

governor of said State, with the approval of the Secretary of the Interior, is hereby authorized in the tract herein ceded to locate other lands not occupied or withdrawn, which shall be paid for by the United States, as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement, but no selection shall be made by the State of the lands herein ceded except to compensate for losses occurring therein.

The amendment was agreed to.

The next amendment was, in section 7, page 24, line 18, after the word "pay," to insert "the said Indians;" so as to make the section read:

SEC. 7. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$90,000, or so much thereof as may be necessary, to pay the said Indians, at the rate of \$1.25 per acre, for the lands granted to the State of Montana as provided in section 5 of this act.

The amendment was agreed to.

Mr. BARD. I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The Senator from California offers amendments, which will be stated.

The SECRETARY. On page 22, line 15, strike out the word "payment" and insert "deferred payments;" and in line 16 strike out the words "within the time stated" and insert "promptly when due;" so as to read:

Lands entered under the town-site and mineral-land laws shall be paid for in amount and manner as provided by said laws, but in no event at a less price than that fixed herein for such lands, if entered under the homestead laws, and in case any entryman fails to make such deferred payments, or any of them, promptly when due, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be held for cancellation and canceled.

The amendment was agreed to.

The SECRETARY. On page 21, line 17, after the word "That," insert "as to lands opened under such proclamation;" so as to read:

That as to lands opened under such proclamation the rights of honorably discharged Union soldiers and sailors, etc.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The preamble was agreed to.

#### PENSION APPROPRIATION BILL.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (H. R. 6758) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1905, and for other purposes.

The motion was agreed to.

Mr. PETTUS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 21, 1904, at 12 o'clock meridian.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 20, 1904.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 71. Joint resolution directing 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;

S. 5454. An act 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.

S. 2994. An act to amend an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, so that the provisions of said act shall be extended to and include the States of Oregon, Washington, and California;

S. 1547. An act for the erection of a monument to the memory of Commodore John Barry; and

S. 5245. An act to indemnify G. W. Hardy and Joseph Lard, of Scott County, Miss., for homestead land by granting other lands in lieu thereof.

The message also announced that the Senate had passed with amendment bills of the the following titles in which the concurrence of the House of Representatives was requested:

H. R. 11953. An act regulating the practice of medicine and surgery in the Indian Territory;

#### AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I call up the conference report on the agricultural appropriation bill, and ask unanimous consent that the reading of the report may be dispensed with and that the statement be read in its place.

The SPEAKER. The gentleman from New York calls up the conference report on the agricultural appropriation bill and asks unanimous consent to dispense with the reading of the report and that the statement be read. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the report.

The Clerk read the report, which is to be found, together with the statement, in the RECORD of April 19, 1904.

Mr. WADSWORTH. Mr. Speaker, I move the adoption of the report.

Mr. LIVINGSTON. Mr. Speaker, before that is done I desire to ask the gentleman in charge of the bill why it is that in every single instance in the report the House recedes. It seems to be nothing but a Senate bill.

Mr. WADSWORTH. Mr. Speaker, I think if the gentleman from Georgia [Mr. LIVINGSTON] will read the full report, outside of the statement, he will see that the Senate has receded in a great many items.

Mr. LIVINGSTON. I can not find it in the report.

Mr. WADSWORTH. I have not made mention of it in the statement because I have not touched on the items that the Senate has receded on, because when they receded they simply in-dorsed the action of the House.

Mr. LIVINGSTON. What amount did the Senate increase it?

Mr. WADSWORTH. Three hundred and sixty-one thousand one hundred and forty dollars.

Mr. LIVINGSTON. And the House receded in every single instance?

Mr. WADSWORTH. No. We did not recede in the appropriation for an increase of \$35,000 in the road fund. We did not recede as to the full amount appropriated for experiments in breeding and feeding, and that was cut from \$50,000 to \$25,000. In none of these increases have we acceded to the increase demanded by the Senate. If the gentleman will read the statement, he will find the following:

These amendments (32, 37, 42, 44, 53, 58, 62, 82, 93, 98, and 118) carrying the increases above mentioned have been agreed upon by the conferees of the two Houses and simply represent a compromise between the judgment of the Senate and House as to the amounts each considered could be judiciously expended for the several purposes named.

In all these amendments a much larger amount was asked for than the House conceded.

Mr. THOMAS of North Carolina. May I ask the gentleman a question?

Mr. WADSWORTH. Certainly.

Mr. THOMAS of North Carolina. Will the gentleman kindly state whether the item carrying an increase of appropriation for the Bureau of Statistics, and which was intended to provide for the collection of trucking statistics, has been retained in the bill?

Mr. WADSWORTH. It has been.

Mr. HENRY of Connecticut. Mr. Speaker, as one of the conferees, I wish to say that it is not fair to criticize the conferees. We have stood by the requirements of the House to the utmost extent that we reasonably could; and we have largely obtained concessions.

Mr. LIVINGSTON. Allow me to say to the gentleman that in my remarks a moment ago I was only asking for an explanation.

Mr. HENRY of Connecticut. I thought the gentleman was making a criticism of the conferees.

Mr. LIVINGSTON. Oh, no.

Mr. WADSWORTH. Mr. Speaker, I wish to correct the statement I made a moment ago to the gentleman from Georgia [Mr. LIVINGSTON]. The Senate asked a total increase of \$361,140, of which increase we allowed \$190,800.

I ask for a vote on the report.

The conference report was agreed to.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, 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. 13448. An act granting an increase of pension to Susan D. Lovell;

H. R. 13655. An act granting an increase of pension to Hannah Hill;

- H. R. 8014. An act granting an increase of pension to Thomas Audas;
- H. R. 8394. An act granting an increase of pension to Reubin W. Bartram;
- H. R. 14181. An act granting an increase of pension to Sarah F. Burnet;
- H. R. 14152. An act granting an increase of pension to John Middleton;
- H. R. 8074. An act granting an increase of pension to William H. H. Chester;
- H. R. 8410. An act granting an increase of pension to George B. Fairhead;
- H. R. 8022. An act granting an increase of pension to Hiram Flint;
- H. R. 8316. An act granting an increase of pension to James W. Swords;
- H. R. 9428. An act granting an increase of pension to Adeline Ballard;
- H. R. 9021. An act granting an increase of pension to Joseph Whitman;
- H. R. 9429. An act granting an increase of pension to John C. Hamly, alias George Garnett;
- H. R. 9030. An act granting an increase of pension to John Daly;
- H. R. 10261. An act granting an increase of pension to Henry B. Sparks;
- H. R. 10824. An act granting an increase of pension to John B. Calhoun;
- H. R. 10480. An act granting an increase of pension to Aaron Bayles;
- H. R. 9116. An act granting an increase of pension to Charles W. Abbott;
- H. R. 6911. An act granting a pension to James H. Weston;
- H. R. 4241. An act granting a pension to Mary A. Denston;
- H. R. 12297. An act granting a pension to James P. Hurst;
- H. R. 13746. An act granting a pension to Thomas B. Forgan;
- H. R. 11796. An act granting a pension to Catherine Darr;
- H. R. 11452. An act granting a pension to Ann Jones;
- H. R. 11524. An act granting a pension to John F. Burrows;
- H. R. 3653. An act granting an increase of pension to Andrew Sullenberger;
- H. R. 3460. An act granting an increase of pension to Louis P. Anschutz;
- H. R. 4369. An act granting an increase of pension to August Strick;
- H. R. 3670. An act granting an increase of pension to Benjamin F. Barrett;
- H. R. 3734. An act granting an increase of pension to James R. Gibson;
- H. R. 3166. An act granting an increase of pension to James M. Howe;
- H. R. 3819. An act granting an increase of pension to Ira Stout;
- H. R. 5734. An act granting an increase of pension to John B. Tucker;
- H. R. 3445. An act granting an increase of pension to John P. Webb;
- H. R. 3836. An act granting an increase of pension to David H. Thompson;
- H. R. 3244. An act granting an increase of pension to Lewis Kimer;
- H. R. 4983. An act granting an increase of pension to Charles Gochey;
- H. R. 4897. An act granting an increase of pension to William Johnson;
- H. R. 5193. An act granting an increase of pension to Allen Campbell;
- H. R. 5996. An act granting an increase of pension to Alfred Howser;
- H. R. 4631. An act granting an increase of pension to Julius Krag;
- H. R. 4056. An act granting an increase of pension to Wilson Snider;
- H. R. 4756. An act granting an increase of pension to Lewis R. Gates;
- H. R. 4110. An act granting an increase of pension to Antoinette R. Smith;
- H. R. 6962. An act granting an increase of pension to Pauline N. Pearson;
- H. R. 4157. An act granting an increase of pension to Adam Kohlhauff;
- H. R. 4937. An act granting an increase of pension to William Y. M. Wilkerson;
- H. R. 4996. An act granting an increase of pension to Alexander Robertson;
- H. R. 6927. An act granting an increase of pension to Rebecca C. Nevin;
- H. R. 6088. An act granting an increase of pension to Marshall Howell;
- H. R. 6595. An act granting an increase of pension to John H. McBrayer;
- H. R. 6090. An act granting an increase of pension to Frederick C. Wickham;
- H. R. 5314. An act granting an increase of pension to John Woods;
- H. R. 6746. An act granting an increase of pension to Francis Van Aernam;
- H. R. 6868. An act granting an increase of pension to George R. Hanson;
- H. R. 8213. An act granting an increase of pension to Thomas Murray;
- H. R. 7472. An act granting an increase of pension to Henry McQuarter;
- H. R. 2810. An act granting an increase of pension to Samuel G. H. Whitley;
- H. R. 908. An act granting an increase of pension to Charles A. Tarbox;
- H. R. 731. An act granting an increase of pension to Henry S. Hamilton;
- H. R. 690. An act granting an increase of pension to Mark F. Holderman, alias Michael Holderman;
- H. R. 1565. An act granting an increase of pension to Josephine F. Anderson;
- H. R. 197. An act granting an increase of pension to John Latty;
- H. R. 605. An act granting an increase of pension to Frederick Frick;
- H. R. 809. An act granting an increase of pension to Lewis Johnson, jr.;
- H. R. 721. An act granting an increase of pension to John Ryan, alias John Connell;
- H. R. 2687. An act granting an increase of pension to Isaac N. Willhite;
- H. R. 2804. An act granting an increase of pension to Michael Cribbins;
- H. R. 2567. An act granting an increase of pension to Alexander D. Ramsey;
- H. R. 2150. An act granting an increase of pension to Robert Whitman;
- H. R. 2005. An act granting an increase of pension to Alexander J. Hood;
- H. R. 2606. An act granting an increase of pension to Catherine Bowsher;
- H. R. 6916. An act granting an increase of pension to Alexander Hardy;
- H. R. 6564. An act granting an increase of pension to James H. Townsend;
- H. R. 4908. An act granting an increase of pension to John A. McConnell;
- H. R. 3297. An act granting an increase of pension to Renel W. Trask;
- H. R. 2148. An act granting an increase of pension to Lawrence Cook;
- H. R. 10502. An act granting an increase of pension to Abram Young;
- H. R. 2969. An act granting an increase of pension to George W. Fitzgerald;
- H. R. 2107. An act granting an increase of pension to James W. Whitney;
- H. R. 2045. An act granting an increase of pension to Henry Henwood;
- H. R. 10579. An act granting an increase of pension to Jacob Dodd;
- H. R. 6713. An act granting an increase of pension to John E. White, alias Patrick White;
- H. R. 6334. An act granting an increase of pension to George W. Gyger;
- H. R. 6558. An act granting an increase of pension to Robert H. Long;
- H. R. 6327. An act granting an increase of pension to Delos Van Deusen;
- H. R. 7064. An act granting an increase of pension to Charles Von Lukowitz;
- H. R. 6317. An act granting an increase of pension to Maggie Du Bois;
- H. R. 6503. An act granting an increase of pension to Amanda M. Morse;
- H. R. 6000. An act granting an increase of pension to John B. Salsman;

H. R. 7678. An act granting an increase of pension to Lewis Monjar;

H. R. 7701. An act granting an increase of pension to James H. English;

H. R. 7477. An act granting an increase of pension to Cyrenius Dennis;

H. R. 7366. An act granting an increase of pension to Thomas J. Cannon;

H. R. 5973. An act granting an increase of pension to Henry J. Potter;

H. R. 5338. An act granting an increase of pension to Joseph S. Wright;

H. R. 7219. An act granting an increase of pension to George W. Marsh;

H. R. 7473. An act granting an increase of pension to Nicholas Correll;

H. R. 5279. An act granting an increase of pension to Granville H. Bishop;

H. R. 5391. An act granting an increase of pension to James Keleher;

H. R. 5690. An act granting an increase of pension to James W. Griffiths;

H. R. 5327. An act granting an increase of pension to William M. Morrison;

H. R. 5971. An act granting an increase of pension to Samuel D. Satterly;

H. R. 14621. An act for the disposal of the unsold lots in the Fort Crawford military tract at Prairie du Chien, Crawford County, Wis.;

H. R. 13742. An act in relation to the location of the navigable channel of the Calumet River, Illinois and Indiana;

H. R. 12687. An act to amend an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August 23, 1894;

H. J. Res. 85. An act to authorize the lowering of the height of the Government dams in the Illinois River at Kampsville and Lagrange;

H. R. 13739. An act 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;

H. R. 10956. An act to amend sections 2566 and 2567 of the Revised Statutes of the United States, 1878, so as to remove the port of entry for the district of Pearl River from Shieldsboro to Gulfport, and for other purposes;

H. R. 9643. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the maintenance and supply of fuel and illuminating gas and its by-products in Honolulu;

H. R. 12684. An act 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;

H. R. 12446. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 13992. An act permitting the Missouri, Kansas and Oklahoma Railroad Company to sell its railroads and properties to the Missouri, Kansas and Texas Railway Company.

## ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2133. An act to change the name of Madison, Sampson, and Samson streets to Church street;

S. 4453. An act 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;"

S. 4165. An act 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;

S. 4130. An act to amend sections 1288, 1293, and 1294 of the Code of the District of Columbia, relating to marriage, so as to authorize marriages according to the custom of the Society of Friends or Quakers;

S. 4638. An act to validate certain original homestead entries and extend the time to make proof thereon;

S. 2424. An act to recognize and promote the efficiency of army chaplains;

S. 2878. An act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes;

S. 3454. An act for the extension of Eighth street NW., or Wrights road, District of Columbia;

S. R. 64. Joint resolution 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 purpose of organizing a State; and

S. 1399. An act 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.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1547. An act for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

S. 2994. An act to amend an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, so that the provisions of said act shall be extended to and include the States of Oregon, Washington, and California—to the Committee on the Public Lands.

