should be defeated or the amendment which I have offered be adopted. It is claimed that this bill is in the interests of commerce and for the benefit of the city of Chicago.

I will endeavor to show that the enactment into law at this particular time of a bill of this character is against the interests of the city of Chicago and will retard, rather than promote, the interests of commerce. As a prefatory statement, let me say that I live in the city of Chicago and have been raised in that city from early childhood. I am proud of Chicago, proud of the business energy and the enterprising and commercial spirit and the patriotism of Chicago's people. I am proud of the fact that I have the honor to represent a Chicago constituency on the floor of this House. I believe that I have the interest and the business and commercial welfare of Chicago as much at heart as any gentleman can have who represents a Chicago district upon this floor.

Not for one moment would I oppose any measure here the passage of which, in my judgment, would make for the material advantage of the city of Chicago or its people. Now, Mr. Speaker, nobody will dispute the fact that the tunnels under the Chicago River have within recent years been an obstruction to navigation by modern deep-draft vessels. No class of individuals are more keenly sensible to this fact, no class of individuals are more anxious to remove these obstructions, than are the authorities of the city of Chicago, the report on this bill to the contrary notwithstanding. The committee report on this bill seems to be an attack upon the city government of Chicago.

For the benefit of Members on the other side of the Chamber who may be misled by the thought that that government is a government by Democratic officials, and that the passage of the bill without amendment will subserve the interest of their political party, I want to say that while the executive officer of the city of Chicago, Hon. Carter H. Harrison, is a Democrat, the municipal legislature, the city council, the legislative body, the body that has the authority to pass ordinances, make appropriations, and direct the disbursements of public funds, is Republican and has been Republican ever since the present executive has been in the chair.

The council elected last week in the city of Chicago is Republican, so that in the consideration of this bill there ought to be no politics; it is purely and simply a business proposition, and the passage or defeat of the bill will in no way subserve the interests of any political party.

Now, Mr. Speaker, the city officials are anxious to remove the obstructions in the Chicago River. No legislation by the Congress is necessary, and no whip or lash applied by the hands of the Secretary of War is necessary to arouse Chicago or its authorities to the importance and the necessity of lowering or removing these tunnels. But there are peculiar conditions regarding the tunnels, and there are reasons, good and sufficient reasons, why the city can not remove the tunnels now and can not undertake to remove them for at least two years from the present time.

In view of those conditions I fail to understand how any Member representing a Chicago constituency and having a full knowledge and understanding of the situation can consistently press for passage a bill of this character.

Chicago, as everybody knows, is situated on the west shore of Lake Michigan. For the information of Members who are not familiar with the topography of that city, I will say that the river is centrally situated. It extends westward from Lake Michigan to a point about three-fourths of a mile distant from its mouth.

At this point the river branches or forks, so to speak, one fork extending for several miles in a northwesterly direction and the other fork extending for several miles in a southwesterly direction, thus dividing the city into three separate and distinct divisions, known as the "north side," the "south side," and the "west side." The population of the city of Chicago is approximately 2,000,000 of people. Fully 75 per cent of that population live on the north side and the west side.

The business district, in which are situated the city hall, the county buildings, the post-office and other Federal buildings, wholesale houses of all kinds, banks, railroad offices, newspaper buildings, retail department stores, and office buildings for any and all classes of business, is located on the south side.

The vast army of people, I may say, numbering up into the hundreds of thousands necessarily employed in this district, come very largely from the north side and the west side. Manufacturing plants of various kinds in different divisions of the city draw their operating forces very largely from the population of other divisions of the city, so that there is a constantly moving mass of people—it is impossible to calculate the number—going from one division of the city to another, either over the river by means of bridges or under the river by means of the tunnels mentioned in this bill. Fully 65 per cent of those people, in going to and from their daily labors, pass through the tunnels on street cars.

There are three of these tunnels. The first is at or near La Salle street, under the main channel of the river, connecting the north side with the south side. Another, the second, is at Washington street and the third at Van Buren street, the latter two being under the southwest branch of the river and connecting the west side with the south side. The tunnels are used for no purpose other than street-car transportation. They are occupied solely by the Union Traction Company.

The city of Chicago built and owns the Washington street tunnel and the La Salle street tunnel. Both of these tunnels were built long before the Federal Government declared the Chicago River to be a navigable stream. Both were built without objection on the part of the Federal authorities. On that point let me read you an extract from the report of the Committee on Interstate and Foreign Commerce, embracing a reprint of a report filed on the same matter in the last Congress, wherein the committee say:

> These tunnels were placed under the river before the General Government had any rights—that is, before it extended any authority over the subject-matter. They were placed there by the State, acting under color of law—

That is, by the city under the authority of the State—

> when the State had undisputed authority in the premises, and they are rightfully and lawfully there until Congress shall assume control of them by proper legislation.

These two tunnels are occupied by the Union Traction Company—that is to say, the street-car company—under ordinances of the city of Chicago, granting the right of use until 1906. An actual binding contract exists between the city of Chicago and the traction company regarding the use of these tunnels. A valuable consideration was paid into the city treasury for that use, and the contract has two more years to run. Hence my amendment provides that this act shall not take effect until July, 1906.

Mr. Speaker, when the naval appropriation bill was under consideration in this House a few weeks ago, I saw every man on the other side of the Chamber stand up against what your leader, the gentleman from New York [Mr. PAYNE], declared was an attempt to impair the obligation of contracts. I am a little curious to know what position you are going to take in this matter of a contract between the city of Chicago and the traction company, a contract made and entered into in good faith by both parties, while the Government, having a right through its officers and through the Senate and the House of Representatives to object, looked on and made no protest whatsoever.

Mr. GILBERT. When was that contract made?

Mr. FOSTER of Illinois. In 1886; a twenty-year contract, which expires in the summer of 1906.

Mr. GILBERT. Made before the river was declared navigable?

Mr. FOSTER of Illinois. Yes, sir; before the river was declared navigable.

Mr. BAKER. Has there been any attempt to renew those contracts—have there been any negotiations to that effect?

Mr. FOSTER of Illinois. Oh, no; not as to the tunnels.

Mr. BAKER. Then at the expiration of two years, when those contracts expire, the street cars will have no right to go through those tunnels?

Mr. FOSTER of Illinois. That is right. You have the correct idea. Now, at this time there is a controversy between the traction company on the one side and the city authorities, backed up by an almost unanimous population of the city, on the other.

The traction company's franchise in the streets of Chicago expired with the year 1903. The traction company is seeking a renewal of franchise in the streets, but upon terms which the city

authorities refuse to concede. The traction company is now using the cable system in operating its cars. It of course desires to change the operating system and to adopt the modern and less expensive electric trolley system.

The city of Chicago is very willing that the operating system shall be changed, but objects to the overhead-trolley system, with its unsightly poles and its complex system of electric wires, with the attendant danger to human life, etc., and particularly so in the downtown or business district. The city insists that whatever the system for operating the cars it shall be underground, such as we have in use here in the city of Washington, and such as is in use in other large cities.

Among other conditions that the city authorities insist upon is a provision in the franchise grant that these tunnels be lowered at the expense of the traction company, the company being the sole beneficiary and occupant of the tunnels. It is possible and quite probable and certainly is very desirable that the surface lines in the downtown or business district south and east of the river will be abolished entirely, and these tunnels, after they are lowered, be used in connection with an underground loop through the business district, so that cars when they enter the tunnels from the west side and from the north side shall make the loop and not again come to the surface until they return through the tunnels into their respective divisions of the city.

In a conversation with Alderman Bennett, chairman of the local transportation committee of the city council and, since the death of Alderman Mavor, chairman of the finance committee—both of those gentlemen were present and opposing this bill before the Committee on Interstate and Foreign Commerce—Alderman Bennett informed me that those committees have under consideration such a project, and that it will take less than a million dollars more than the cost of lowering the tunnels and extending their approaches to bring this plan into successful operation.

Now, if such a result can be brought about in these negotiations between the traction company and the city, certainly it will be a very happy solution of the transportation problem in the city of Chicago, so far as congested conditions in the downtown or business district is concerned, and pending these negotiations the city ought not to be embarrassed and a club placed in the hands of the traction company by the passage of this bill in its original form. The committee, in its report at page 7, says: "It is not at all improbable, in the opinion of your committee, that the passage of the bill may to some degree hamper the city authorities of Chicago in dealing with the traction interests there." If this be so, then the bill as reported does an injustice to the city of Chicago and is a sufficient reason for the adoption of my amendment, which provides that the bill shall not become effective until July 1, 1906.

Now, gentlemen, there is another proposition involved in this bill. What will the city of Chicago do in the event that the tunnels are abandoned altogether? This question is agitating the city of Chicago, and part of the transportation problem is how to provide other and adequate means of transportation in that event in lieu of the tunnel system. Even now traffic over the bridges which span the river is so congested that conditions are almost unbearable, and I question whether the additional burden of street-car traffic could be even temporarily sustained. Certainly great inconvenience to the whole community would follow.

If this bill is passed without amendment and the city authorities act upon it and close up the tunnels promptly when directed by the Secretary of War, what will be the result? The people living on the west side and on the north side—three-fourths of the people of Chicago—will be obliged to submit to such inconvenience that they will clamor for any sort of accommodation rather than be obliged to submit to the delay, the congested conditions, and other annoyances incident to crossing the bridges, and the result will be that while the population of Chicago are to-day unanimously behind the city administration in its fight against the traction interests, public sentiment will be reversed and the people will clamor for, and the city authorities will be compelled to make, any concessions that are demanded by the traction company and which are not only against the business interests of the city, but also against the lives and limbs of its people.

Now, I do not purpose entering upon a discussion of the merits of either side of the controversy between the city and the traction company, because it would be presuming too much upon the patience of the House and because such a discussion probably has no proper place in the consideration of this bill. But I want to say to the House that whatever the final settlement of the controversy may be, it will include a provision for the proper lowering of the tunnels. And let me say further regarding that controversy, that the traction company is now doing all in its power to harass and annoy the city authorities and to compel the passage of extension ordinances on its own terms; and while my colleague may not appreciate the fact, and I certainly do not think he intends his bill to be in the interest of the traction company, the fact is that it is in that company's interest.

The SPEAKER. The time of the gentleman has expired.

Mr. GILBERT. I ask unanimous consent that the gentleman's time may be extended five minutes.

Mr. MANN. How much time does the gentleman need?

Mr. FOSTER of Illinois. Not more than ten minutes.

Mr. MANN. I yield to the gentleman ten minutes more.

Mr. FOSTER of Illinois. The fact is that this bill might very properly be entitled "A bill to embarrass the city of Chicago and to compel the city authorities to make concessions to the traction interests."

Let us go further. The traction company, despairing of getting an immediate extension of franchise unless concessions are made to the city, has gone into court and has set up a claim for the use of the streets of Chicago under what is termed the "ninety-nine-year act," an act passed by the legislature way back in 1865—an act relating to horse railways and having no application whatsoever to modern street railroads.

The traction company has enjoined the city of Chicago from interfering with the operation of its cars until there is a full and complete adjudication of the rights of both parties under that act. The fact, however, that the traction company is still negotiating with the city authorities for an extension of franchise shows that its officials have very little faith in the strength of their position under the ninety-nine-year act. But, nevertheless, the suit has, temporarily at least, tied the hands of the city.

Meanwhile, the traction company's property has gone into the hands of receivers appointed by the United States court, and Judge Grosscup is now trying to settle the legal rights and difficulties which are matters of difference between the company and the city of Chicago. If the litigation now pending between the parties is persisted in, it will take at least three years before the Supreme Court will have finally passed upon all the questions raised, including those under the ninety-nine-year act.

Now, Mr. Speaker, in view of the fact that this contract exists between the traction company and the city of Chicago, in view of the fact that those who control the traction company are fighting the city of Chicago, have we not a right to suppose that if action is taken on the bill without amendment that we precipitate another legal contest involving the city of Chicago and the traction companies, a legal contest that will drag on for years, which will delay, Mr. Speaker, the lowering of these tunnels to a time far beyond that in which they will be lowered or removed if the city authorities of Chicago are left unhampered to deal with the proposition as they are very properly attempting to deal with it at the present time?

If the attempt is made to oust the traction company from these tunnels, they will certainly resist such action by resorting to legal proceedings in the courts, and another long drawn-out legal contest will follow, and it will be several years before the Supreme Court can finally determine the question of whether the city of Chicago and the traction companies can be forced to part with their property without just compensation as required by the fifth amendment to the Constitution of the United States.

I am not prepared, Mr. Speaker, to argue the question whether this bill violates the fifth amendment to the Constitution, but I am certain that there is sufficient force in that claim to tie this matter up for years. What Chicago wants is to avoid litigation. We want to avoid complications. We want the city authorities not to be hampered by this bill in its present form. We want their hands free and untied to deal with these traction interests in the most speedy manner possible and to hasten the lowering of the tunnels. My amendment leaves the matter in that shape.

But it is claimed that this bill simply gives the Secretary of War authority to fix a reasonable time in which the parties interested must remove or reconstruct the tunnels, and that in fixing that time the Secretary will undoubtedly take into consideration these conditions. Mr. Speaker, it does not seem proper that Chicago should be compelled to contest this matter in the office of the Secretary of War. This matter is too important to be intrusted to the judgment of any one man.

This House should definitely fix a time for official notice by adopting the amendment offered. The Secretary of War is undoubtedly a man of the highest character and integrity, but he is human, like ourselves. We do not know in what circles he has formed friendships, and we do not know how those friendships may influence his judgment in fixing a reasonable time. We prefer that the matter be settled by fixing in the bill the time that the notice shall be given, and the amendment in effect does this.

Now, Mr. Speaker, my time is running away, and I want to make this appeal to the House. In view of the fact that Chicago is doing all in its power to compel the traction interests, the sole occupants and beneficiaries of these tunnels, to lower them to a sufficient depth below the river to admit of navigation by vessels of the deepest draft, and in view of the legal complications

and delays and other complications that will undoubtedly follow the passage and attempted enforcement of this bill in its present form, I think that the wise, the prudent, and the judicious thing to do is to adopt the amendment and so leave the whole matter where it now is, with the authorities of the city of Chicago, who will take care of it at the earliest possible date, and in such a way as will be agreeable to the Government, the people, and the shipping interests.

Mr. Speaker, I want to make an appeal to the honest, fair-minded, and righteous judgment of the Members of this House to give to Chicago that opportunity, free from prejudice, by act of the Federal Government. I hope the amendment which I have offered will prevail. [Loud applause.]

Mr. MANN. Mr. Speaker, this bill is probably of more interest to Chicago than elsewhere. I may say to the Members of the House that the bill is simply a bill to require the lowering or removal of the tunnels under the Chicago River, which everybody now admits are obstructions to navigation. The bill was suggested by me and prepared in accordance with an exhaustive opinion of the Judge-Advocate-General of the Army that it would create no pecuniary liability on the part of the General Government. It leaves to the Secretary of War the authority to determine what reconstruction may be necessary and what length of time may be granted for that purpose. It is not in any way inimical to the interests of the city of Chicago. This bill is supported by all the great leading papers in the city.

It is a bill, so far as I know, practically opposed by no one in the city of Chicago, unless the gentleman who has just addressed the House is opposed to it or represents interests opposed to it. I do not understand that the gentleman, my colleague, who has so ably addressed the House now is himself really opposed to the bill.

Mr. FOSTER of Illinois. I am. I hope the gentleman does not question my sincerity.

Mr. MANN. I certainly do not question the sincerity of my sincere friend, and if he says that he is opposed to the bill in toto I certainly accept his statement. I have never understood before that he was. But that is neither here nor there. The bill is one on which I propose to detain the House but for a moment. I simply read, as explaining the condition of affairs in Chicago so far as its lake commerce is concerned, a telegram that I have received.

CHICAGO, ILL., *April 13, 1904.*

Hon. JAMES R. MANN,
*House of Representatives, Washington, D. C.:*

I understand that your bill for lowering tunnels in Chicago River will soon come up for vote. While thanking you for your efforts on behalf of the shipping interests, I would most respectfully urge extraordinary effort toward passage of this bill. I have just returned from Buffalo, where an enormous tonnage of coal is loading to come forward quickly as navigation opens, and there is not one boat available which will load light enough to carry a cargo across the tunnels to our Thirty-fifth street dock, the largest anthracite dock on the Great Lakes.

C. L. DERING, *Manager.*

This shows that owing to the growth in size of vessels on the lakes it is not possible to-day to secure vessels at Buffalo to carry coal over the tunnels in the Chicago River.

To show, Mr. Speaker, the attitude of the people of Chicago upon this question, I ask that there may be read at the Clerk's desk in my time certain editorials from various prominent Chicago daily papers.

The Clerk read as follows:

[From the Chicago (Ill.) Record-Herald, March 25, 1904.]

GENERAL APPROVAL OF THE TUNNEL BILL.

The bill to compel the lowering of the Chicago River tunnels has been reported favorably by the House Committee on Interstate and Foreign Commerce, and in the course of the report, which was written by Congressman MANN, occurs the following:

"In one respect it seems like a remarkable proposition to ask the General Government to order the city of Chicago to remove these tunnels. It is remarkable that it should be necessary to do this in order to accomplish the end sought for, but if the city intends to do nothing in the future as she has done nothing in the past, then the strong hand of the General Government should be laid gently upon that city, and she should be told not to forget that she is Chicago, and that Chicago should surmount all obstacles."

As a matter of fact the situation is not only remarkable, but so curious that it may well puzzle Congressmen who are not acquainted with our local history. Though compulsion commonly implies antagonism, the bill is generally applauded in Chicago. The people, as well as the navigation interests, are desirous that it shall be passed, and the municipal authorities, who were desperate over the question of raising funds for the work which it commands, have had no reason for their fears since the announcement of the Supreme Court's opinion on the debt-incurring power of the city.

It might seem, therefore, that any attempt at compulsion was superfluous; but the habit of procrastination has become dangerous, and there are so many claims for improvements of one sort and another that bewilderment might cause indecision and still further delays. Under such circumstances there can be no doubt that the Federal Government, with its authority and responsibility in the matter of navigation, should decide upon the effective and in every way reasonable plan of intervention which the bill proposes. And Congress should be the more inclined to act, because the people of Chicago are in a frame of mind to welcome the compulsion.

[From the Chicago (Ill.) Tribune, March 17, 1904.]

PASS THE MANN BILL.

Alderman Bennett, as chairman of the local transportation committee, is proposing to deal with the tunnel problem regardless of the fate of the Mann bill. An unexpected decision of the Supreme Court, placing at least $3,500,000 in the hands of the city for this purpose, has spurred the transportation committee. It can find the money for the work. It is the hope of its chairman that the undertaking may be completed in a year.

Such optimism is quite refreshing. The last time this committee was heard from on this question was when it was asking an alteration in the Mann bill, so that Chicago should not have to lower the tunnels for three years. If the committee is as deliberate and ineffective on the tunnel question as it has been on the street-car question, the tunnels will not be lowered in one year.

In spite of Chairman Bennett's declaration that the city is now prepared to lower the tunnels, it is well to have the Mann bill become a law. Then the city will have to deal with the tunnel question whether it wants to or not. On the other hand, if, in line with Mr. Bennett's suggestion, the Mann bill is allowed to lapse and does not become a law, there is grave danger that the tunnel question will become lost in a maze of reports and orations, that the tunnels will stay just where they are, and that Chicago's lake commerce will continue to diminish.

Pass the Mann bill!

[From Chicago (Ill.) News, March 25, 1904.]

CHICAGO NEEDS THE MANN BILL.

It is said that the Mann bill, compelling Chicago to lower its river tunnels, will be passed if only the Chicago people make known their desire for it. The Members of Congress should not be allowed to remain under any doubt or misapprehension on that score. By consulting the report which Mr. MANN has prepared at the direction of the Committee on Interstate and Foreign Commerce they will see that Chicago, out of regard for its own interest, is bound to desire this legislation.

So disastrous have been the effects of the tunnels on the shipping interests of this city that a great part of the lake commerce which it formerly enjoyed has been diverted to other and lesser cities. In 1892 the shipments of freight arriving at this harbor amounted to 7,958,963 tons. In 1902 the shipments aggregated only 5,184,782 tons. During the same period the commerce of South Chicago has increased in volume more than 400 per cent and there has been a corresponding growth in nearly all other lake ports. As only comparatively small vessels are now able to make their way into Chicago's inner harbor, the facilities of the carrying trade are reduced and the transportation expenses of shipping are increased. The great new lake steamers of modern construction and deep draft can not get to a point above the La Salle street tunnel at all.

Lake commerce in general suffers from this condition, but Chicago is the chief sufferer. Both its business interests and its prestige are menaced. Its citizens are little inclined to tolerate a continuance of the conditions which caused this deterioration, and they are looking to Congress for orders to do what it must do. If the city government has failed to take the initiative it is not because the need has not been plainly understood by the people, who will welcome the knowledge that the strong hand of the Government has intervened to force such action. If the city government proceeds to remove the tunnels, as it should do, the enactment of the proposed law can do it no damage. If it is to continue in its lethargic attitude, the compulsion which the Federal Government can bring to bear will be regarded as necessary and welcome.

[From the Chicago (Ill.) Inter-Ocean, March 25, 1904.]

ONE PROBLEM THAT MAY BE SOLVED.

A bill reported to the House of Representatives on Wednesday declares the Chicago River tunnels to be obstructive to navigation and fixes a severe penalty for failure on the part of the city government to lower or remove them.

This bill can be passed at this session, "if there is anything like an organized effort made in its behalf by the people of Chicago who are particularly interested."

Unfortunately the people of Chicago who are "particularly interested" in the solution of the tunnel problem are divided into two classes—those who are particularly interested in securing a deeper channel for the river and those who are particularly interested in defeating any measure calculated to decrease the political stock in trade of the Harrison machine.

For seven years the city hall officials and their newspapers have been clamoring in every municipal campaign for the sinking of the tunnels, and doing nothing between campaigns to sink them.

The proposition before the citizens of Chicago just now is a plain one. Do they really desire that the tunnels shall be lowered or removed, so that the commerce of the Chicago River may be restored? If they do they will take the trouble to urge upon Congress the necessity of passing the Mann bill. If they do not they will allow the bill to sleep in a pigeonhole.

It remains with the citizens of Chicago to say whether the tunnel problem shall be solved speedily, and in the only way that it is possible to solve it. But if they do not really care for a solution, and are perfectly content that the shipping interests of this port shall be destroyed, then, in the name of common sense, let them so express themselves that the National Government may not hereafter be misled into campaigns of claptrap organized for local political effect by our professional tunnel sinkers.

[From the Chicago, Ill., Tribune, March 9, 1904.]

PASS THE MANN BILL!

The tunnel-lowering bill, since its introduction in the House of Representatives, has been reposing in the Committee on Interstate and Foreign Commerce. Its sponsor, Mr. MANN, of Chicago, now announces that he is prepared to call it up in the committee; that he expects it will be reported out favorably, and that he will endeavor to have it enacted into law. Good.

The bill is a curious one. Its object is to protect Chicago against itself; to compel the city to remove from the river those obstructions which are ruining its water commerce. If the city does not take the steps for its own salvation, it is to be fined $10,000 monthly.

That such a bill is necessary is merely another exemplification of the fact that while Chicago, as compared with other American cities, has the most enterprising citizens, it has the most inert officials. Philadelphia, for example, has a most corrupt municipal government. Yet its streets are clean, its street-car service is comparatively acceptable, and its garbage is not left to pollute its atmosphere.

Congressman MANN was in the council ten years ago. He says that the tunnel question is no nearer settlement than it was at that time. And it is fair to presume that that question will be no nearer settlement ten years from now unless some stronger force, such as the National Government, shall force the city and the traction company to remove the river obstacles.

The mere statement that of late years Chicago has sunk in lake commerce from the first to the fifth place does not convey the full extent of the harm which the tunnels have done to the city's commerce. The easternmost tunnel is that at La Salle street. Commerce between that point and the lake has been steadily increasing. But commerce to the west of the La Salle street

tunnel has almost disappeared. Large vessels can not pass the first of the three obstacles in the river. As there is room for but few large vessels in the river between its mouth and the La Salle street barrier, many of them have to stay away from the city altogether.

The everlasting wail of the city officials when asked to improve conditions has been, "We haven't the money." So the officials have been postponing the needed improvements from year to year, and each postponement has meant that the final cost of the improvement was multiplied. Fortunately the city officials can not now plead poverty as an excuse for not lowering the tunnels. The city can get the money to do it. The supreme court has decided that Chicago may issue bonds to the amount of $4,500,000. Let it issue as many bonds as are necessary to lower the tunnels.

There have been legal as well as financial objections to tunnel lowering. The traction company owns one tunnel, the city owns the other two, but has leased them to the same company. Who could get the city out of such a tangle? It seemed hopeless. So the city promptly gave up hope. There wasn't enough municipal statesmanship in the entire body of city authorities even to scratch the surface of that legal problem. It seemed as if in all the 2,000,000 brains of this great community there was not one resourceful enough to devise a plan to get the tunnels lowered. The city had to resign itself and see the commerce go elsewhere. And this in Chicago!

Then came Congressman MANN. He saw a way—he had a scheme. May he prove as bold in execution as he was fertile in design—for his scheme is good. He says the thing to do is to cut the Gordian knot. Now, let him cut it. Let him make the Mann bill the Mann law. Chicago is with him on this proposition.

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[From the Chicago (Ill.) Chronicle, March 25, 1904.]

MR. MANN'S TUNNEL BILL.

It is a ridiculous and humiliating figure that Chicago cuts just now in Congress in the presence of Representative MANN'S bill to compel the city to lower the tunnels.

The second city in the country has seen the shipping withdrawing from its harbor and seeking other ports for the last ten years on account of obstructions in its river channel, and has never had the enterprise and public spirit to remove them. At last it has appealed to Congress against itself. It asks that body to impose fines on it and compel it to do the things which it has not vitality enough to do without coercion. What a comment on a nerveless, shiftless, lifeless city government!

There is great danger that even this measure will not stir such an administration to action. There are to be criminal proceedings, but if they are only directed against the corporation and if the penalty is only a fine of $10,000 a month, who will care?

It will take one hundred months for it to amount to $1,000,000, and the city government would rather owe the fines and pay interest on them than to exert itself in this or any other direction. All it asks is a good duck season and an occasional decision of the supreme court increasing its ability to contract bonded debts.

In his report on the bill, Mr. MANN expresses some solicitude lest its operation should obstruct the settlement of the traction question, but he need not worry about it.

Mayor Harrison has been elected four times on his statement that he could settle the traction question, and, although the settlement is more remote than ever, there is no doubt that he could bring the negotiations to a close if he chose to do so.

No one in Chicago now expects to live long enough to see a settlement with the traction companies. It has come to be recognized that they will run their cars as long as they please and in any way they please without any franchise. Mr. MANN need not wait a day for traction settlement.

Mr. MANN tries blandishments, but he is improvising psalms to a dead horse. He reminds us that we are Chicago, the city of indomitable purpose, whose motto is "I will," but he is respectfully informed that Chicago's amended motto is "I will not," and that it will take something more than Congress to bring the dead to life and stir up the present administration to action, even in a matter of such vital importance as the improvement of its harbor and the preservation of its commerce.

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[From the Chicago (Ill.) Record-Herald, March 13, 1904.]

THE MANN BILL AND THE CITY'S DUTY.

The tunnel question has ceased to be an insoluble puzzle presenting frightful alternatives. All that is required for its satisfactory settlement now is the exercise of common sense and a resort to vigorous action.