S. 5245. An act to indemnify G. W. Hardy and Joseph Lard, of Scott County, Miss., for homestead land by granting other lands in lieu thereof—to the Committee on Private Land Claims.

## ELECTION CONTEST—DURBOROW VS. LORIMER.

Mr. OLMSTED. Mr. Speaker, from the Committee on Elections No. 2 I present a privileged report on the contested-election case of Durborow v. Lorimer, from the State of Illinois. I ask that the resolutions be read.

The Clerk read as follows:

Resolved, That Allan C. Durborow was not elected to membership in the House of Representatives of the United States in the Fifty-eighth Congress and is not entitled to a seat therein.

Resolved, That William Lorimer was duly elected to membership in the House of Representatives of the United States in the Fifty-eighth Congress and is entitled to a seat therein.

Mr. OLMSTED. Mr. Speaker, this contest hinged upon a recount of the ballots. Upon the face of the returns Mr. Lorimer had a majority or plurality of 985. A recount of the ballots increased that number to the extent of 9 votes, whereupon the contestant declined to proceed further with the contest or to argue the case before the committee, and consented to resolutions such as I now offer.

The resolutions were adopted.

## NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the report of the committee of conference, now lying on the Speaker's table, on the naval appropriation bill. I ask unanimous consent that the statement of the House conferees (heretofore printed in the RECORD along with the report) be read in lieu of the report.

The SPEAKER. In the absence of objection that will be done. There was no objection.

The statement, as published in the House proceedings of Monday, April 18, was read.

Mr. FOSS. Mr. Speaker, I move the adoption of the conference report, and upon that I demand the previous question.

Mr. COOPER of Wisconsin. Mr. Speaker, I rise to a parliamentary inquiry. Is it now in order to move to recede and concur—

The SPEAKER. Not at this time, because the present motion is to agree to the conference report, which covers the items which have been agreed to by the conferees. When the report is disposed of, items disagreed to will be before the House.

Mr. FITZGERALD. I should like to ask a question of the gentleman from Illinois.

The SPEAKER. As the Chair understands, the gentleman from Illinois withdraws for the present the motion for the previous question.

Mr. FITZGERALD. As I understand, the items inserted by the Senate to provide barracks have been excluded under the agreement of the conferees.

Mr. FOSS. Yes, sir.

Mr. RIXEY. As I understand, amendment No. 34, providing for the promotion and retirement of officers of the Marine Corps, has been agreed to?

Mr. FOSS. Yes, sir.

Mr. RIXEY. Can the gentleman tell us how many officers are affected by that provision?

Mr. FOSS. Only seven.

Mr. RIXEY. And this does not affect at all the proposition about which there was so much discussion in regard to the promotion of retired officers?

Mr. FOSS. It does not affect that matter at all. Mr. Speaker, I renew the demand for the previous question.

Mr. COOPER of Wisconsin. As a parliamentary inquiry, may

I ask whether the question is now simply on adopting those amendments which have been agreed to by the House conferees?

The SPEAKER. The question is on adopting the conference report.

The report was agreed to.

Mr. FOSS. There are certain amendments still in disagreement. Upon Senate amendment No. 10, relating to appropriations for the Charleston Navy-Yard, I move that the House further insist upon its disagreement.

Mr. MADDOX. Will the gentleman state what that amendment is?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "In all, navy-yard, Charleston, S. C., \$856,500" and insert in lieu thereof the following:

"Quay wall, \$50,000; dredging, \$20,000; locomotive and power house, \$5,000; railroad scales, \$3,000; sewers, \$20,000; telephone system, \$2,000; entrance gate and police station, \$28,000; grading and drainage, \$10,000; storehouse and storekeeper's offices, to extend, \$50,000, to cost in all not to exceed \$150,000; latrines, \$3,000; railroad system, extension, \$12,000; railroad equipment, \$5,000; tools and machinery for yards and docks workshop, \$8,000; one officer's quarters, \$8,000; in all, navy-yard, Charleston, S. C., \$880,500."

Mr. WILLIAMS of Mississippi. I should like to ask the gentleman whether the Senate amendment increases or decreases the amount allowed by the House?

Mr. FOSS. It increases it by this amount, to which we have disagreed.

Mr. WILLIAMS of Mississippi. What is the amount of the increase?

Mr. FOSS. I am informed by my colleague on the committee [Mr. LOUDENSLAGER] that it is about \$230,000. As the bill went out of the House it was \$650,000, in round numbers. They have increased it about \$230,000, so I am informed.

Mr. FINLEY. I should like to ask my friend if it would be feasible to pass over this item and take up another for the present? My colleague [Mr. LEGARE], who represents the Charleston district, happens not to be in the House now, at least I do not see him. Would it be feasible to pass over this item for a little while?

Mr. FOSS. I would rather take them up in order. This motion puts the item in disagreement.

Mr. DAYTON. It is not finally settled.

Mr. RIXEY. I will state that the provision as carried in the bill as it left the House included everything that the gentleman who represents the Charleston district [Mr. LEGARE] asked us to include.

Mr. FOSS. Everything.

Mr. RIXEY. Everything.

Mr. BARTLETT. And the House voted it in accordance with his desires.

Mr. RIXEY. The House voted everything that he asked.

Mr. FOSS. These amendments which are inserted here have not been recommended by the Secretary of the Navy.

Mr. RIXEY. I think the item ought to be disagreed to.

Mr. WILLIAMS of Mississippi. I suppose so.

The motion of Mr. Foss to disagree and further insist was agreed to.

The SPEAKER. There are a number of amendments, Nos. 15, 16, 18, 19, 20, 21, 24, 31, 32, 33, 35, and 38, which are still in disagreement. Is there a desire to consider any one of these amendments separately from the others?

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is thoroughly impossible to know whether we have a desire to consider them or not unless we receive some information. I think if the chairman of the committee [Mr. Foss] would take about five minutes to explain the general effect and purport of each one of these amendments we could act more intelligently.

Mr. COOPER of Wisconsin. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. I rise to announce that I desire to move to recede and concur in Senate amendment No. 18.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. FOSS. I yield to the gentleman from Louisiana [Mr. MEYER].

Mr. MEYER of Louisiana. Mr. Speaker, I desire to give notice that at the proper time I shall move to concur in Senate amendment No. 35, which provides that the colliers authorized by the bill of the House and confirmed by the Senate shall be built in navy-yards, one on the Pacific and the other on the Atlantic coast, the same to be designated by the Secretary of the Navy.

The SPEAKER. Is a separate vote demanded on the motion to concur in any other amendment?

Mr. FOSS. I move to further insist upon all other amendments on which a separate vote has not been demanded.

Mr. WILLIAMS of Mississippi. Mr. Speaker, before that matter is put to the House I suggest that it would not take much

time—about five minutes—for the gentleman to explain to the House the general purport and meaning of each of these amendments. He can do it rapidly, so that we can get some idea of it. We do not know whether we want any separate vote or not.

The SPEAKER. The gentleman from Illinois.

Mr. FOSS. Mr. Speaker, amendment No. 15 relates to the consolidation of the light, heat, and power plants in our different navy-yards. The House committee were of the opinion that this consolidation ought to be under the Bureau of Yards and Docks, and left the question of consolidation in the discretion of the Secretary, but said that if he made the consolidation he must make it under that Bureau, because the committee were thoroughly and unanimously of the opinion that it ought to be done under that Bureau if at all. The Senate amendment left it in the discretion of the Secretary to make this consolidation under any bureau—for instance, under the Bureau of Construction and Repair, or the Bureau of Equipment, or the Bureau of Steam Engineering. So there is just that difference between the House and Senate upon that proposition.

The House say that the consolidation ought to be in the Bureau of Yards and Docks; the Senate leave it discretionary with the Secretary.

Amendment No. 16 is simply a clerical computation. Amendment No. 18 is the amendment with reference to the Great Lakes training station. The Senate have put in here a provision for a new board.

The SPEAKER. A separate vote is demanded on amendment numbered 18.

Mr. FOSS. And a separate vote has been demanded on this provision. Amendment numbered 19 is simply a clerical computation, dependent upon the action of the House on the previous amendment.

Amendment numbered 20 refers to a naval magazine in New England, for the purchase of land for a site for a naval magazine on the New England coast. I shall ask the House to insist on its disagreement to that provision.

Amendment numbered 21 is a clerical computation, dependent upon the action of the House on the previous amendment.

Amendment numbered 24 is as follows:

To place the frigate Constitution as near as may be in the same condition as regards hull and rigging as she was when in active service, for use as practice, training, or receiving ship, \$400,000.

To that the House conferees have disagreed.

Now, amendment numbered 31 provides for an increased salary of \$200 to a clerk in the office of the assistant quartermaster of the Marine Corps in Philadelphia, and the House conferees disagreed.

Amendments numbered 32 and 33 are clerical computations.

Amendment numbered 35 provides that the colliers shall be built in navy-yards, one on the Pacific coast and the other on the Atlantic coast. Upon that a separate vote has been demanded.

Now, as to amendment 38 the House proposition was:

That before any subsurface or submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested to the satisfaction of the Secretary of the Navy.

This is the Senate provision:

That before any subsurface or submarine torpedo boat or boats are purchased or accepted by the Navy Department they shall have been fully tested to the satisfaction of the Secretary of the Navy and shall fulfill all reasonable requirements for torpedo or submarine warfare.

Here is the proviso which is really the difference between the House and the Senate on the provision:

Provided also, That the boats contracted for under this act shall be constructed in accordance with the plans and specifications of the contractor.

Mr. HILL of Connecticut. I would like to ask the gentleman what is meant by that second proviso that is inserted on the part of the Senate?

Mr. DAYTON. It ought not to be in there.

Mr. HILL of Connecticut. I would like to know at least what it means.

Mr. DAYTON. The contractor's plans shall be taken rather than the plans of the Department.

Mr. WILLIAMS of Mississippi. I think we may as well have a separate vote on that.

Mr. HILL of Connecticut. I do not know that I care for a separate vote, but I would like to intelligently understand the proviso before being called upon to vote upon it. The question I would like to ask the chairman of the committee is: Does it authorize the purchase of a boat on paper? If it does not, what does it mean?

Mr. FOSS. The proviso is this:

That the boats contracted for under this act shall be constructed in accordance with the plans and specifications of the contractor.

Now, in the building and construction or contracts for boats of other classes the Department has always retained the right to

make the specifications and plans for them. This proviso leaves it entirely with the contractor to say upon what plans these submarine boats shall be built.

Mr. HILL of Connecticut. Mr. Speaker, I do not think the chairman of the committee quite understands my question. What I want to know is whether under the terms of this clause it is possible for the Department to buy a boat existing merely in the imagination of the inventor upon the submission of plans; and I further want to know if that clause does not entirely nullify the preceding provision, which requires a test before purchase under the terms of the preceding proviso. Under this one the Navy Department could contract with any person that they see fit for a boat existing simply in the imagination of the individual upon the submission of plans and specifications. If it does so provide, it seems to me that the provision should be stricken out. We have a large Congressional scrap heap now. I do not believe we ought to add to it.

Mr. FOSS. Well, I will say to my friend that the House conferees are insisting on their disagreement.

Mr. HILL of Connecticut. I have no doubt in the world they will continue to insist if that means what I think it does.

The SPEAKER. Is a separate vote demanded on any other amendments than 18 and 35? The Chair hears none.

The question is on the House insisting upon its disagreement to the remaining amendments, except amendments numbered 18 and 35.

The question was taken; and the motion was agreed to.

The SPEAKER. The Clerk will report Senate amendment numbered 18.

The Clerk read as follows:

Naval training station, Great Lakes: The purchase of land and the establishment of a naval training station on the Great Lakes, \$250,000. The President is hereby authorized and empowered to appoint a board consisting of not less than three members, none of whom shall be a resident of any State bordering on the Great Lakes, whose duty it shall be to select the most available site for such naval training station on the Great Lakes, and having selected such site, to ascertain and report its probable cost and the probable expenditure which will be necessary for improving the same, including lake shore protection and construction of necessary harbor facilities; and to make a detailed report of their findings and proceedings to the President to be transmitted by the President to Congress for its final action. And to defray the expenses of said board, the sum of \$5,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. FOSS. Mr. Speaker, in relation to this amendment I desire to move to recede from the disagreement and concur with an amendment, which I will send to the Clerk's desk to be read.

The SPEAKER. The gentleman from Illinois moves that the House do recede and concur in the Senate amendment with the following amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all the paragraph after the word "dollars," in line 8, page 41, and insert in lieu thereof the following:

"Provided, That the site for said training station shall be selected by the Secretary of the Navy, in his discretion, but he shall not pay a sum to exceed \$250 per acre therefor."

So that the entire paragraph will read:

"Naval training station, Great Lakes: The purchase of land and the establishment of a naval training station on the Great Lakes, \$250,000: Provided, That the site for said training station shall be selected by the Secretary of the Navy, in his discretion, but he shall not pay a sum to exceed \$250 per acre therefor."

Mr. RIXEY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RIXEY. Mr. Speaker, I simply desire to renew the point of order against the amendment. I will reserve the point of order if it is desired.

The SPEAKER. The Chair will be glad to know what the point of order is.

Mr. FOSS. I can not understand the Chair.

The SPEAKER. The gentleman from Virginia gives notice that he will reserve the point of order. That can be done by unanimous consent. The Chair has certainly no objection, but the Chair will be glad to know what the point is for the convenience of the Chair.

Mr. RIXEY. Mr. Speaker, I will state the point of order. This amendment of the Senate provides for the appointment of a commission by the President for the purpose of locating a training station on the Great Lakes. The amendment which is offered strikes out the commission entirely and provides absolutely for the purchase of land, I suppose in accordance with the recommendation of a board which has been heretofore appointed and acted. Now, I take it the amendment now offered by the gentleman from Illinois is not pertinent or germane to the amendment which was incorporated into this bill by the Senate.

The SPEAKER. Does the gentleman from Virginia desire to make the point of order now or reserve it?

Mr. RIXEY. I will reserve the point of order for the present until the motion of the gentleman from Wisconsin is passed on.

Mr. FOSS. I think the gentleman had better insist on the point of order.

Mr. RIXEY. Then, Mr. Speaker, I insist on the point of order.

Mr. DAYTON. You have read the first part of the bill, which makes an absolute appropriation for this training station?

The SPEAKER. Does the gentleman from Virginia desire to be heard on the point of order?

Mr. RIXEY. No, sir; I do not.

The SPEAKER. The Chair is prepared to rule. The Senate amendment provides for the purchase of land and the establishment of a naval training station on the Great Lakes, \$250,000, and then provides the machinery by which an investigation shall be made and a report made to Congress. The object is the establishment of a naval station. The machinery is a mere matter of detail, and it seems to the Chair that the amendment proposed by the gentleman from Illinois is in order.

Mr. BAKER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. BAKER. I want to ask a question of the chairman of the committee.

Mr. FOSS. I yield to the gentleman from Wisconsin [Mr. COOPER], who desires to make a motion to concur.

Mr. COOPER of Wisconsin. Mr. Speaker, I make the motion to recede and concur in Senate amendment No. 18.

Mr. BAKER. Mr. Speaker—

The SPEAKER. The gentleman from Illinois yields to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 18 and concur therein. On that have I the floor, Mr. Speaker?

Mr. FOSS. Mr. Speaker—

The SPEAKER. The Chair will call the attention of the gentleman from Wisconsin, and also the gentleman from Illinois, to the fact that the gentleman from Illinois has moved to recede and concur with an amendment.

The Chair finds, on looking at the precedents, that the motion of the gentleman from Wisconsin [Mr. COOPER] takes precedence over the motion to recede and concur with an amendment, and the Chair therefore will entertain the motion of the gentleman from Wisconsin. The gentleman from Illinois [Mr. FOSS], however, controls the time.

Mr. FOSS. Mr. Speaker, I understand that the motion of the gentleman from Wisconsin to recede and concur takes precedence of the motion that I have offered.

The SPEAKER. It does at this stage of the bill, under the precedents.

Mr. FOSS. Now, I will ask the Speaker how much time we have on this proposition?

The SPEAKER. The gentleman from Illinois, under the rules of the House, has one hour.

Mr. FOSS. I will ask the gentleman from Wisconsin how much time he desires?

Mr. COOPER of Wisconsin. In view of the situation and of the very great importance of this matter—

Mr. FOSS. I mean of this one hour.

Mr. COOPER of Wisconsin. Can we not have that time extended by unanimous consent for half an hour?

Mr. FOSS. No; I think we ought to get along on these matters. There are other amendments here.

Mr. COOPER of Wisconsin. Can the gentleman give me half an hour?

Mr. FOSS. I will be pleased to divide the time, one-half hour on each side; but if any gentleman desires to speak in support of the motion of the gentleman from Wisconsin, then the gentleman from Wisconsin must give him that time, for I shall want to close the debate on the proposition.

Mr. COOPER of Wisconsin. Then, Mr. Speaker, I shall ask that my attention be called to the fact when I have consumed twenty minutes.

The SPEAKER. The gentleman from Illinois yields to the gentleman from Wisconsin thirty minutes, as the Chair understands.

Mr. COOPER of Wisconsin. Mr. Speaker, the motion is for the House to recede from its disagreement to Senate amendment 18 and to concur therein.

The amendment is an effort to settle in a fair, honorable way the vexed question of a site for the Great Lakes naval training station, by the appointment of a new board to inspect sites, to select the one most available, to prepare a statement in detail as to its probable cost and the probable amount necessary for improvements, including a harbor and lake-shore protection, and to report its findings to the President, to be transmitted to Congress for its final action.

After protracted, thorough debate in the Senate this amendment passed that body with only one dissenting vote—that of a

Senator from Illinois. In my judgment it ought to pass the House without opposition.

I regret that I can not have time properly to discuss this important proposition—important not only to the Navy and to the Treasury of the United States, but also to me personally, because of the attack made in effect upon my integrity during the debate on this question in February last. During that debate I said to the House that when this board came to the city of Racine on August 4, 1902, they did not go within one mile and a half of the site which the city of Racine had to offer, assigning as a reason their lack of time and also that that visit was merely preliminary to a thorough inspection at a later date. I said also that on October 31, 1902, when they came on their second and last visit, they did not arrive in Racine until 4.30 p. m., and did not reach the site until after dark, when lamps had been lighted in the farmhouses. At the close of the debate a letter from a member of the board was read, which absolutely contradicted these statements in every essential particular. This letter is dated February 24, the day on which it was read in the House.

The chairman of the Committee on Naval Affairs, the gentleman from Illinois [Mr. Foss], read this letter, prefacing it with this remark, referring to myself—I read from the RECORD:

When the gentleman made that statement he knew whether it was true or not. I have nothing to say.

Mr. Speaker, I told the House the truth on that occasion or I told it a falsehood. The facts were such and they were so entirely within my own knowledge that I could not be mistaken about them.

Mr. FOSS. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Not at this time, unless the gentleman will yield me more time.

Mr. FOSS. Mr. Speaker, I desire to say that I did not express any opinion on the matter one way or another. I simply left it between the gentleman and the board.

Mr. COOPER of Wisconsin. I know what the gentleman said. The board did not write that letter. It was written and signed by only one member of the board, and the gentleman from Illinois in his remarks assumed that every word of it was true. I believe that Admiral Taylor knew nothing about it.

This letter and the remarks of the gentleman from Illinois raised a direct issue as to my veracity. The letter was read at the end of the debate, when it could not be answered. This is the first opportunity, Mr. Speaker, that I have had on the floor of the House to discuss this subject, and I propose now to demonstrate whether the writer of that letter or I told the truth to the House concerning the board's two visits to Racine and their alleged inspection of the North Point site. Fortunately the evidence is at hand to remove all doubts and to make the demonstration unanswerable.

The first visit of the board was on August 4, 1902. Concerning that visit, this letter says:

The board was met by a committee and driven in carriages to the hotel in Racine. Afterwards the board and the committee, composed of the mayor of Racine and several citizens of that city, proceeded in carriages to examine the site, a short distance north of the city. The board was taken to this site by the committee, and not by the suggestion of the board, as the board understood that this was the site which the city had to offer as being a suitable site for the naval training station. The board inspected this site, and afterwards returned to the city and to the railway station.

The site at North Point was not presented to the board during this visit, except possibly in a casual way. The board was in the hands of the committee for the time being, and therefore only visited the site which the committee had to offer.

Had the site at North Point been seriously offered to the board, the board would naturally have preferred to visit this site at the time, as the North Point site is manifestly the best site for a training station in the vicinity of Racine.

After the return of the board to Washington the subject of the site at North Point, known in the board's final report as "North Point Site A," was taken up in correspondence with the representatives of interests at Racine, and the board determined on their next trip to the Great Lakes to visit this site.

As to the second and last visit (October 31, 1902), this letter says:

The board again visited Racine in October. Rear-Admiral Taylor, the president of the board, was unable to accompany the board on this visit. The board arrived at Racine late in the afternoon, and was there met in carriages by a committee in accordance with previous arrangements and driven to North Point. Owing to the fact that the carriage horses were not equal to their load considerable time was wasted in the journey from the railway station to the site.

Nevertheless the board reached the site in ample time to have sufficient daylight to see the site and to determine all the points the board had in mind. The board drove over much of the site, and as the site was for the most part cleared land, the time was ample for the inspection. Had the board not been fully satisfied as to the physical characteristics, it would have waited and made a second visit the following day or stopped at Racine on their return from their trip to the northward.

Here, in this letter, are four principal statements, namely:

First. That on their first visit (August 4, 1902) the board inspected a site at the city of Racine.

Second. That this was not the North Point site; that the North

Point site was not then presented, except possibly in a casual way; and that the board would have preferred to visit the site at that time.

Third. That after the return of the board to Washington the North Point site was taken up in correspondence with citizens of Racine, and that then it was that the board determined on their next trip to visit it.

Fourth. That on their second and last visit (October 31, 1902) they arrived at Racine late in the afternoon, but, nevertheless, reached the North Point site in time to inspect it by daylight.

Mr. Speaker, the facts are as follows:

First. That in conversation at the hotel in Racine, immediately after their arrival on August 4, 1902, the members of the board informed the committee of citizens that they were pressed for time and could not remain in Racine on that day for more than one-half or three-quarters of an hour; that their visit was only preliminary.

Second. That on August 4 the board did not visit or inspect any site in or near the city of Racine, the only site suggested or thought of at that time being at North Point, sometimes called "Wind Point."

Third. That the only place in Racine where the board alighted from the carriages on the shore of Lake Michigan on that day was in the Fourth Ward, a thickly settled portion of the city, where there was no possible opportunity for a site for the naval training station.

Fourth. That while standing on the bank of the lake the attention of the board was called to North Point, a mile and a half distant, as meeting every requirement for a site for a naval training station, and that thereupon the members of the board declared that for lack of time they would not then drive to North Point, but would return at a later date to inspect the site. Admiral Taylor at the same time turning to Engineer Rousseau and directing him to make a note of what had been said.

Fifth. That after standing on the bank of the lake a few minutes the board were driven directly to the railroad station, and at no time on that day were nearer than 1½ miles to the North Point site.

Sixth. That the board did not wait until they returned to Washington and had had correspondence concerning the North Point site to decide to visit it, but that on August 4, 1902, in the presence of the citizens' committee, and also in my presence, they promised to do so.

Seventh. That on their second and last visit, October 31, 1902, the board (only two members) did not arrive in Racine until 4.30 o'clock in the afternoon, when, because of the lateness of the hour, they were invited to remain in Racine overnight, so that the site might be inspected by daylight; that they declined this invitation, and were then driven to the site, which was not reached until lamps were lighted in the farmhouses and it was entirely too dark to make anything like an inspection, the two members of the board simply driving across the site and back in a closed carriage.

Eighth. That, as a result of all this, the board have never inspected the site at North Point.

Mr. Speaker, in support of my statement I shall offer two kinds of evidence, namely: First, my letters written to the board immediately after their respective visits to Racine; second, affidavits of members of the citizens' committee who accompanied the board during these visits.

I have here my letter-press book containing copies of all letters dictated by me from July 5, 1902, to November 26, 1902. On page 198 of this book I find a letter dated August 17—two weeks after the first visit of the board. A portion of this letter I will now read, and all of it I will, with the consent of the House, print in the RECORD. This letter shows conclusively that the board did not visit any site in or near the city of Racine on August 4, 1902.

RACINE, WIS., August 17, 1902.

Admiral H. C. TAYLOR, *United States Navy,*  
*Navy Department, Washington, D. C.*

MY DEAR SIR: I am in receipt of your Cleveland letter of the 14th instant. As I wrote you in my last letter, I hope very much that your board will not fail again to visit Kenosha and Racine. Your previous visits were too brief to permit of anything like a thorough examination of the sites. This is especially true of the site at Racine.

You will recall that your board did not go nearer than a mile and a half to the proposed site in this city, on North Point.

The House will observe that in this letter I spoke of "the site at Racine," and of "the proposed site in this city, on North Point," thus showing clearly that there was then only one site—the site at North Point—which that city had to offer. And not only did I speak of this site, but I took occasion in this letter to remind the board that during their visit of August 4 they had not been nearer than a mile and a half to it.

The whole letter is as follows:

Admiral H. C. TAYLOR, U. S. N.,  
Navy Department, Washington, D. C.

RACINE, WIS., August 17, 1902.

MY DEAR SIR: I am in receipt of your Cleveland letter of the 14th instant. As I wrote you in my last letter, I hope very much that your board will not fail again to visit Kenosha and Racine. Your previous visits were too brief to permit of anything like a thorough examination of the sites. This is especially true of the site at Racine. You will recall that your board did not go nearer than a mile and a half to the proposed site in this city on North Point. This site is a peninsula from one-half to three-quarters of a mile in width, projecting into the lake about 1 mile, and forming a bay perfectly protected from northeast storms—the only severe storms of this locality. The ground is all level and from 30 to 50 feet above the lake, excepting a ravine and a slough, which can be easily converted into a commodious harbor. The site is also a short distance from the main line of the Northwestern Railroad between Chicago and Milwaukee.

While your board made a more thorough examination of the Kenosha site, I am sure that the people of that city will be much pleased to have you make another and more complete inspection of it. As requested in your letter, I will be pleased to convey your message to the mayors and committees on sites of the respective cities.

Hoping that you will not fail again to visit Racine and Kenosha,  
I am, very respectfully,

H. A. COOPER, M. C.,  
First District of Wisconsin.

A little later, under date of September 5, 1902, I wrote the board another letter, a copy of which is found on page 241 of this letter-press book. This letter constitutes absolutely conclusive evidence that the board did not inspect any site at Racine on their visit of August 4, 1902. In this letter I distinctly reminded the board that there were only two sites in my Congressional district, one at Racine and the other at Kenosha, and that the board had "not as yet made any inspection of the site at Racine."

The letter is as follows:

Admiral H. C. TAYLOR, U. S. N.,  
Navy Department, Washington, D. C.

RACINE, WIS., September 5, 1902.

SIR: I have the honor to acknowledge the receipt of your communication of August 27.

I note with pleasure the statement that your board expects to complete its preliminary examination of sites some time during the present month of September, and that it will be pleased to make a personal examination of any sites suggested by me. In this connection I desire to say that there are but two sites in my district—one at Racine and the other at Kenosha. Either of these would make an admirable location for the Great Lakes naval training station. Your board made a partial examination of the Kenosha site, but has not as yet made any inspection of the site at Racine. As you will recall, these two sites are but 10 miles apart. Permit me, therefore, to urge that your board visit both of them on your September visit.

I shall be greatly obliged if in reply to this you will kindly inform me as to when your board will visit this locality.

Awaiting your reply, I am, very respectfully,

H. A. COOPER, M. C.,  
First District of Wisconsin.

Mr. Speaker, the board did not again visit Racine until October 31, 1902. Only four days later (November 4, 1902) I wrote the board another letter, a copy of which appears on page 425 of this letter-press book.