Owing to a decision of the State supreme court the city is able to secure funds for removing or lowering the city tunnels. The most insistent and convincing excuse for delay is thus done away with, and at the same time we are assured of fair treatment in Washington. The Mann bill is compulsory, but reasonably so. It does not fix an exact date before which the work must be accomplished, but leaves the determination of the date to the Secretary of War, who may be expected to use his authority wisely.

It is most desirable that this bill should be passed, because it is distinctly in the interest of the port of Chicago and the people of Chicago, amounting as it does to an insurance against hurtful temporizing. At the same time it is desirable also that the city should prepare at once to raise the necessary funds and to proceed with its part of the business as early as possible. There is no reason why it should wait to be spurred by the Federal authorities in a matter of such importance to itself.

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[From the Chicago (Ill.) News, March 9, 1904.]

THOSE RIVER TUNNELS.

A committee of the Chicago city council went to Washington a few weeks ago to protest against the passage of the Mann bill levying a fine of $10,000 a month against Chicago if it fails to lower the river tunnels within a reasonable time. The plea was made that the city was powerless because it could not provide the money for the work. That the tunnels were a frightful evil and very harmful to lake commerce was freely admitted. Since then, however, the supreme court has decided that Chicago has the power to issue $4,500,000 in bonds, its bonded indebtedness being that much below the constitutional limitation. This destroys the force of the argument made by the council committee in Washington.

It is pathetic that the city needs the National Government to penalize it heavily to compel it to remove the river obstructions which are destroying its lake commerce. Large lake vessels can not cross the tunnels, so only those come to Chicago which can arrange to load and unload their cargoes east of the La Salle street tunnel. That mental aloofness or vague introspection or whatever it is which afflicts the city authorities and prevents them from taking prompt and vigorous action when an emergency is to be met now keeps them from moving in this tunnel matter. Mr. MANN, who is a Chicagoan and knows the city's necessities, now wishes to put a spur in its flank by turning loose a Federal law that will force it to action. The spur is needed. The Mann bill ought to pass.

Mr. MANN. Mr. Speaker, I ask leave to extend my remarks in the RECORD and insert other editorials and other articles.

The SPEAKER. The gentleman from Chicago asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BAKER. Mr. Speaker, will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BAKER. If there is no objection, I would like that we at least have the names of the newspapers now.

Mr. MANN. I will say to the gentleman they are editorials and prominent articles, I think, from all the prominent daily papers in Chicago.

Mr. BAKER. May I ask a question right there? From among these "prominent" papers I presume you exclude the Chicago American?

Mr. MANN. No; I do not exclude the American from the rank of "prominent."

Mr. BAKER. Were not all these same papers opposed at election in Chicago on April 5 to the Mueller law or at least to immediate steps being taken under the Mueller law to establish and operate the street-railroad system there under "municipal ownership?" And therefore is it not reasonable to assume that the same motive which actuated them in the Chicago election actuates them now? May they not want to complicate the matter still further?

Mr. MANN. Mr. Speaker, the gentleman asks a very pertinent question, but evidently without full knowledge of the facts of the matter. Nearly all of these papers were in favor of the bill he referred to, and a large share were in favor of the election of Mayor Harrison in Chicago, and they were nearly all advocating the Mueller law giving the right of municipal ownership of street railways, and practically all of those papers have sustained the mayor of Chicago in the efforts which he has made in the settlement of the traction question.

Mr. FOSTER of Illinois. Will my colleague permit a question?

Mr. MANN. I yield to my colleague for a question.

Mr. FOSTER of Illinois. Does not the gentleman admit that the passage of this bill and its enforcement will hamper the city authorities in dealing with the traction question there?

Mr. MANN. Oh, the gentleman asks me to reply in order to then quote from the report I made to the House——

Mr. FOSTER of Illinois. Does not the report say that?

Mr. MANN. That question is not even a fair question to ask. I say now to the gentleman, my colleague from Chicago, that it may not be easy to settle the traction question in Chicago, but this bill has nothing to do with it; and it is not easy to preserve our commerce when you want to keep all the great vessels on the Lakes out of the Chicago River and add to the cost of transportation of every pound of grain to the East and every pound of coal to the West.

The bill is not merely in the interest of Chicago. The freight rates from the East to the West are made between Chicago and New York. The lake rates are raised because large vessels can not get in the Chicago River, and they ought to have a chance to get there. I say, Mr. Speaker, so far as I know the only opposition which has come to the bill except upon the floor of the House to-day, and that I respect because the gentleman who makes the opposition is honest and honorable, the only opposition that I have heard is by the parties who want to settle the traction question in their own way, all admitting that it was not possible to settle it for years to come because they have to go through the Supreme Court of the United States yet, and long before we get through there the commerce will have absolutely departed from the Chicago River if the tunnels are allowed to remain as they are.

The traction question in Chicago ought to be settled right when it is settled, and the people must keep their patience long enough to settle it rightly. But it would be folly to drive commerce away pending settlement. I assert that the tunnel obstructions may be removed and lake commerce preserved to Chicago without interfering with a righteous settlement of the traction question. If the present executive of Chicago is unequal to the task, as he himself asserts, Chicago will provide herself with some one who is competent. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. FOSTER of Illinois) there were—ayes 68, noes 107.

Mr. FOSTER of Illinois. Mr. Speaker, I make the point that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-six gentlemen are present—a quorum.

Mr. FOSTER of Illinois. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, noes 117, answering "present" 14, not voting 138, as follows:

YEAS—113.

| | | | |
|---|---|---|---|
| Adamson, | Gilbert, | Little, | Scott, |
| Baker, | Gillespie, | Livingston, | Sheppard, |
| Bartlett, | Glass, | Lloyd, | Sherley, |
| Bassett, | Goldfogle, | McDermott, | Shull, |
| Beall, Tex. | Goulden, | McNary, | Sibley, |
| Bell, Cal. | Granger, | Macon, | Sims, |
| Benny, | Gregg, | Maynard, | Slayden, |
| Benton, | Gudger, | Moon, Tenn. | Small, |
| Bingham, | Harrison, | Morrell, | Smith, Ky. |
| Bowers, | Hay, | Padgett, | Smith, Tex. |
| Breazeale, | Henry, Tex. | Page, | Snook, |
| Burgess, | Hitchcock, | Patterson, N. C. | Southall, |
| Burleson, | Hopkins, | Patterson, Tenn. | Stanley, |
| Calderhead, | Houston, | Pierce, | Stephens, Tex |
| Caldwell, | Hughes, N. J. | Pou, | Sullivan, Mass. |
| Clark, | Humphreys, Miss. | Pujo, | Swanson, |
| Cochran, Mo. | Johnson, | Randell, Tex. | Talbott, |
| Cockran, N. Y. | Jones, Va. | Ransdell, La. | Thomas, N. C. |
| Cooper, Pa. | Kehoe, | Richardson, Tenn. | Underwood, |
| Cowherd, | Keliher, | Rider, | Wade, |
| Davey, La. | Kitchin, Claude | Rixey, | Wanger, |
| De Armond, | Kline, | Robertson, La. | Webb, |
| Dinsmore, | Kluttz, | Robinson, Ark. | Wiley, Ala. |
| Emerich, | Lamar, Fla. | Robinson, Ind. | Williams, Ill. |
| Field, | Lamar, Mo. | Rucker, | Williams, Miss. |
| Finley, | Lamb, | Ruppert, | Wynn. |
| Fitzgerald, | Legare, | Russell, | |
| Flood, | Lewis, | Ryan, | |
| Foster, Ill. | Lind, | Scarborough, | |

NAYS—117.

| | | | |
|---|---|---|---|
| Acheson, | Davidson, | Huff, | Parker, |
| Adams, Pa. | Deemer, | Hughes, W. Va. | Payne, |
| Alexander, | Draper, | Hull, | Perkins, |
| Ames, | Dresser, | Jackson, Ohio | Porter, |
| Babcock, | Driscoll, | Jenkins, | Powers, Mass. |
| Bede, | Dunwell, | Jones, Wash. | Reeder, |
| Birdsall, | Esch, | Kennedy, | Sherman, |
| Bishop, | Evans, | Kinkaid, | Smith, Ill. |
| Bonynge, | Fordney, | Knapp, | Smith, Samuel W. |
| Boutell, | Foss, | Kyle, | Smith, N. Y. |
| Bowersock, | Foster, Vt. | Lacey, | Snapp, |
| Bradley, | Fowler, | Lafean, | Southard, |
| Brandegee, | Gaines, W. Va. | Landis, Frederick | Spalding, |
| Brick, | Gardner, N. J. | Lanning, | Sperry, |
| Brown, Pa. | Gibson, | Lilley, | Sterling, |
| Brown, Wis. | Gillett, Mass. | Lovering, | Stevens, Minn. |
| Buckman, | Goebel, | McCleary, Minn. | Sulloway, |
| Burke, | Graff, | McLachlan, | Thomas, Iowa. |
| Burkett, | Greene, | Mahon. | Tirrell, |
| Burton, | Grosvenor, | Mann, | Volstead, |
| Butler, Pa. | Hamilton, | Marsh, | Vreeland, |
| Cooper, Wis. | Haskins, | Marshall, | Wachter, |
| Cousins, | Haugen, | Martin, | Warnock, |
| Cromer, | Hemenway, | Miller, | Wiley, N. J. |
| Crumpacker, | Henry, Conn. | Mondell, | Williamson |
| Currier, | Hepburn, | Morgan, | Wright, |
| Curtis, | Hermann, | Mudd, | Young. |
| Cushman, | Hill, Conn. | Needham, | |
| Dalzell, | Hitt, | Nevin, | |
| Daniels, | Hogg, | Overstreet, | |

PRESENT—14.

| | | | |
|---|---|---|---|
| Brundidge, | Gardner, Mich. | Meyer, La. | Thayer, |
| Candler, | Knopf, | Patterson, Pa. | Zenor. |
| Cassel, | Loudenslager, | Shackleford, | |
| Cassingham, | Lucking, | Smith, Iowa | |

NOT VOTING—138.

| | | | |
|---|---|---|---|
| Adams, Wis. | Dwight, | Lever, | Roberts, |
| Aiken, | Fitzpatrick, | Lindsay, | Rodenberg, |
| Allen, | Flack, | Littauer, | Scudder, |
| Badger, | French, | Littlefield, | Shiras, |
| Bankhead, | Fuller, | Livernash, | Shober, |
| Bartholdt, | Gaines, Tenn. | Longworth, | Slemp, |
| Bates, | Garber, | Lorimer, | Smith, Wm. Alden |
| Beidler, | Gardner, Mass. | Loud, | Smith, Pa. |
| Bowie, | Garner, | McAndrews, | Southwick, |
| Brantley, | Gillet, N. Y. | McCall, | Sparkman, |
| Brooks, | Gillett, Cal. | McCarthy, | Spight, |
| Broussard, | Gooch, | McCreary, Pa. | Stafford, |
| Brownlow, | Griffith, | McLain, | Steenerson, |
| Burleigh, | Griggs, | McMorran, | Sullivan, N. Y. |
| Burnett, | Hamlin, | Maddox, | Sulzer, |
| Butler, Mo. | Hardwick, | Mahoney, | Tate, |
| Byrd, | Hearst, | Metcalf, | Tawney, |
| Campbell, | Hedge, | Miers, Ind. | Taylor, |
| Capron, | Hildebrant, | Minor, | Townsend, |
| Castor, | Hill, Miss. | Moon, Pa. | Trimble, |
| Clayton, | Hinshaw, | Murdock, | Vandiver, |
| Connell, | Holliday, | Norris, | Van Duzer, |
| Conner, | Howard, | Olmsted, | Van Voorhis, |
| Cooper, Tex. | Howell, N. J. | Otis, | Wadsworth, |
| Crowley, | Howell, Utah | Otjen, | Wallace, |
| Darragh, | Humphrey, Wash. | Palmer, | Warner, |
| Davis, Fla. | Hunt, | Pearre, | Watson, |
| Davis, Minn. | Hunter, | Pinckney, | Weems, |
| Dayton, | Jackson, Md. | Powers, Me. | Weisse, |
| Denny, | James, | Prince, | Wilson, Ill. |
| Dickerman, | Ketcham, | Rainey, | Wilson, N. Y. |
| Dixon, | Kitchin, Wm. W. | Reid, | Woodyard. |
| Dougherty, | Landis, Chas. B. | Rhea, | |
| Douglas, | Lawrence, | Richardson, Ala. | |
| Dovener, | Lester, | Robb, | |

So the amendment of Mr. FOSTER of Illinois was rejected.

The following pairs were announced:

For the balance of the session:

Mr. CHARLES B. LANDIS with Mr. TATE.

Mr. CASSEL with Mr. GOOCH.

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.

Mr. HUNTER with Mr. RHEA.

Mr. DAYTON with Mr. MEYER of Louisiana.

Until further notice:

Mr. ADAMS of Wisconsin with Mr. BANKHEAD.

Mr. WARNER with Mr. MCANDREWS.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. CONNER with Mr. COOPER of Texas.

Mr. DARRAGH with Mr. DAVIS of Florida.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. GARDNER of Michigan with Mr. TAYLOR.

Mr. BATES with Mr. CANDLER.

Mr. FULLER with Mr. BROUSSARD.

Mr. DOVENER with Mr. TRIMBLE.

Mr. HEDGE with Mr. BRUNDIDGE.

Mr. WATSON with Mr. ZENOR.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. HOLLIDAY with Mr. MIERS of Indiana.

Mr. LORIMER with Mr. MAHONEY.

Mr. KNOPF with Mr. WEISSE.

Mr. BEIDLER with Mr. HOWARD.

Mr. PALMER with Mr. CLAYTON.

Mr. SMITH of Iowa with Mr. HARDWICK.

Mr. WM. ALDEN SMITH with Mr. AIKEN.

For one week:

Mr. POWERS of Maine with Mr. GAINES of Tennessee.

Until the 25th instant:

Mr. BURLEIGH with Mr. HUNT.

Until the 21st instant:

Mr. ROBERTS with Mr. THAYER.

Until April 16:

Mr. TOWNSEND with Mr. LUCKING.

April 15 and 16:

Mr. CASTOR with Mr. VAN DUZER.

For balance of the week:

Mr. ALLEN with Mr. SMALL.

For the day:

Mr. DAVIS of Minnesota with Mr. BYRD.

Mr. LITTAUER with Mr. MCLAIN.

Mr. HUMPHREY of Washington with Mr. LINDSAY.

Mr. WOODYARD with Mr. REID.

Mr. WEEMS with Mr. SHOBER.

Mr. WADSWORTH with Mr. WILSON of New York.

Mr. STEENERSON with Mr. WALLACE.

Mr. SMITH of Pennsylvania with Mr. PINCKNEY.

Mr. PRINCE with Mr. SPIGHT.

Mr. OLMSTED with Mr. SULLIVAN of New York.

Mr. MURDOCK with Mr. LEVER.

Mr. MINOR with Mr. JAMES.

Mr. MCMORRAN with Mr. HILL of Mississippi.

Mr. TAWNEY with Mr. MADDOX.

Mr. LONGWORTH with Mr. HAMLIN.

Mr. MCCALL with Mr. GRIFFITH.

Mr. WILSON of Illinois with Mr. RAINEY.

Mr. HOWELL of New Jersey with Mr. GARNER.

Mr. GILLETT of California with Mr. DENNY.

Mr. GARDNER of Massachusetts with Mr. GARBER.

Mr. DWIGHT with Mr. CROWLEY.

Mr. CAPRON with Mr. BRANTLEY.

Mr. CAMPBELL with Mr. BOWIE.

Mr. BROOKS with Mr. BADGER.

Mr. HILDEBRANT with Mr. BURNETT.

Mr. BARTHOLDT with Mr. SHACKLEFORD.

Mr. KETCHAM with Mr. ROBB.

Mr. NORRIS with Mr. DOUGHERTY.

Mr. MOON of Pennsylvania with Mr. VANDIVER.

Mr. SOUTHWICK with Mr. SULZER.

Mr. RODENBERG with Mr. LIVERNASH.

Mr. FOWLER with Mr. FITZPATRICK.

Mr. PEARRE with Mr. SCUDDER.

Mr. METCALF with Mr. HEARST.

Mr. JACKSON of Maryland with Mr. WILLIAM W. KITCHIN.

Mr. MCCREARY of Pennsylvania with Mr. LESTER.

Mr. LAWRENCE with Mr. GRIGGS.

For this vote:

Mr. BROWNLOW with Mr. SPARKMAN.

Mr. FOSTER of Illinois. Mr. Speaker, I desire a recapitulation of the vote.

The SPEAKER. The gentleman asks a recapitulation. The Clerk will recapitulate the vote.

The Clerk proceeded to recapitulate.

During the recapitulation,

Mr. FOSTER of Illinois withdrew the demand for a further recapitulation.

The result of the vote was announced as above recorded.

The bill was ordered to be engrossed and read a third time, and was accordingly read a third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT AT NEWPORT, VT.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4165) to provide that a term of the circuit and district court of the United States for the district of Vermont may be held at Newport.

The bill was read, as follows:

*Be it enacted, etc.*, That hereafter in each year one of the stated terms of the circuit and district court of the United States for the district of Vermont may, when adjourned, be adjourned to meet at Newport.

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. HASKINS, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TUG FORK, MATEWAN, W. VA.

The SPEAKER laid before the House the bill (H. R. 13739) to authorize the Blackberry, Kentucky and West Virginia Coal and Coke Company (Incorporated) to bridge the Tug Fork of the Big Sandy River, about 1 mile east of Matewan, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, with Senate amendments thereto.

On motion of Mr. HUGHES of West Virginia, the House concurred in the Senate amendments.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HEMENWAY. 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 House bill 15054, the general deficiency appropriation bill, and pending that motion I ask unanimous consent that general debate on this bill be limited to four hours, two hours and thirty minutes to be controlled by the gentleman from Georgia [Mr. LIVINGSTON] and one hour and thirty minutes by myself, that division being about equal, this side of the House having occupied about thirty minutes more time than the other side.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15054, the general deficiency appropriation bill, with Mr. CRUMPACKER in the chair.

Mr. LIVINGSTON. Mr. Chairman, I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, this is the last of the appropriation bills which will be passed by this House at this session of Congress. A great deal of importance has been placed, in this Congress, on the early passage of the appropriation bills. In fact, the first sound that came from the Republican side of the House when we met here last November was that this Congress should ride an early adjournment. Whenever any question has come up for consideration before the House, it has been said that haste must be made in order that we might adjourn at an early day; that this matter could not be considered or that matter dealt with, because we were striving for an early adjournment.

It is true that the Republican management of this House is preparing to force an early adjournment by the passage of the general appropriation bills as fast as they can be driven through the House, and the neglect of a great deal of other important legislation that should come before this House for its consideration before we return to our constituencies.

I wish to call the attention of the House to some of the matters of important legislation that are being neglected by reason of this do-nothing policy of the Republican party. But before going into other questions I wish to say a few words in reference to the bill now before the House.

I will say that the Committee on Appropriations in preparing this bill have tried to hold down the expenditures to the deficiencies asked for by the executive branches of the Government. There is but one item in the bill on which the minority members of the committee differ with the majority members. Otherwise, I think, the bill is an economical one. In fact, our Republican brethren have attempted to show great economy in this Congress. The old saying was that—

When the devil was sick,
The devil a monk would be;
But when the devil got well,
The devil a monk was he.

I hope that will not apply to my Republican friends on the Appropriations Committee. We are about to face a Presidential election. Our Republican friends in years past have waded into the Treasury of the United States, have been reckless in their expenditure of public funds; but the hour has come when they must go back to the people of the United States and make their accounting with those who have given them the commissions to be here.

So we find that in the appropriation bills this year there has been a considerable reduction in public expenditures, and I am prepared to congratulate the genial chairman of the Committee on Appropriations on what he has done in the way of a reduction of public expenditures at this time.

The only thing I have to say, Mr. Chairman, is that I hope that when this Congress returns and the Presidential election is over our Republican brethren will still have that same idea of economy in public expenditures well indoctrinated into their systems that they are showing to-day in the face of a Presidential election. [Applause on the Democratic side.]

Now, on the item as to which we differ with the majority of the committee. On page 74 of the bill there is a provision inserted appropriating $4,000,000 for deficiencies in the Pension Department, which is to be used between now and the 1st day of next July, the end of this fiscal year. The appropriation on its face does not expl in what this $4,000,000 will be expended for, but if you will look at the hearings you will find a letter to the Committee on Appropriations from the Secretary of the Interior, forwarding one signed by the Commissioner of Pensions, in which he states the purpose for which this $4,000,000 is required. It shows that $2,500,000 is required to pay a deficit that will exist in the Pension Department by reason of legislation passed by this Congress, putting upon the pension roll or increasing the pensions of certain pensioners who are totally blind or who have lost their limbs and also by reason of pensions granted to certain deserters from the United States Army.

That covers $2,500,000 of the $4,000,000 asked for. The other $1,500,000 is required to pay an additional pension created by what is known as "Order No. 78." The Commissioner of Pensions in his letter says:

Since that time—

That is, since he has asked for $2,500,000—

Order No. 78 has been issued, which is the order establishing an age limit for pensions under the new law, and it is estimated that $1,500,000 additional will be required on account of this for the current fiscal year.

That is, from the day he has asked for it until the 1st day of July next he will require $1,500,000 to carry out this order. Now, the minority members of the Committee on Appropriations take the position that there is no law to warrant an appropriation of this million and a half dollars.

I want to call your attention to what Order No. 78 is. Here it is:

ORDER NO. 78.

Whereas the act of June 27, 1890, as amended, provides that a claimant shall "be entitled to receive a pension not exceeding $12 per month and not less than $6 per month proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown to be rated;" and

Whereas old age is an infirmity, the average nature and extent of which the experience of the Pension Bureau has established with reasonable certainty: and

Whereas by act of Congress in 1887, when thirty-nine years had elapsed after the Mexican war, all soldiers of said war who were over 62 years of age were placed on the pension roll; and

Whereas thirty-nine years will have elapsed on April 13, 1904, since the civil war and there are many survivors over 62 years of age: Now, therefore,

*Ordered:* (1) In the adjudication of pension claims under said act of June 27, 1890, as amended, it shall be taken and considered as an evidential fact, if the contrary does not appear, and if all other legal requirements are properly met, that when a claimant has passed the age of 62 years he is disabled one-half in ability to perform manual labor and is entitled to be rated at $6 per month; after 65 at $8 per month; after 68 years at $10 per month, and after 70 years at $12 per month.

(2) Allowances at higher rate, not exceeding $12 per month, will continue to be made as heretofore where disabilities other than age show a condition of inability to perform manual labor.

(3) This order shall take effect April 13, 1904, and shall not be deemed retroactive. The former rules of the Office fixing the minimum and maximum at 65 and 75 years, respectively, are hereby modified as above.

Now, that order amends or changes the pension law of June 27, 1890. What does the law of June 27, 1890, provide? What does it establish as the basis on which a soldier shall receive a pension? Section 2, which is the material and governing clause of the law, provides:

SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding $12 per month, and not less than $6 per month, proportioned to the degree of inability to earn a support; and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act upon proof that the disability then existed, and shall continue during the existence of the same:

*Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in applications filed under this act.

Now, what do we find in this case? The proposition before the committee is whether or not there is warrant of law to appropriate a million and a half dollars to pay these pensions under order No. 78. The Committee on Appropriations has no jurisdiction to make laws. It exceeds its jurisdiction when it attempts to make laws. We have various committees in this House that have authority to prepare and bring into the House for our consideration bills in reference to general legislation, but not so with the Committee on Appropriations. Legislation with reference to the pensions of soldiers of the civil war belongs to the jurisdiction of the Committee on Invalid Pensions. The Committee on Appropriations has this duty—and this duty alone—that we shall provide the money to carry out the existing law. It is not within our duty to determine whether the law is good or bad, whether it should be repealed, amended, or enacted. It is for us to determine whether it is the law as Congress has made it, and if it is the law, to provide the money for the carrying out and enforcement of that law.

Well, now, there is no doubt about what this $1,500,000 is appropriated for. The Commissioner of Pensions has stated to the Committee on Appropriations very specifically what he wishes the money for. He says distinctly that he wants to have this one million and a half of dollars to pay pensions growing out of order No. 78. That is to pay the pensions between now and the 1st of July that will be required under order No. 78. Then the question is as to whether order No. 78 is within the law or not.

Mr. HEMENWAY. Will the gentleman yield to me for a question?

Mr. UNDERWOOD. I will.

Mr. HEMENWAY. I want to call the attention of the gentleman to the order of Mr. Lochren, Commissioner of Pensions, of September 2, 1893——

Mr. UNDERWOOD. I am familiar with that.

Mr. HEMENWAY (continuing). In which he fixes 75 years as the age at which it is to be determined that a pensioner was totally disabled. Then I want to call the gentleman's attention to an order issued under the Cleveland Administration, and then I want to call the attention of the gentleman to an order made by Commissioner Evans and approved by Secretary Bliss April 9, 1898, in which this order was made:

A declaration stating that a claimant of 75 years of age or 65 years, as the case may be, is sufficient allegation in cases of this kind even if no other disabling cause is set forth. Competent proof should be required showing the actual age of the claimant.

That is, under the Cleveland Administration was the first order fixing 75 years as the age which brings total disability, the order following under the McKinley Administration fixing 65 years of age when the soldier should be considered one-half disabled, and 75 years when he should be considered totally disabled. And I want to ask the gentleman in what particular these two orders differ from the order which the gentleman is discussing?

Mr. UNDERWOOD. I will state to the gentleman——

Mr. LIVINGSTON. Mr. Chairman, before the gentleman answers the question, I want to submit this proposition. Also, under the order of Commissioner Lochren and under the order of Commissioner Evans, as Commissioner of Pensions, the Interior Department discovered that there was no law for either, and they stopped the issue of pensions to anyone, either on account of his being 65 years of age or 75 years of age, and to-day no pensions are issued in either case.

Mr. UNDERWOOD. That fully answers the question of my colleague——

Mr. HEMENWAY. The gentleman is mistaken as to his conclusion. Here is the rule, if the gentleman will permit me, in answer to the question——

Mr. UNDERWOOD. Certainly.

Mr. HEMENWAY. That in the determining of thousands of cases that have appeared in the Department it has been determined as a fixed fact where a man arrives at the age of 62 years he is one-half disabled from performing manual labor, and where he arrives at the age of 65 years it has been determined as a fixed fact, taking into consideration all the evidence in thousands of cases, that he is two-thirds disabled, and at 68 he is three-fourths disabled, and that at 70 he is totally disabled. Now I want to ask the gentleman, that having been determined by taking into consideration the evidence in thousands of cases as a fixed fact, why a claimant should be compelled to go to the expense of securing evidence to prove what has already been determined by the experience of the Department to be fixed facts?

Mr. UNDERWOOD. I will answer my friend, and I wanted him to have full opportunity to state his question. As my friend from Georgia has already said, the Department itself has repudiated those two orders; but I do not think and I never have agreed that Mr. Cleveland or Mr. Lochren or Mr. McKinley in issuing these former orders, which the Department itself has repudiated, had the authority of law to do so; and I have always believed that they went beyond their executive powers and invaded the jurisdiction of the legislative branch of this Government when they made those orders; but those orders did not go to the extent this one does. There is a very grave difference between the order issued by Mr. Lochren and the order issued by Commissioner Ware or Secretary Hitchcock.

You will mark that under the law of 1890 all pensioners who are suffering from disability and are unable to perform manual labor are not entitled to $12 a month. Some of them are rated as totally disabled and some of them as partially disabled. After finding that they are suffering from a permanent disability and are unable to earn a living by manual labor, the duty of the Commissioner of Pensions has not been performed. He must still go further and determine whether that is a total disability that entitles the applicant to receive $12 a month, or whether it is a less disability which entitles him to $6 a month. And in determining that matter, the order of Mr. Cleveland was not that he was entitled to a pension, not that 75 years proved his disabilities, not that 75 years proved he was unable to earn a living by manual labor, but that the presumption was that when he was 75 years of age he showed such senility—that is the word used—that he was totally disabled. That is what the order was.

Mr. HEMENWAY. Well, Mr. Chairman, surely the gentleman does not maintain that that is correct.

Mr. UNDERWOOD. No; I repudiated that order some time ago.

Mr. HEMENWAY. If that were correct, I think we would have to retire some of our distinguished gentlemen from public life.

Mr. UNDERWOOD. I repudiated Mr. Cleveland long ago on that proposition and upon some others, and all I am asking of the Republican party to-day is that they also repudiate these gentlemen of the present Administration who have got into company with Mr. Cleveland on this proposition. It is your side that is citing Mr. Cleveland's order of senility to sustain your present Secretary of the Interior in the order that he has made to-day. We are not attempting to sustain him.

Now, what does this show? Those orders do not apply to the proposition as to whether a man had a right to go on the pension list. It was merely a question of determining the extent of his disability; but the order to-day, the order issued by Commissioner Ware, goes further. It absolutely establishes whether he is entitled to a pension or not.

There is a very grave distinction and a very great distinction between Mr. Lochren's order and Mr. Ware's order. One merely determines the extent of disability; the other order determines whether the man is entitled to a pension under the act of June 27, 1890. What does the law say in that respect? What did the Congress of the United States say, when it wrote this law on the statute books, as to what a claimant should prove in order to entitle him to a pension? Was the Congress of the United States at that time in favor of a service pension? Is there any man on that side of the House who will stand here and affirm that the Congress of the United States declared itself in favor of a service pension for soldiers in the war between the States? Not one. Congress has never enacted that legislation, but it said this: It said all soldiers of the civil war, or, to quote the language of the statute correctly, all soldiers of the war of the rebellion who showed that they were suffering from a permanent disability not created by their own vicious habits, and who by reason of that fact are unable to earn a living by manual labor, should be entitled to a pension under this act.

Now, was that a service pension? Did Congress intend then to enact a service-pension law? If so, it would not have used that language. But what does this order do? Under the law as enacted by Congress you have to prove the permanent disability, you have to prove that it was not created by a man's vicious habits, and you have to prove that he can not earn a living by manual labor. Now, come down to the Order No. 78, an order enacted not by the Congress of the United States, but by the Secretary of the Interior and the Commissioner of Pensions, and what does that provide? What do you have to prove now? You have to prove that the soldier has performed honorable military service to his country in the war of the rebellion. That is the language of the statute. You have to prove that in every instance. But after you have proven his honorable military service, you simply have to prove, to comply with Order No. 78, that he is 62 years of age.

Now, do you contend for a minute, can any man in a correct interpretation of the language of this statute of 1890 contend, that when Congress said that you must prove permanent disability not created by the applicant's vicious habits, that that could be

proven by proving he was 62 years of age? Can you honestly go before the people of this country and contend that the intent of the Congress of the United States is carried out, when it says that you must show that the pension claimant can not earn a living by manual labor, by merely proving that he is 62 years of age? Why, it is absurd. There may be hundreds of soldiers to-day, and there probably are thousands, who are suffering from no disability whatever, who are earning and can earn an honest living by manual labor, and yet are 62 years of age. You know and I know that there is no presumption of law that would warrant such an interpretation of this statute.

And if there is not, then this is no mere regulation of the Department to determine how the facts required to be proved under the statutes shall be established, but it is an enactment of law by the Secretary of the Interior, and unless the Congress of the United States is willing and ready to recognize that the Secretary of the Interior has the right to enact laws that this body must appropriate money to carry out and put in force and effect, we should not make this appropriation.

But if you are prepared to say that the executive department of this Government, through the interpretation of statutes and by Executive orders, can enact legislation and become coordinate with the Congress of the United States in the enactment of legislation—when you reach that point, then appropriate this money. But the Democratic members of this committee do not believe that this appropriation is warranted by law.

We believe that the Secretary of the Interior has invaded the rights of the legislative branch of this Government and that the Congress of the United States should, in justice to itself, and under the Constitution of the United States, refuse to make this appropriation.

Now, why should it be made? What was the cause of the haste of the Secretary of the Interior and the Commissioner of Pensions to rush in and enact by a pension order special legislation? Why should the Secretary show this undue haste at this time? I note that there have been a number of bills introduced in this Congress in favor of certain legislation that would grant a service pension to the soldiers of the civil war. Why did the executive branch of this Government see fit to legislate and not let the Congress of the United States legislate on this question? Does the Republican Administration want a service pension, and is it afraid to trust you gentlemen on the other side of the House, who have control of this Congress, as to whether you would pass a service pension or not?

Does the executive branch of this Republican Administration, that rules with an iron hand from the other end of the Avenue—does it believe that you are less loyal to the Union soldiers of the civil war than your chief that it should take the right of enactment of this legislation from your hands and enact it by Executive order? Are you unwilling to stay here, even if the days are growing a little warm and the summer time is coming on and you want to go home—are you unwilling to stay here and lawfully pass legislation to which you believe the Union soldier of the civil war is entitled?

Why this great haste to pass the appropriation bills and adjourn this Congress? Why this great haste to rush away from the task of enacting legitimate legislation that is here awaiting your consideration? Why this great haste to run away from the enactment of a service pension—if you believe in one—and allow it to be unlawfully enacted at the other end of the Avenue by the executive branch of this Government? Why are you afraid to stay here? Is it that you must go to a Republican national convention that the business of the country must be suspended, forsooth, because the Republican membership of this House must attend a Republican convention in June? Is that the reason you can not enact this legislation? That event is some months off. You might at least pass this legislation—if you believe in it—and not leave it to the executive branch of the Government to order it into effect.

Again I repeat, What is the cause of this extreme haste? Mr. Chairman, it is because you are afraid that if you stay here—are you afraid?—public sentiment will require you to investigate the frauds in the Departments of this great Government. You admit that there are frauds. The country knows that there are frauds, and yet you are driving through the appropriation bills in order to adjourn earlier than any Congress at a long session ever adjourned since the civil war—for some reason running away from and neglecting important legislation on the statute books. Is it because you do not dare to stay here and investigate yourselves? Is it because you are afraid to let us look at the books? If that is not the reason, Mr. Chairman, I can not understand this great haste for an adjournment.

I have made an examination as to when it has been customary for the Congresses of the United States to adjourn at a long session, and I find that since the civil war no Congress has adjourned before the 7th day of June: that in only six Congresses was there an adjournment before July, and four of them were Republican Congresses, anxious to get away from the transaction of the business of the country and return to the politics of their respective districts and the Republican conventions.

Mr. SMITH of Kentucky. Will the gentleman allow me a question? If we are to adopt the system of legislating through the Executive, what is the use of Congress remaining in session so long?

Mr. UNDERWOOD. Well, I presume there is none. I will say to my friend that up to the present time our Republican brethren have only surrendered to the President the enactment of general legislation; they still insist on being allowed to pass the appropriation bills. But I have no doubt that in view of the way in which we are at present drifting—the great regard that our Republican friends have for the Executive of this Government—it will not be many years before they will allow the President to issue an order as to how much money he wants with which to run the Government, and we will pass a blanket appropriation providing in bulk all the money that may be deemed necessary, and then go home after spending two or three weeks in being entertained by the Executive in Washington. And that will be the end of the Congress of the United States.

But I want to call attention to a few other questions which you are leaving without legislation, questions that have been introduced in this Congress, upon which your constituents are asking legislation, but you are going home without enacting any law upon the subject. The great commercial interests of this country, foreign and domestic, are dependent upon the transportation facilities of the nation. It is necessary to have either railroads or rivers to transport your goods from town to town, from State to State, or carry them out to the sea, to carry on the foreign commerce of the country. In aid of that commerce it has been customary for the Congress of the United States to enact legislation to improve the rivers and harbors of the country. It has been customary, in the long session of Congress, with a very few exceptions, to consider the river and harbor bill, when we have ample time, when we are not prevented from properly considering the bill by the hurry and rush of the short session of Congress. But to-day it is announced by the Republican leaders of this House that we can have no river and harbor bill.

In fact, it became necessary for the River and Harbor Committee to bring in a bill here some days ago for $3,000,000, for what? Was it to improve the rivers and harbors of this country? Not at all—$3,000,000 for what? To prevent the deterioration of the work already in progress, to prevent losing the benefit of work already done whilst the Government engineers are waiting for you to legislate. That is what we had to do. We had to spend $3,000,000 to protect this work because we will not pass a river and harbor bill now and are going to put it off until the short session. Was it in order to let you go home and escape the hot weather, or was it that you might have the pleasure of attending the Republican national convention that we had to spend this $3,000,000 to protect Government work when you would not enact the legislation necessary to carry it on before you go home? Or was it because you are afraid to open the books, afraid to let the country see the books and determine the extent of the frauds in the great Departments of this Government?

It has been customary during the long session of Congress to bring in a general bill providing for post-office buildings in the country. I casually glanced over the index and found that there are a large number of public-building bills that have been introduced; that there are a great many districts and towns demanding through their Representatives that they be furnished with proper post-office facilities, that new buildings be constructed for that purpose; and yet, by official decree of the Speaker, it has been announced that we are to have no public-building bills at this session of Congress. It has been customary to pass such a bill at the long session. That is the time when Congress can give due and careful consideration to such legislation. Every Member on the floor of this House knows that in the hurry and rush of the short session to pass appropriation bills you can not consider public-building legislation carefully and with due regard.

But you are going to adjourn, you say, on the 1st of May. You are not going to pass such legislation. I am addressing myself to gentlemen on the other side of the aisle, the gentlemen who say they control the legislation of the House, and not to the Members on this side, because we are ready to stay here and obey the will of our constituents and legislate for their benefit and the benefit of the country. I ask you, gentlemen, who carry the responsibility, who have been forcing these appropriation bills through this House in order to hasten this early adjournment, when you return to your constituents and they ask you why you did not procure them a public building in their town, I want to know what is going to be your reply? Do you think they will be content with the mere statement that has been issued and sent forth as though it was a sacred word, as though it was a talisman of old, that everybody must bow down to and worship, that nothing could be done because we must ride to an early adjournment? Is

that all you are going to tell them? Don't you think they will want to know some reason why you had to adjourn on the 1st of May? When they ask you why you did not procure that public building for them, are you going to tell them that the weather in Washington was getting warm; that when these asphalt pavements heat up it is practically impossible for a Republican Member of Congress to stay here? Will you say to your constituents that it was the asphalt pavements that were too warm, or is it something else up here, my Republican friends, that is getting too hot for you to hold?

Are you refusing to enact this legislation simply because the Republican political exigencies require it? Or, to come down to the honest truth, are you going to take the old-time bellwether of the Republican party, the deacon of your organization at home, around behind the corner and whisper to him in his ear, "Old fellow, I would have passed that bill, but those Democrats up there wanted to look at the books. They say there has been corruption in the Departments of the Government as run by the Republican party, and they wanted to look at the books, and I tell you, old fellow, we could not afford to let them look at the books in the face of a Presidential election." Is that what you are going to tell them?

Of course we know you will not tell that out in public where wild, reckless Democrats roam around and are likely to repeat the statement. But when you go back behind the corner is that what you will have to tell your Republican henchmen is the reason you would not stay here and enact legislation?

Well, that is not the only question. I glanced over the list of bills that have been introduced, and I see that there are thousands of private pension bills that have been introduced by Members of this Congress. Possibly all these bills are not entitled to be enacted into law, but they have been introduced by Members of this Congress, and I take it that the honorable Member of Congress who signed his name to a pension bill and introduced it thought, at least, that it was an honest piece of legislation and that the soldier for whom he introduced that bill was entitled to a pension.

I will say, in justice to the Committee on Pensions and the Committee on Invalid Pensions, that I believe they are hard-working men; that they have tried to consider the bills that came to their committees carefully and fairly and as expeditiously as they could. But what have they done? They have not touched, so far as this Congress is concerned, hardly one-tenth of the bills introduced. We have got two weeks before you are going to force this adjournment, with 90 per cent of the pension bills not brought before this House, yet which were asserted to be valid, honest, and legitimate bills by the Members who introduced them. Are you going to adjourn at this early day, on the 1st of May, and go back to your constituency and tell them you could not pass their pension bills because you were ordered to adjourn on the 1st of May and could not stay here until July to work on their pension bills and other public matters as Democratic Congresses do?

You can not point to a single Democratic Congress since the civil war that has left before the 1st of July. They have stayed here and attended to public business at least until July. Yet I have no doubt there are among those thousands of pension bills hundreds for deserving old soldiers who are tottering on the brink of the grave. This legislation will not avail them if you wait until you come back here in the short session, because you can not enact that legislation in the short session. It means that if you do not pass these pension bills at this session of Congress it will be two years before these men can get consideration of the bills which you have said were just and fair and honest and that they were entitled to.

Now, I want to know why you are not going to stay here and do it—why you are forcing this adjournment at this early day, driving through these appropriation bills with the great rush that you are? What are you going to say to the old soldiers when you go home? What are you going to say to them when you go home? You tell them yourselves that among fifty or sixty bills introduced by each of you for deserving old soldiers you passed two, three, or four, as the case may be.

Mr. LOUDENSLAGER. Will the gentleman permit a question?

Mr. UNDERWOOD. Yes; if it is a question.

Mr. LOUDENSLAGER. Do you know how many bills have been referred to the Committee on Pensions?

Mr. UNDERWOOD. Well, will not you give this House——

Mr. LOUDENSLAGER. Do you know the number?

Mr. UNDERWOOD. I do not know the exact number.

Mr. LOUDENSLAGER. Do you know of any bill introduced in this House and referred to the Committee on Pensions and by the Member brought before that committee that has not been acted upon?

Mr. UNDERWOOD. I will say this about being brought up by the Member: I do not presume, and I do not suppose my friend presumes, that Members of Congress would come here and deliberately dare to deceive the soldiers of the Republic by introducing bills and fraudulently withhold from the committee the right to enact those bills into law. I do not and will not presume that. I presume that when a Member of Congress introduces a pension bill that he means it in good faith; that it carries his guarantee that it should be enacted into law and is entitled to be enacted into law.

Mr. LOUDENSLAGER. I want to say to the gentleman that there is not a bill that has been referred to our committee where the Member who introduced it has been prompt to bring the evidence before the committee but what it has been considered at this time.

Mr. UNDERWOOD. I understand that; but I want the gentleman to answer this question: How many of those bills referred to your committee are on the Calendar to-day and have not been enacted into law, whether they have been called up by the Member or not? I am assuming that a Member would not introduce them if he did not presume that the bill ought to pass. If the gentleman wants to assume that they do that, let him stand up and say so. How many of those bills are here in this position? Answer that.

Mr. LOUDENSLAGER. We have acted on over 35 per cent of the bills that have been introduced and referred to our committee.

Mr. UNDERWOOD. That shows good work. Two-thirds, according to the Pension Committee. That shows that they have passed one-third of the bills introduced and referred to them, and that there are two-thirds remaining before that committee not considered by the committee, and that you are leaving here, and that you are running away from your duty and can not consider those bills before this House adjourns. [Loud applause on the Democratic side.] Everyone knows that the great bulk of pension bills introduced go to the Committee on Invalid Pensions, which has jurisdiction of civil-war pensions, and that the Pension Committee only passes on pensions arising from other wars, such as the Indian wars, Spanish war, etc. I ask your attention to this further fact: I find that there is a bill introduced by a distinguished Member of this House, having the indorsement of the Grand Army of the Republic in their national convention, in favor of a service pension for the old soldiers of the civil war. That bill was referred to the Committee on Invalid Pensions, and they have not reported it thus far—have not considered it, so far as this House knows—and you propose to adjourn and run away from the business that your constituents sent you here to perform and not enact or attempt to enact or bring about this legislation. Now, why?

Why? The country has the right to ask you why, and the country will ask you why, and your constituents will ask you why on the 8th day of next November. What are you going to tell them?

Mr. MINOR. Mr. Chairman, if the gentleman will permit, I want to say in this matter if he will take care of the Confederate soldiers, we will take care of those who fought under the Starry Banner and saved this Republic.

Mr. UNDERWOOD. Well, we are not asking from the South any pensions for the Confederate soldier.

Mr. LIVINGSTON. We are no longer Confederates and Federals; we are all one now.

Mr. UNDERWOOD. Our cause was lost on the field of battle, and we have accepted in good faith and without complaint the result; but you owe a duty, and I want to know what you are going to tell your constituents when you return home after the adjournment of this Congress.

Mr. MINOR. I will say to the gentleman from Alabama we will tell the Union soldiers when we return home that notwithstanding the fact the gentleman is making this wonderful speech he himself would not have voted for a service-pension bill.

Mr. UNDERWOOD. You do not know that. What warrant has the gentleman to state that?

Mr. MINOR. It is a characteristic of the gentleman and his colleagues on that side of the House.

Mr. UNDERWOOD. I am not surprised to hear the gentleman say that; but I want to say this, that I challenge any man on that side of the House to sustain that statement. I have had a seat on the floor of this House for five Congresses, and I challenge any man on that side of the House to show where I have ever voted or spoken against fair and just legislation to the Union soldiers of the civil war. He can not do it. [Applause on the Democratic side.]

Mr. LIVINGSTON. Mr. Chairman, I want to suggest to my colleague, in answer to the gentleman on the right, that we have many of these old Union soldiers in our Southern districts, and we have to look after them, and we have that interest in them, and it is our business to care for them. They have left your States and come South, and we have to care for them, and the gentleman from Alabama is right, and we are trying to do it.

Mr. MINOR. I will say to the gentleman from Georgia I am very much gratified at such a profusion of patriotism on that side of the House from the South.

Mr. UNDERWOOD. I want to say, Mr. Chairman, that I understand the Committee on Invalid Pensions, of which the gentleman from Wisconsin is a member, has pending before them to-day thousands of bills unacted upon.

Now, mark you, I want to be fair. I am not censuring the members of the Committee on Invalid Pensions, because I believe those men have honestly tried to do their work, but in the short time that you are giving them to consider this legislation it is impossible for them to report it to this House. You are adjourning this Congress. There has not been any opposition to the passage of these pension bills on the floor of the House. Hundreds of bills are put through here in an hour or so when they are brought in from the committee without a word or a sound of objection from the Democratic side of this House or the southern membership in this House. Can you on your side point to any such unanimous action in legislation in which you are not interested—materially interested in? It is no check on our part that has prevented you from giving these old soldiers the pensions due them. It is because you want to go home and will go home that they can not get this legislation enacted.

Right here let me call your attention to the times when the various Congresses since the beginning of the civil war have adjourned their long sessions. Of course everyone knows that the short session of Congress must adjourn on the 4th day of March, as the terms of the Members expire on that date. But the Congress in the long session can stay here and attend to public business all summer, if the Members want to.

Now, let us go back to 1861, the Thirty-seventh Congress. Galusha A. Grow, of Pennsylvania, was Speaker of that Congress. It was a Republican Congress, and in its long session did not adjourn until the 17th day of July, 1862.

The Thirty-eighth Congress was Republican; Schuyler Colfax, of Indiana, was Speaker. It adjourned its long session on the 4th day of July, 1864.

The Thirty-ninth Congress was a Republican Congress; Schuyler Colfax was Speaker, and it adjourned its long session on the 28th day of July, 1866.

The Fortieth Congress was a Republican Congress; Schuyler Colfax, of Indiana, was Speaker, and it adjourned its long session on the 27th day of July, 1868, besides having a number of extra sessions.

The Forty-first Congress was Republican; James G. Blaine, of Maine, was Speaker. It had an extra session, and yet did not adjourn its long session until the 15th day of July, 1870.

The Forty-second Congress was Republican; James G. Blaine, of Maine, was Speaker. It had an extra session, but did not adjourn the long session until June 10, 1872.

The Forty-third Congress was Republican; James G. Blaine, of Maine, was Speaker, and it adjourned the long session on the 23d day of June, 1874.

The Forty-fourth Congress was Democratic: Michael C. Kerr, of Indiana, was elected Speaker, but died during the term, and Samuel J. Randall, of Pennsylvania, succeeded him. This Congress remained in session until August 15, 1876.

The Forty-fifth Congress was Democratic; Samuel J. Randall, of Pennsylvania, was Speaker. It had an extra session of Congress, and did not adjourn until June 20, 1878.

The Forty-sixth Congress was Democratic; Samuel J. Randall, of Pennsylvania, was Speaker. It had an extra session, and did not adjourn until June 16, 1880.

The Forty-seventh Congress was Republican; J. Warren Keifer, of Ohio, was Speaker, and it did not adjourn until August 8, 1882.

The Forty-eighth Congress was Democratic; John G. Carlisle, of Kentucky, was Speaker, and it did not adjourn until the 7th of July, 1884.

The Forty-ninth Congress was Democratic; John G. Carlisle, of Kentucky, was Speaker, and it remained in session until August 5, 1886.

The Fiftieth Congress was Democratic; John G. Carlisle, of Kentucky, was Speaker, and it continued its long session until October 20, 1888.

The Fifty-first Congress was Republican; Thomas B. Reed, of Maine, was Speaker, and it remained in session until October 1, 1890.

The Fifty-second Congress was Democratic; Charles F. Crisp, of Georgia, was Speaker, and it remained in session until August 5, 1892.

The Fifty-third Congress was Democratic; Charles F. Crisp, of Georgia, was Speaker, and it had an extra session and continued its long session until August 28, 1894.

The Fifty-fourth Congress was Republican; Thomas B. Reed, of Maine, was Speaker, and it adjourned the long session on the 11th of June, 1896.

The Fifty-fifth Congress was Republican; Thomas B. Reed, of Maine, was Speaker, and after having an extra session it adjourned the long session of Congress on the 8th day of July, 1898.

The Fifty-sixth Congress was Republican; David B. Henderson, of Iowa, was Speaker, and it adjourned the long session on the 7th day of June, 1900.

The Fifty-seventh Congress was Republican; David B. Henderson, of Iowa, was Speaker, and it adjourned the long session on the 1st day of July, 1902.

The Fifty-eighth Congress—the present Congress—is Republican. JOSEPH G. CANNON, of Illinois, is Speaker, and we are told by the Republican membership of this House that you propose to quit business and go home before the 1st day of May of this year—go home and leave the Calendar crowded with legislation unconsidered that the country demands and without opportunity left to consider it in the short session of Congress when we come back here next winter.

From the statement I have read as to when the various Congresses of the United States have adjourned their long sessions, you see that it is proposed to adjourn this Congress more than a month earlier than any Congress has adjourned heretofore and more than two months earlier than the average Congress adjourns.

I want to know what you are going to say to the old soldier whose pension bill you have introduced, who is suffering from disabilities contracted in the service of his country, who will probably not be alive two years from now when another Congress meets to pass on his pension bill? What are you going to tell him is the reason you are running away from Washington in such haste without considering the general legislation of the country, and without giving any consideration to the private bill you introduced for his benefit? Is there any public reason why you can not stay here and legislate? Is it harmful to the business interests of the country for a Republican Congress to remain here in session? There is no great additional cost created by your remaining here or adjourning. You draw just as much salary when you are at home doing nothing as you do when you are here attending to public business.

Most of the employees of the House are annual employees, and they draw the same salary whether they are here at work or at home. The summer time is coming on, and it is not necessary to heat the Capitol. So that there is very little additional expense to the Government caused by your remaining here until July or later, attending to the business of the country. Then, I want to know what is the reason for going home? I can see but one reason and one reason only, and that is that if you remain here you can not give a good excuse as to why you will not investigate the corruption in the Executive Departments of the Government; why you will not find out for yourselves and your constituents how much malfeasance in office there has been during the recent Republican Administrations. The Democratic Members of Congress want to look at the books, want to show the country the books, and you are afraid to let them do it, and for that reason you are forcing this early adjournment and neglecting the business of your constituencies.

Let me call your attention to some of the important legislation that should be considered by this Congress, for which bills have been introduced to bring about its consideration. The newspapers have been full of the fact for months and months that the Land Office has been investigating frauds in the land districts of the West. The charge has been repeatedly made by your own officers—not by Democrats, but by yourselves—that great corporations and land-grabbing individuals are abusing the land laws and using them to acquire vast areas of public land that should belong to the poor people of this country for homestead settlement. Bills have been introduced in Congress for the repeal of the laws under which these frauds are made possible.

Let me call your attention to what some of your own Republican officers have said in reference to the necessity for this remedial legislation. The Republican Commissioner of the General Land Office, in his report for 1891, states:

> Immense tracts of valuable timber land, which every consideration of public interest demanded should be preserved for public use, became the property of a few individuals and corporations. In many instances whole townships have been entered under this law in the interest of one person or firm, to whom the lands have been conveyed as soon as the receipts for the purchase price were issued.

The Republican Secretary of the Interior in his report makes the following statement:

> The reports from one public-land State alone for the quarter ending June 30, 1902, show that the number of timber and stone entries was 331 during that quarter, embracing 48,585.51 acres; that during the quarter ending September 30, 1902, the number of entries had increased to 1,183, embracing 181,052.02 acres, an increase during the last over the preceding quarter of 852 entries and 132,466 52 acres; and in another State during the same period there was an increase of 294 entries and 45,086.28 acres.

Enormous amounts of land that are being taken up by speculators that should be reserved for homestead purposes. The Republican Commissioner of the General Land Office in his report for 1902 says:

> Many lands which the Government disposed of a few years ago for $2.50 an acre are worth $100 an acre, or even more. * * * Under this law the Government has disposed of more than 5,000,000 acres of valuable timber land, and has received therefor about $13,000,000. The law has been too often violated. Individuals without funds of their own have been employed to make

entries for others with large capital, who pay the expenses, and some wealthy speculators have made enormous fortunes.

Had the laws been more carefully safeguarded both as to character of proof and as to price, frauds could have been more successfully prevented and a more adequate price realized for the Government. Considering the forests simply as property whose only use is to be converted into lumber and other material of commercial value, the Government has disposed of that at an actual loss of considerably more than $100,000,000. In other words, through the operation of this law public property worth much more than $120,000,000 has been disposed of for about $13,000,000. And yet the mere fact that so large a part of the nation's resources has gone into the control of a few individuals or companies is not the most serious effect of the law. The principal injury consists in the loss of control of millions of acres of timber lands to which the future generations of American citizens must look, not only for their supply of timber and timber products, but for protection of the supply of water on which will depend the fertility of most of the agricultural lands of the West.

To show how rapidly has increased the amount of timber land that has been taken up by speculators under the present laws, I find that in 1898 there were 556 entries, covering 66,720 acres. In 1899 there were 540 entries, covering 65,760 acres. In 1900 there were 2,109 entries, embracing 252,180 acres. In 1901 there were 2,980 entries, covering 357,600 acres. In 1902 there were 3,911 entries, covering 625,760 acres. In the last ten years the amount of timber land taken up under this law has increased tenfold. And yet you are going away and leave the law unamended and unrepealed, that speculators may continue to prey on the land that belongs to the poor people of the nation.