In this letter I reminded the president of the board that he had never personally made an examination of the North Point site, and distinctly informed him that the two other members of the board on their visit of October 31, 1902, arrived at so late an hour as to make it impossible for them to see the site by daylight.

The letter reads as follows:

Admiral H. C. TAYLOR, United States Navy,  
Navy Department, Washington, D. C.

RACINE, WIS., November 4, 1902.

SIR: Permit me to say an additional word concerning the site for the naval training station.

Your full board has already visited the fine site at Kenosha, and two of your members have made a second visit. I shall not, therefore, refer to it in detail at this time. Inasmuch, however, as you personally have never made an examination of the North Point site near this city, I desire now to call attention to its very great merits.

It is to be regretted that Lieutenant-Commander Winslow and Engineer Rousseau on their visit here last week arrived at so late an hour (4.30 p. m.) as to make it impossible for them to see the site by daylight. It was after 5 o'clock before we arrived on the ground, too late to make a satisfactory inspection.

The North Point site can not be excelled anywhere. The ground is from 30 to 35 feet above the lake, very fertile, generally level, and in every way peculiarly adapted to the requirements of the proposed naval training station. There is ample opportunity to make a harbor, which could be easily kept in good condition. The fine harbor of the city of Racine, with a channel depth of 21 feet, is also available. Without great expense the site could easily be made an island by dredging the ravine which extends across the Point. There is a beautiful beach more than a mile in length. The point itself furnishes absolutely perfect protection from northeast storms, the only troublesome storms in this section. From the north side of the site Milwaukee is visible, 20 miles away, and from the south side there is a fine view of the bay and harbor of the city of Racine.

This shore of Lake Michigan has the lowest death rate of any portion of the United States, and it would be impossible to find a more healthful locality than North Point.

Located between Chicago and Milwaukee, the site is near the center of a great population, to which it is easily accessible.

In locality, eligibility, healthfulness, and every other essential the site at North Point is ideal.

I have the honor to remain, very respectfully,

H. A. COOPER, M. C.,  
First District of Wisconsin.

Mr. Speaker, these letters were written when the incidents were fresh in my mind, and at a time when there was no thought of the controversy which has arisen; and they afford indisputable evidence that the writer of the letter read by the gentleman from Illinois was at least mistaken in his statement of facts.

But, Mr. Speaker, in addition to these letters I have affidavits which I desire to present. I secured these affidavits in this way: Immediately after the gentleman from Illinois read the letter from the member of the board I mailed a copy of it to Mr. R. M. Boyd, one of the committee of citizens who accompanied the board during its visits to Racine, together with a letter from myself requesting him to forward me affidavits of the members of the committee setting forth the facts as to these visits. With the permission of the House I will insert in the RECORD a copy of my letter to Mr. Boyd, although it would have been in somewhat different form if originally intended for publication. In it there is no suggestion of what I had said during the debate, but only a request for affidavits showing the exact facts.

My letter to Mr. Boyd is as follows:

FEBRUARY 24, 1904.

Mr. R. M. BOYD, Racine, Wis.

MY DEAR MR. BOYD: Before this reaches you you will know of the two days' fight in the House and of the defeat of the naval-training-school proposition.

I never was more astonished in a debate than when to-day Mr. Foss read a letter written by Commander Winslow, saying that on the first visit of the board (August 4, 1902) they were met at the station in Racine and proceeded in carriages to examine a site a short distance north of the city; that the board inspected this site and afterwards returned to the city and to the railway station. They say that the site at North Point was not presented to the board except in a casual way, and therefore they only visited the site which the committee had to offer.

Did you ever hear of anything to surpass that? I can not imagine how Winslow came to make such a statement. I herewith inclose a copy of the Winslow letter above referred to.

I wish that you would get an affidavit from each man who was with the escort party on that day, setting forth the exact facts as to where the board were driven and how near they came to reaching either of the proposed sites. Have each affiant give his business and state his official position, either the one he at present occupies or the one he occupied on the day of the visit. Have these affidavits made before a notary public, who shall affix his seal to each one of them, or before a judge or some other court officer having a seal. Have each affidavit cover the necessary points, and send to me by earliest possible mail.

Please show this letter to Mr. Walker and other interested friends. I prefer that it shall not be made public until after I have presented the affidavits.

Very truly, yours,

H. A. COOPER.

A few days after mailing this letter I received an affidavit of each member of the citizens' committee. One of the affiants is Hon. Michael Higgins, a leading manufacturer of my city, who was at that time its mayor. Other affiants are W. A. Walker and R. M. Boyd, for the last thirty years citizens of Racine and prominently identified with its business interests. Another affiant is Mr. Henry J. Schreff, now and for several years past city clerk of the city of Racine.

Mayor Higgins accompanied the board on only its first visit, August 4, 1902. In his affidavit he swears that the board, accompanied by the citizens' committee, were driven to the lake shore at High street; that no naval training station site was offered to the board in that vicinity; but that while standing there on the bank North Point was pointed out and the statement made that on the south side of it there was a large slough or creek where a splendid harbor could be secured with comparatively little cost.

He swears that the board declined to drive up there, a distance of about 2 miles from where they then stood, assigning as a reason that they had not sufficient time. He adds that they remained at that place a few minutes and were then driven back to the railway station. He also swears that at the first visit of the board to Racine there was positively no site inspected or visited by the board, as the point where they stopped is in a densely populated portion of the city, and that no site was mentioned to them except the North Point site.

The affidavit of Mayor Higgins is as follows:

HIGGINS SPRING AND AXLE COMPANY,  
MANUFACTURERS OF WAGON AND CARRIAGE SPRINGS AND AXLES,  
Racine, Wis., February 25, 1904.

M. Higgins, jr., being first duly sworn, deposes and says that in the year 1902 he was mayor of the city of Racine, and that on or about the 4th day of August, 1902, he was informed by Mr. Lloyd, agent for the Chicago and Northwestern Railway Company in this city, that at the board for the selection of a site for a naval training station on the Great Lakes was on their line of road and would reach the city of Racine along in the afternoon and would stop off here for a short time if desired to do so. The board arrived at the Chicago and Northwestern depot during the afternoon, was met there by carriages and driven over to Hotel Racine, where they were introduced to myself and to a number of other persons.

That after a few moments conversation a member of the board made the statement that they were limited for time and had but a very short time, possibly thirty minutes, to remain in the city, and that while here they desired to obtain as much information as possible in reference to our harbor and harbor facilities.

That the board, together with several citizens, including Congressman H. A. COOPER, entered the carriages and were driven up North Main street to High street and from there east to the lake bank, from which point a splendid view of Racine Bay and Harbor can be obtained. There was no

naval training station offered to them at that point, but while standing there North Point was pointed out to them and the statement made that at the south side of the point there was a large slough or creek entering the lake, known locally as "Duck Creek," where a splendid harbor could be obtained with comparatively small cost. The board declined to drive up there, a distance of about 2 miles from where we stood, assigning as the reason that they had not sufficient time. We remained at that point possibly from ten to fifteen minutes. The board was then driven back to the Chicago and Northwestern depot by the way of High street and Milwaukee road. That at the first visit of the board to this city there was positively no site inspected nor visited by the board, as the point where we stopped is in a densely populated portion of the city and no site was mentioned to them except the North Point site.

Upon the visit of the board at a later period, I believe some time in October, I was absent from the city.

MICHAEL HIGGINS, Jr., *Ex-Mayor*.

Subscribed and sworn to before me this 28th of February, 1904.

[SEAL.] R. M. BOYD, *Notary Public*.  
Notarial commission expires August 15, 1904.

In Mr. Walker's affidavit he swears that on the first visit of the board they were met at the station and driven to Hotel Racine; proceeded from the hotel to the east end of High street, where the entire company left the carriages and walked to the edge of the bluff to view Racine Harbor and the bay lying between the harbor and North Point. He adds that a distinct statement was made by Admiral Taylor that he could not allow Racine but one-half an hour. He says that the board alighted from their carriages at the end of High street, where there was no possible location for a naval training station; that that vicinity was never suggested as a site, and that the visit of the board to the place where they alighted from the carriages was only for the purpose of getting a view of the harbor and the general surroundings, it being understood that one-half an hour was all the time they could give Racine and that it would be impossible for them to visit North Point at that time.

He adds, however, that a promise was then made that the board would visit the proposed site at their earliest possible convenience. Mr. Walker swears that on their second visit—October 31—the board was met at the railway station at about 4.30 p. m. and driven to North Point. He says that before starting the gentlemen of the receiving party took out their watches, expressed the opinion that it would be impossible to reach the site before dusk, and asked if the board could not await a more favorable opportunity to visit it, to which they replied that it would not be possible for them to come again. Mr. Walker says that under these unfavorable conditions the party drove as rapidly as possible to North Point, arriving after the lights had been lit in the farmhouses.

The affidavit of Mr. Walker is as follows:

RACINE, WIS., February 26, 1904.

To whom it may concern:

I, W. A. Walker, a citizen of Racine for the past thirty years, at present and for twenty years past have been a manufacturer, hereby certify that as a member of the Racine Business Men's Association, I, with the mayor, city clerk, and others, met Rear-Admiral Taylor, Commander C. McR. Winslow, and Civil Engineer H. H. Rousseau, as representatives of the United States Navy, constituting an examining board for the purpose of selecting a site for the proposed naval station on the Great Lakes, on or about August 4, 1902. The said naval committee were met at the Chicago Northwestern Railway station with carriages and driven to the Hotel Racine and proceeded from the hotel to the north side of Racine, at the east end of High street, where the entire party got out of the carriages, walked to the edge of the bluff, and viewed the Racine Harbor and the beautiful bay lying between the harbor and Wind Point; that the distinct statement was made by Admiral Taylor that he could not allow us but one-half hour at that time, and in view of that fact a member of our committee pointed out our proposed site at Wind Point, stating that there was a small stream entering the lake on the south side of said site, which was splendidly protected from all of the heavy storms, and that this location at Wind Point was the only site for the proposed naval station that we had to offer at Racine, so far as I know. Where the committee alighted from the carriages, at the end of High street, there was no suitable location for a naval station; it was never suggested as such, and the visit of the committee to the place where we did alight from the carriages was solely for the purpose of getting a view of the harbor and the general surroundings, it being distinctly understood that one-half hour was all the time they could give us on that first visit and it would be impossible for the committee to visit Wind Point at that time, a promise, however, being made that they would visit our proposed site at their earliest possible convenience.

I also state that on the second visit of two members of the committee, Commander C. McR. Winslow and Chief Engineer H. H. Rousseau, about October 31, 1902, they were met at the Northwestern Railway station at about 4.30 p. m. by a committee and driven directly from the station to Wind Point. At that time Hon. H. A. COOPER, M. C.; W. H. KRANZ, president of our Business Men's Association; myself, and other persons present, took out our watches and expressed the opinion that as the proposed site was 3 miles from the station, it would be impossible to arrive on the grounds before dusk, and asked if the committee could give us a more favorable opportunity to show them the proposed site, to which they replied that they did not think that it was possible for them to call again; that therefore, under these unfavorable conditions, we drove as fast as possible to the proposed site, and arrived after the lights had been lit in the farmhouses.

After this very meager examination by the board of our proposed site, the Business Men's Association felt that sufficient information was not in the hands of the committee, and therefore, at a very great expense, engineers were sent to Wind Point, and also photographers, and by photographs, maps, and drawings our Business Men's Association has endeavored to place before the naval board information that we believed necessary to prove that Wind Point and the beautiful bay lying between the Racine Harbor and Wind Point was the best possible site for the proposed naval training station on the west shore of Lake Michigan. The above statements are true and correct.

Respectfully submitted.

WILLIAM ALLEN WALKER.

STATE OF WISCONSIN,  
County of Racine, ss:

Subscribed and sworn to before me this — day of February, 1904, by William A. Walker, who states upon oath that all of the within statements are correct and true.

C. R. CARPENTER,  
*Notary Public, Wisconsin*.

Mr. Boyd in his affidavit swears that Admiral Taylor informed the receiving party that the board had only about thirty minutes to spend at Racine on August 4; that they were driven to the lake shore at the east end of High street, and that while standing there he (Mr. Boyd) called the attention of Admiral Taylor to North Point; that the board declined to drive to the point, which was about 1½ miles distant, assigning as a reason that they had not sufficient time, but adding that they would return later in the season and devote as much time as necessary to make a complete investigation of the site. Mr. Boyd swears that on their first visit to Racine the board inspected no site, and that there was no site offered except only the North Point site. He adds that there was positively no site offered or inspected at the point on the lake shore where the board stopped, as it is in a thickly settled portion of the city.

Mr. Boyd swears that when he mentioned the North Point site to Admiral Taylor the latter called the attention of Engineer Rousseau, the recorder of the board, to the statement which he (Mr. Boyd) had made, and requested Rousseau to make a memorandum of the same, promising to devote ample time for an inspection of the site when the board returned later in the season. Mr. Boyd swears that on their second visit (October 31) the board did not reach the station until 4.30 o'clock in the afternoon, when they were informed that because of the lateness of their arrival it would be impossible to reach North Point and thoroughly inspect the site on that day; that the board were invited to remain at the hotel overnight and make an inspection in the morning; that they declined to do this for the reason that they were traveling on schedule time and were to inspect a site at Sheboygan early the next morning; that thereupon, as fast as possible, the drive was made to North Point, but that when the board arrived there the lamps were lighted in the farmhouses.

Mr. Boyd swears that it was upon this occasion that he called the attention of the board to another possible site lying east of the highway on which the party traveled going to North Point, and beginning about three-quarters of a mile north of the city limits; that the members of the board did not stop or alight from their carriages and inspect the site, but merely looked at it as they drove along the road. It is known in their report as "North Point Site B." Mr. Boyd swears that this was the only time (October 31, 1902) that the attention of the board was called to this site, except through correspondence. As I have before said, Mr. Speaker, it is also a fact that this "Site B" was never seriously considered.