There is another law on the statute books that is used by speculators to gather great bodies of land together from the Government. It is known as the "desert-land law." I want you to listen to what your Republican Secretary Wilson, of the Agricultural Department, said of it in his report for 1901. It is as follows:

While all the land laws were doubtless intended to benefit settlers, they have in practice, in the arid region, too often benefited speculators. Hundreds of filings made under the desert, preemption, homestead, and timber-culture acts have been made by people who never were farmers and never expected to become farmers. It is to such filings that scores of meritorious irrigation enterprises owe their failure. The repeal of the preemption and timber-culture acts and the cutting down desert-land entries from 640 to 320 acres have improved the situation, but it can be still further improved by an entire repeal of the desert-land act and by requiring the settlers on homesteads to cultivate, as well as to live on, their farms. The desert act was an economic mistake.

And yet you propose to adjourn this Congress, run away from your duty, and leave this act on the statute books.

The wealth and the strength of the nation lies in its independent citizenship. There is nothing that makes a man so independent as to own his own home. There is nothing that makes the citizen so conservative as to possess the land he lives on. The policy of our fathers was to protect the public domain, to make homes for the poor and the helpless, for the needy and the suffering. But the greed of Republican Administrations has placed laws on the statute books that have opened the public domain to the vampire rapacity of speculators and land grabbers until your own officers, Republican officials, have become alarmed and mortified at the despoliation of the public domain. They have called on you and advised you to repeal the laws under which it is made possible. And yet you boldly say to the country that on the 1st day of next May you are going home; that these bills may remain on your Calendar unenacted; that the public domain may remain unguarded and unprotected against the rapacity and greed of speculators. And why is it? Why can not you remain here long enough to legislate on this question that your own officers have advised you to legislate about? I will tell you why: There is but one reason, and that is because you are afraid to investigate the frauds in the Post-Office Department. You are afraid to let the public look at the Government books.

There are a number of bills on the Calendar and in the committees that a vast number of our fellow-citizens are interested in; that the laboring people of the country are petitioning you to legislate about. They are asking you to consider a law regulating the hours of labor of Government employees. They are asking you to consider what is known as the "anti-injunction bill." They are asking you to consider a bill regulating immigration coming into this country, to protect them against the hordes of pauper labor that is pouring into our ports from Europe in competition with American labor, and pulling down American standards of life and living. They are asking you to consider a bill to prohibit the employment of Chinese on American vessels in competition with American sailors. They are asking you to promote the safety of American travelers by compelling the railroads to strengthen their coaches and other equipment.

They are asking you to pass a bill by which a part of the public domain may be used to provide homes for the homeless and destitute; they are asking you to pass a bill by which United States Senators may be elected by direct vote of the people, and yet these bills have not been considered and will not be considered by the House. They are matters of important legislation. The membership of the House may not be united on all these questions, but they are matters of great importance and should be considered—matters of importance not merely to one individual, but to thousands of American citizens. It is legitimate legislation for the Congress of the United States to give due consideration to, and yet you intend to adjourn this Congress without considering the questions at all, knowing that you will have no opportunity in the short session of Congress to give them the consideration they deserve.

And why is it that you are going home to your constituencies and refuse to stay here attending to the public business and considering the legislation that is properly before you? Do you think that the people of the country will consider your lame excuses, will allow you to throw dust in their eyes by claiming that the Republican party can enact the legislation of the country in a few months, and that it is not necessary for you to stay here when thousands of important bills are on the Calendar awaiting your consideration? Do you think that the Republican party is justified in leaving this important legislation unenacted and unconsidered, in order to prevent the country from looking at the books and discovering the corruption in the Executive Departments of the Government?

Let me enumerate to you a few other important bills before the committees that you propose to adjourn without considering.

There is a bill to protect the life of the President. There is a bill to prevent and punish the desecration of the American flag. There are a number of bills to reduce taxation and amend the tariff laws. There is a bill to increase the number of chaplains in the Navy. There is a bill to allow two months' extra pay to the men during the Spanish war. There is a bill to repeal the bankrupt law. There is a bill to reorganize the consular service of the United States. There are a number of bills providing for the improvement of the public highways of the country. There are thousands of bills for private claims of citizens of the United States against the Government. In fact, up to the present date there have been over 15,000 separate bills introduced in the House and less than 2,000 considered; and yet you say you have done your full duty to the country and are ready to adjourn on the 1st day of May.

Mr. Chairman, there was a time in the history of this country when to be a Representative in the Congress of the United States was a great honor, carrying with it a great trust and great responsibility. There was a time in the history of this country when to be a representative of the people carried with it a public duty. But from the tendency of the times, it seems that this high office has degenerated into one of personal aggrandizement and party servitude; that the representative of the people is no longer expected to stand for and maintain the rights and liberties of the people; no longer expected to see that the public affairs of the nation are carried on honestly, faithfully, and economically for the benefit of the masses of the people. It seems that the representatives of the people are no longer expected to maintain the constitutional rights of the legislative branch of the Government, to check the encroaching power of the Executive, and to protect the public Treasury.

It seems that to-day the Congress of the United States is expected to bow its servile head to the orders and commands of the Executive Departments of the Government—to pass such legislation as it is ordered to pass, and to refuse to pass such legislation as it is ordered not to pass. It is expected to close its eyes as to what disposition is made of the public funds and not to investigate corruption and dishonesty in the public office. It is expected to appropriate such money as is demanded of it by the Executive, and not to ascertain if it is what is the need to economically carry on the Government. A continuous lease of power and unchecked sway in public affairs, a reckless expenditure of public funds for nearly a decade without investigation, have made the Republican party shameless and dictatorial.

They no longer believe that their officers are selected as the servants of the people. But they seem to believe that they have been vested with eternal power, that the people can never take away from them again. They have abused the public confidence in violating the pledges their national platforms have made to the people. They have been recreant to the public trust by allowing fraud and corruption to grow up in the great Departments of the Government, unchecked and uninvestigated. They have been false to their duty and to their constituencies in not performing the services that the country had a right to expect of them, and there is but one punishment that can make them realize the duty that they owe to the country, and that is to remove them from power in the next general election.

Mr. HEMENWAY. Mr. Chairman, I yield thirty minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Chairman, the point at which legislation touches the people most closely and seriously is where it affects their wages, their daily income, and their pockets. The pocket may be said to be like the lungs, heart, and stomach, one of the vital organs of the body, and if its inflow does not exceed its outflow, all the rest of the organs are affected by it.

We may sit here and make political speeches until all is blue, we may play the political game for our own reelection for all it is

worth, but unless we take some positive action to improve the industrial situation our service here is of very little account.

For more than two years the exporting manufacturing interests of the United States have been appealing in vain to Congress for the enactment of a law which would free their foreign trade from the burden of the tariff.

I venture to say that few Members of Congress have any conception of the relation of a liberal and workable drawback law to our foreign commerce under a protective tariff. I am sure that I did not realize its value until the urgent necessity of my own State for new markets for her surplus products induced me to examine the subject with care.

The first fact that I discovered was that the policy of protection for the home market against foreign competition is based on the implied condition that duties shall not be assessed or retained in the Treasury if the merchandise is not consumed in the United States, and the second fact was that certain industrial combinations of great influence, not content with the full measure of protection accorded them at home, were secretly using their power to defeat legislation which was merely intended to carry into practical effect the declared purpose of the Republican party that *the tariff should* not hamper our export trade.

Perhaps the reason for the policy of allowing drawback on materials used in manufacturing for the export trade will be more clearly understood if I refer to the bonded-warehouse system. All civilized nations have adopted the plan of allowing goods to be imported without the payment of duty, provided such goods are deposited in a warehouse under the control and custody of government officials. If withdrawn for sale in domestic markets, the duty must be paid. If withdrawn for export, no duty is paid.

We adopted this system immediately after gaining our independence, and, in fact, I believe the practice of bonding imported goods in lieu of demanding duties was in vogue when this country was a colony of Great Britain.

At the present time, at all our great seaports, imported merchandise, the product of foreign labor, is stored in bonded warehouse under Government custody, and is daily offered for sale on the floors of our commercial exchanges on a duty-free basis for export in competition with like domestic goods. It frequently happens that the like domestic articles are manufactured in whole or part from imported materials, the duties paid on which, if not returned to the American manufacturer in the form of a drawback when exported, would make it impossible for him to compete with the foreign duty-free goods in the bonded warehouses.

Canada is now looming up as a formidable competitor of the United States in the markets of the world, and has so far advanced, for example, in the manufacture of boots and shoes, that it is now only a question of a little time, if that time has not already arrived, when she will successfully compete with American manufacturers in the markets of the world. Her progress in that direction is, of course, due to a great extent to her wise policy of placing hides on the free list.

The geographical relation of Canada to the United States will serve to illustrate another phase of our bonded warehouse system. Let us suppose that the agents of an American and Canadian shoe manufacturer offer their products for export to the American representative of a foreign buyer.

By reason of the complications and uncertainties attending the collection of drawback under the present imperfect law, the American manufacturer is in many cases forced to add the duties assessed on foreign hides to the price quoted. The Canadian manufacturer paying no duty on hides and knowing that he can ship his goods across American territory to the foreign port in bond, without the payment of duty, quotes a price based on free hides. As there is no sentiment in trade he secures the order. When the goods are shipped and reach the boundary line, they pass into the custody of the American customs officials. A bond is executed to pay the duties in the event that the goods are not exported, and the car then proceeds under official seal to the American seaport, where the shoes are laden on the export vessel under the supervision of the collector of customs.

When this is accomplished and the vessel has departed for the foreign port, the collector forwards a certificate to the custom-house on the boundary line, which cancels the bond given to secure the duties.

The chief purpose of the bill to amend and liberalize our imperfect drawback laws, which I have introduced and which is now pending before the Committee on Ways and Means, is to give to American manufacturers seeking foreign markets the same freedom from customs duties and internal-revenue taxes that our tariff system has extended to foreign manufacturers through the bonded warehouse system since our Government was founded.

This proposed legislation is so urgently needed to assist in the development of our foreign commerce that I will endeavor to briefly explain in a general way the purpose of each section of the bill, and to show that, if enacted, there would be no more difficulty in administration than has been experienced in carrying into effect the present drawback law.

The first section is chiefly intended to bring within the scope of the present law thousands of articles which, under a decision of the Supreme Court, as construed by various rulings of the Treasury Department, are not considered to have been subjected to a sufficient process in the United States to be classified as articles of domestic manufacture. In order to illustrate the limitation placed on existing law by the Supreme Court, I will read a decision of the Treasury Department denying drawback on imported motors attached to coffee mills and meat choppers exported to Canada.

DRAWBACK—MANUFACTURE.

Attaching electric motors, completely manufactured abroad, as the motive power in the construction of coffee mills and meat choppers, does not constitute manufacture within the meaning of the drawback laws.

TREASURY DEPARTMENT, *April 18, 1902.*

GENTLEMEN: The Department is in receipt of your letter of the 9th instant, requesting the establishment of a rate for the allowance of drawback on electrically driven coffee mills and meat choppers.

It appears that the electric motors are made in Canada, it being your purpose to use such motors in connection with the coffee mills and meat choppers intended for the Canadian market, the motors themselves "not being improved in manufacture or in any wise altered from the original construction."

In reply I have to inform you that under the law it is necessary that the ultimate complete article shall be wholly manufactured in this country, whatever the stage of advancement of the preceding "materials" may be. See the opinion of the Attorney-General embodied in Department's decision of February 19, 1902. (T. D. 23533.)

Drawback is allowed on "imported materials" used in the manufacture of articles manufactured or produced in the United States and subsequently exported. "By this is undoubtedly meant that the imported materials must enter into and form one of the ingredients of the manufactured articles." See Joseph Schlitz Brewing Company *v.* United States (181 U. S., 584.)

The Supreme Court, in Tide Water Oil Company *v.* United States (171 U. S., 210), held that the word "manufacture" is used in the law "to denote an article upon the material of which labor has been expended to make the finished product. Ordinarily the article so manufactured takes a different form, or at least subserves a different purpose, from the original materials, and usually it is given a different name." The materials which are referred to are the "imported materials."

In the present case the motors are completely manufactured abroad. Therefore the coffee mills and meat choppers in their completed condition as exported—that is, with the motors attached—can not be regarded as wholly manufactured in this country. The motors which constitute "imported materials" have not taken a "different form" and do not "subserve a different purpose" from that which was intended when they were manufactured, not having been "improved in manufacture or in any wise altered from the original construction."

In view of the facts set forth, I have to inform you that the use of the imported materials in the manner described does not constitute a manufacture within the meaning of the law, and therefore allowance of drawback is refused.

Respectfully, O. L. SPAULDING,
*Assistant Secretary.*

Here we have a case where American skilled labor employed to manufacture from domestic materials certain coffee mills and meat choppers, the sale of which in the foreign market depended on the use of a special kind of foreign electric motor, but on which drawback was denied, because, owing to the Supreme Court's limited application of the word "manufacture," the attachment of the motors could not be considered as sufficient to bring the completed articles within the scope of the law.

If these motors had been deposited in a bonded warehouse on arrival in the United States, they could have remained there for three years without the payment of duty, and if withdrawn for direct exportation no duty would have been assessed. Can any good reason be assigned why Congress should refuse to allow a drawback on the exportation of these motors because it became necessary to remove them to the factory of the manufacturer so that American labor might be employed to attach them to certain domestic articles intended for shipment abroad, and especially as the difference in price between a taxed and untaxed motor was in all probability the controlling factor in securing the foreign order?

I have made it my duty to examine the drawback rulings of the Treasury Department for the past three years, and find that this decision of the Supreme Court rendered it impossible for the Secretary to allow drawback on a great many similar articles, and I have no doubt but that our export trade was thereby injured to the extent of hundreds of thousands of dollars.

It is perhaps unnecessary to state that no new problem in administration would arise by amending the present law, as provided in the first section of the bill.

The second section of the bill reads as follows:

SEC. 2. That when imported duty-paid materials used in the production of articles produced in the United States can not be identified by the producer as material used in the production of any particular article or articles of a lot so produced, as required by the regulations to be established under the provisions of section 1 of this act, drawback may be allowed on the exportation of such particular article or articles equal in amount to the duties paid on a quantity of like material required to produce such article or articles: *Provided*, That the like material used in the production of the lot from which the exported article or articles are taken shall at least equal in productive, effective, and manufacturing value an equal quantity of the material required to produce such article or articles: *And provided further*, That where imported materials have been used under the provisions of this section, such materials must have been imported by the producer of the exported article, or must have been traced to the possession of such producer for his use, and must be charged against the record of importation as required by the regulations to be established by the Secretary of the Treasury under section 1 of this act.

Before referring to the great advantage to our foreign commerce which would result from the enactment of this feature of the bill, I will explain the technical meaning of the word "identify." The present drawback law allows a drawback of the duties paid on imported materials used in the manufacture of exported articles on the condition that such imported materials must be identified, which in practice, under the regulations of the Treasury Department, means that the manufacturer must swear that certain specified imported materials entered into the manufacture of certain specified exported articles.

It frequently happens, however, that like foreign and domestic materials are used in manufacturing operations at the same time. When the goods are finished and stored in the warehouse for sale there is absolutely nothing to indicate whether the particular article selected for shipment abroad was manufactured from the foreign or the domestic materials. The labor and expense involved in keeping track of the foreign material through all the various operations, so as to be able to state under oath that it forms the whole or a certain percentage of the exported articles, is often so great as to discourage the attempt to secure foreign orders.

The manufacturer can always swear that the imported material was used in making a certain specified lot of goods; he can swear that the articles to be exported were selected from that particular lot of goods; but unless he has carefully followed the material as it passed through the factory, he can not swear that the exported articles were manufactured either in whole or in part from the imported materials. The proposed amendment to existing law, as provided for in section 2 of the bill, calls for no radical departure from the present method of identifying the foreign material used.

It is merely proposed that when a manufacturer is uncertain as to whether the imported materials entered into the manufacture of the articles which he desires to export, the drawback shall be paid, provided it can be shown that the exported articles were selected from a lot of goods which were manufactured coincident with the use of the foreign material, and that the actual materials used in the exported articles were equal in productive or manufacturing value to the imported materials on which the claim for drawback is based. In other words, the article made from the domestic material would sell for as much as the article made from the foreign material, and no advantage would be gained by the manufacturer, nor would there be any loss to the Government. But the allowance of the drawback would enable the goods to be sold in the foreign market on equal terms with like foreign goods manufactured from materials on a duty-free basis.

Perhaps the apparent complications which would attend the execution of such law will disappear when it is explained that in administering the present law the Treasury Department does not exercise official supervision over manufacturing processes. The manufacturer is at liberty from the time the duty is paid and he secures possession of the material to dispose of it as may best suit his purpose. The drawback law, as a matter of fact, is not applied until the goods are finished and ready for shipment abroad. The inspection of the finished articles prior to shipment is, therefore, not undertaken by Treasury officials with the purpose of determining the origin of the material used.

No expert customs examiner could tell whether certain wire cable or steel rails were made from imported or domestic billets, or whether certain refined sugar was refined from raw sugar produced in Cuba or Louisiana. But such officials could readily ascertain whether the article was of a certain trade designation, and whether material of a certain grade and quality was necessary to produce such an article, and this examination would call for no more care under section 2 of the bill, in order to protect the Government's interest, than is now required under the present law.

I submit this question: If the Government has for over forty years depended entirely on the affidavit of the manufacturer that articles on which drawback is claimed were made from certain specified imported materials, why could not the Government safely accept under section 2 of the bill the affidavit of the manufacturer and his foreman that the actual materials in the exported articles were equal in quality and productive value to the imported materials on which the claim for drawback is based?

Mr. LIND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Minnesota?

Mr. LOVERING. Certainly.

Mr. LIND. I wish to ask the gentleman this question: Does he think that there is any large number of Members on either side of this Chamber who would vote against or seriously oppose the propositions of this bill?

Mr. LOVERING. I do not, if they thoroughly understood it. The difficulty has been to get men who are capable of understanding it to put their minds upon it and study the question.

Mr. LIND. How does it happen, then, that we can not get the bill into the House for consideration, so that an opportunity may be afforded to get that understanding?

Mr. LOVERING. The gentleman must ask the chairman of the Committee on Ways and Means.

Mr. LIND. Oh!

Mr. LOVERING. At one of the hearings on this subject before the Committee on Ways and Means the representative of a manufacturing industry employing several thousand workmen testified that the condition in the present drawback law as to identification of material had forced his company to abandon further attempts to secure foreign orders, and I am informed on reliable authority that several large manufacturing houses were compelled for a similar reason to erect branch factories in Europe.

Mr. LIND. Mr. Chairman, I desire to say to my colleague at this point that in the district which I have the honor to represent industries with an annual product of over one hundred million in value would be substantially and permanently benefited by the passage of this bill or a bill containing its principal provisions, and still it is impossible to get a hearing for it.

Mr. LOVERING. I have not any doubt of it, Mr. Chairman, and I think the gentleman understates rather than overstates the advantages to be derived from this legislation.

Mr. LIND. Would the gentleman be willing to continue in session a week longer to have this considered?

Mr. LOVERING. Yes; a month longer. [Applause.]

Several large manufacturers in my own State have stated to me in conversation that it is practically impossible to fill export orders from stocks on hand and identify the material used. The difference between the cost of the foreign and the like domestic material which they use is about equal to the duty paid on the former, and as they compete abroad with German and English houses they can not secure their share of the business without basing quotations on the cost of the foreign material in bond.

At the time the goods are manufactured it is impossible to determine whether they will be sold in foreign or domestic markets. If foreign material has been used, they are unable to select from the stock of finished goods on hand the particular packages containing it, and hence the Treasury Department would have no other recourse under existing law than to deny the drawback.

I am absolutely convinced from the careful personal investigation I have given this subject that the enactment of this feature of the bill would alone increase our foreign commerce to the extent of many millions of dollars annually, and I am also convinced that not a single domestic industry would thereby be injured.

A trivial objection urged against the second section of the bill is that it would be regarded by foreign nations in the light of a bounty. It would hardly seem as if that objection was worthy of the slightest consideration, and it is almost impossible to believe that any real student of the subject can seriously urge it.

The explanation that I have made of the conditions expressed in section 2 show clearly:

First, that the imported material on which duties are paid must have entered into the manufacture of the lot of goods from which the particular articles on which drawback is claimed were selected or taken; and

Second, that as there is no difference in the market value between the goods exported and those remaining in the United States, it is perfectly safe for the Government to waive the affidavit required under the present Treasury regulations as to identification of material and to assume that the particular articles exported actually contain the percentage of foreign material on which the claim for drawback is based.

If the allowance of drawback under these conditions is a bounty, then our entire system of allowing drawback under existing laws is unquestionably a bounty; and, too, it could be successfully maintained that the remission of duty on foreign goods exported from bonded warehouses is a bounty, as well as the exportation from bonded warehouses of domestic goods subject to internal-revenue tax.

It might also be contended that when a passenger arrives in the United States en route from Mexico or Canada that we allow him bounty, because no duty is charged on the goods in his trunk, which otherwise would be dutiable if he remained in the United States.

I might also refer to the transportation across American territory of Canadian goods in bond destined for foreign ports. Our practice is to charge up the duty when the goods cross the boundary line, and to remit it by canceling the bond when the goods are exported. Do we allow the Canadians a bounty as a result of that system?

I regret to state that the Supreme Court of the United States has declared that the allowance of a drawback and remission of internal-revenue tax on articles exported to a foreign country is in effect the granting of a bounty. Without commenting on that remarkable declaration by our highest court, I will allow you to form your own opinion as to whether our drawback and bonded warehouse systems operate in any way to grant a bounty.

The third section of the bill provides that drawback shall be allowed on articles manufactured from imported dutiable materials which are consumed on vessels clearing for foreign ports.

The fourth section provides that foreign and domestic articles,

subject to customs duties and internal-revenue tax, may be withdrawn from bonded warehouses free of duty or tax for use on vessels clearing for foreign countries.

The fifth section provides that the allowance of drawback and remission of internal-revenue tax shall be limited to articles consumed after the departure of such vessels from the United States.

I am informed on reliable authority that the United States and Spain are the only civilized nations which refuse to treat as exports articles consumed on the high seas by vessels clearing for foreign ports. The refusal of the Secretary of the Treasury to rule that articles consumed beyond the boundaries of the United States by vessels clearing for foreign ports are exported has been sustained by the Supreme Court.

Absolutely nothing can be gained by refusing to exempt such goods from taxation, for the reason that foreign vessels trading with the United States invariably purchase sufficient stores to last over the return voyage, or until a port is reached where the bonded warehouse laws permit withdrawals for ships use free of duty or tax.

I am informed that at the present time domestic products subject to internal-revenue tax are exported to foreign countries free of tax, there placed in bonded warehouses and withdrawn from time to time free of duty for use on vessels trading with the United States. Since our Government is powerless to derive a revenue from goods consumed in that way, is there any reason why we should decline to permit our own merchants to transact the business?

The enactment of these sections of the bill will create a new business for American merchants and warehousemen in all our seaport cities from Seattle, Wash., to Portland, Me., with consequent advantage to American labor, and without injury to a single domestic interest.

My statement of the purpose of the first section of the bill fully applies to the sixth section, which provides for the allowance of drawback on imported materials used as wrappings or coverings of exported articles, so that further comment is unnecessary.

The policy of allowing drawback on exported products is in no sense partisan. The present drawback law was first enacted by a Republican Congress in 1890. It was reproduced, word for word, in the tariff law of 1894 by a Democratic Congress, and in 1897, when the present tariff was passed by a Republican Congress, it formed the thirtieth section of that act.

A very large proportion of the revenue necessary to maintain the Government must be obtained from a tariff on imports for many years to come no matter what political party may be in power. If our manufacturers are to compete successfully for the foreign trade they must be placed on an equal footing with their foreign competitors, in so far as the cost of their materials is concerned. Many staple materials on which we impose a duty can be purchased more cheaply abroad than at home, duties not considered, so that it is self-evident that the handicap of an imperfect drawback law must be removed.

In order to assist our manufacturers to build up a foreign trade in chemicals, drugs, etc., I introduced a bill to provide for the allowance of drawback on domestic tax-paid alcohol when used in manufacturing such articles for shipment abroad.

This bill is exactly similar to a bill introduced some five or six years ago by the Hon. Charles A. Russell, for many years an honored Member of this House, and who for a long time was a member of the Committee on Ways and Means. The bill has therefore been before the committee for several years, and I regret to say that it still slumbers. Let me explain its object and the great advantage to our foreign commerce which would surely follow its enactment into law.

Mr. HEPBURN. Mr. Chairman, I will ask if the gentleman will permit me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. LOVERING. Certainly.

Mr. HEPBURN. Is it not true that under the existing statutes of the United States the importer of a foreign article he uses in manufacture and then exports may have a drawback upon all that imported material?

Mr. LOVERING. Yes; if he can identify it.

Mr. HEPBURN. Then the law, so far as that is concerned, meets the purposes of the gentleman.

Mr. LOVERING. So far as the identification is concerned, yes.

Mr. HEPBURN. So that all the gentleman wants now is some modification whereby identification will be easier for the manufacturer?

Mr. LOVERING. Precisely.

Mr. HEPBURN. Is it not true that the manufacturer under the law now may give to his establishment the character of a bonded warehouse for the purpose of identifying all of his property?

Mr. LOVERING. It is perfectly true, but everyone knows that it is impracticable on account of the expense to the manufacturer. It can not be done. It has been tried over and over again, especially in the manufacture of shoes.

Mr. HEPBURN. Are there not hundreds, or at least scores, of such bonded warehouses now?

Mr. LOVERING. There are bonded warehouse manufactories, but, as I say, it is impracticable for small manufacturers to avail themselves of them on account of the expense.

Our internal-revenue laws make no provision for the payment of a drawback of the internal-revenue tax paid on alcohol used in the manufacture of exported articles. Since, however, the present customs-drawback law allows a drawback of the duties paid on all imported materials used in the manufacture of exported articles, a number of manufacturers on the Atlantic seaboard have, for several years, imported alcohol from Germany and collected a drawback when used as a constituent part of the exported articles.

If we can safely allow a drawback on foreign alcohol on which the customs duty is $1.75 per proof gallon, it is absolutely clear that no more difficulty would be experienced in allowing a drawback on domestic alcohol on which the internal-revenue tax is $1.10 per proof gallon, so that the administrative difficulties need not be discussed. Neither shall I do more than refer to the absurd policy of allowing a drawback on alcohol made by foreign distillers while refusing to extend a similar privilege to our own distillers.

Perhaps you will more fully appreciate the great advantage of this measure to our chemical industries if I read a few paragraphs from an address on this subject delivered by Mr. M. N. Kline, chairman of the committee on legislation of the National Wholesale Druggists' Association, at the annual convention of the National Board of Trade, held in this city last January:

The extent to which our foreign trade is decreased through this defect in our revenue laws can not be positively stated, but it is certain that the aggregate loss is very large.

The world's trade to-day in all the products of the great chemical industries is almost entirely in the hands of the German chemical manufacturers, whose industries have been greatly developed under the liberal alcohol policy of their country. Not only do these German manufacturers export their products to Asia, Africa, Australia, South America, and other foreign countries, but they also sell large quantities in the United States, being enabled to overcome the barrier of our tariff laws by reason of the fact that they secure an important material at a much lower price than the same material costs our manufacturers. At the present time we have practically no export trade in all the various articles known to the chemical industry. This is also true in regard to such staple articles as spirit varnishes, flavoring extracts, perfumery, pharmaceuticals, medicines, smokeless powder, and hundreds of similar articles in the manufacture of which alcohol is used.

While we have in recent years been extending our export trade in manufactured articles to all parts of the world, the one exception to this growing trade has been in the class of products above referred to. We have not only failed to get our fair share of the world's trade in these products, but we have failed to get any share of it.

With our manufacturers placed on an equal footing with their competitors in European countries, in so far as the cost of alcohol is concerned, there is not the slightest doubt but that our export trade in all the articles in the production of which alcohol is used would be enormously increased. We have shown in all other branches of industry that with a fair show we can hold our own with any other country in the world, and there is no question that we can do so in this particular line if we are freed from the handicap to which we are subjected by present conditions. I am confident that if the legislation favored in these resolutions is enacted we would in a very short time increase our export trade in all the articles in the manufacture of which alcohol is used more than a hundredfold over what we now sell to foreign countries.

To show how burdensome this alcohol tax is on the manufacturers who are trying to build up a foreign trade I may state that several large concerns have found it necessary to go across the line to Canada and establish factories for manufacturing their products for export. The Canadian government allows them practically tax-free alcohol for manufacturing their exported products, and they are thus enabled to carry on an extensive foreign trade. The result is that Canadian labor is employed in the manufacture and transportation of these articles instead of our labor. A policy which thus discriminates against the workers of this country in favor of those of a foreign competing country needs only to be stated in order to be condemned.

Before concluding, I desire to call attention to the passage by this House a few days ago of a bill, reported from the Committee on Ways and Means, having for its object the correction of certain faults in the customs administrative laws relating to the method of ascertaining dutiable value and the classification of imported merchandise. The drawback bills which I have been discussing are merely intended to correct certain faults in our customs administrative laws relating to exportation of domestic merchandise, and it is needless to say that, if enacted, not a single rate of duty in any of the tariff schedules would be changed.

I had understood until recently that the "stand-pat" policy of the Republican party included all measures which referred directly or remotely to the tariff, and I was therefore content to patiently await action on the drawback bills until the next session of Congress. But the policy agreed on by the Republican leaders at the beginning of the session, to which I assented in obedience to the unwritten law of party government, has evidently been violated by the passage of the customs administrative bill, and I am therefore entirely justified in protesting against the gross inconsistency of reporting that measure, while refusing to give the slightest consideration to a similar measure which would enormously promote and extend our foreign commerce.

My own State (and there are others) is clamoring for new markets. The raw material which she can use to advantage in her export trade is in foreign contiguous territory, and is dutiable under our custom laws. Is it right, for instance, for Pennsylvania to insist that no matter what the difference in cost may be between foreign material and the like material which she pro-

duces, that legislation shall not be enacted by Congress which will make this foreign material free of duty for use in our foreign trade? If so, I wish to give notice here that Massachusetts accepted the present tariff (as did many other States) on the distinct understanding that it should not be permitted to destroy her foreign commerce; and I assert that it is bad politics, as well as bad business policy, to violate that understanding.

If any Member should question this statement, he will find upon investigation, as I did, that the present duties on hides, wool, tin plate, billets, refined lead, and other so-called "raw materials," were imposed on the condition that the domestic producers of like materials would not be allowed to throttle our export trade in the finished articles.

During the past year the experts in the Treasury Department have made a most careful study of the proposed amendments to the drawback law, and are now absolutely convinced that they can be safely administered, and that modern conditions of manufacture require more liberal treatment than can be accorded them under the present law.

As a final word, I will ask my Republican associates to look carefully into this subject, so that they may ascertain for themselves whether, in view of the facts I have submitted, the exporting interests of the United States have had fair play from the Committee on Ways and Means. [Applause.]

[Mr. REEDER addressed the committee. See Appendix.]

Mr. LIVINGSTON. I yield fifteen minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Chairman, it will not be denied that President Roosevelt has been recognized as the champion of civil-service reform ever since he has been before the public eye. During his service as a member of the Civil Service Commission he was strenuous in his denunciations of what he termed "spoilsmen;" and he endeavored to carry out by voice and pen every possible rule and regulation which, in his opinion, would carry on the civil-service law to a round completion as contemplated by the authors of the law when it was passed in 1883.

Some time ago I was informed that it would appear, if the records could be obtained, that President Roosevelt has suspended the civil-service laws and regulations oftener in individual cases than all the Presidents who preceded him; and I introduced into this House a resolution calling upon the president of the Civil Service Commission to furnish the House with information as to the number of cases in which the civil-service law and the regulations made thereunder have been suspended, and by whom, since the 4th day of March, 1885.

This House has been furnished with that information, from which it appears that in the Administration of Mr. Cleveland, both in his first and his second term, and in the Administration of President Harrison, the civil-service law or the rules and regulations thereunder were not suspended in a single instance. It appears that in President McKinley's Administration that law was suspended only in three instances; and it appears that in Mr. Roosevelt's Administration it has been suspended in sixty cases, and that every form of the civil-service law, every rule and regulation adopted by the Civil Service Commissioners for the purpose of putting this law into effect, has been suspended by Mr. Roosevelt, this great champion of civil service.

He began it by suspending the law in cases of a clerk, a steward, a coachman, and various other people. He suspended it entirely in about twenty-five instances. He suspended it as to the rule of appointment in competitive positions allowed upon noncompetitive examinations. He suspended it as to reinstatements allowed without regard to the year limit fixed by the rule. He suspended it with regard to the rule as to certification authorized to the condition of appointment. He suspended it without reissuing the certificate directed. He suspended the rule as to the certification allowed, regardless of the position of the names on the register of the civil service, in several instances. I ask unanimous consent that I may print with my remarks this table from the report of the Civil Service Commission, giving the details with reference to these cases.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to include in his remarks extracts from the report to which he has referred. Is there objection? The Chair hears none.

TEMPORARY EMPLOYEES AT CERTAIN INSULAR NAVAL STATIONS MADE PERMANENT.

On February 11, 1903, President Roosevelt authorized the absolute appointment of certain temporary clerks employed at the various insular naval stations, by the following special rule:

"The temporary clerks employed at the various naval stations in the insular possessions of the United States (except San Juan and Honolulu), whose names are on a list heretofore furnished the Civil Service Commission by the Secretary of the Navy, may be absolutely appointed, it appearing that their original appointments without examination were necessary for sufficient reasons, among which were (1) inability of the commission to certify eligibles who would accept promptly, (2) inability of the Department to secure accommodations on transports, and (3) delays caused by the failure of eligibles to accept appointment."

This rule operated to bring into the classified service thirty-three persons, whose names appear in a list herewith marked "Exhibit E."

*Appointments in the classified service under special rules and special exceptions.*[a]

AUTHORIZED BY PRESIDENT M'KINLEY.

[Appointments allowed without examination.]

| Name. | Position. | Department, office, or service. | Date of order. |
|---|---|---|---|
| Tyner, James N | Assistant attorney-general[b] | Post-Office Department | Apr. 24, 1897 |
| Barrett, Harrison J | Law clerk, to act for assistant attorney-general | do | May 14, 1897 |
| Pinchot, Gifford | Chief, Division of Forestry | Agriculture | June 17, 1898 |

AUTHORIZED BY PRESIDENT ROOSEVELT.

[Appointments allowed without examination.]

| | | | |
|---|---|---|---|
| Mustin, Robt. F., jr | Clerk | Pension agency, Philadelphia | Oct. 31, 1901 |
| Pinckney, Henry | Steward | White House | Nov. 1, 1901 |
| Robinson, C. H | Laborer (coachman) | Navy Department | Nov. 6, 1901 |
| Murray, Joseph | Assistant commissioner immigration | Commerce and Labor, New York | June 2, 1902 |
| Hohbein, Frederick[c] | Clerk | War Department | July 30, 1902 |
| Lynch, David | Cable engineer | Signal Service, Philippine Islands | Sept. 4, 1902 |
| Newton, Chas. W | Physician | Indian Service, Arizona | Dec. 27, 1902 |
| Collins, F. A | Private secretary | Government Printing Office | Jan. 30, 1903 |
| Torres, Louis P | Clerk (translator) | War, Insular Bureau | Mar. 7, 1903 |
| Pollock, Horatio C | Clerk | War, military headquarters, Philippine Islands | Mar. 9, 1903 |
| Lee, Wm. J | Telegrapher | Commerce and Labor | Mar. 12, 1903 |
| Dumont, James A | Inspector of hulls | Treasury, New York | Mar. 26, 1903 |
| Wyman, Albert U | Clerk | Treasury Department | Apr. 29, 1903 |
| Blanco, Lucas | Messenger | Customs, Porto Rico | Do. |
| Terry, Chas. B | Clerk | Post-Office Department | July 3, 1903 |
| Durand, E. Dana | Special examiner | Commerce and Labor | [d]July 13, 1903 |
| Monaghan, James C | Chief of division | do | Do. |
| Anderson, John H | Assistant telegrapher | do | Do. |
| Evans, Chas. D | do | do | Do. |
| Chatfield, Alfred C | Lieutenant of the watch | do | Do. |
| Richardson, Robt. F | Messenger | do | Do. |
| Faire, Buchanan W | do | do | Do. |
| Gray, De Forest | do | do | Do. |
| Henry, Newport F | do | do | Do. |
| Barnum, Walter L | Assistant messenger | do | Do. |
| Wellborn, Julia W | Clerk | Geological Survey | Aug. 8, 1903 |
| White, Wm. A | Superintendent | Government Hospital for the Insane | Aug. 20, 1903 |
| Cook, Clarence A | Special agent, Bureau of Corporations | Commerce and Labor | Oct. 9, 1903 |
| Quackenbush, Roy L., Mrs | Clerk | Post-Office Department | Nov. 2, 1903 |
| Hawes, Francis L | Special agent, Bureau of Corporations | Commerce and Labor | Dec. 4, 1903 |
| Libbey, E. W.[e] | Telegraph and telephone operator | do | Jan. 27, 1904 |
| Walker, Francis | Special agent, Bureau of Corporations | do | Feb. 25, 1904 |
| Chance, Merritt O.[f] | Superintendent, supplies | Post-Office Department | Mar. 4, 1904 |

[a] A list of these rules and orders, arranged chronologically, from Apr. 24, 1897, to Aug. 12, 1902, is published on pp. 312-313 of the Commission's Eighteenth Report. Unless otherwise indicated, there was a separate order for each individual case. [b] Position now excepted from examination. [c] Detailed for duty at the White House. [d] Ten appointments were authorized by the order of July 13, 1903. [e] This name was intended to have been included in the order of July 13, 1903, but was omitted by inadvertence. [f] By transfer from War Department.

*Appointments in the classified service under special rules and special exceptions*—Continued.

AUTHORIZED BY PRESIDENT ROOSEVELT—continued.

[Appointment in competitive position allowed upon noncompetitive examination.]

| Name. | Position. | Department, office, or service. | Date of order. |
|---|---|---|---|
| Walter, Luther M. | Law clerk | Interstate Commerce Commission | July 30, 1903 |
| [Reinstatements allowed without regard to year limit fixed by rule.] | | | |
| Heck, John T. | Compositor | Government Printing Office | Aug. 12, 1902 |
| Hamilton, Stanislaus M. | Clerk | State Department | Jan. 7, 1903 |
| Wenderoth, Oscar | Senior architectural draftsman | Treasury Department | Feb. 6, 1903 |
| McLanahan, Sarah | Sewer | Government Printing Office | July 25, 1903 |
| West, Annie M | do | do | [a]July 29, 1903 |
| Yates, Sadie B. | Telephone operator | do | Do. |
| Kellogg, Lillian B. | Piece sewer | do | Oct. 23, 1903 |
| Harrigan, Mrs. Frank L. | Ruling-machine feeder | do | Dec. 28, 1903 |
| Ford, Evelyn M | Clerk | War Department | Jan. 4, 1904 |
| Peters, Elizabeth C | Sewer | Government Printing Office | Jan. 9, 1904 |
| Croggon, Kate L | do | do | Feb. 1, 1903 |
| [Certification authorized without regard to condition of apportionment.] | | | |
| Clark, Albert H. | Assistant messenger | War Department | Mar. 6, 1902 |
| [Reissuance of certificate authorized.] | | | |
| Cheshire, Raplie M. [b] | Compositor | Government Printing Office | Sept. 4, 1902 |
| [Certification allowed regardless of position of name on register.] | | | |
| Baldwin, Marie L. | Clerk | Indian Affairs | Feb. 17, 1904 |
| [Transfers allowed from unclassified or excepted to classified positions.] | | | |
| Green, John P. [c] | Postage-stamp agent | Post-Office Department | Feb. 7, 1902 |
| Dulany, William B | Messenger | White House | Apr. 30, 1902 |
| Caine, Alexander C. | Disbursing clerk | Department of Justice | June 21, 1902 |
| McCarthy, Matthew J. | Deputy surveyor and inspector | Customs, Syracuse, N. Y | Feb. 8, 1904 |
| [Transfer allowed from temporary to permanent classified position.] | | | |
| Templeton, F. L. | Clerk | Post-Office Department | Dec. 23, 1902 |
| [Transfers allowed without regard to rule requiring six months' prior service.] | | | |
| Fitzsimons, Ellen W | Clerk | Post-Office Department | July 25, 1902 |
| Lackland, W. E. | do | Post-office, Prescott, Ariz. | Aug. 26, 1903 |
| [Transfer allowed without regard to rule requiring same line of work.] | | | |
| Holland, Exum L. | Night inspector | Customs, New Orleans, La | Mar. 30, 1903 |
| [Temporary appointments extended without regard to limitations of rule.] | | | |
| Hazen, Allen [d] | Expert and consulting engineer | War Department | Aug. 17, 1903 |
| Cooper, James M. | Stenographer and typewriter | Board investigating typhoid fever in United States military camps. | [e]Feb. 5, 1904 |
| Williams, Ralston | do | do | Do. |
| [Acceptance of application for examination allowed notwithstanding age limit fixed by rule.] | | | |
| Micou, Richard D. | Computer | Naval Observatory and Nautical Almanac Office | Mar. 13, 1902 |

[a] Two appointments were authorized by the order of July 29, 1903.
[b] Declined appointment upon original certification under a mistake.
[c] Appointed under authority of the exception allowing the Postmaster-General two confidential clerks.
[d] Employed on construction of Washington filtration plant.
[e] The order of February 5, 1904, applied to two persons.

Mr. DALZELL. Will the gentleman from Virginia [Mr. HAY] allow me a question?

Mr. HAY. Certainly.

Mr. DALZELL. Did the gentleman read the editorial article in the Post of this morning?

Mr. HAY. I did.

Mr. DALZELL. Does not the gentleman consider that a perfect answer to the charges he now makes?

Mr. HAY. I do not.

Mr. DALZELL. Would the gentleman object to my putting that article in here in connection with his remarks?

Mr. HAY. After I get through the gentleman may put that in in his own time. But I will say to the gentleman that I do not deny that the President of the United States has the power to suspend these civil-service rules. I know that he has the power to suspend them. He has the power, the abstract right, to do many things which a President of proper poise and balance would not do.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. HAY. Certainly.

Mr. GROSVENOR. Does not the gentleman think that it would improve the civil service of the country if the President would suspend that law entirely? [Laughter.]

Mr. HAY. I might agree with the gentleman upon that proposition.

Mr. GROSVENOR. Then does not the gentleman think that the present President ought to be credited with what he has done pro tanto, as we might say?

Mr. HAY. I do not, for this reason: That the present President of the United States has posed before the country as the great civil-service reformer, and whenever he suspends a rule of the civil service he violates principles which he has himself enunciated. That is the reason why I do not justify him.

Mr. GROSVENOR. The gentleman will allow me to say that the experience of the present President is in keeping with that of every other executive officer that has ever come in contact with this law. The more they appreciate its wonderful characteristics the more they try to lop off its injurious features. [Laughter.]

Mr. HAY. That may be: but the present President of the United States did not appreciate what the gentleman calls "the injurious features" of this law until he got into the White House and had the power to suspend it for the benefit of his own friends. He then appreciated the "injurious features" for the first time.

Mr. GROSVENOR. That is exactly the way in which everybody comes to understand the objections to that law—that is, when he comes in direct contact with it.

Mr. HAY. Mr. Roosevelt came into "direct contact with it" as a Civil Service Commissioner, and when Commissioner he went so far as to say that Cabinet officers ought not to be allowed to express their opinions on the stump in political campaigns.

Now, the gentleman says that President Roosevelt has appreciated the bad features of this law. Let us read the messages he has sent to Congress on this subject and see whether his acts are consistent with what he says. In his message to the Fifty-seventh Congress at its first session, he said:

> The merit system is simply one method of securing honest and efficient administration of the Government; and in the long run the sole justification of any type of government lies in its proving itself both honest and efficient.

In his next message he says:

> The completion of the reform of the civil service is recognized by good citizens everywhere as a matter of the highest public importance, and the success of the merit system largely depends upon the effectiveness of the rules and the machinery provided for their enforcement.

Now, after having approved these rules, the President of the United States suspends them when any person in whom he is personally interested can be benefited by suspending the civil-service rules.

Mr. LIVINGSTON. If he has suspended sixty in a short time, what would he do in a full term?

Mr. HAY. In his last message President Roosevelt says:

> Gratifying progress has been made during the year in the extension of the merit system of making appointments in the Government service. It should be extended by law to the District of Columbia. It is much to be desired that our consular system be established by law on a basis provided for appointment and promotion only in consequence of proved fitness.

Mr. Chairman, I simply wish to call attention to the fact that this action upon the part of the President of the United States in regard to the civil-service law, a matter which he has insisted upon, is an example of the trend of the mind of President Roosevelt when he comes in contact with a law or a regulation which goes against his wishes. He is ready always to override it, and even in this matter, in which he has made as much of his reputation as in anything else, he has violated the principles which he himself has taught. And if he has done so in the course of a short term, what will he do if by any mischance he is reelected President of the United States, without any restraint upon him and without the hope of another election? What will he do in suspending the civil-service rules in order to place in office his friends and the friends of his friends? [Applause on the Democratic side.]

I yield back the balance of my time to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, how much time did the gentleman from Virginia use?

The CHAIRMAN. The gentleman from Virginia occupied eleven minutes.

Mr. LIVINGSTON. He has four minutes to his credit, then.

Mr. HEMENWAY. I yield five minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Chairman, the gentleman from Virginia [Mr. HAY], who has seen fit to attack the President on his civil-service record, admits that the President acted entirely within his right. The gentleman is a little unfair, however, in not giving the reasons why the President exercised what the gentleman concedes to be his right. It was because these cases, or nearly all of them, were provided for in appropriation bills, the vetoing of which would have necessitated an extra session of Congress. Besides, those appointees were not outsiders, but census clerks and war emergency clerks. It was unfair to the men and women who, acting on the good faith of the Government, had incurred the trouble and expense of getting their names on the eligible list. It is doubtful if public opinion would have sustained the President in making an issue with Congress over it.

I send to the Clerk's desk and ask to have read in my time all of the article in the Washington Post of to-day, entitled "What the merit system is."

Mr. HAY. I do not suppose the gentleman wishes to misrepresent me?

Mr. DALZELL. Not at all.

Mr. HAY. The cases I referred to were not cases that were put under the civil service by an appropriation bill. They were sixty individual cases——

Mr. DALZELL. I am willing that the gentleman's statement shall go alongside of the statement that the Clerk is about to read.

Mr. HAY. No reasons were given, or if any reasons were given they certainly were not the reasons given in the article to which the gentleman refers.

Mr. DALZELL. I am content that the comparison shall be made.

The Clerk read as follows:

WHAT THE MERIT SYSTEM IS.

It is the custom of the Civil Service Commission, in its annual reports to Congress, to state the number of exceptions made by the President to the rule requiring that entrance to the classified service shall be through competitive examination. Sixty exceptions are named in the latest report as the total of President Roosevelt, whereas President McKinley's totaled only three. Whereupon the Cleveland Plain Dealer, in common with many other newspapers, makes loud complaint. The Plain Dealer says:

"President Roosevelt is charged with being twenty times a greater offender than his immediate predecessor. Sixty cases are reported in which he suspended the civil-service law for the purpose of original appointments, transfers, or promotions. Whether there were good reasons for these suspensions is not stated in the report and may not be known to the commissioners. The point is that President Roosevelt, who had gained the reputation of being the most strenuous of civil-service reformers and who had served six years as Civil Service Commissioner before becoming President, has since his occupancy of that office taken advantage of the position to repeatedly suspend the operation of the civil-service law in order that appointments, illegal under its provisions, might be made with impunity."

There are a number of assertions in that brief extract which reveal the absence of the Plain Dealer's usual accuracy of statement. In the first place, the commission, mindful of its duties and knowing that the President has exercised only his lawful right in those exceptions, has not "charged" him with anything. In the second place, it is decidedly erroneous to call those exceptions, made under ample authority of law, "suspending the operations of the law." It would be a gross violation of official decency for the commission to question the propriety of the President's conduct. It is not its official business to ask for his reasons in any such case, nor is he under any obligations to enlighten the commission on that score.

It does not seem to be understood that the merit system, as embodied in the civil-service act of 1883 and a long series of Executive orders, consists entirely of Executive concessions, alterable at any time at the discretion of the Executive. Great as is the authority of the legislative department, it can not limit or set aside the duties and prerogatives of the Executive, as prescribed by the Constitution. One of those prerogatives is the appointing power, and it is as completely beyond the control of Congress as are the functions of the Supreme Court. By Executive concessions the original machinery of the merit system was created, and by Executive concessions the area of its operations has been greatly extended. As a matter of fact, the Civil Service Commissioners are deputies of the President to just the extent that he sees fit, and it is within his lawful right to reduce or enlarge that extent as he may see fit. He could make a hundred exceptions any day or modify or repeal any of the extending orders without doing violence either to the spirit or letter of the supreme law of the land.

The Post has no data on which to base an opinion of the wisdom or unwisdom of the sixty exceptions mentioned in the commission's report. It was a remarkable circumstance that during the first six or eight months of President Roosevelt's incumbency a larger number of irregular appointments to the classified service were made than in the entire term of any of his predecessors. But these, or nearly all of them, were provided for in appropriation bills, the vetoing of which would have necessitated an extra session of Congress. Besides, those appointees were not outsiders, but census clerks and war emergency clerks.

It was unfair to the men and women who, acting on the good faith of the Government, had incurred the trouble and expense of getting their names on the eligible list. But it is doubtful if public opinion would have sustained the President in making an issue with Congress over it.

Appointments, transfers, or promotions are always fairly open to public discussion, but it should be remembered that the President is responsible for the conduct of the Executive Departments, and that freedom of appointment, transfer, and promotion go with that responsibility. Nor should it be forgotten that the President, not the Civil Service Commission, is the Chief Executive, and that concessions and deputizations do not amend or annul the Constitution.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 14521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 54) to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York.

The message also announced that the Senate had passed the

following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 65.

*Resolved by the Senate (the House of Representatives concurring)*, That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 100 copies each of volumes 2, 3, 4, 5, 7, 8, 9, 12, 13, and 14, Pension Decisions, for sale and distribution by the Department of the Interior: *Provided*, That five copies each of all volumes of Land Decisions, already issued and to be issued, be delivered to the Committees on Public Lands of the Senate and House of Representatives, and that five copies each of all volumes of Pension Decisions, already issued and to be issued, be delivered to the Committee on Pensions of the Senate, and to the Committees on Pensions and Invalid Pensions of the House of Representatives.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. LIVINGSTON. I yield one minute to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Chairman, in answer to the editorial which the gentleman from Pennsylvania has just put in the RECORD, I only want to say that it reminds me of the plea of that great criminal, Warren Hastings, who, when he was impeached by the English Parliament for having robbed the East Indians, remarked, "that, considering his opportunities, he wondered at his own moderation;" and that is the plea of the Washington Post for the President. [Applause on the Democratic side.]

Mr. DALZELL. I would like to suggest to the gentleman to look up his historical incident and see whether it was not Lord Clive who made that statement.

Mr. HAY. I think it was Warren Hastings; but it does not make any difference in its application which it was.

Mr. HEMENWAY. I desire to yield to my colleague [Mr. CROMER] twenty minutes.

Mr. CROMER. Mr. Chairman, I desire to submit a few remarks concerning the partiality shown the States of Virginia and Maryland and the District of Columbia in making appointments to the public service in the Departments at the city of Washington. The District, with less than four-tenths of 1 per cent of the population of the country, has 24 per cent of all the appointments in the departmental service. The States of Virginia and Maryland and the District of Columbia, whose combined population is less than 4.4 per cent of the entire population, have more than 34 per cent of all appointments in the Departments. The law provides:

Appointments to the public service in the Departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census.

Every application for examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been a resident of such place. (U. S. Stat. L., vol. 22, p. 404.)

Mr. Chairman, whenever the Congress of the United States creates an act that is universal in its application, the American people as a rule expect its enforcement to the letter. They delight in upholding good and wholesome laws and believe it is their sacred duty to assist in rendering what services they can in seeing that such laws are carried into effect. This is one of the standards of good citizenship.

If we create or enact a law for the benefit of the whole people, but its enforcement through some design becomes localized, at that moment does its purpose lose its effectiveness to all intents, and a feeling of dissatisfaction and unrest come over the other localities, and in course of time a demand for its repeal is made.

The foregoing section of the United States Statutes that I have just quoted, which applies to the apportionment of appointments in the departmental service in the city of Washington, makes it mandatory that every State, Territory, and the District of Columbia shall receive its proportion of appointments in the several Departments upon the basis of population as ascertained at the last preceding census.

The desire for holding office is characteristic of and seems to be a popular fad with the American people. They love the excitement, if for nothing else that it produces, and whilst they cherish the hope of securing positions of trust and honor, yet they claim and are expected to receive fair, honest, and courteous treatment not only from the individual voter who disdains mudslinging and personalities, but they in particular insist on being placed upon the same equality, everything else being considered, with other competitors for positions in the Government service, especially when the law plainly states that the appointments shall be prorated according to the population of the entire United States.

I glory in the ambition of any person, if capable and honest, who seeks an office, either elective or appointive. It is a special prerogative that every citizen of this grand and glorious country enjoys. Every individual has an inherent right to strive to better his condition by legitimate and moral means. It is human nature to achieve notoriety of an honorable calling, even in the smallest degree, and while every person can not hope to reach that pinnacle of fame that his ambition craves, yet his aim in life is for the betterment of his condition, and to this end he strives with all the force and might at his command.

Mr. Chairman, I believe before I shall close my remarks upon this subject that I will be able to show conclusively that those who hold the appointing power have not carried out the provisions of the law in regard to the apportioning of appointments, as their sacred duty admonishes them to do, and I shall attempt also to demonstrate to the Members of this House that the purpose and intent of the law have been shamefully and grossly violated, in fact, have been practically ignored and cast to windward.

I have gathered statistics from an official source that establish beyond a cavil of doubt that discrimination in its most palpable form has been practiced in making Government appointments, to the detriment and prejudice, I may say, with very few exceptions, of every State and Territory in the Union. [Applause.]

On July 1, 1903, there were employed in the several Executive Departments, including the Department of Justice and the Government Printing Office, at Washington a total of 20,312 persons, drawing an aggregate annual compensation of $23,669,000.

In view of the fact that the law governing the appointments to the public service includes the District of Columbia, which is the smallest in area and is one among the few civil divisions under the jurisdiction of the General Government that contains a very meager population, comparatively speaking, I have prepared a tabulated statement giving, among other things, the number of persons employed in the several Executive Departments in this city, together with their aggregate salaries, who were charged to the District on July 1, 1903, and compared them with the number of appointments and the salaries paid to them credited to fifteen States and who were in the same Departments on the same date.