The affidavit of Mr. Boyd is as follows:

STATE OF WISCONSIN, Racine County, ss:

I, R. M. Boyd, the undersigned, being first duly sworn, on oath state that for more than thirty years past I have been a resident of the city of Racine and State of Wisconsin, and that for the past ten years I have been engaged in the real estate and insurance business in this city. On or about the 4th day of August, 1902, I met in front of my office Hon. M. Higgins, jr., then mayor of this city, and Henry J. Schroff, city clerk. They stated to me that the board created for the purpose of selecting a site for a naval training station on the Great Lakes would arrive at Hotel Racine in a few moments; that carriages were then over at the station for them. In about five minutes the carriages drove up, containing Admiral H. C. Taylor, Lieut. Commander Winslow, Civil Engineer H. H. Rousseau, and, I think, a Captain Young, together with W. H. Kranz, president of the Business Men's Association of this city, and Mr. Lloyd, agent for the Chicago and Northwestern Railway. The parties alighted, but did not go into the hotel. They were introduced to his honor the mayor, City Clerk Schroff, and myself, and about this time we were joined by Congressman H. A. COOPER and Clarence Snyder, of this city, who had just returned from Kenosha. After chatting a few moments on general subjects, the question came up as to how much time could be devoted to Racine.

I think that the remark was made by Admiral Taylor that they had only about thirty minutes to spend here, and that he would like to get a definite idea of our harbor and harbor facilities. The party then entered the carriages and was driven up North Main street to High and from High street east to the lake shore, from which point a splendid view of Racine Bay and harbor may be obtained. While standing there I pointed out to Admiral Taylor North Point, and called his attention to the fact that on the south side of the point there was a large slough or creek which empties into the lake and where a splendid inland harbor could be constructed at a comparatively small cost. The party declined to drive up there, which was about a mile and a half distant, and inspect the premises, assigning as a reason that they had not sufficient time, but that they would return later in the season and devote as much time as was necessary in order to make a complete and thorough investigation of the site. On their first trip to this city there was no site inspected, and there was no site mentioned or offered excepting the "North Point" site. There positively was no site offered or inspected at the point where we stopped, it being in a thickly settled portion of the city. When I mentioned the North Point site to Admiral Taylor, he called the attention of H. H. Rousseau, the recorder of the board, to the statements which I had made and requested him to make a memorandum of the same, and promised to devote ample time for the inspection of the site when they returned later in the season.

On the 31st day of October, 1902, I received the following telegram from Lake Forest, Ill.: "R. M. Boyd: Naval Training Station Board will reach Racine about 3 o'clock to-day." We had carriages waiting at the Northwestern Depot at 3 o'clock. The members of the board were detained, and my recollection is did not reach the Northwestern Depot until about 4.30. It was represented to them that on account of the lateness of their arrival it would be



impossible to reach the site at North Point and thoroughly inspect it, and they were requested to come over to the hotel, remain all night, and make the inspection the next morning. They declined to do so absolutely, for the reason that they were traveling on schedule time and must be in Sheboygan that night; that they were to inspect a site at Sheboygan early the next morning and leave for some other destination. The drive was made to North Point as fast as could possibly be done. When we arrived there the lamps were lighted in the farmhouses. We stopped a moment at the bridge that crosses the creek or slough on the south line of North Point, and then proceeded up to a point a little north of the light-house, and then drove on the highway to a point nearly to the west line of the proposed site. Turning there, we retraced our steps and returned to the city.

From a point near the light-house the electric lights in the city and the harbor lights were plainly visible. Upon this occasion I called the attention of the board to a site lying east of the highway on which we traveled going to North Point and beginning about three-quarters of a mile north of the city limits, and extending up to what is known as the "Three-mile road." The members of the board did not stop or alight from the carriages to inspect this site, but looked at it as they drove along the highway. It is known on their report as "North Point Site B." On this occasion is the only time that the attention of the board was called to that site, except through correspondence.

R. M. BOYD.

Subscribed and sworn to before me this 26th day of February, A. D. 1904.  
ESTELLE J. GLASS,  
Notary Public, Racine County, Wis.

My commission expires February 4, 1906.

City Clerk Henry J. Schroff swears that on August 4, 1902, he was a member of the committee which accompanied the board to the lake bank at the east end of High street, from which point the site recommended to the board by the committee was pointed out as lying just west of North Point light-house; that no other site than the North Point site was referred to or recommended on that day; that after a few minutes spent in conversation the board were driven to the station, and that, to the best of his belief, not more than forty-five minutes were consumed from the arrival of the board in Racine until their departure. Mr. Schroff swears that on their second visit, the board being late in arriving, they were informed by the citizens' committee that to visit the site at such an hour would be doing injustice to it and to the citizens of Racine; that the board were invited to remain over night and view the site by daylight, but informed the citizens' committee that it would be impossible for them to do so, as they had to be in Milwaukee that evening to leave for some point farther north. Mr. Schroff adds that the board were then driven to North Point as speedily as possible, but arrived there when it was too dark to make an inspection of the site.

The affidavit of Mr. Schroff is as follows:

CITY CLERK'S OFFICE,  
Racine, Wis., February 25, 1904.

STATE OF WISCONSIN, Racine County, ss:

Henry J. Schroff, city clerk of the city of Racine, deposes and says that on or about August 4, 1902, he was one of the said officers which received the committee which was appointed by the naval board to select a site for a naval training school on the west shore of Lake Michigan, said committee being composed of Admiral Taylor, Lieutenant-Commander Winslow, and H. H. Rousseau.

The said committee on their arrival were taken in carriages from Hotel Racine across Main Street Bridge, up North Main street to High street, east on High street to the lake bank, from which point they viewed the Racine Harbor, and the site recommended to the board by the citizens' committee was pointed out to them as lying just west of Wind Point light-house. No other site than the one referred to was recommended outside of the one just mentioned. That possibly ten or fifteen minutes were spent in conversation, after which the visiting party were taken west on High street, south on Milwaukee avenue, west on State street to the Northwestern Depot, where the citizens' committee bade farewell to the visiting committee, and were promised that said board would return to Racine at a later date and give the proposition a thorough consideration. That to the best of my belief no more than forty-five minutes were consumed from the time the said committee arrived until their departure.

That on the second visit the committee were several hours late in arriving, and were informed by the citizens' committee that to go and view the site at so late an hour in the day would be doing an injustice to the site proposed and to the citizens of Racine. They were requested to remain overnight and view the site in daylight. The citizens' committee, however, were informed that that would be impossible, as the said visiting committee must be in Milwaukee that evening to leave for some point farther north.

Under these conditions the citizens' committee with the visiting committee drove out to North Point, and the trip was made as speedily as the horses could possibly make it. The horses were of a superior quality to those usually found in a first-class livery stable. In this respect there was no time lost.

It was too dark to see sufficiently to do justice to the citizens of Racine or the committee appointed to select a naval training school site for the United States Government.

HENRY J. SCHROFF, City Clerk.

Subscribed and sworn to before me this 26th day of February, 1904.  
[SEAL.] WM. H. ARMSTRONG,  
Clerk Municipal Court Racine County, Notary Public

Mr. Speaker, there is one other bit of evidence of great significance to which I wish now to refer. It is a letter indicating with certainty that the board had selected the Lake Bluff site before it made its second visit to Racine. I have here a copy of the letter which was written by the president of the board on October 24, 1902, one week prior to their last visit to Racine. I procured it at the United States Geological Survey.

The letter is as follows:

BOARD OF GREAT LAKES NAVAL TRAINING STATION,  
NAVY DEPARTMENT ANNEX,  
Washington, D. C., October 24, 1902.

SIR: I have the honor to inclose a copy of the board's letter, No. 275, of September 29, to the Department, and of a letter from the Comptroller of the

Treasury of August 15, forwarded with the Department's first indorsement of October 17; and, with the Department's approval, to request that the authority of the honorable the Secretary of the Interior be asked for the United States Geological Survey to make, if convenient, a topographical survey of a tract of land about 300 acres, south of Waukegan, Ill., shown on the inclosed blue print, and referred to in the inclosed letters, all expenses in connection therewith to be defrayed by the Navy Department from the special appropriation at its disposal for this purpose, and in the method outlined in the inclosed letter, if the latter is approved by the Department. The survey is desired as soon as possible. Five-foot contours should be shown on the map, which should be drawn on a scale of not less than 500 feet to an inch. The cleared and wooded portions should be distinguished, and it is also desired to have the map show the location of the 10, 20, and 30 foot contours below the level of the lake surface in front of this property.

Very respectfully,

H. C. TAYLOR,

Rear-Admiral, United States Navy, Senior Member of Board.

The SECRETARY OF THE NAVY,

Navy Department.

The request contained in this letter was complied with. Experts from the Office of the Geological Survey made a topographical survey of the Lake Bluff site. This survey was drawn to a scale, and showed contours of the site and of those below the level of the lake surface in front of it, the clear and wooded portions, and all other details. It was not an ordinary survey, but a topographical survey made by Government experts. These experts informed me that it was the only survey made by that Office upon the request of this board.

Mr. Speaker, there is only one conclusion to be drawn from this letter and the making of this survey, and that is that the Lake Bluff site had been selected at least one week before the board last visited the city of Racine. Concerning this I have no further comments to make.

When this subject of a site for a Great Lakes naval training station was before the House, in February last, I called attention to the fact that, in November, 1902, soon after the board's last visit to Racine, this topographical survey was made of the Lake Bluff site. I did not then know that the board had ordered it a week before they came to Racine. But such, however, is the fact, and it is also a fact that this is the only topographical survey they did order.

Mr. FOSS. Will the gentleman yield a moment?

Mr. COOPER of Wisconsin. Yes.

Mr. FOSS. In the report made by Admiral Taylor, I wish to call the gentleman's attention to the fact—

Mr. COOPER of Wisconsin. Well, if you will extend my time—

Mr. FOSS (continuing). That he expresses his thanks to Charles B. Walcott, Director United States Geological Survey, for charts and for making topographical surveys of different tracts.

Mr. COOPER of Wisconsin. Yes; but I have not heard of such a survey of any different tract being ordered by this board. On the contrary, at the Office of the Geological Survey I was informed that the board had ordered no survey other than that of the Lake Bluff site.

Mr. Speaker, the people of Racine do not object because the Lake Bluff site was recommended by the board; they object because the splendid site on North Point was never inspected by the board. They feel that nothing can take the place of a thorough inspection by daylight; and therefore I hope that the House will concur in the Senate amendment providing for the appointment of a new board and for an impartial determination of this important question.

Mr. Speaker, I ask unanimous consent to print in the RECORD, as a part of my remarks, these documents, affidavits, and transcripts of letters which I hold in my hand, and to which I have made reference.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman has nine minutes of his time remaining.

Mr. COOPER of Wisconsin. I should like the gentleman from Illinois to use some of his time, if he will; and I reserve the balance of my time.

Mr. FOSS. I yield five minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, I want to say, as a member of the Naval Committee, that I have not the slightest prejudice in favor of either one of these two sites that are in controversy or any other site that may be in controversy for this naval training station.

The plain proposition that confronts this House is this: The naval service demands, or at least it is very desirable, that there should be established a naval training station on the Great Lakes. I have the greatest sympathy with the gentlemen representing the different districts that desire to secure this institution within their limits. But as Members of this House the plain duty of the House is to establish the work and to establish a training station.

Another proposition that I want to submit to the House is simply this: That the responsible head in all matters pertaining to naval affairs is the Secretary of the Navy. The Secretary of the Navy was a former Member of this House. His ability is unquestioned; his integrity can not be denied; his fairness is universally recognized. This amendment that has been proposed by the gentleman from Illinois proposes to leave it to this responsible head.

Moreover, it substantially, under present conditions, under the action of the board, gives the station to the district of the gentleman from Wisconsin. Why do I say that? For the reason that this statement cuts down the price that is to be paid for this land to \$250 an acre, the price substantially asked at all these places except the one at Lake Bluff. At Lake Bluff the price demanded is \$900 an acre, and you can very readily see if the amendment before the House is adopted that the Lake Bluff proposition will not be considered unless the owner of the land agrees to take the price specified in the amendment, or the people of the vicinity make up the difference between the price provided for in the amendment and what is demanded for it.

I insist that after the ten years' service of the gentleman the chairman of this committee, after the report of the naval officers, whether there be a disagreement or not as to what they have reported or as to their action, I insist that it is fair that the Secretary of the Navy be permitted to settle this matter and settle it at once. These reports, these delays, the appointment of an additional board involves additional expense, simply to determine the matter of a site. The Secretary of the Navy will have full authority if he sees injustice has been done by the board to make a personal investigation of this matter, if he sees fit—a thing which the President of the United States under the very circumstances can not do. I say the Secretary is the responsible head, and he can make a personal examination if he desires.

These gentlemen who represent other sites will not be cut off. They can make their appeal to the Secretary of the Navy. And I insist that common sense and reason alike dictate that we should leave this matter to the Secretary of the Navy, who is the responsible head and who can make a personal examination. He will be limited in the price which is to be given for this station. Therefore I hope the House, without extending this contest—which seems to me, without any unkind feeling or unkind criticism, is rapidly degenerating into an unseemly one between representatives of the different sites—will settle the matter. I hope the House will take the common-sense view of it, as I think I do, and leave it to the Secretary of the Navy, limiting the price, so that he will get this land reasonably and get this training station at once.

Mr. FOSS. I yield one minute to the gentleman from Michigan.

[Mr. BISHOP addressed the House. See Appendix.]

Mr. FOSS. I yield three minutes to my colleague from Louisiana [Mr. MEYER].

Mr. MEYER of Louisiana. The establishment of a naval training station on the Great Lakes is to my mind an extremely important and worthy measure. I have studied the question carefully, and I believe it should be entered upon at the earliest possible moment. We have various scientific corps in our Navy—bureaus engaged in the designing and arming of our ships—we have a magnificent school at Annapolis for the training and education of our officers; and now that we have offered an opportunity by legislation to every man in the service to reach the top, enabling a "jackie" to become an admiral, a thorough training of all recruits from early youth is a necessity. We ought to afford them every facility to acquire the training necessary to attain the highest usefulness in the American Navy. Hundreds of millions will be required for even a moderately strong navy. It requires but two or three millions to build stations and auxiliaries to train the real bulwark of the nation—"the man behind the gun."

I am free to say that the enlisting and training of the raw recruit has not received the attention it deserves. We seek the best material possible, and having obtained it, the recruit should be thoroughly trained from the beginning up, by which he may acquire the discipline, the traditions of the service, the esprit de corps, which go to make the service efficient as a whole.

Mr. Speaker, I regret that this contention—somewhat unseemly, it seems to me—should have arisen between the aspirants for the location of such a station. The board appointed to investigate the various locations for a site was composed of some of the ablest and most conscientious officers of the United States Navy.