Number of persons from the following fifteen States and the District of Columbia who on July 1, 1903, were employed in the several Executive Departments, the Department of Justice, and the Government Printing Office, together with their aggregate compensation for the year ending June 30, 1903:

| Department. | Alabama. | | California. | |
|---|---|---|---|---|
| | Number of appointments. | Aggregate compensation. | Number of appointments. | Aggregate compensation. |
| State | | | 3 | $3,800 |
| Treasury | 52 | $48,059 | 26 | 30,871 |
| War | 18 | 20,300 | 18 | 21,980 |
| Justice | 6 | 17,260 | 1 | 1,200 |
| Post-Office | 12 | 12,320 | 15 | 17,240 |
| Navy | 11 | 11,778 | 5 | 5,443 |
| Interior | 35 | 39,136 | 92 | 129,028 |
| Agriculture | 11 | 11,060 | 19 | 23,440 |
| Commerce and Labor | 20 | 21,140 | 21 | 24,320 |
| Printing Office | 21 | 22,711 | 32 | 35,149 |
| Total | 186 | 203,761 | 232 | 292,522 |

| Department. | Colorado. | | Florida. | |
|---|---|---|---|---|
| | Number of appointments. | Aggregate compensation. | Number of appointments. | Aggregate compensation. |
| State | | | | |
| Treasury | 24 | $27,380 | 11 | $10,868 |
| War | 6 | 5,860 | 7 | 7,720 |
| Justice | 1 | 1,200 | 2 | 2,700 |
| Post-Office | 6 | 9,600 | 3 | 3,700 |
| Navy | 3 | 3,253 | 6 | 5,786 |
| Interior | 54 | 80,220 | 18 | 24,400 |
| Agriculture | 4 | 3,240 | 3 | 6,750 |
| Commerce and Labor | 11 | 11,780 | 8 | 8,500 |
| Printing Office | 17 | 19,121 | 20 | 23,199 |
| Total | 109 | 142,534 | 83 | 93,624 |

| Department. | Georgia. | | Illinois. | |
|---|---|---|---|---|
| | Number of appointments. | Aggregate compensation. | Number of appointments. | Aggregate compensation. |
| State | 2 | $2,300 | 3 | $3,520 |
| Treasury | 59 | 72,100 | 216 | 302,504 |
| War | 36 | 37,980 | 46 | 56,380 |
| Justice | 5 | 8,900 | 7 | 18,450 |
| Post-Office | 18 | 19,700 | 34 | 40,700 |
| Navy | 5 | 3,800 | 14 | 17,751 |
| Interior | 91 | 116,380 | 196 | 254,240 |
| Agriculture | 14 | 13,790 | 46 | 56,381 |
| Commerce and Labor | 26 | 24,864 | 52 | 68,314 |
| Printing Office | 60 | 61,567 | 211 | 219,409 |
| Total | 316 | 353,143 | 825 | 1,037,650 |

| Department. | Indiana. | | Iowa. | |
|---|---|---|---|---|
| | Number of appointments. | Aggregate compensation. | Number of appointments. | Aggregate compensation. |
| State | 2 | $1,900 | 2 | $1,920 |
| Treasury | 116 | 155,646 | 83 | 114,788 |
| War | 37 | 42,860 | 32 | 38,420 |
| Justice | 8 | 19,580 | 7 | 15,860 |
| Post-Office | 42 | 51,700 | 27 | 32,52 |
| Navy | 6 | 7,004 | 7 | 8, 80 |
| Interior | 164 | 211,460 | 87 | 127,460 |
| Agriculture | 22 | 30,060 | 35 | 48,660 |
| Commerce and Labor | 30 | 37,813 | 30 | 33,665 |
| Printing Office | 115 | 127,750 | 74 | 78,984 |
| Total | 542 | 685,775 | 372 | 501,168 |

| Department. | Louisiana. | | Maine. | |
|---|---|---|---|---|
| | Number of appointments. | Aggregate compensation. | Number of appointments. | Aggregate compensation. |
| State | 1 | $1,200 | 2 | $3,400 |
| Treasury | 39 | 49,590 | 46 | 71,774 |
| War | 9 | 10,700 | 14 | 18,400 |
| Justice | 3 | 4,040 | 1 | 1,200 |
| Post-Office | 11 | 14,880 | 7 | 8,700 |
| Navy | 8 | 6,684 | 5 | 6,372 |
| Interior | 30 | 32,380 | 54 | 79,240 |
| Agriculture | 2 | 1,920 | 7 | 7,000 |
| Commerce and Labor | 10 | 8,980 | 26 | 53,280 |
| Printing Office | 22 | 22,805 | 27 | 26,996 |
| Total | 135 | 153,179 | 189 | 275,742 |

| Department. | Michigan. | | Ohio. | |
|---|---|---|---|---|
| | Number of appointments. | Aggregate compensation. | Number of appointments. | Aggregate compensation. |
| State | 4 | $7,000 | 7 | $12,500 |
| Treasury | 81 | 101,671 | 229 | 277,531 |
| War | 30 | 34,160 | 87 | 107,308 |
| Justice | 7 | 16,920 | 23 | 58,310 |
| Post-Office | 42 | 55,960 | 49 | 59,200 |
| Navy | 6 | 7,723 | 26 | 33,860 |
| Interior | 102 | 141,150 | 232 | 291,169 |
| Agriculture | 47 | 55,620 | 52 | 63,750 |
| Commerce and Labor | 30 | 39,188 | 62 | 80,005 |
| Printing Office | 78 | 87,942 | 186 | 194,720 |
| Total | 427 | 549,434 | 951 | 1,178,344 |

| Department. | Nebraska. | | North Dakota. | |
|---|---|---|---|---|
| | Number of appointments. | Aggregate compensation. | Number of appointments. | Aggregate compensation. |
| State | 3 | $4,920 | | |
| Treasury | 27 | 32,704 | 6 | $7,921 |
| War | 34 | 42,040 | 3 | 3,040 |
| Justice | 2 | 3,900 | | |
| Post-Office | 15 | 17,800 | 3 | 3,240 |
| Navy | 3 | 2,852 | 4 | 3,471 |
| Interior | 43 | 54,930 | 9 | 10,460 |
| Agriculture | 19 | 26,300 | 3 | 2,100 |
| Commerce and Labor | 15 | 16,720 | 10 | 11,730 |
| Printing Office | 31 | 35,998 | 9 | 8,951 |
| Total | 192 | 238,164 | 47 | 50,974 |

| Department. | Montana. | | District of Columbia. | | Whole number employed. |
|---|---|---|---|---|---|
| | Number of appointments. | Aggregate compensation. | Number of appointments. | Aggregate compensation. | |
| State | | | 33 | $48,700 | 113 |
| Treasury | 7 | $6,960 | 2,126 | 1,555,704 | 5,949 |
| War | 2 | 2,400 | 411 | 441,667 | 1,640 |
| Justice | 2 | 6,200 | 46 | 43,000 | 250 |
| Post-Office | 2 | 2,200 | 188 | 167,650 | 1,116 |
| Navy | 1 | 776 | 197 | 190,816 | 639 |
| Interior | 10 | 14,000 | 600 | 604,039 | 4,119 |
| Agriculture | 5 | 6,100 | 264 | 198,628 | 1,190 |
| Commerce and Labor | 6 | 5,820 | 187 | 175,928 | 1,275 |
| Printing Office | 3 | 3,205 | 910 | 722,030 | 4,021 |
| Total | 38 | 47,761 | 4,962 | 4,148,161 | 20,312 |

Total for fifteen States ..... 4,924
Total for District of Columbia ..... 4,962

Mr. ROBINSON of Arkansas. Mr. Chairman, I would like to ask the gentleman. Do you know the number of appointees from the State of Arkansas and the amount of their compensation?

Mr. CROMER. I think I have it later.

Mr. Chairman, the fifteen States I have just enumerated, representing a total population of 26,546,000 people, are credited with 4,924 appointments, while the District of Columbia, with its population of only 278,000, had 4,962 appointments, or 38 more than the combined number from these fifteen States.

Does this look like the apportionment has been fairly, honestly, equitably, and impartially carried out as intended by the section of the statute that I quoted at the beginning of my remarks? I think not.

The further I go into the details of appointments, especially as they apply to the District of Columbia, the more absurd, ridiculous, and astounding does the subject become and the more am I convinced that favoritism in its most flagrant form has been shown the 278,000 people in the District, who possibly imagine the boundaries of the United States extend no farther than six miles from the Capitol.

Let me take as an example my own State, which has succeeded in obtaining a very fair share of appointment as compared with some of the other States, but when I make the comparison of the number of appointments it has received with those from the District of Columbia, Indiana pales into insignificance, so to speak.

Indiana, with a population of 2,516,000, had on July 1, 1903, 542 appointments in the several Departments, or an average of 1 appointment for every 4,642 of its inhabitants; while the District of Columbia, with its population of 278,000, has been blessed with 4,962 appointments, or an average of 1 for every 56 of its inhabitants.

The District of Columbia has less than four-tenths of 1 per cent of the total population of the United States, yet it has succeeded in obtaining more than 24 per cent of all the appointments in the Government service in the Departments in this city.

If the appointments were apportioned according to population the District of Columbia would be entitled to 75 appointments, and Indiana would be entitled to 700, at least.

On July 1, 1895, according to the annual report of the Civil Service Commission, the District of Columbia was entitled to only 39 appointments, yet the number employed was 2,396, an excess of 2,357.

On July 1, 1903, the District, through some means, had succeeded in increasing its number of appointments to 4,962 in the several Executive Departments, a net gain of 2,566, or an average of 322 a year, or more than one appointment for every legitimate working day during these eight years.

On the other hand, Indiana had on July 1, 1895, a total of 286 appointments, and on July 1, 1903, a total of 542, or a gain of only 256 in eight years, or an average of 32 appointments for each year.

Mr. Chairman, Fortuna, the goddess of fortune, from whose hand were derived riches and happiness, never bestowed greater blessings than the appointing power has heaped upon the heads of the people of the District of Columbia by giving them appointments to positions in the Government at Washington.

As I have shown that the District of Columbia, with its four-tenths of 1 per cent of the population of the United States, has obtained 24 per cent of all the appointments in the several Executive Departments, the Department of Justice, and the Government Printing Office in this city, I desire now to speak of the other places in Washington where employment is given to numerous persons, but which places are not in the classified service; and before I have finished I intend to pr sent additional facts and figures that will prove conclusively that the District has not only obtained far more than its share of the appointments in the several Executive Departments, but apparently through some veiled or hidden influence, or some other occult, mysterious, or hypnotic accomplishment, it has fared fully as well in securing positions in these other branches.

The District people seem to possess a faculty, gift, or special trait for securing these Government places, for which somebody should be held responsible, and the sequel, if there is a sequel, to this method of getting in office should by all means be traced to its very inception.

The District of Columbia has at least 4,887 appointments in excess of the number to which it is legally entitled, which means practically a loss of this number to the several States, if the provisions of the law governing appointments were faithfully and honestly enforced.

Mr. Chairman, as I have already shown that the District has charged to its credit 4,962 appointments in the several Executive Departments, drawing salaries aggregating $4,148,000, I desire now to add to this number the 53 District appointees that were in the employ of the United States Senate on July 1, 1903, the 34 in the House, the 43 in the Library of Congress, the 15 in the

consular and diplomatic service, and the 1,500 that are employed in the Washington Navy-Yard. The total of these aggregate 1,645, whose annual compensations amount to $1,250,000. This now makes the number of District people who are directly drawing pay from the United States Treasury 6,609, and their aggregate salaries $5,398,000 year.

If I mistake not, the United States Government appropriates funds to defray one-half the expenses of the District of Columbia; therefore to be fair in the matter of appointments one-half of the total persons employed in the government of the District should be credited to the General Government and deducted from the whole number employed, including the aggregate salaries paid them.

Acting on this method, I find that there were on the District pay rolls on July 1, 1903, a total of 3,445 persons, drawing salaries amounting to $2,676,000 annually. If I divide this number and amount equally, I find that 1,722 persons receiving salaries aggregating $1,338,000 should be added to the number and amount already credited to the District, which brings the total number of employees up to 8,332 persons, and their aggregated salaries to $6,736,000.

In connection with the number of appointments in the government for the District, there were according to official sources, on July 1, 1901, a total of 1,996 persons on the pay rolls, and on July 1, 1903, there were 3,445 persons on the pay rolls, an increase of 1,449 in two years, or an average of more than two appointments for every day during this time. In the total number of employees of the District, laborers doing work on sewers, streets, etc., are not included.

Considering the number of appointments from the District in the manner I have, which is treating it with all the fairness possible, and figuring upon this basis, I find that it has one appointment, or rather employee, in the Government at Washington (which includes one-half of those employed in the government of the District) for every thirty-three of its total inhabitants. On the other hand, if the State of New York had received appointments proportionately and in the same manner, it would have had in the employ of the Government in this city on July 1, 1903, a total of 218,250 persons.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman a question. I understand the gentleman is seeking to prove by the statistics he is reading that the District of Columbia had received an unfair proportion of civil-service appointments.

Mr. CROMER. That is it.

Mr. COOPER of Wisconsin. It has been suggested to me by a reliable informant that that is owing to the fact—and I will then ask the gentleman if the statement I make is true. Prior to one of the years—I have forgotten the year—of Mr. Cleveland's Administration a great number of appointees from the District of Columbia were put in civil-service positions in the city of Washington, and all of these appointees were covered in a blanket civil-service order by the President, which gave the District of Columbia at that time an unfair proportion, which they, of course, have retained. But since then they have received their regular share, and, as shown by the total, it is a disproportionate share; but since the blanket order the District of Columbia has not been treated any more generously than any other State in the country, as I am informed.

Mr. CROMER. The gentleman is mistaken, as I will be able to show before I get through. While the statement he has made with respect to Mr. Cleveland's Administration having covered those persons appointed from the District by a civil-service order may be true, yet the Departments are continuing to give to the District an unfair advantage in appointments to places in the service.

There was a report current here a few years ago that from that time on no place would be given to the District of Columbia, yet if you examine the records you will find that they have been given one appointment for almost every working day since.

Mr. WM. ALDEN SMITH. The particular discrimination seems to be in favor of Ohio.

Mr. GROSVENOR. I do not think Ohio has its share yet.

Mr. CHARLES B. LANDIS and Mr. PAYNE rose.

Mr. CROMER. I yield to the gentleman from Indiana first.

Mr. CHARLES B. LANDIS. I would like to ask the gentleman if he has a list of those people actually living in the District of Columbia, appointed to a place under the Federal Government and accredited to other States, such as California and Nevada, who, as a matter of fact, have never set foot in those States.

Mr. CROMER. No, sir; I have not. If I had that list, it would show that the number would be nearly twice as great as has been stated.

Mr. CHARLES B. LANDIS. I think if the gentleman had that it would show that the District of Columbia is getting about sixty-six and two-thirds per cent of the offices.

Mr. PAYNE. I understand the great disparity arose from the covering of people already in the Departments into the civil service under the civil-service law, and that afterwards a rule was made trying to equalize the appointments according to population by giving a preference to the eligibles from those States that were short of the 100 per cent of what they ought to have in accordance with their population. The reason this equalization was not made was because there were not sufficient eligibles upon that list from those States in order to make the appointments.

I want to cite an instance in my own district where a third of all the railway mail clerks come from one town, and the rest of the district only furnishes two-thirds, because the men in this town, the kind that furnish the railway mail clerks, have instituted a sort of school of instruction, and they school every man who wants to take an examination, so that they pass it away up, they stand high on the eligible list, and therefore the appointment is made from them. I give that for the benefit of the gentleman, so that he can equalize up in his district by starting a school of instruction for the benefit of the men who want to take an examination.

Mr. CROMER. Mr. Chairman, the people of Indiana, so far as I have been able to observe, are always prepared and do not need any school of instruction. [Laughter and applause.]

Mr. PAYNE. If that is so, I want to say to the gentleman that there would be more on the eligible list, and they would get the appointments. If they sent as good men to take a competitive examination as they send to Congress from Indiana, I think they would get a larger share, as they do in this House.

Mr. WM. ALDEN SMITH. They could not get any larger share.

Mr. HEMENWAY. One from Indiana with 99 per cent can not be certified, notwithstanding the fact that the District of Columbia has been given many times more appointments than that State.

Mr. GROSVENOR. I will ask the gentleman from Indiana if he thinks the Indiana delegation in Congress, in the House and in the Senate, could be given appointments if they had to take an examination under the civil service?

Mr. HEMENWAY. I do not think I could.

Mr. GROSVENOR. I know I could not.

Mr. WM. ALDEN SMITH. Indiana ought not to complain. I see an Indiana man now presiding over the House, the gentleman from Indiana [Mr. HEMENWAY] is in charge of the bill, and an Indiana man is now occupying the time of the House making a speech. [Great laughter.]

Mr. CROMER. I would like to have a little more time.

Mr. HEMENWAY. I yield further time to the gentleman.

Mr. CROMER. Before I conclude my remarks in reference to the many Government positions that have been handed out so freely to those who reside within the boundaries of the District of Columbia, I want to impress upon you that less than 500 of the total number of appointments are designated as charwomen; and while I am willing to concede that the average salary paid those who reside in the States is a little greater than the average salary paid those credited to the District, yet of the "well-paid" positions the District has succeeded in securing far more than its prorated share.

On July 1, 1903, the District had 550 persons in the Government employ in this city, not including the government of the District of Columbia, who were drawing salaries ranging from $1,400 to $8,000 a year. Of this number, 170 persons received $1,400 each annually, 102 persons received $1,600 each annually, 108 persons received $1,800 each annually, 54 persons received $2,000 each annually, 19 persons received $2,500 each annually, 12 persons received $3,000 each annually, and so on up to the single person who received $8,000 annually.

Mr. Chairman, it appears that the District of Columbia has not been contented or satisfied with securing the hundreds of appointments in excess of what it is justly and legitimately entitled to, but it has managed through some very successful method of obtaining 550 of the best paying and most influential places at the disposal of the Government, which not only affords the appointees an opportunity to draw handsome salaries, but gives them an opportunity to favor their District relatives and friends, with whom the Departments are filled to overflowing.

If the State of Indiana had 550 persons in this city filling positions in the Government as Cabinet officers, heads of bureaus, appointment clerks, chief clerks, etc., do you suppose that favoritism would not creep in to a certain extent? Of course it would; but such a supposition is not even dreamed of, as Indiana will not secure that number of fat places in a hundred years.

The 550 persons from the District who are fixed in these well-paid positions, none of whom receives less than $1,400 salary annually, are 27 more than the total number of persons in the public service here from the States of Arkansas, Minnesota, Nebraska, and Rhode Island, with the combined population of 4,560,000.

Mr. STEVENS of Minnesota. Mr. Chairman, may I ask the gentleman a question?

Mr. CROMER. Yes.

Mr. STEVENS of Minnesota. Does the gentleman know anything about the comparative appointments in the Army and Navy also, in addition to what he has given in the civil places?

Mr. CROMER. Oh, no; I do not.

Mr. STEVENS of Minnesota. Well, I can state there is about the same disparity there also.

Mr. CROMER. I am not posted on that.

About two years ago, or possibly a little longer, an impression was given out or rumor was started by somebody that in the future appointments from the District would be discontinued, as its excess of appointments was so great that it actually produced unfavorable comment, and in certain quarters open criticism.

Let us see how this rumor worked and what results it produced. Before I make a comparison of the number of District people who were in the employ of the several Executive Departments, including the Department of Justice and the Government Printing Office, on July 1, 1901, and July 1, 1903, I want to exclude from among the list those in the Departments of the Interior and Commerce and Labor, because the latter was created principally from branches of the former, which contained one bureau at least that employed in 1901 more than 2,700 persons who were on the temporary rolls and were dropped.

The following statement contains the names of Departments and the total number of appointments in each for 1901 and 1903, together with the gain and loss in each, for the District of Columbia:

DISTRICT OF COLUMBIA.

| Department. | Appointments. | | Gain. | Loss. |
|---|---|---|---|---|
| | 1901. | 1903. | | |
| State | 34 | 33 | ..... | 1 |
| Treasury | 1,897 | 2,126 | 229 | ..... |
| War | 421 | 411 | ..... | 10 |
| Justice | 21 | 46 | 25 | ..... |
| Post-Office | 131 | 188 | 59 | ..... |
| Navy | 118 | 197 | 79 | ..... |
| Agriculture | 119 | 264 | 65 | ..... |
| Printing Office | 824 | 910 | 86 | ..... |
| Total gain | ..... | ..... | 543 | ..... |
| Total loss | ..... | ..... | ..... | 11 |

Net gain, 532.

Mr. WM. ALDEN SMITH. Do you show the percentage there?

Mr. CROMER. No; I do not. This shows a gain of 532 during the two years ending with July 1, 1903, which is only ten less than the total number of appointments given to the State of Indiana all told.

Mr. Chairman, before I close my remarks, so far as they pertain to the number of District people who are in the employ of the several Departments in this city, I want to add that I have not included those who are employed at the Government Hospital for the Insane, Freedmen's Hospital, Columbia Institution for the Deaf and Dumb, office of the recorder of deeds, and register of wills.

As I have gone into the details pretty closely in regard to the number of appointments that is credited to the District of Columbia, I desire now to take up the appointments from the States of Maryland and Virginia, and in conjunction with the District I believe I shall be able to show that more than one-third of the total appointments in the several Executive Departments in this city, including the Department of Justice and the Government Printing Office, are credited to these two States and the District.

The following is the number of appointments from Maryland and Virginia and the aggregate compensation paid them:

| Department. | Maryland. | | Virginia. | |
|---|---|---|---|---|
| | Number of appointments. | Aggregate compensation. | Number of appointments. | Aggregate compensation. |
| State | 10 | $10,750 | 6 | $8,220 |
| Treasury | 357 | 323,925 | 330 | 264,590 |
| War | 103 | 118,580 | 96 | 105,718 |
| Justice | 10 | 14,040 | 11 | 11,420 |
| Post-Office | 63 | 64,670 | 60 | 60,230 |
| Navy | 48 | 54,977 | 41 | 49,277 |
| Interior | 163 | 192,080 | 158 | 174,620 |
| Agriculture | 86 | 87,981 | 99 | 88,192 |
| Commerce and Labor | 73 | 85,410 | 42 | 46,485 |
| Printing Office | 316 | 292,030 | 155 | 134,436 |
| Total | 1,239 | 1,245,000 | 998 | 1,143,190 |

These two States with their combined number of appointments make a total of 2,237, which, when added to the 4,962 appointments charged to the District of Columbia, brings the total number up to 7,199, or more than 34 per cent of all those employed in the Executive Departments in the city of Washington. These two States and the District of Columbia, representing a combined population of 3,322,000, or 4.4 per cent of the total population of the United States, have 44 more appointments than the following States:

| State. | Number of appointments. | Population. |
|---|---|---|
| Alabama | 186 | 1,513,000 |
| Arkansas | 117 | 1,128,000 |
| Colorado | 126 | 539,000 |
| Delaware | 65 | 184,000 |
| Florida | 83 | 528,000 |
| Georgia | 316 | 2,216,000 |
| Idaho | 30 | 161,000 |
| Illinois | 825 | 4,821,000 |
| Indiana | 532 | 2,516,000 |
| Iowa | 384 | 2,231,000 |
| Kansas | 281 | 1,470,000 |
| Kentucky | 311 | 2,147,000 |
| Louisiana | 135 | 1,281,000 |
| Maine | 189 | 694,000 |
| Massachusetts | 566 | 2,805,000 |
| Michigan | 427 | 2,420,000 |
| Minnesota | 244 | 1,751,000 |
| Mississippi | 154 | 1,551,000 |
| Missouri | 398 | 3,106,000 |
| Montana | 38 | 243,000 |
| Nebraska | 192 | 1,068,000 |
| Nevada | 33 | 42,000 |
| New Hampshire | 118 | 411,000 |
| New Jersey | 351 | 1,883,000 |
| North Carolina | 304 | 1,893,000 |
| North Dakota | 36 | 319,000 |
| Oregon | 50 | 413,000 |
| South Carolina | 195 | 1,340,000 |
| Utah | 27 | 276,000 |
| Vermont | 129 | 343,000 |
| Washington | 60 | 518,000 |
| Wyoming | 29 | 92,000 |
| Connecticut | 224 | 908,000 |
| Total | 7,155 | 43,913,000 |

These thirty-three States, representing 60 per cent or nearly 44,000,000 of the total population of the United States, or more than 40,000,000 in excess of the combined population of Maryland, Virginia, and the District of Columbia, have only 7,155 appointments, when in fact, if the appointments were apportioned according to population as the law intends and directs, they would be entitled to 12,000 appointments. On the other hand, the States of Maryland, Virginia, and the District of Columbia would receive but 903 instead of 7,199 appointments, or 6,296 less than they now have, if the appointments were made in accordance with the law.

As I have shown that the State of Maryland had 1,239 appointments in the several Executive Departments on July 1, 1903, I desire now to add to its list 470 employed at the Washington Navy-Yard and the 410 that were on the District pay rolls. This brings the total up to 2,119, which does not include a single employee in the legislative branches of the Government, the Library of Congress, or other places in Washington that are under the absolute control of the Federal Government.

Virginia, as the records show, had in the employ of the several Executive Departments in this city 998 persons on the 1st day of last July. It also had charged to its quota 256 employees at the Washington Navy-Yard and 600 in the employ of the government of the District, which gives it a total of 1854 persons who are practically on the Government pay rolls.

Mr. Chairman, if I would add the 192 persons employed from Maryland at the Baltimore custom-house and the 2,100 Virginia residents who are employed at the Norfolk Navy-Yard, both of which in every sense of the word are under the control of the Government, as much so as any Department in Washington, it would bring Maryland's total number of appointments up to 2,311 and Virginia's number would reach a total of 3,954, but as these two Government branches are located wholly within the limits of these two States I have been magnanimous enough not to include them in my totals.

There is another thing, Mr. Chairman, that in my mind deserves a little criticism and to which I desire to direct your attention, and that is the easy accessibility by which the District people and those living in the States contiguous thereto can secure employment in the Washington Navy-Yard. These two States and the District have a total of 2,226 employed in the navy-yard, while Indiana has but 9.

If I mistake not, there is a provision of law or a rule promulgated by the commandant or Navy Department which requires every person who files an application for employment in this branch of the Government service to do so in person. If this is

not rank favoritism, what is it? We all know that such a rule or law works a hardship on those mechanics who live farther away than the people in these two States. Men who are deserving and are good mechanics often can ill afford to travel even from my own State to Washington to file their applications and then remain here possibly for weeks before they are "called," as it is termed.

Branch examining boards could be established in every State at very little expense, which would practically do away with this red-tape business that apparently was adopted for the express benefit of those who live in Maryland, Virginia, and the District of Columbia. If this "applying in person" clause is a law, it should be repealed; if a rule, it should be rescinded, as every mechanic and machinist should be put upon the same footing, whether he lives in the District of Columbia or in the State of California. These Government jobs should be open to every person in this country, and I for one am opposed to the localizing of them for the benefit of a comparatively few people who live within sight of Washington's Monument.