The names of Rear Admiral Taylor, Chief of the Bureau of Navigation; Commander Winslow, and Civil Engineer Rousseau are sufficient guaranty of a fair and judicious report and fully enlighten this House as to the merits of the proposition involved. They have decided that Lake Bluff was first choice. I agree with them. I trust that the House will adopt it, but in order—

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. BAKER. Mr. Speaker, I would like to ask a question of the chairman of the committee.

Mr. FOSS. Mr. Speaker, I yield the gentleman two minutes more.

Mr. MEYER of Louisiana. I would add, Mr. Speaker, that the provision of the amendment proposed by the chairman of the committee to limit the price to be paid to \$250 an acre meets any possible objection that there might be. I do not know that Lake Bluff will be selected under those conditions, but I think the opportunity should be afforded. One word more. It seems that the gentleman from Wisconsin has stated that this board did not have sufficient information; that in some instances perhaps they failed to visit the spots indicated. Now, I beg leave to submit an extract from the report, which certainly proves the contrary:

20. It gives the board great pleasure to testify to the valuable cooperation and assistance it received and for the attention shown during its travels by all with whom it came in contact, including members of the United States Senate and House of Representatives, who assisted in procuring information desired, and the members of the local committees and chambers of commerce, who offered every facility to the board in furtherance of this work, whom it gave the board great pleasure to meet and for whose assistance it returns its sincere thanks; also to Rear-Admiral George C. Remy, United States Navy, chairman of the Light-House Board; Capt. Andrew Dunlap, United States Navy; Capt. Edward S. Sheen, United States Navy; Commander Lucien Young, United States Navy, light-house inspectors of the tenth, eleventh, and ninth districts, respectively, for the use of their tenders and for their knowledge of localities and valuable advice; to Brig. Gen. George L. Gillespie, Chief of Engineers, United States Army, and to the officers of the Corps of Engineers, United States Army, in charge of river and harbor improvements on the Great Lakes, including Maj. J. H. Willard, Maj. William H. Bixby, Maj. Thomas W. Symons, Maj. Dan C. Kingman, Maj. J. C. Warren, Capt. D. D. Gaillard, and Capt. Charles Keller, and to their assistants, for their cordial cooperation and for charts, estimates, plans, and other valuable information and for the use of the tenders that they kindly proffered; the commandants of the naval training stations at San Francisco and Newport, Rear-Admiral Henry Glass, United States Navy; Capt. W. W. Meade, United States Navy, and Capt. J. J. Nunleer, United States Navy, for plans and full information regarding the stations under their command and of the system of training apprentices, as described hereinafter; to Charles D. Walcott, esq., Director of the United States Geological Survey, for charts and for making topographical surveys of different tracts; to Hon. W. E. Merriam, the Director of the Census, for statistics regarding population; to Willis L. Moore, esq., Chief of the Weather Bureau, for temperature data and statistics regarding rainfall and prevalence of ice; to Rear-Admiral George Brown, United States Navy; to Mr. B. R. McCullough; to these and to many other individuals the board is under many obligations.

Respectfully submitted,

H. C. TAYLOR,  
Rear-Admiral, United States Navy.  
C. McR. WINSLOW,  
Commander, United States Navy.

The SECRETARY OF THE NAVY.

Civil Engineer H. H. Rousseau, a member of the board, concurs in this report, but is now on duty at the Mare Island yard, and therefore not present to sign the report.

In conclusion, Mr. Speaker, I contend that it would be useless to appoint another board. The amendment proposed by the Senate proposes a political board, in effect. It says a new board shall be appointed. It does not state it shall be composed of army officers or naval officers or experts of any kind, and we all know that during a Presidential year it is more than likely that such appointments might perhaps be controlled by political motives; but be that as it may, another board would be a useless expense. If the Taylor board was incompetent to make a proper selection or recommendation, I think it would be a waste of time and money to seek another, and I trust, Mr. Speaker, that the amendment of the chairman of this committee will be adopted.

Mr. FOSS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eighteen minutes.

Mr. FOSS. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Speaker, I will ask the gentleman if he can not yield me five minutes?

Mr. FOSS. No; I can not. There are others who want to speak.

Mr. RIXEY. Mr. Speaker, I am opposed to the motion of the gentleman from Wisconsin [Mr. COOPER] for the additional reason to those that have been stated that it would further commit us to the establishment of a great training station on the Great Lakes. We now have three training stations—one on the Pacific coast, one at Narragansett Bay on the Rhode Island coast, and the other at Norfolk. The enlisted force of the Navy is limited to 32,000 men. Testimony shows that one-half of these men re-enlist and, therefore, need no training. The new men therefore amount only to an average of 16,000 in four years, which is 4,000 a year.

The training stations we already have are more than ample to take care of these men. In addition to this, Mr. Speaker, if we are to have a training station, I submit that the Great Lake, is not the place for it. Under our treaty with Great Britain we are not allowed to have a war ship on the Great Lakes, and the men who are enlisted in the Navy are supposed to serve upon battle ships, armored and protected cruisers, not one of which is allowed on the Great Lakes. Why stop these enlisted men at Chicago or

at any other point on the Great Lakes to be trained? Why not take them to the place where they can see, at least, the ships upon which they are to serve? It seems to me a ridiculous proposition to stop these men in the interior of the country and within a few hours of the place where they ought to see service and where they can be trained upon ships upon which they are to serve.

[Here the hammer fell.]

Mr. RIXEY. I will ask the gentleman to yield me just one minute more.

Mr. FOSS. Mr. Speaker, I yield to the gentleman one minute more.

Mr. RIXEY. Mr. Speaker, for both these reasons I am opposed to this proposition and to the proposition which will follow it, to be made by the gentleman from Illinois [Mr. Foss]; but, as between the different boards, if a training station is to be established upon the Great Lakes, then I see no reason why we should not stand by the board, which has already made its report. As I have stated, I am opposed to this proposition because there is no need to establish a training station on the Great Lakes unless we expect to train our men as admirals are said to be made, "by keeping them at their desks and never going to sea."

Mr. COOPER of Wisconsin. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. SOUTHARD].

Mr. SOUTHARD. Mr. Speaker, when this matter was before the House on a previous occasion, one thing was conclusively evidenced, and that is this, that the report made by the board appointed by the Secretary of the Navy was satisfactory to nobody except to the people of Lake Bluff, and another thing was that the report could be successfully defended by nobody in the world.

On the question of population, if that board had extended the radius 15 miles, it would have reversed its conclusions, and that was perfectly evident from the examination of the report itself. Not only that, but they maintain recruiting stations a hundred miles outside of the radius which was prescribed for their guidance in coming to a conclusion. The report can be defended by nobody, and now the proposition of the chairman of the Naval Affairs Committee, the gentleman from Illinois [Mr. Foss], as indicated by his proposed amendment, is to place the whole matter in the hands of the Secretary of the Navy, who is already committed to this report. He is committed to it in his letter which he wrote in December, 1902, and he is also committed to it in his report which he wrote in June, 1903.

It will be remembered that the provision went out in the House on a point of order. Practically the same provision was inserted in the Senate committee, and when it came up in the Senate, after full debate, it was supported by nobody except one of the Senators from Illinois. This report, I repeat, can not be successfully defended here or anywhere. It eliminates in an unfair way every portion of the Great Lakes except the southern portion of Lake Michigan. There is no reason for doing this, as appears, I contend, from the report itself. Now, is it fair to recommit this question to anybody who is already committed with reference to it? That is all there is in the situation now.

[Here the hammer fell.]

Mr. FOSS. Mr. Speaker, I yield five minutes to my colleague, the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. Mr. Speaker, there are very weighty reasons why the motion made by the gentleman from Wisconsin [Mr. COOPER] should not prevail, and, therefore, why we should not concur in the Senate amendment. There are equally weighty reasons why the motion made by the gentleman from Illinois [Mr. Foss], in charge of the bill, should prevail and why we should concur in the Senate amendment with an amendment as offered by him. Now, this whole matter presents itself to us in four phases. First, there is the personal phase; second, the phase of locality; third, the interests of the Navy, and, in the fourth place, the honor and dignity of this House. It is unfortunate that anything in this discussion heretofore has seemed to reflect upon the honor and integrity of my good, lifelong friend the gentleman from Wisconsin [Mr. COOPER]. I am very sure that he will absolve me from any belief in any of these insinuations even if I oppose his motion.

Nothing that has been said or done, presented on the floor of this House or in writing, has in any way shaken my confidence, esteem, or affection for the gentleman, or my belief in his honor, integrity, and ability. And I think, Mr. Speaker, that my opinion is shared by all the Members of this House on both sides of this Chamber.

Now, there is this phase of the question in regard to locality. I think the people of this country are universally in favor of locating training stations throughout the country for training and preparing men for the Navy. I do not agree with the opinion of the gentleman from Virginia [Mr. RIXEY]. I believe that we ought not only to have a naval training station on the Lakes, but we ought to have a naval station on the Gulf, on the Mississippi,

and in the far West. The people in the interior and on the Gulf and upon the Pacific coast should in this way be more directly interested in this branch of our service.

These two phases—the personal phase and the phase of locality—ought to be dismissed in our consideration of this measure. We ought to look upon it first as to the interest of the Navy; and looking at it from that point of view, I am sure we do not want to concur in the Senate amendment. What is that amendment? We want to clearly understand the history of this matter. Some years ago a naval board was appointed, composed of three members—Taylor, Winslow, and Rousseau. That board made report, recommending the consideration of sites in this order: First, Lake Bluff; second, Racine; third, Muskegon.

One very good reason why the members of this board did not go more frequently to the site in the district of the gentleman from Wisconsin is that they knew from even a cursory examination that that was one of the best sites on the lake, and they recommend it as No. 2.

Now, the President and the Secretary of the Navy have the benefit of the report of this commission. All the researches that this commission has made are at the disposal of the President and the Secretary of the Navy.

Now, what is the amendment offered by the chairman of the committee? It is simply that the Secretary of the Navy be authorized to purchase a site. It gives him his choice of all the Lakes, and it limits the price to \$250 an acre, the price at which I understand the owners of the land in the district of the gentleman from Wisconsin are willing to sell.

Mr. SOUTHARD rose.

Mr. BOUTELL. I regret very much, Mr. Speaker, that owing to the shortness of the time I must decline to yield.

If the amendment offered by the gentleman from Illinois should be concurred in, we shall close this matter at once, and the purchase can be made. The President and the Secretary of the Navy have full information. Now, in the face of these facts, what is this amendment offered by the Senate that we are asked to concur in? This amendment proposes to appoint another board, not of naval officers, but of men not living on the Great Lakes. And what are they to do? After they have gone all over these Lakes they are to report their conclusions to Congress. If their conclusions do not adopt the Racine site as No. 1, then must we have another board of three members? Or if the Put in Bay site is not recommended as No. 1, is there to be another board?

[Here the hammer fell.]

Mr. FOSS. I yield two minutes more to the gentleman.

Mr. BOUTELL. Mr. Speaker, it seems to me that the wisdom of this House in concurring in this Senate amendment would be equal only to the wisdom of an individual Member who when he had ordered his dinner and was prepared to eat it should ask the waiter to remove it on the ground that he had not brought the viands in the right dishes, and then kept on that sort of performance until he was starved to death.

Sir, we have the power to have this site purchased at once. Under the Senate amendment there is no knowing when we shall ever have the chance to purchase the site.

There is another reason why we ought to vote down the motion of the gentleman from Wisconsin and sustain the motion of the gentleman from Illinois, and that is that the plan for a naval station on the Lakes originated in the House of Representatives, and the commission heretofore appointed was appointed under the bill which originated in the House. Now, it seems to me, Mr. Speaker, that if we accept this amendment of the Senate we are simply demonstrating the abject pusillanimity of this House in dealing with Senate amendments. I think, therefore, Mr. Speaker, that every reason of sound judgment should lead us to adopt unanimously the motion made by the gentleman from Illinois.

Mr. FOSS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Illinois has eight minutes and the gentleman from Wisconsin [Mr. COOPER] has six minutes.

Mr. FOSS. I ask the gentleman from Wisconsin to proceed.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Illinois [Mr. BOUTELL] has made a persuasive speech, but it does not meet the issue. In reply to his objection to the appointment of another board, I desire to say that there ought to be just as many boards appointed as are necessary to get one board that will visit the sites that are offered. That is the issue.

Did the board visit the Racine site? No! The affidavit of Mayor Higgins, the affidavit of Mr. Boyd, the affidavit of Mr. Walker, the affidavit of Mr. Schreff, my own letters written at the time, (the letterpress copies of which are here), complaining of the fact that the board did not visit it, show beyond controversy that on the first occasion they did not go nearer than a mile and a half of the site, and that on the second occasion only two members came and that they did not reach the site until after dark, when lamps were lighted.

Mr. TAWNEY. Will the gentleman from Wisconsin permit a question?

Mr. COOPER of Wisconsin. I have not any time. I hope the gentleman will pardon me.

Mr. TAWNEY. I wanted to ask if the Secretary of the Navy, under this proposition, would not have the same authority that the board had?

Mr. COOPER of Wisconsin. Before this subject first came up for debate here I called on the Secretary of the Navy, at the suggestion of the Wisconsin delegation, and inquired whether, if the matter were left entirely to him, he would inspect the Wisconsin sites. In reply the Secretary said:

I do not want such a responsibility put upon me. I am too busy to go. I am not as well informed as is the board, and you could hardly expect me to overrule the board which I myself appointed.

Of course he could not be expected to overrule the board which he himself appointed. Nobody knows that better than do the gentlemen who are here urging that this subject be left to the Secretary of the Navy.

Mr. TAWNEY. Could he not appoint another agent?

Mr. COOPER of Wisconsin. In view of the facts, common justice demands that a new board be appointed by an absolutely impartial authority, one that has not prejudged the case at all and that is under obligations to nobody.

Mr. Speaker, it has been suggested that the limitation of \$250 per acre ought to carry it to Lake Bluff, provided the people there contribute the amount of money that is necessary.

But, Mr. Speaker, evidence has been submitted showing that the glucose factories and other great factories at Waukegan pour vast quantities of chemicals and refuse into the lake, which are cast up along the shore, and that residents of Lake Forest, farther away from these factories than is Lake Bluff, complained of the odor coming from this decaying and offensive material. Yet the board prefer Lake Bluff, although they declare that the site should have a good bathing beach.