Mr. Chairman, before I close my remarks I desire to summarize the appointments as they apply to Maryland, Virginia, and the District of Columbia, which is as follows:

| Branches. | District of Columbia. | Maryland. | Virginia. | Total. |
|---|---|---|---|---|
| Departments | 4,962 | 1,239 | 998 | 7,199 |
| Navy-yard | 1,500 | 470 | 256 | 2,226 |
| Legislative, etc | 145 | | | 145 |
| Government of the District of Columbia (one-half) | 1,722 | | | 1,722 |
| District | | 410 | 600 | 1,010 |
| Total | 8,329 | 2,119 | 1,854 | 12,302 |

Here is a grand total of 12,302 persons, drawing salaries aggregating millions of dollars from the United States, who are living practically within a stone's throw of the Treasury, and yet we sit here and allow this usurpation to go on and on without uttering a word of condemnation.

I ask the Members of the House, What are we going to do about it? If there is a panacea to cure the evil, what will it be? It should be applied at once, before the disease becomes incurable. [Loud applause.]

Mr. LIVINGSTON. I now yield thirty minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I shall take advantage of the opportunity afforded by the latitude of general debate to submit some observations upon that time-honored subject, the tariff, and incidentally upon reciprocity as practiced by the party in power. I shall also refer to that condition of prosperity which prevails in the South and shall inquire to what extent it is due to the policy of protection. As I proceed it will be necessary to point out some of the errors and deceptions practiced by the Republican party, the continued revelation of which by the Members upon this side seems to have demoralized the majority and caused them precipitately to seek an early adjournment.

Possibly the greatest problem in this country is the one involving the profitable employment of labor upon conditions satisfactory alike to both the employer and the employee. The right solution of this problem depends primarily upon a satisfactory price for labor, coupled with a satisfactory price for the products of labor. Prices of all commodities, as well as any other thing, under normal conditions are governed by the inexorable law of supply and demand. The price of labor depends upon abundant or scarce employment. If there is plenty of work to do, labor can command a market at wages that give satisfactory returns for skill and industry. If there is little to do, labor must compete with itself and take as wages whatever necessity compels.

If these are sound propositions, and I believe they are, then the profitable employment of wage-earners depends upon such an abundance of work to do as will require all available labor. This abundance of work depends upon the ability of employers to dispose of their products at a profit. To dispose of goods, our manufacturers and producers must be able to go into the markets of the world under conditions at least as favorable as those enjoyed by other manufacturers or producers. When one market is supplied another must be available to relieve increased production, or else there can be no increase of production, and industry must cease to progress. The supply of labor increases naturally as population increases, and unless industrial enterprises can grow at least in the same proportion there must necessarily be a surplus of labor, the consequences of which are partial idleness, lower wages, suffering, discontent, and social and industrial turmoil.

This country long ago, when it was young and weak, and when its people were engaged principally in subduing the wilderness and converting it into well-tilled fields, adopted a plan to encourage manufactures. At that time practically all the manufactured products consumed in this country were produced abroad. It was argued by the statesmen of that day that any people to become strong and independent must produce at least a large proportion of the articles of common consumption. It was not then thought possible even to supply all of our wants, and the idea of producing more than we needed of any manufactured article never entered the head of any statesman of that day. And so, to encourage our own people to engage in manufacturing enterprises, the policy of taxing imports to such an extent as practically to prohibit the importation of certain articles into this country was adopted.

Whenever the people protested against taxation for such purposes they were told that the infant industries of this country required protection against the encroachment of foreign producers, and later, when these industries had grown into giants and their proprietors had grown wealthy beyond the dreams of avarice, and it was proposed to reduce these taxes, and thereby reduce the cost of the necessaries of life to our own people, the Republican party, which had espoused the cause of protection, raised a long and loud protest in the name of American labor. They argued first that protection was necessary to build up the industries of this country, and declared that when these industries were established and that when our own manufactures were supplying our home markets, then the question of reducing import duties would be a debatable one.

When the great consuming public again protested against the exorbitant prices that these protected industries charged for the necessaries of life, they were told that we should be willing to contribute to the welfare of that great class of American citizenship—the wage-earners of the country. We were told that a reduction of tariff duties would reduce the American workingman to the condition of the artisans of Germany and the serfs of Russia. And so, as a reason, or rather as two reasons, for the perpetuation of the Republican doctrine of protection we hear the constant cry of "home markets" and "high wages for the American workingman."

The first reason is the doctrine of narrow selfishness. With a false logic the protectionist argued that if we would shut the door of trade in the face of the world we would soon grow rich by trading with ourselves. Fallacious as this argument is, it was met with favor, and the marvelous growth of our manufacturing industries is pointed out as proof of the soundness of this argument. The second reason was the embodiment of barefaced hypocrisy. It offered as an excuse and justification for a high protective tariff the right of the American workingman to claim and receive the highest wages paid in the world, and at the same time imposed such a tax upon all the things that the workingman buys as to reduce his wages finally to a bare living, and in many cases to a very poor living at that.

But these two reasons had their effect, and blindly, expectantly, hopefully the American people have watched and waited for the good results promised by the doctrinaires of protection run mad. But this false theory has been exploded in a manner altogether unexpected to the protectionist. From this false doctrine of growing rich by trading with ourselves alone have sprung ills that are threatening the growth of American industry. This beautiful theory, which was to foster enterprises and fatten labor, has brought us monopolies that stifle and strangle competition. This false theory has made void the law of supply and demand and fixed the prices of many of the necessaries of life so that the laborer's high wages are more than balanced by the increased cost of living.

This theory of protection has forced labor to resort to extreme methods to protect itself against the extortions of tariff-favored monopoly. This theory that erected a strong wall against the commerce of the world, that fostered monopoly by levying tribute upon the consumer, has caused us to be regarded as the commercial enemy of all the world and is now looking for a way by which to reverse itself. It will be a terrible thing for the Republican party to say to the trusts and monopolies it has created that it must take the props from under them. It will never say so. But there is a class of manufacturers in this country which is demanding that something shall be done.

In many lines of industry American markets have been exhausted and the manufacturers are looking for marts in which they may dispose of their wares. These manufacturers are telling labor that unless they can find a place in which to sell their goods production must be curtailed, wages must be reduced, and that industry must go backward. In reply to any suggestion of enlarged markets the Republican party points to the tremendous exports of this country and says, "See that we supply the world!" They tell us that we are the storehouse of the earth. In a measure this is true, but the impression that is intended to be left upon the American people is a false one. As a matter of fact, we have no stable market for any of the products of this country except the products of the farm, the mine, and the forest—things that the Republican party could not control by taxation if they tried.

The domestic exports from the United States for the year ending June 30, 1903, were valued at $1,392,231,637, and of this tremendous amount nearly $1,000,000,000 consists of articles that can not be properly classed as manufactures.

The Bureau of Statistics, in the Department of Commerce and Labor, has classified our exports under the heads of agriculture, manufactures, mining, forest, fisheries, and miscellaneous. This classification, with the percentage with each class, is presented in the following tabular statement:

[Statement from Monthly Summary of Finance and Commerce for June, 1903, p. 4541.]

| Domestic exports. | June, 1902. | | June, 1903. | |
|---|---|---|---|---|
| | Amount. | Per cent. | Amount. | Per cent. |
| Products of— | | | | |
| Agriculture | $45,837,665 | 53.01 | $48,057,765 | 51.77 |
| Manufactures | 32,542,621 | 37.63 | 34,341,711 | 36.99 |
| Mining | 2,885,263 | 3.34 | 4,033,029 | 4.34 |
| Forest | 4,844,006 | 5.60 | 5,973,833 | 6.44 |
| Fisheries | 225,157 | .26 | 211,023 | .23 |
| Miscellaneous | 136,081 | .16 | 213,569 | .23 |
| Total domestic | 86,470,793 | 100.00 | 92,830,930 | 100.00 |

| Domestic exports. | Twelve months ending June— | | | |
|---|---|---|---|---|
| | 1902. | | 1903. | |
| | Amount. | Per cent. | Amount. | Per cent. |
| Products of— | | | | |
| Agriculture | $851,465,622 | 62.83 | $873,285,142 | 62.72 |
| Manufactures | 403,641,401 | 29.77 | 408,187,207 | 29.32 |
| Mining | 39,216,112 | 2.90 | 38,844,759 | 2.79 |
| Forest | 48,188,661 | 3.55 | 57,830,778 | 4.15 |
| Fisheries | 7,705,035 | .57 | 7,755,232 | .56 |
| Miscellaneous | 5,265,000 | .38 | 6,328,519 | .46 |
| Total domestic | 1,355,481,861 | 100.00 | 1,392,231,637 | 100.00 |

I do not know how the Bureau of Statistics makes its classification and where it undertakes to draw the line between manufactured and unmanufactured products. An examination of the details of our exports indicates, however, that this classification is a fairly reasonable one.

I have taken some trouble to prepare a statement in some detail classifying the various articles of domestic export for the year ending June 30, 1903, which follows:

*Domestic exports for the year ending June 30, 1903.*

| | |
|---|---|
| Farm products: | |
| Animals | $34,781,193 |
| Breadstuffs | 221,241,285 |
| Cotton | 317,035,271 |
| Fruits and nuts | 18,057,677 |
| Hides | 1,224,409 |
| Hops | 1,900,951 |
| Oil cake and meal | 19,743,711 |
| Oils, animal and vegetable | 17,090,926 |
| Provisions | 179,839,714 |
| Seeds | 9,455,283 |
| Tobacco, unmanufactured | 35,250,803 |
| Vegetables | 2,543,488 |
| Total farm products | 858,204,801 |
| Mineral products: | |
| Coal | 21,206,498 |
| Copper ore | 927,417 |
| Iron ore | 236,982 |
| Oils, mineral | 67,253,533 |
| Marble and stone | 1,565,244 |
| Zinc ore | 1,386,694 |
| Total mineral products | 92,606,368 |
| Miscellaneous products: | |
| Fishery products | 6,717,274 |
| Furs and skins | 6,181,115 |
| Naval stores | 12,918,708 |
| Woods, unmanufactured | 12,755,921 |
| Total miscellaneous products | 38,573,018 |
| Total of these classes | 989,384,187 |
| Specified manufactured products: | |
| Agricultural implements | 21,006,622 |
| Carriages and cars | 10,499,125 |
| Chemicals, drugs, etc | 13,697,601 |
| Copper, manufactures of | 39,667,196 |
| Cotton, manufactures of | 32,216,304 |
| Fertilizers | 6,724,301 |
| Leather, and manufactures of | 31,617,389 |
| Iron and steel, and manufactures of | 96,642,457 |
| Woods, manufactured | 13,071,251 |
| Total specified manufactures | 265,142,326 |
| All other exports | 137,705,124 |
| Total domestic exports | 1,392,231,637 |

In the above statement, under the classification of farm products, are included some articles that were carried through some process of manufacture before exportation, as, for instance, oil cake and meal and mineral and vegetable oils and some classes of provisions, but they are so closely allied to the farm as to be classed farm products. Under the head of mineral products will be found mineral oils, one of which is refined petroleum, that has undergone processes of manufacture. The above list of specified manufactured products includes the nine leading articles entering into our domestic exports. The total value of these articles exported during the year ending June 30, 1903, was $265,142,326. It is absolutely safe to say that all of our exports that can be properly credited to manufactures do not much, if any, exceed $300,000,000.

The Bureau of Statistics puts our exports of manufactures at slightly above $400,000,000; but I do not believe that if we were to exclude many articles that can scarcely be classed as manufactured products that the estimate of $300,000,000 is too small. I have just intimated that but for the enormous volume of trade that we have in agricultural products that our foreign commerce would amount to a pittance. We obtain the greater portion of our foreign commerce from the bounties of nature and not from our manufacturing enterprises. The world comes to the United States to buy cotton and wheat and meat for the very good reason that there is nowhere else to go. If it were possible for Great Britain and Germany and other countries against whose products we have closed our doors, I say if it were possible for these countries to purchase their meat and their bread elsewhere, there is no one upon this floor who believes they would not do so. When an individual wishes to buy an article and also has an article to sell, the laws of trade suggest to him that he buy in a market in which he can sell his own surplus.

Fortunately for us, bounteous nature has given us a wealth in field and forest and mine that no other nation possesses; but it is proper to warn those who advocate the continuance of this high wall of protection against the world that the time will come when the wheat fields of Siberia shall become rich in harvest, and European nations will turn their backs upon American wheat and buy of Russia, because Russia will buy of them. This home-market doctrine, which has been the slogan of protectionists for all these years, has permitted all the other great producing countries of the world to establish and foster markets for their wares, and now, when we have arrived at the point where we must find new markets or curtail production, and thereby deprive the American workingman of the fruits of his labor, we are confronted with competition everywhere. This competition is the more difficult to meet because of our trade position toward all the world. As a matter of fact, we have no foreign market for anything manufactured in this country. When the American manufacturer goes into the markets of the world he goes as a peddler to sell where he can, to whom he can, and at any price he can.

This situation is unquestionably the natural result of our narrow policy of protection. In our eagerness to build up a home market for the enrichment of favored interests we failed to realize that a time would come when we would desire customers away from home. The protectionists deceived the people with all sorts of fallacies. They enacted laws to rob the people, and then told them it was the foreigner who was being forced to pay the difference between home prices and foreign prices. With a reasoning analagous to that of Othello, they tried to satisfy themselves with the argument that the people were not robbed as long as they could be kept from knowing it. But the farmers of this country began to complain at the prices they were receiving for their products and at the prices they were compelled to pay for the necessaries of life produced by protected manufacturing interests.

The advocates of protection, with the same subtle deception that has characterized every step taken in the policy of protection, argued that the farmer and certain of his interests were as well or better cared for by protection than were the interests of the manufacturer. This argument is a staple one to-day, and a certain class of agriculturists of the country is being constantly reminded that their share of the bounties of protection is equal to the share of the manufacturers that are permitted to rob them. They are told that as a matter of fact the tariff taxes collected under a short-lived law enacted by a Democratic Congress were as burdensome as the taxes now collected under the Dingley law.

A few figures will afford an interesting comparison between the tax rate imposed by the Wilson tariff law and those imposed by the present law. The average ad valorem rate of duty collected on dutiable imports under the last two years of the McKinley tariff was 49.82 per cent. The average for two years under the Wilson tariff was 40.85 per cent, and the average rate for the year ending June 30, 1903 (the Dingley law), was 49.41 per cent. That is to say that the people paid a tariff rate of nearly 25 per cent more under Republican tariffs than they did under the Wilson law. Under the Wilson law the average per capita duty col-

lected per year for two years was $2.20, while the Dingley law in the last two fiscal years collected $3.33 per year from every man, woman, and child in the land.

In this connection it is interesting to note some of the articles of daily use upon which this unholy tribute is levied, together with the specific and the ad valorem rates of this tribute, and it is equally interesting to note how these rates discriminate in favor of the manufacturer and against the American producer and consumer. The largest amount of duty collected on any one article imported into this country is upon sugar. The average rate of duty collected on raw sugar in 1903 was 1.7 cents per pound, which is equal to an ad valorem rate of 97 per cent. This heavy tax was levied upon the American consumer, to be paid to the American sugar grower as hush money. These rates are staggering, but the refined article paid 1.9 cents per pound, which was equivalent to an ad valorem rate of 101 per cent. This difference was levied for the specific benefit of the sugar trust, to enable it to pay a dividend of from 7 to 9½ per cent upon its capital of $90,000,000, of which possibly one-fourth is water. Mr. Havemeyer, the president of the sugar trust, swore that the tariff was the mother of trusts, and he might have added that the sugar trust was one of the lustiest of her children.

The next largest amount of duty is collected on wool. On raw wool in 1903 there was collected an average duty of 59.01 per cent, which was equivalent to 11½ cents a pound, while the manufactures of the woolen trust were protected to the tune of 91.58 per cent. This is a splendid exhibition of how the Republican party listens to the cries of the woolgrower and turns a deaf ear to monopoly. The farmers and workingmen of this country together buy more wool than our farmers produce, or they would do so if tariff laws did not fix the prices so high that they can not buy it. But these figures do not tell the whole story of this discrimination against the interests of the common people of this country. In the fixing of tariff rates upon woolen manufactures, the framers of the Dingley law were exceedingly careful to fix the highest rates upon the cheaper grades of goods, such as the common people of this country would purchase, and to fix the lowest rates upon the higher classes of goods, such as are purchased by the rich and well to do.

The following table, showing the value of imports of wool and of specified articles of woolen manufacture, expresses more forcefully these discriminating charges than it is possible for words to do:

*Statement showing the value of imports of wool and specified articles of woolen manufacture, the value per unit of quantity, and the ad valorem rate of duty collected, year ending June 30, 1903.*

| Articles. | Values. | Average— | |
|---|---|---|---|
| | | Value per unit of quantity. | Ad valorem rate of duty. |
| Wool, unmanufactured | $21,258,030.60 | $0.118 per lb ... | 54.71 |
| Wool, manufactures of: | | | |
| Cloths, woolen or worsted— | | | |
| Valued more than 40 cents and not more than 70 cents per pound. | 319,056.43 | $0.617 per lb ... | 121.35 |
| Valued more than 70 cents per pound. | 4,476,624.10 | $1.07 per lb .... | 95.95 |
| Dress goods, warp of cotton or other vegetable material— | | | |
| Valued not exceeding 15 cents per square yard and not above 70 cents per pound. | 2,006,575.00 | $0.122 per yd... | 107.20 |
| Valued above 15 cents per square yard and above 70 cents per pound. | 883,797.00 | $0.208 per yd... | 93.37 |
| Composed wholly or in part of wool— | | | |
| Valued above 70 cents per pound. | 2,159,801.88 | $0.235 per yd... | 101.88 |
| Valued above 70 cents per pound and weighing over 4 ounces per square yard. | 1,565,442.27 | $0.982 per lb.... | 99.53 |
| Wearing apparel— | | | |
| Knitted articles | 1,146,995.92 | $1.44 per lb .... | 90.48 |
| Other clothing | 1,336,652.92 | $2.62 per lb .... | 76.80 |

That class of woolen and worsted cloths which was worth slightly less than 62 cents per pound—the class of goods purchased by the great masses of our people—was taxed at the rate of 121 per cent, a tax so high as practically to shut the foreign manufacturer out of our markets and to permit our own manufacturers to levy a tribute upon American consumers of at least 50 cents upon every pound of this class of woolen goods purchased and consumed by them. But when the tax rate was fixed upon the highest grades of woolen cloths, the average price of which was more than $1 per pound, the framers of this law, out of consideration of the sad condition of the well-to-do of this country, made it about 20 per cent lower than the rate fixed upon the poor man's cloth.

In providing for the wives and daughters of the workingmen of this country the framers of the Dingley tariff levied a tax of 107 per cent upon cheap dress goods and taxed the wives of the wealthy 93 per cent. When it came to fixing a rate upon the still lower grades of goods, the grades worn by the poorest of our people, the rates were fixed so high as to make them practically prohibitive, and the woolen trust and the shoddy manufacturers were permitted to reap their richest harvest from that class of our population that is least able to meet the exactions of the tax collector.

Specified instances similar to the above might be multiplied again and again. In fact, the whole range of our imports bear unmistakable and indisputable evidence of this same sort of discrimination. More than one-third of all of our imports for the year 1903 were articles in a crude condition which enter into the various processes of domestic industry, and these articles paid 10 per cent of the total duties collected, while the articles manufactured ready for consumption which were imported into this country during this year represented less than 17 per cent of our total imports and paid 27.28 per cent of the total duties collected, showing that, in general, crude articles, many of which are produced in this country, are taxed at a far less rate than the manufactured articles which the American consumer desires to purchase. But the framers of our present tariff law did not stop at this discrimination.

While manufactured articles of common use represented about one-sixth of our imports and paid 27.28 per cent of the total duties collected, luxuries and articles of voluntary use, representing nearly the same proportion of imports, paid exactly the same proportion of the total duties, showing conclusively that a tariff bill framed by protectionists bears every evidence of a predetermined purpose to discriminate at every possible point against those people who are least able to pay taxes.

The wisest and most farseeing of the advocates of protection heard the rumblings of an approaching storm in 1890, and to quell a threatened revolt in their own ranks took shelter behind the doctrine or principle of reciprocity. It was then for the first time that reciprocity occupied a conspicuous place in the Republican discussions of the tariff, and in the McKinley Act of that year this doctrine was heralded to the country as a new one and claimed as the production of Republican statesmanship.

This, like many other claims of the Republican party, is false. The principle of reciprocity is simply the principle of a tariff for revenue, so fixed as to encourage commerce, and is essentially a Democratic principle. The first reciprocity legislation in this country was contained in an act passed by a Democratic Congress and approved by a Democratic President on August 5, 1854, and the first reciprocity proclamation was made by Franklin Pierce, a Democratic President, on March 16, 1855. This was followed by a reciprocity treaty with the Hawaiian Islands in 1876.

This was before the day of the sugar trust. So the Republican claim to the authorship of the doctrine of reciprocity is absolutely unwarranted. But no one objects or would object to this false claim if they had been honest and sincere in the application of the doctrine. Their own dishonesty and insincerity in framing the reciprocity provisions of the Dingley law and in the execution of that provision of the law have been so disappointing that their own adherents are rising in open revolt and demanding tariff revision. The producers of our surplus manufactures are clamoring for a market abroad. The home consumer is loudly protesting against the payment of exorbitant prices and being forced to purchase in only one market. These evidences of dissatisfaction have been increasing year by year, and they have demanded the best attention of some of the ablest statesmen in the Republican party. One of the last public utterances of President McKinley was in these words:

> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. * * * Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If perchance some of our tariffs are no longer needed for a revenue or to encourage or protect our industries at home, why should they not be employed to extend and promote our markets abroad?

This expression from the President, who had been heralded as the champion of protection and the forerunner of prosperity, was but the echo of that earnest public sentiment which had been forming among the masses of the people through all the years since the enactment of the McKinley law in 1890.

The Republican party saw that the doom of protection was being sounded and that they must at least pretend to listen to the demands for a readjustment and reduction of tariff duties. This sentiment soon began to take shape in Republican newspapers and in Republican meetings and conventions. It began in Iowa, an agricultural State of the great West, and had for its champion the able governor of that Commonwealth. Since that time the "Iowa idea" has spread until the "stand-patters" have become so alarmed that they have sought a truce with the "reformers."

Republican statesmen, Republican committees, and Republican conventions have declared for a revision of the sacred tariff and then industriously rushed to the White House and declared that they were still protectionists and that they only meant that tariff rates should be revised and readjusted by the friends of protection.

There is no one who will be deceived by their declaration. They are not sincere; they never have been. They are not honest with the people upon this question, and they never have been. But they have now arrived at the place where they are between the trust devil and the deep blue sea of the people's wrath, and they must try once more to deceive the people and get their permission to revise the tariff rates. As an evidence of their insincerity, it is only necessary to refer briefly to their hypocritical application of reciprocity. As I have already said, reciprocity is but the application of the Democratic idea of a tariff for revenue and to promote commerce. The Democratic party has never advocated reciprocity as a means of achieving this end, because it has always been courageous enough to say what it wished to do directly, and not resort to indirect subterfuges in order to mystify and deceive; but it has never objected to the proposition of reciprocity when it has been made by the Republicans, because they were willing that they might reduce tariff duties and relieve the people to any extent by whatever method that party might choose.

In the tariff law of 1890 there was a clause providing for reciprocity treaties and agreements. A Democratic Congress in 1894 reduced tariff rates directly, and made it unnecessary to resort to reciprocity agreements left to the discretion of the Chief Executive.

In 1897, when the present tariff law was enacted, again the Republican party provided for reciprocity treaties and agreements and heralded the fact to the world that they were willing to reduce duties upon imports, and thereby reduce the cost of living to the people, whenever it could be done to the advantage of American commerce. Let us see how well and faithfully they have kept faith with the people in the execution of this provision of the law. To begin with, they prove their insincerity in the framing of the law itself.

They provided first for a reduction of duties on the following articles: Crude tartar or wine lees, brandies and other distilled spirits, champagnes and other sparkling wines, still wines, vermuth, paintings, and statuary. This is certainly encouraging to the American farmer and the American workingmen. Here is afforded an opportunity for the President of the United States to give these two classes of our population a possible opportunity of buying their brandies and champagnes at a somewhat reduced cost.

This clause of the law also generously took into account the pitiable condition of the baking powder trust when it permitted crude tartar to be imported at a greatly reduced rate of duty. They next provided that the President might, by and with the advice and consent of the Senate, enter into commercial treaties with any country concerning the admission into any such country of goods, wares, and merchandise from the United States in consideration of the advantages accruing to the United States therefrom, and that in consideration of such advantage the duties imposed by the Dingley law might be reduced to the extent of 20 per cent of the fixed rate.

Under the first of these provisions there have been negotiated and ratified four reciprocity treaties which are now in force. These treaties are with the Governments of France, Germany, Italy, and Portugal. From these countries we can to-day import all the brandies and wines and crude tartar that we desire at a considerably reduced rate of duty. In what respect this concession on our part has increased our trade with these countries or affected it anywhere does not readily appear from any figures which I have been able to obtain. The following is a statement of imports into and exports from the United States in its trade with the four countries just mentioned, showing the commerce for years immediately prior and subsequent to the ratification of these treaties:

*Countries with which reciprocity agreements were made under act of 1897.*

| Year ending June 30— | Germany.[a] | | France.[b] | |
|---|---|---|---|---|
| | Imports into United States from— | Exports from United States to— | Imports into United States from— | Exports from United States to— |
| 1897 | | | $67,530,231 | $57,594,541 |
| 1898 | | | 52,730,848 | 95,459,290 |
| 1899 | $84,225,777 | $155,772,179 | 62,146,056 | 60,596,899 |
| 1900 | 97,374,700 | 187,347,889 | 73,012,085 | 83,335,097 |
| 1901 | 100,445,902 | 191,780,427 | 75,458,739 | 78,714,927 |

[a] Treaty period, July 13, 1900, still in force.
[b] Treaty period, June 1, 1898, still in force.

*Countries with which reciprocity agreements were made, etc.*—Continued.

| Year ending June 30— | Italy.[a] | | Portugal.[b] | |
|---|---|---|---|---|
| | Imports into United States from— | Exports from United States to— | Imports into United States from— | Exports from United States to— |
| 1897 | $19,067,352 | $21,502,423 | $2,234,291 | $2,520,058 |
| 1898 | 20,332,637 | 23,290,858 | 2,605,370 | 3,532,057 |
| 1899 | 24,832,746 | 25,034,940 | 2,975,504 | 4,132,400 |
| 1900 | 27,924,176 | 33,256,620 | 3,743,216 | 5,886,542 |
| 1901 | 24,618,384 | 34,473,189 | 3,370,430 | 5,294,240 |

[a] Treaty period, July 18, 1900, still in force.
[b] Treaty period, June 12, 1900, still in force.

These figures do not seem to prove anything, unless it be that they do prove that reciprocity, as applied by the protectionists, means absolutely nothing at all. A close examination of these figures shows that our export trade with France decreased 36.2 per cent for the first year after the ratification of our treaty of reciprocity. The first year of reciprocity with Germany shows an increase of 2.37 per cent, but our exports to Belgium for the same period shows substantially the same increase without any reciprocity.

Our export trade with Italy increased 3.66 per cent during the first year of our reciprocity agreement, but our exports to the Netherlands increased 23.39 per cent without any reciprocity. If you take the four leading commercial countries to which we exported our products for the years above considered and with which we have no commercial treaties—namely, Belgium, Denmark, the Netherlands, and the United Kingdom—you will find that our exports to those countries as a whole increased nearly 17 per cent, while our exports to the four countries with which we have reciprocity treaties actually decreased more than 9 per cent. These figures certainly do not prove that the reciprocity agreements we now have in force have been of any value to American commerce.