The board say in their report that a thousand dollars an acre is not too much to pay. The Lake Bluff site was held at \$900 per acre. Therefore they mean Lake Bluff and nothing else. After their last examination more than a year passed before they made a final report. They made their last examination of a site about the 1st of November, 1902. In that month they made a preliminary report; but they made no final report until December, 1903, a whole year later. Why did they hold this matter up? There is only one answer, and the House knows what that is.

Mr. Speaker, in the Senate, after a thorough debate and after photographs of the Lake Bluff site were exhibited, there was but one vote against this amendment, and that vote was by a Senator from Illinois. If the land at Lake Bluff could be bought for \$250 an acre the training station ought not to be located on it. It would cost hundreds of thousands of dollars to build a harbor there.

Mr. FOSS. Have you a harbor at Racine, where your site is?

Mr. COOPER of Wisconsin. We have one now about a mile and a half nearer the North Point site than Waukegan Harbor is to the Lake Bluff site. Moreover, the proposed new harbor at North Point would cost much less to complete than the one proposed at Lake Bluff, and when completed would be a much better harbor. The mouth of the new harbor would be on the south side of North Point, which projects into the lake, forming an absolutely complete protection from northeast storms. Lake Bluff Harbor would be without the slightest natural protection from the terrific northeast storms, which sweep 200 or 300 miles down the lake.

Mr. Speaker, this amendment proposes to have an impartial board appointed to visit and inspect sites, to select the one most suitable, and to report to Congress what it will cost, and also what amount will be necessary to construct a harbor and the necessary lake shore protection. We have no such information about the Lake Bluff site. We ought to have such information before voting to buy any site.

The people of Racine do not complain because the board gave the decision to Lake Bluff. We complain because the North Point site has never been inspected, although it is a better site than the one at Lake Bluff and would cost less than one-third as much money. That is our complaint, and this attempt to put us in the childish attitude of being merely envious because the selection went elsewhere is unjust and unworthy of the gentlemen who make it.

[Here the hammer fell.]

Mr. FOSS. Mr. Speaker, I desire to state that a board was appointed nearly two years ago, and made a careful investigation of the Lakes from Buffalo to Duluth. The site which the gentleman speaks of, Racine, was thoroughly investigated by the board, and the board have reported to the Secretary of the Navy, who sent a letter to me stating that the site complained of by the gentleman as not having been investigated was investigated to the satisfaction of the board.

Mr. COOPER of Wisconsin. Will the gentleman permit one interruption?

Mr. FOSS. No; I have not time.

Mr. COOPER of Wisconsin. One member of the board signs that.

Mr. FOSS. Yes; the recorder of the board, Mr. Winslow. This is what he says for the board:

The board again visited Racine in October. Rear-Admiral Taylor, the president of the board, was unable to accompany the board on this visit. The board arrived at Racine late in the afternoon, and was there met in carriages by a committee in accordance with previous arrangements and driven to North Point. Owing to the fact that the carriage horses were not equal to their load, considerable time was wasted in the journey from the railway station to the site.

Nevertheless the board reached the site in ample time to have sufficient daylight to see the site and to determine all the points the board had in mind. The board drove over much of the site, and as the site was for the most part cleared land the time was ample for the inspection. Had the board not been fully satisfied as to the physical characteristics, it would have waited and made a second visit the following day of stopped at Racine on their return from their trip to the northward.

And then the board go on further and say there are as many charts, maps, etc., in connection with the Racine site as any other.

Now, gentlemen, does it not seem that it is rather late in the day, after this board was appointed some year and a half or two years ago, and after these investigations were made—

Mr. BAKER. Will the gentleman yield to me for a question?

Mr. FOSS. No; I can not yield.

Mr. BAKER. This is the second time I have asked; yes, the fifth time I have asked.

Mr. FOSS. Does it not occur to you, gentlemen, that it is rather late in the day to come in here, nearly two years afterwards, and protest about it?

Mr. COOPER of Wisconsin. I protested immediately, in these letters; at the time.

Mr. FOSS. Now, Mr. Speaker, I can not yield; I have only a few minutes more time. Now, nobody else all along the lakes has complained about not having an investigation. On the contrary, my friend from Indiana, Judge CRUMPACKER, and also the gentleman from Michigan [Mr. BISHOP] have risen on this floor and said that the investigation was thorough and that the only thing they complained of was the judgment of the board—which was perfectly natural, because they would have liked the board to select their particular sites.

Now, I ask, Mr. Speaker, how long must we wait? A year ago the Secretary of the Navy sent up a provision asking us to appropriate for this naval training station. He sent it here and these same captious objections appeared, not only in this body but in another body. "How long, how long, O Lord," how long must we wait to satisfy the qualms of supersensitive gentlemen?

We are building these great ships. We want men trained for the service, and yet we will not have them if we deliberately put in this provision for a new board to go over this whole matter. What kind of a board is it? It is a board to be appointed by the President, of three members. It does not say it shall be appointed "by and with the consent and advice of the Senate." Ah, it is not necessary to say it. That advice might be freely given. I do not know. But it is a political year. Perchance it might be a political board. We do not want to embarrass the President of the United States at such a time. But what is this board to do? It has to go back and report and report and report, and all the time the naval boy is standing on the shore waiting to be trained. Is that going to be the action of this House? With another report you will have more confusion than now. You would have two reports—aye, three reports—and "confusion worse confounded."

Now, if you are going to establish a naval training station, establish it. My proposition is this: They selected the best site in my district—Lake Bluff. The land is worth \$900 an acre. I have come in and said by my amendment that the Secretary of the Navy shall not pay one dollar more than \$250 an acre—the price of the Racine site. Does not that show my fairness in the consideration of this matter? Not only that, but we propose to leave it to the discretion of the Secretary of the Navy to say whether it shall be at Put in Bay or any other place; and let us have a harmonious jubilee.

If he should say that it goes to Put in Bay, I will say I am glad of it. If it goes to Racine, I will say I am glad of it. If it goes to Muskegon, I will say that I am glad of it. Or if it goes anywhere else, I will make no captious objection, because I tell you candidly that I care comparatively little where this naval station shall be located as compared with the fact that we need it, and we must have it for the Navy, for the training of our men in order to have them trained when our ships, which we are building now in large numbers, shall be finally constructed.

Mr. Speaker, I will say the gentleman has said this was unanimously passed by the Senate—it was a unanimous consent of the Senate.

Ah, we heard that familiar sound before. We heard—

Mr. COOPER of Wisconsin. Mr. Speaker—

Mr. FOSS. We heard it in the dying hours of the old Congress; we have heard it in this—

Mr. COOPER of Wisconsin. Mr. Speaker—

Mr. FOSS. Mr. Speaker, I can not yield. I ask you, gentlemen, here and now let us vote down this Senate amendment. This is, must be, and ought to be considered, not on unanimous consent, but on its merits. The American Navy has the right to demand it, and the American people have the right to demand it. Mr. Speaker, I move the previous question.

Mr. COOPER of Wisconsin. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. The gentleman has put in my mouth a statement which would amount to a falsification of the record. I did not say the Senate passed this by unanimous consent or anything of the kind.

Mr. FOSS. Well, I understood the gentleman to say that the Senate passed this unanimously.

Mr. COOPER of Wisconsin. No; I said after the bill had been debated it passed it, with no one voting against it except one Senator from Illinois, possibly two.

Mr. FOSS. Mr. Speaker, I move the previous question.

Mr. CRUMPACKER. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman from Indiana rises to a parliamentary inquiry.

Mr. CRUMPACKER. I desire to know if it would be in order at this time to propose an amendment to the amendment of the gentleman from Illinois, which he proposes to the Senate amendment?

The SPEAKER. The gentleman from Illinois moves the previous question.

Mr. CRUMPACKER. Well, I desire to ask the gentleman if he will not withhold that motion until I propose an amendment? I do not care to debate it. I simply wish to have it read and voted upon.

Mr. FOSS. Mr. Speaker, this motion we are voting upon is the motion of the gentleman from Wisconsin to recede and concur, and I hope it will be voted down.

The SPEAKER. Does the gentleman demand the previous question on both the motion of the gentleman from Wisconsin and his motion?

Mr. FOSS. Yes.

The SPEAKER. The gentleman from Illinois demands the previous question—

Mr. FOSS. No; I simply demand the previous question on the motion of the gentleman from Wisconsin.

The SPEAKER. The gentleman from Illinois demands the previous question on the motion of the gentleman from Wisconsin. The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin, that the House do recede and concur in the Senate amendment.

The question was taken.

The SPEAKER. The Chair is in doubt.

Mr. COOPER of Wisconsin. Division, Mr. Speaker.

Accordingly the House divided; and there were—ayes 83, noes 108.

So the motion to recede and concur was rejected.

Mr. FOSS. Mr. Speaker, I move the previous question on the other motion.

The SPEAKER. The gentleman from Illinois moves the previous question on his motion that the House do recede and concur in the Senate amendment with an amendment.

Mr. CRUMPACKER. I now ask the gentleman from Illinois if he will not withhold his motion until I propose an amendment?

Mr. FOSS. No; I think we have already had a full discussion of this matter.

The previous question was ordered.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. CRUMPACKER. Division, Mr. Speaker.

Accordingly the House divided; and there were—ayes 97, noes 91.

Mr. COOPER of Wisconsin. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 126, answered "present" 13, not voting 123, as follows:

## YEAS—120.

Adams, Pa.	Brandegee,	Cooper, Pa.	Dwight,
Adamson,	Breazeale,	Cousins,	Evans,
Bankhead,	Brick,	Currier,	Fitzgerald,
Bassett,	Brooks,	Curtis,	Flack,
Bates,	Brown, Pa.	Cushman,	Flood,
Bell, Cal.	Burke,	Dalzell,	Foss,
Boutell,	Butler, Pa.	Dayton,	Gaines, Tenn.
Bowers,	Caldwell,	Dougherty,	Gaines, W. Va.
Bradley,	Campbell,	Draper,	Gibson,

Gillet, N. Y.  
Gillett, Mass.  
Graff,  
Greene,  
Gudger,  
Hamilton,  
Hamlin,  
Harrison,  
Hay,  
Henry, Conn.  
Hepburn,  
Hill, Conn.  
Hinshaw,  
Hitt,  
Hopkins,  
Howell, N. J.  
Huff,  
Hughes, W. Va.  
Humphrey, Wash.  
Humphreys, Miss.  
Jones, Wash.

Keliher,  
Kitchin, Claude  
Knopf,  
Lacey,  
Lafean,  
Lamar, Mo.  
Landis, Chas. B.  
Landis, Frederick  
Lanning,  
Lawrence,  
Legare,  
Lever,  
Lilley,  
Littauer,  
Livingston,  
Lloyd,  
Loudenslager,  
Lovering,  
McCleary, Minn.  
Mann,  
Marshall,

Martin,  
Maynard,  
Meyer, La.  
Morrell,  
Needham,  
Otis,  
Palmer,  
Parker,  
Payne,  
Porter,  
Powers, Me.  
Powers, Mass.  
Prince,  
Pujo,  
Ransdell, La.  
Robertson, La.  
Rodenberg,  
Rucker,  
Shackleford,  
Shiras,  
Sibley,

Sims,  
Smith, Ill.  
Smith, Pa.  
Sperry,  
Spight,  
Steenerson,  
Sterling,  
Stevens, Minn.  
Sulloway,  
Swanson,  
Tawney,  
Underwood,  
Vreeland,  
Wade,  
Wanger,  
Wiley, Ala.  
Wiley, N. J.  
Williams, Ill.  
Williams, Miss.  
Wilson, Ill.  
Wynn.

## NAYS—126.

Adams, Wis.  
Alexander,  
Babcock,  
Baker,  
Bartholdt,  
Bartlett,  
Beall, Tex.  
Bede,  
Beidler,  
Benny,  
Birdsall,  
Bishop,  
Bonyng,  
Bowersock,  
Brantley,  
Brown, Wis.  
Brundidge,  
Burnett,  
Burton,  
Byrd,  
Candler,  
Cassingham,  
Clark,  
Clayton,  
Cochran, Mo.  
Conner,  
Cooper, Wis.  
Cowherd,  
Cromer,  
Crowley,  
Crumpacker,  
Davidson,

Davis, Minn.  
De Armond,  
Dixon,  
Douglas,  
Driscoll,  
Esch,  
Field,  
French,  
Gardner, Mass.  
Gardner, N. J.  
Gilbert,  
Goldfogle,  
Goulden,  
Granger,  
Grogg,  
Grosvenor,  
Hardwick,  
Henry, Tex.  
Hermann,  
Hill, Miss.  
Hitchcock,  
Hogg,  
Houston,  
Howard,  
Hughes, N. J.  
Jackson, Ohio  
James,  
Jenkins,  
Jones, Va.  
Kehoe,  
Kennedy,  
Kinkaid,

Kline,  
Klutz,  
Knapp,  
Kyle,  
Lamb,  
Lewis,  
Lindsay,  
Little,  
Littlefield,  
Longworth,  
Lucking,  
McCarthy,  
McCrary, Pa.  
McLain,  
McMorran,  
Macon,  
Maddox,  
Mahon,  
Miller,  
Moon, Tenn.  
Morgan,  
Murdock,  
Otjen,  
Padgett,  
Page,  
Patterson, N. C.  
Patterson, Tenn.  
Pierce,  
Raine,  
Randell, Tex.  
Reeder,  
Richardson, Ala.

Richardson, Tenn.  
Rider,  
Rixey,  
Robinson, Ind.  
Russell,  
Scott,  
Sheppard,  
Sherley,  
Shober,  
Shull,  
Slayden,  
Smith, Iowa  
Smith, Ky.  
Smith, Samuel W.  
Smith, Tex.  
Snook,  
Southard,  
Spalding,  
Stafford,  
Stephens, Tex.  
Sulzer,  
Thomas, Iowa  
Thomas, N. C.  
Townsend,  
Van Duzer,  
Van Voorhis,  
Volstead,  
Webb,  
Weems,  
Young.