Besides the four reciprocity treaties above alluded to, there have been negotiated and signed a number of other treaties with South American countries and for a number of the British dependencies in the West Indies. Not one of these treaties has been ratified by the Senate, and it is a remarkable coincidence that the ratification of these treaties would permit the importation of sugar into this country at a reduced rate. Whether the influence of Mr. Havemeyer and his sugar trust has had anything to do with the death of these treaties I do not know. I simply mention the fact as a coincidence.

Besides these, there was a convention with the French Republic signed on July 24, 1899, which provides a reduction of duties of from 5 per cent to 20 per cent upon such articles as silk goods, cotton goods, flax and hemp goods, gloves, earthenware and glassware, cutlery, paper, and a number of other highly protected articles that would be of considerable advantage to the consumers of this country, but this treaty likewise has never been ratified. There is certainly no better evidence of the absolute insincerity of the Republican party whenever it proposes tariff reduction than is furnished by these unratified treaties.

If it is continued in power we have no reason to expect that its future policy will be anything different from that of the past. The protected interests of this country that it has fostered and which have furnished it with funds with which to conduct its campaigns will not permit tariff reduction. The people will again be expected to believe the platitudes of their State and national platforms and to be soothed by their orators upon the hustings who shall discuss prosperity for the farmer and higher wages for the workingman. Whenever in the past these two classes of our people have demanded tariff reduction, they usually have been quieted by that sort of talk.

Republican newspapers and Republican speakers have not lost an opportunity within the last year to call attention to the remarkable prosperity of the farmers of the South and West. The West has Representatives upon this floor who are able to speak for that section, and it is only necessary for me to allude to the fact that just now there seems to be a difference of opinion between the cattle raisers of the West and these Republican organs and statesmen as to the truthfulness of that assertion.

I can say with positiveness that the prosperity of the South is not due in the least to protection. The southern farmer is prosperous now not because of protection but in spite of it. The staple product of the South is cotton, and it is on the free list. Rice and sugar are the two agricultural products of the South that are protected and about which the Republicans like to talk. As a matter of fact, these two commodities constitute a very small proportion of the value of southern agricultural products.

The farmers of the South realize annually probably not more than $40,000,000 for both sugar and rice. The last cotton crop

brought to southern farmers more than a half billion dollars. The cotton farmers could buy all the sugar and rice grown in the United States, including Hawaii, in any one year, together with all the farms in the South on which these articles are produced, and still have more than $300,000,000 left from a single crop.

The southern farmer is prosperous because he controls the cotton markets of the world, and in the dispensations of Providence there has been for the last two years a comparatively small supply and a large demand, and but for the fact that the sugar trust and the coal trust and the bagging trust and the cotton-tie trust and the glass trust and a dozen other trusts levied tribute upon the farmer for everything which he has to buy, the southern cotton farmer would be immensely more prosperous than he is. If the prosperous condition of the farmers of this country proves anything with reference to this question of tariff taxation, it proves that agricultural prosperity depends not upon protection but upon open markets and free competition. They are the only producers in this country whose commodities enter into free competition with all the world and the prices of which are controlled by the natural law of supply and demand. There has been a remarkable growth in southern manufactures, but little, if any, of this marvelous growth can be attributed to protection.

The framers of our tariff laws have not been satisfied with favoring certain interests, but they have been very careful as a rule to select those interests from certain sections. In the levying of tariff rates upon cotton manufactures they have always been careful to fix the lowest possible rate upon the class of goods manufactured in southern mills and to fix the highest possible rate upon the class of goods manufactured in New England and northern mills. The southern cotton manufacturer has practically built up his industry without the benefits of protection. All he asks is a free fight in a fair field in the open markets of the world. Southern cotton manufacturers are year by year producing an increased surplus of cotton goods, and what they desire and what they demand is such legislation as will develop our southern commerce and enable them to establish stable markets to which they can carry their surplus products.

It is not the purpose of the Democratic party to destroy or cripple any industry in this country; neither is it proposed to resort to any hypocritical shams and subterfuges to carry out the doctrines professed by the party. The true Democratic idea is not to levy tariff duties in such a way as to place the heaviest *burdens of taxation* upon those least able to bear them. Whenever an industry—as, for instance, the steel trust—declares through its officials that it can pay and does pay the highest wages in the world, and that notwithstanding this it can go into the world and compete with iron and steel producers everywhere—I say whenever an industry reaches a position like this the Democratic party believes that so much protection should be taken from it as enables it to monopolize American markets.

Tariff duties should not be cut to the point where the workingman will be deprived of his employment, but such a fair adjustment should be made as will promote foreign trade and thus guarantee the constant employment of American labor and the steady growth of American industry. Whenever it is suggested that tariff rates be lowered the protectionists immediately ask this question, "If the United States adopt the policy of a lower tariff, from whence will come the money necessary to support the Government?" The answer to that question is this: First, reasonable rates of duty upon articles of everyday use and high rates of duty upon luxuries will bring in more revenue to the Treasury than high rates of duty upon articles of common use and lower rates upon luxuries, because it will encourage an enlarged use of these common commodities and will not restrict the use of luxuries.

Again, the Democratic party proposes that the ordinary expenses of this Government shall be reduced to such an extent that not near so much money will be necessary. With honest and economical administration, with a stoppage of jobbing, grafting, and stealing, with a cessation of executive legislation which takes millions from the Treasury without warrant of law, and by calling a halt in our extravagances in all directions, there can be found under a system of reasonable taxation an abundance of money to meet all of the requirements of the Government and relieve the people from the present tremendous burden of unwarranted taxation.

At the same time the barriers which the extreme protectionists have erected against our trade will be removed, our commerce with other countries of the world will grow, and to the great volume of our agricultural exports will be added the products of our factories, thus giving an impetus to American enterprises and increasing the demand for American labor. We have about reached the parting of the ways. We have for years had a surplus of agricultural products, and now with the great bulk of our manufactured products the home market has been supplied and we are producing a surplus. It is the part of wisdom to tear down the protection wall and enter into the avenues of trade with all the world, and thereby find markets for our surplus, employment for our people, and increase in our factories. [Loud applause.]

Mr. HEMENWAY. Mr. Chairman, I would like to ask as to the time now remaining on each side?

The CHAIRMAN. The gentleman from Indiana has fifteen minutes remaining and the gentleman from Georgia forty-five minutes.

On motion of Mr. HEMENWAY, the committee rose; and the Speaker having resumed the chair, Mr. CRUMPACKER, 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. 15054, the general deficiency bill, and had directed him to report that it had come to no resolution thereon.

### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. STANLEY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mrs. Mary E. Bronaugh, Fifty-eighth Congress, no adverse report having been made thereon.

### LEAVE OF ABSENCE.

By unanimous consent, Mr. BURGESS was granted leave of absence indefinitely, on account of important business.

### VIEWS OF MINORITY.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent to file the minority views on the bill (H. R. 7264) to provide for the construction of a light-house at Diamond Shoal, North Carolina.

The SPEAKER. Without objection, leave is granted.

There was no objection.

### CONFERENCE REPORT.

Mr. LACEY. Mr. Speaker, I desire to present a conference report and statement to be printed in the RECORD.

The SPEAKER. The gentleman from Iowa presents the following conference report, the title of which the Clerk will read:

The Clerk read as follows:

A bill (H. R. 8878) to extend the provisions of the act of January 21, 1903, to the Osage Reservation, in Oklahoma Territory, and for other purposes.

The SPEAKER. The report and statement will be printed in the RECORD under the rule.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8878) to extend the provisions of the act of January 21, 1903, to the Osage Reservation, in Oklahoma Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "including gravel;" and the Senate agree to the same.

JOHN F. LACEY,
CHARLES CURTIS,
JOHN J. FITZGERALD,
*Managers on the part of the House.*

WM. M. STEWART,
O. H. PLATT,
H. M. TELLER,
*Managers on the part of the Senate.*

The statement is as follows:

The only effect of the action recommended by the conference committee would be to eliminate so much of the bill as it passed the House as authorized the exportation of stone and gravel generally from the Indian Territory and Osage Reservation.

JOHN F. LACEY.
CHAS. CURTIS.
JOHN J. FITZGERALD.

### EULOGIES ON THE LATE SENATOR HANNA AND THE LATE HON. W. W. SKILES.

Mr. GROSVENOR. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GROSVENOR. I desire to ask unanimous consent that Sunday, April 24, a session of the House being already ordered, may be set apart for eulogies upon the life and character of the late deceased Senator HANNA and Hon. W. W. SKILES, late a Member of this House. By arrangement with the gentleman from Alabama [Mr. WILEY] the exercises incident to that day will not come in conflict with those I have now requested.

The SPEAKER. Is there objection? As the Chair understands,

the gentleman proposes that the House shall meet at 12 o'clock on Sunday, the 24th.

Mr. GROSVENOR. At 12 o'clock, Mr. Speaker.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. SMALL. Mr. Speaker, I think the special order is for 2 o'clock.

Mr. GROSVENOR. Yes.

Mr. UNDERWOOD. I understand gentlemen have arranged with the gentleman from Alabama [Mr. WILEY] so that there will be no conflict.

Mr. GROSVENOR. Yes; I have arranged with the gentleman from Alabama [Mr. WILEY]. We have agreed about the matter.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8505. An act for the relief of the estate of Cyrus D. Hottenstein, deceased;

H. R. 14750. An act authorizing the county of Itasca, in the State of Minnesota, to construct a wagon and foot bridge over the Mississippi River in section 22, township 55 north, range 27 west of the fourth principal meridian;

H. R. 12685. An act for the reappraisement and sale of the undisposed lands within the Fort Walla Walla Military Reservation, in the State of Washington;

H. R. 6048. An act granting an increase of pension to William Johnson;

H. R. 13350. An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.;

H. R. 6051. An act granting an increase of pension to Ann Dawson; and

H. R. 7266. An act to ratify, approve, confirm, and amend an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the manufacture, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii.

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10007. An act to authorize the Commissioner of the General Land Office to transmit original papers to be used as evidence;

H. R. 1924. An act authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers;

H. R. 14110. An act to authorize the donation of a certain unused and obsolete gun now at Chickamauga Park, Ga., to Phil Kearny Post of the Grand Army of the Republic, at Nelsonville, Ohio:

H. R. 6937. An act for the relief of the estate of Elizabeth S. Cushing;

H. R. 13738. An act to authorize Frank P. Harman to bridge the Tug Fork of the Big Sandy River near Delorme, in Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky; and

H. J. Res. 84. Joint resolution for the acceptance of a statue of General Thaddeus Kosciuszko, to be presented to the United States by the Polish-American citizens.

ORDER OF BUSINESS.

Mr. CURTIS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CURTIS. Mr. Speaker, I rise to ask unanimous consent for the present consideration of a bill.

Mr. SMITH of Kentucky. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Kentucky demands the regular order.

ADJOURNMENT.

Then, on motion of Mr. HEMENWAY (at 5 o'clock and 9 minutes p. m.), the House adjourned until to-morrow at 12 o'clock m.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 4375) to amend section 24 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," reported the same without amendment, accompanied by a report (No. 2508); which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 347) providing for the establishment of a life-saving station in the vicinity of Cape Flattery or Flattery Rocks, on the coast of Washington, reported the same without amendment, accompanied by a report (No. 2509); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 8323) to amend the laws relating to mineral veins or lodes within the boundaries of placer claims, reported the same without amendment, accompanied by a report (No. 2510); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2685) to amend an act entitled "An act authorizing the construction of additional light house districts," approved July 26, 1886, reported the same without amendment, accompanied by a report (No. 2512); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6499) to provide for the construction of a light-house and buoy tender for the inspector of the sixth light-house district, reported the same with amendment, accompanied by a report (No. 2513); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2936) for the establishment of a depot for the engineer of the ninth light-house district at or near the city of Milwaukee, Wis., reported the same with amendment, accompanied by a report (No. 2514); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2262) to provide for the removal or destruction of derelicts, reported the same without amendment, accompanied by a report (No. 2515); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14588) 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, reported the same with amendment, accompanied by a report (No. 2516); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15010) to amend section 6 of "An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township," approved July 1, 1902, reported the same without amendment, accompanied by a report (No. 2520); which said bill and report were referred to the House Calendar.

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the Senate joint resolution (S. R. 64) authorizing the Librarian of the Library of Congress to deliver to the governor of the State of Vermont a record or records of certain conventions held in Vermont in the years 1776 and 1777 for the purposes of organizing a State, reported the same without amendment, accompanied by a report (No. 2524); which said Senate resolution and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to

which was referred the bill of the Senate (S. 76) granting a pension to Mary H. Cornell, reported the same with amendment, accompanied by a report (No. 2481); 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. 128) granting an increase of pension to Clara M. Gihon, reported the same with amendment, accompanied by a report (No. 2482); 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. 1244) granting an increase of pension to Sue Stevens Eskridge, reported the same without amendment, accompanied by a report (No. 2483); 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. 3054) granting an increase of pension to Kate M. Strange, reported the same without amendment, accompanied by a report (No. 2484); 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. 3334) granting an increase of pension to Frances G. Bleknap, reported the same without amendment, accompanied by a report (No. 2485); 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. 3489) granting a pension to Annie Colt McCook, reported the same with amendment, accompanied by a report (No. 2486); 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. 3734) granting an increase of pension to Martha W. Cushing, reported the same with amendment, accompanied by a report (No. 2487); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the Senate (S. 3777) granting a pension to Sarah S. Smith, reported the same with amendment, accompanied by a report (No. 2488); 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. 4899) granting an increase of pension to Laura M. Gillmore, reported the same without amendment, accompanied by a report (No. 2489); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1093) for the relief of Rose B. Noa, reported the same with amendment, accompanied by a report (No. 2490); 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. 4398) granting a pension to Ellen A. Wilson, reported the same with amendment, accompanied by a report (No. 2491); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5725) granting a pension to Grace Dressel, reported the same with amendment, accompanied by a report (No. 2492); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9477) granting an increase of pension to George Smith, reported the same with amendment, accompanied by a report (No. 2493); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10029) granting a pension to Charles E. Arnett, reported the same with amendment, accompanied by a report (No. 2494); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11262) granting a pension to John Hegarty, reported the same with amendment, accompanied by a report (No. 2495); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12604) granting a pension to Edward M. Fowler, reported the same with amendment, accompanied by a report (No. 2496); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13437) granting a pension to William P. Crawford, reported the same with amendment, accompanied by a report (No. 2497); 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. 13586) granting an increase of pension to Abraham Harris, reported the same with amendment, accompanied by a report (No. 2498); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13636) granting a pension to George S. Noland, reported the same with amendment, accompanied by a report (No. 2499); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14141) granting an increase of pension to King Kerley, reported the same with amendment, accompanied by a report (No. 2500); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14512) granting an increase of pension to Thomas L. Sweeney, reported the same with amendment, accompanied by a report (No. 2501); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14702) granting a pension to Mary E. Dunford, reported the same with amendment, accompanied by a report (No. 2502); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14747) granting an increase of pension to Symphorosa Bartley, reported the same with amendment, accompanied by a report (No. 2503); 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. 14801) granting a pension to John W. Schrader, reported the same with amendment, accompanied by a report (No. 2504); 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 House (H. R. 14938) granting a pension to Francis Rogers, reported the same with amendment, accompanied by a report (No. 2505); which said bill and report were referred to the Private Calendar.

Mr. EMERICH, from the Committee on Claims, to which was referred the bill of the Senate (S. 4096) for the relief of Louis J. Souer, collector of internal revenue for the collection district of Louisiana, reported the same without amendment, accompanied by a report (No. 2506); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the Senate (S. 1327) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to, reported the same without amendment, accompanied by a report (No. 2507); which said bill and report were referred to the Private Calendar.

Mr. POWERS of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 875) for the relief of Harry C. Mix, reported the same without amendment, accompanied by a report (No. 2511); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 10105) for the relief of A. Cusimano & Co., reported the same without amendment, accompanied by a report (No. 2517); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 477) for the relief of Madison County, Ky., reported the same with amendment, accompanied by a report (No. 2518); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 755) for the relief of Pain's Fireworks Company, reported the same with amendment, accompanied by a report (No. 2519); 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. 4544) for the relief of Harlow L. Street, reported the same adversely, accompanied by a report (No. 2522); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 4547) for the relief of Edward Byrne, re-

ported the same adversely, accompanied by a report (No. 2523); which said bill and report were ordered laid on the table.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12451)) granting a pension to Joseph A. Cox; and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. CLARK: A bill (H. R. 15123) reducing the import duty on certain articles of prime necessity—to the Committee on Ways and Means.

By Mr. HERMANN: A bill (H. R. 15124) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon—to the Committee on Indian Affairs.

By Mr. MORRELL: A bill (H. R. 15125) to amend an act entitled "An act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March 1, 1889—to the Committee on Militia.

By Mr. MONDELL: A joint resolution (H. J. Res. 147) requesting the Secretary of the Interior to institute an investigation relative to the use of the waters of the Colorado River for irrigation, and to report to Congress thereon—to the Committee on Irrigation of Arid Lands.

By Mr. TAWNEY: A concurrent resolution (H. C. Res. 58) accepting invitation to attend the opening ceremonies of the Louisiana Purchase Exposition at St. Louis—to the Select Committee on Industrial Arts and Expositions.

By Mr. BENNY: A resolution (H. Res. 329) requesting the Postmaster-General to furnish the House a full statement of his reasons for expending money for purposes mentioned—to the Committee on the Post-Office and Post-Roads.

By Mr. WEBB: A resolution (H. Res. 330) asking for the cost of printing in the Treasury Department and the cost of dies and plates used therein—to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. CAMPBELL: A bill (H. R. 15126) granting a pension to Joseph A. Cox—to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 15127) granting a pension to Eugenia J. Hunt—to the Committee on Invalid Pensions.

By Mr. COCKRAN of New York: A bill (H. R. 15128) to authorize the Secretary of the Treasury to cancel a certain bond of Klaw & Erlanger—to the Committee on Ways and Means.

By Mr. CLARK: A bill (H. R. 15129) granting an increase of pension to E. C. Aydelotte—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 15130) granting an increase of pension to John Brugh—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 15131) granting an increase of pension to Peter Cassell—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 15132) to correct the military record of Newton Boughn—to the Committee on Military Affairs.

By Mr. DE ARMOND (by request): A bill (H. R. 15133) granting an increase of pension to Alexander Beaty—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 15134) granting an increase of pension to John M. Coffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15135) granting an increase of pension to J. E. Merrifield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15136) for the relief of Oakley Randall, of Fairmont, W. Va.—to the Committee on War Claims.

By Mr. LESTER: A bill (H. R. 15137) for the relief of Virgil H. Burns—to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 15138) granting an increase of pension to Leonard F. Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15139) granting an increase of pension to Edward L. Burke—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 15140) granting an increase of pension to Georgie Malin Craig—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 15141) for the relief of the trustees of Gauley Bridge Baptist Church, of Fayette County, W. Va.—to the Committee on War Claims.

By Mr. GUDGER: A bill (H. R. 15142) granting a pension to Celia E. Hampton—to the Committee on Pensions.

By Mr. GOEBEL: A bill (H. R. 15143) for the relief of surviving members of the Black Brigade—to the Committee on Military Affairs.

By Mr. GRANGER: A bill (H. R. 15144) granting an increase of pension to William J. Reynolds—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 15145) granting a pension to Henry Pierpoint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15146) granting a pension to Julia B. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15147) granting an honorable discharge to Charles Coburn—to the Committee on Military Affairs.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 15148) granting an increase of pension to Armour W. Patterson—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 15149) granting a pension to Clara G. Bacon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15150) granting an increase of pension to Lucy A. Wildes—to the Committee on Pensions.

By Mr. STANLEY: A bill (H. R. 15151) granting an increase of pension to Rebecca C. Goodson—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 15152) to correct the naval record of Edgar F. Crawford—to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana: A bill (H. R. 15153) for the relief of Peter A. Thompson, Fort Wayne, Ind.—to the Committee on Claims.

By Mr. SHERLEY: A bill (H. R. 15154) granting a pension to Bridget McFadden—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 15155) granting an increase of pension to Mary E. Adams—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 15156) granting a pension to Felix G. Walker—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15157) granting a pension to Sally Gray—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 15158) granting an increase of pension to Alexander Lessley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15159) granting an increase of pension to William T. McMillan—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

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

By the SPEAKER: Petition of H. W. Whipple, of Andover, Mass., in favor of the passage of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of the American Federation of Labor of Baton Rouge and vicinity, favoring the passage of the eight-hour bill—to the Committee on Labor.

Also, resolution of the National League of Commission Merchants of the United States, at its twelfth annual meeting, held in Louisville January 13–15, 1904, praying for further legislation investing greater authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: Petition of James P. Mitchell and other citizens, praying for international arbitration agreement by Congress—to the Committee on Foreign Affairs.

By Mr. BINGHAM: Resolution of the Philadelphia Association of Retail Druggists, urging the passage of bill H. R. 13679—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of McDonough & Rogers, of Middleton, N. Y., in favor of the passage of bill H. R. 9303—to the Committee on Ways and Means.

By Mr. BROWN of Wisconsin: Petition of William Knowles and 12 other voters of Ashland, Wis., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURLESON: Petitions of George Steadman and 12 other voters, of Taylor, Tex., and Rev. J. W. Stoup and 4 other ministers, of Taylor, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petition of the Mount Moriah Baptist Church, of Smithfield, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of the congregation of the First Baptist Church and other organizations of Racine, Wis., in favor of passage of an amendment to the Constitution to prohibit polygamy, etc.—to the Committee on the Judiciary.

By Mr. COWHERD: Petition of R. A. Armstrong and 8 other voters of Kansas City, Mo., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DANIELS: Letters and affidavit in support of bill to correct the military record of Newton Baughn—to the Committee on Military Affairs.

By Mr. DE ARMOND: Papers to accompany bill for relief of Alexander Beaty—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of J. Newton Holt and 42 other voters, of Berlin, W. Va., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of C. E. Webb and 47 other voters, of Bridgeport, W. Va., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of W. M. Shultz and 46 other voters, of West Milford, W. Va., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DRAPER: Resolution of the standing committees of the National Business Men's League, protesting against the Lodge and Adams bills for grading of consular service of the United States—to the Committee on Foreign Affairs.

Also, petition of C. H. Hayes and 6 others citizens, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, resolution of the committee of the Historical Society of Pennsylvania, relative to the proposed sale of the custom-house building in Philadelphia—to the Committee on the Library.

By Mr. ESCH: Resolution of the standing committees of the National Business League of Chicago, protesting against the Lodge and Adams bills for grading of the United States consular service—to the Committee on Foreign Affairs.

Also, resolution of the Commandery of the State of Wisconsin, Military Order of the Loyal Legion of the United States, requesting Wisconsin Members to secure the passage of bill H. R. 4699, to prevent desecration of the American flag—to the Committee on the Judiciary.

By Mr. FORDNEY: Petition of W. M. Smith and 45 other voters of Clinton, Mich., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FRENCH: Petition of the Woman's Christian Temperance Union of the town of Weiser, Idaho, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of J. W. Rontson and 27 other voters of Weiser, Idaho, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Rev. C. A. Delepine and 38 other voters of Weiser, Idaho, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of H. A. Lee and 13 other voters of Weiser, Idaho, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of G. W. Whitaker, president of the Providence Water Color Club, of Providence, R. I., and Abigail W. Cooke, secretary of said club, protesting against the proposed "improvement" of the city of Washington contrary to the original plans of P. C. L'Enfant and President Washington, 1790—to the Committee on Public Buildings and Grounds.

Also, petition of Blanding & Blanding, of Providence, R. I., in favor of passage of bill H. R. 9303—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of citizens of Cass County, Mich., in favor of a parcels post and postal checks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAY: Petition of John W. Ritenour, of Frederick County, Va., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. HERMANN: Petition of Peter Applegate and other citizens, for certain reforms in the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. HOGG: Petition of L. M. Deane and 28 other voters, of Paonia, Colo., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Lincoln Camp, No. 349, of Meeker, Colo., Woodmen of the World, and Meeker (Colo.) Circle, No. 521, Women of Woodcraft, protesting against the passage of bill S. 1261—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of the Stephenson Chemical Company, praying a favorable report on bill H. R. 9303—to the Committee on Ways and Means.

Also, resolution adopted by the standing committee of the National Business Men's League, protesting against the enactment of the so-called short-form Lodge and Adams bills, for the grading of the consular service and substituting salaries for fees—to the Committee on Foreign Affairs.

By Mr. HUGHES of New Jersey: Petition of Rev. William Knox and 11 other voters, of Allendale, N. J., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Rev. Thomas Shehey and others, of Kinross, Iowa, in favor of the Barry statue—to the Committee on the Library.

By Mr. LAMB: Petition of T. H. Lyon and 13 other voters, of Chester, Va., in favor of the passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petitions of John P. Pomeroy and 46 other voters, of Great Barrington, Mass.; the board of selectmen of the town of Whately, Mass., and L. A. Robbins and 25 other voters, of Great Barrington, Mass., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of George W. Wingate, of Brooklyn, N. Y., favoring the passage of bills H. R. 14047 and S. 4875—to the Committee on Militia.

By Mr. MORRELL: Resolution of the standing committees of the National Business League, protesting against the Lodge and Adams bills—to the Committee on Foreign Affairs.

By Mr. NEEDHAM: Petition of the Central Methodist Episcopal Church and 18 voters of Stockton, Cal., and George H. De Kay and 23 other voters of the towns of Lodi and Lockford, Cal., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. NEVIN: Petition of E. C. Emrick and other citizens of Germantown, Ohio, protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Schenck & Fornshell and other citizens of Miamisburg, Ohio, protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hamilton, Ohio, protesting against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of members of the Religious Society of Friends, near Camden, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. POWERS of Massachusetts: Petition of Lucy A. Wildes, widow of Rear-Admiral Wildes, praying for an increase of pension on account of her late husband's services at Manila, war with Spain—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of Peyton L. Thomas and papers to accompany claim for confiscated property for use of Federal troops—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Peter A. Thompson, of Fort Wayne, Ind., praying for one month's extra pay as second lieutenant Company B, One hundred and fifty-seventh Indiana Volunteers, to accompany House bill for relief of Peter A. Thompson—to the Committee on War Claims.

By Mr. RUCKER: Petition of C. E. Pherigo and 50 other voters of Pollock, Mo., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RUPPERT: Resolution adopted by the standing committee of the National Business League, protesting against the enactment of the so-called short-form Lodge and Adams bills—to the Committee on Foreign Affairs.

By Mr. RYAN: Petition of the Historical Society of Pennsylvania, in relation to the sale of custom-house at Philadelphia—to the Committee on Public Buildings and Grounds.

By Mr. SCOTT: Petition of citizens of Haviland, Kans., praying for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Papers to accompany bill H. R. 1785—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: Petition of Peter Volmarie and 27 other voters of Grand Rapids, Mich., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. STANLEY: Papers to accompany application for pension of Mrs. Rebecca C. Goodson—to the Committee on Invalid Pensions.

By Mr. SULLIVAN: Petition of Seth W. Powle & Sons, of Boston, favoring passage of the Boutell bill (H. R. 9303)—to the Committee on Ways and Means.

By Mr. WARNOCK: Resolution of Lodge No. 649, Brotherhood of Boiler Makers and Iron-ship Builders of America, of Kenton, Ohio, in favor of shipping legislation—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEBB: Petition of citizens of Burke County, N. C., asking for consideration of third and fourth class of mail into parcels post and for a simple and efficient postal currency—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Papers in case of Sally Gray—to the Committee on Invalid Pensions.