## ANSWERED "PRESENT"—12.

Allen,  
Brownlow,  
Dresser,

Gardner, Mich.  
Miers, Ind.  
Olmsted,

Patterson, Pa.  
Pou,  
Roberts,

Ruppert,  
Stanley,  
Zenor.

## NOT VOTING—123.

Acheson,  
Aiken,  
Ames,  
Badger,  
Benton,  
Bingham,  
Bowie,  
Broussard,  
Buckman,  
Burgess,  
Burkett,  
Burleigh,  
Burlison,  
Butler, Mo.  
Calderhead,  
Capron,  
Cassel,  
Castor,  
Cockran, N. Y.  
Connell,  
Cooper, Tex.  
Daniels,  
Darragh,  
Davey, La.  
Davis, Fla.  
Deemer,  
Denny,  
Dickerman,  
Dinsmore,  
Dovener,  
Dunwell,

Emerich,  
Finley,  
Fitzpatrick,  
Fordney,  
Poster, Ill.  
Poster, Vt.  
Fowler,  
Fuller,  
Garber,  
Garner,  
Gillespie,  
Gillett, Cal.  
Glass,  
Goebel,  
Gooch,  
Griffith,  
Griggs,  
Haskins,  
Haugen,  
Hearst,  
Hedge,  
Hemenway,  
Hildebrandt,  
Holliday,  
Howell, Utah  
Hull,  
Hunt,  
Hunter,  
Jackson, Md.  
Johnson,  
Ketcham,

Kitchin, Wm. W.  
Lamar, Fla.  
Lester,  
Lind,  
Livernash,  
Lorimer,  
Loud,  
McAndrews,  
McCall,  
McDermott,  
McLachlan,  
McNary,  
Mahoney,  
Marsh,  
Metcalf,  
Minor,  
Mondell,  
Moon, Pa.  
Mudd,  
Nevin,  
Norris,  
Overstreet,  
Pearre,  
Perkins,  
Pinckney,  
Reid,  
Rhea,  
Robb,  
Robinson, Ark.  
Ryan,  
Scarborough,

Scudder,  
Sherman,  
Slemp,  
Small,  
Smith, Wm. Alden  
Smith, N. Y.  
Snapp,  
Southall,  
Southwick,  
Sparkman,  
Sullivan, Mass.  
Sullivan, N. Y.  
Talbot,  
Tate,  
Taylor,  
Thayer,  
Tirrell,  
Trimble,  
Vandiver,  
Wachter,  
Wadsworth,  
Wallace,  
Warner,  
Warnock,  
Watson,  
Weisse,  
Williamson,  
Wilson, N. Y.  
Woodyard,  
Wright.

So the motion to recede and concur with an amendment was rejected.

The Clerk announced the following pairs:

For the session:

Mr. HUNTER with Mr. RHEA.

Mr. SHERMAN with Mr. RUPPERT.

Mr. CASSEL with Mr. GOOCH.

Mr. CHARLES B. LANDIS with Mr. TATE.

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.

Until further notice:

Mr. HILDEBRANT with Mr. SPARKMAN.

Mr. FULLER with Mr. FITZPATRICK.

Mr. WACHTER with Mr. TALBOTT.

Mr. WARNER with Mr. McANDREWS.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. DARRAGH with Mr. DAVIS of Florida.

Mr. DOVENER with Mr. TRIMBLE.  
 Mr. WATSON with Mr. ZENOR.  
 Mr. HOLLIDAY with Mr. MIERS of Indiana.  
 Mr. LORIMER with Mr. MAHONEY.  
 Mr. ALLEN with Mr. SMALL.  
 Mr. METCALF with Mr. LIVERNASH.  
 Mr. FORDNEY with Mr. GRIFFITH.  
 Mr. WARNOCK with Mr. ROBB.  
 Mr. WM. ALDEN SMITH with Mr. McNARY.  
 Mr. GARDNER of Michigan with Mr. TAYLOR.  
 Mr. BEDE with Mr. BURGESS.  
 Mr. ACHESON with Mr. SCUDDER.  
 For the balance of the session:  
 Mr. SIBLEY with Mr. DAVEY of Louisiana.  
 Until adjournment:  
 Mr. SNAPP with Mr. FOSTER of Illinois.  
 For the day:  
 Mr. FOWLER with Mr. AIKEN.  
 Mr. NORRIS with Mr. LESTER.  
 Mr. MOON of Pennsylvania with Mr. VANDIVER.  
 Mr. SMITH of New York with Mr. GARBER.  
 Mr. CASTOR with Mr. GILLESPIE.  
 Mr. BROWNLOW with Mr. BENTON.  
 Mr. AMES with Mr. BOWIE.  
 Mr. CAPRON with Mr. BROUSSARD.  
 Mr. GILLET of California with Mr. BURLESON.  
 Mr. HAUGEN with Mr. GLASS.  
 Mr. HOWELL of Utah with Mr. COOPER of Texas.  
 Mr. HULL with Mr. HEARST.  
 Mr. LOUD with Mr. SOUTHALL.  
 Mr. NEVIN with Mr. STANLEY.  
 Mr. SOUTHWICK with Mr. SULLIVAN of New York.  
 Mr. WADSWORTH with Mr. WILSON of New York.  
 Mr. WOODYARD with Mr. WALLACE.  
 Mr. CALDERHEAD with Mr. PINCKNEY.  
 Mr. GOEBEL with Mr. EMERICH.  
 Mr. PEARRE with Mr. GRIGGS.  
 Mr. KETCHAM with Mr. SCARBOROUGH.  
 For the vote:  
 Mr. BINGHAM with Mr. GARNER.  
 Mr. OLMSTED with Mr. WILLIAM W. KITCHIN.  
 Mr. HEMENWAY with Mr. DINSMORE.  
 Mr. HEDGE with Mr. COCKRAN of New York.  
 Mr. MARSH with Mr. JOHNSON.  
 Mr. MONDELL with Mr. ROBINSON of Arkansas.  
 Mr. OVERSTREET with Mr. McDERMOTT.  
 Mr. WRIGHT with Mr. REID.  
 Mr. BURKETT with Mr. FINLEY.  
 Mr. McLACHLAN with Mr. WEISSE.  
 For the remainder of the week:  
 Mr. TIRRELL with Mr. SULLIVAN of Massachusetts.  
 From the 20th until further notice:  
 Mr. MINOR with Mr. LAMAR of Florida.  
 Until the 20th:  
 Mr. BUCKMAN with Mr. LIND.  
 From April 18 to April 25:  
 Mr. BURLEIGH with Mr. HUNT.  
 Until April 21:  
 Mr. ROBERTS with Mr. THAYER.  
 For the 19th and 20th:  
 Mr. FOSTER of Vermont with Mr. POU.  
 For Monday, Tuesday, and Wednesday:  
 Mr. DRESSER with Mr. RYAN.  
 For Tuesday and Wednesday:  
 Mr. MUDD with Mr. DENNY.  
 Mr. ROBERTS. Mr. Speaker, I find that I am paired with my colleague [Mr. THAYER]. I desire to withdraw my vote and be recorded as "present."  
 The result of the vote was announced as above stated.  
 Mr. FOSS. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment No. 18.  
 The motion was agreed to.  
 Mr. FOSS. I call for the reading of the next amendment—amendment No. 35.  
 The Clerk read as follows:  
 Strike out the following words:  
 "But the appropriations provided for said colliers shall not be used unless one of said colliers be built in a navy-yard of the United States."  
 And insert the following:  
 "Said colliers shall be built in navy-yards, one on the Pacific and one on the Atlantic coast, the same to be designated by the Secretary of the Navy."  
 Mr. FOSS. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. MEYER] to make a motion.  
 Mr. MEYER of Louisiana. I move that the House recede from its disagreement to Senate amendment No. 35 and concur in the same.

Mr. FOSS. I yield to the gentleman from Louisiana twenty minutes.

Mr. MEYER of Louisiana. I yield ten minutes to the gentleman from California [Mr. BELL].

Mr. BELL of California. Mr. Speaker, the Senate amendment under discussion provides that the two colliers mentioned in the naval appropriation bill shall be constructed in the navy-yards, one on the Pacific and the other on the Atlantic coast. In the time that has been allotted to me I shall confine myself to a brief statement of the most cogent reasons for building ships in the public yards. In the first place, we can do the same work in the navy-yards for less money. This is not a mere theory or conjecture, but an absolute fact that has been demonstrated by experience. Let me cite you just one instance in support of this assertion. In 1903 the Government decided to convert the transport *Grant* into a dredge for use at the mouth of the Columbia River.

The Navy Department called for bids, and the lowest figure submitted by private contractors was that of the Risdon Iron Works, of San Francisco, for \$265,000. The authorities at the Mare Island Navy-Yard requested the privilege of submitting a bid, which was granted. The navy-yard's figure was \$235,000, or \$30,000 less than that of the Risdon Iron Works. The work was given to the yard and was actually completed at a cost of only \$181,985.25, a saving of \$53,014.75 on the lowest private bid that had been received. In other words, the Government saved over 31 per cent by having the work done in one of its own yards. [Applause.] The quality of the work done by the Mare Island Navy-Yard in this case is best shown by the following letter:

WAR DEPARTMENT,  
 Washington, January 25, 1904.

SIR: Referring to the work performed by the Navy Department at the Mare Island (Cal.) Navy-Yard in the conversion of the former army transport *Grant* (now named the *Chinoook*) into a seagoing hydraulic dredge, the Department is just in receipt of a report from the Chief of Engineers, United States Army, stating that since her completion the *Chinoook* has been at work, during favorable weather, at the mouth of the Columbia River, Washington, on the Columbia River bar, and has been tested sufficiently to demonstrate the care and efficiency with which the work at the navy-yard has been executed, and indicating that the boat will prove a valuable acquisition to the plant of the Engineer Department. The War Department, therefore, desires to express its appreciation of the action of the Navy Department in undertaking this work, and the ability and zeal displayed by the officers of Mare Island Navy-Yard in carrying it out.

Very respectfully,

ROBERT SHAW OLIVER,  
 Assistant Secretary of War.

The SECRETARY OF THE NAVY.

Do not these facts completely refute the repeated argument that better work and better prices are secured to the Government by having its vessels of war built by private yards? Again, there are other inestimable advantages to be attained by the policy of building some of our ships in the navy-yards. It keeps up the efficiency of our yards; it maintains a high standard of workmanship and general equipment; it guarantees us prompt high-class work in the hour of emergency and need. Every argument in favor of a greater navy is an argument in favor of greater navy-yards. Our pride in the latter should not be less than our pride in the former. We ought to make it a part of the general policy of our Government to construct a portion of its ships. In this way we become a competitor of the private contractor, and thereby guard ourselves against the extortionate bids of any shipbuilding trust or combine. Once let it be seen that we intend to pursue this course and the danger of a "pool" will be overcome and reasonable contracts can be made for the work that is let to bids. England, Germany, France, and Italy have long since adopted this plan, about one-half their ships being built in public yards, and the results have fully demonstrated the wisdom of the policy.

We ought to hasten the day when the two navy-yards on the Pacific coast shall be able not only to repair our largest battle ships, but to construct new ones. Prior to the sixteenth century the Mediterranean Sea was the center of the world's maritime activities. With the exploration and settlement of America the theater of the world's commercial and naval contests was shifted to the Atlantic. But now the Pacific is the cynosure of all eyes, and upon its broad bosom must be fought out, by diplomacy or by force of arms, the great problems of the twentieth century. Does any thinking man believe that with our commercial interests in the Orient and our possessions over sea America is destined to play a light part in the settlement of these momentous questions? Let us hope that our participation in the affairs of the Far East may always be attended with peace; that our Navy may be persuasive only in its deep silence rather than destructive in its mighty power; but come what may, let us begin now to strengthen our navy-yards as we strengthen our Navy, so that our rapidly increasing fleets, in seasons of peace and in seasons of war, may have yards at ready hand in a state of constant preparedness either to repair or to rebuild.

There is another phase of this question that demands our earnest attention. The moneys expended in the construction of a ship in a navy-yard are distributed among a large number of peo-

ple. It means more happy homes, more of the comforts of life for more of the people, more contentment, more prosperity. It means that many shall enjoy what otherwise a few may hoard. It means much to the laboring men of America—the men who toil for a daily wage and live by the sweat of their brow. To them it means better hours, better conditions of labor, better pay. And if we are now in favor of these things, if we really intend to act for the greatest good to the greatest number, let us right here and now take advantage of this opportunity to effect so much good; let us vote for a policy that will ultimately bring manifold blessings to many citizens of our land and at the same time bring profits to our Government. I sincerely hope that this occasion will not only witness the rallying of the old friends of the navy-yards, but will also mark the conversion of many others to our cause. [Applause.]

Mr. FOSS. Mr. Speaker, this Senate amendment provides that both colliers shall be built in navy-yards. The House will recall that we provided when the bill was here that one collier should be built in a navy-yard. This amendment provides that both shall be built in navy-yards, one on the Atlantic and one on the Pacific coast.

I have a letter here from the Secretary of the Navy which explains the situation so far as the Navy Department is concerned. It says:

In response to your verbal request I beg to advise you of the necessity of making some specific appropriation for equipping navy-yards for the construction of vessels should the Senate provision with relation to the building of two colliers in navy-yards be concurred in by the House.

Then the Secretary goes on and states that it will be necessary to appropriate \$175,000 for each yard in order to put the yards in such a condition that they can build these colliers. That means, first, the preparation of a suitable slip. We have no navy-yard in the country where there is a suitable slip, except the New York yard, where we are building the battle ship *Connecticut*.

Mr. BELL of California. Will the gentleman yield for a question?

Mr. FOSS. In just a moment. We must have two things. First, we must provide a slip, and then we must provide an overhead crane. These two things, the slip and the crane, will cost \$175,000 for each yard.

Mr. WYNN. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. WYNN. Is it not a fact that when this appropriation of \$175,000 is expended for the construction of the crane and the slip, that it becomes a permanent addition to the plant for future use.

Mr. FOSS. Oh, yes; it will be a permanent addition to the plant.

Mr. WYNN. And that it could be used for any future ship-building in those yards.

Mr. FOSS. Yes; it could be used at any future time.

Mr. HERMANN. Is it permanent and durable?

Mr. FOSS. Yes; it is permanent and durable.

Mr. BELL of California. Then the expenditure of that money would go toward a permanent improvement. Now, is it not a fact that this year in the naval appropriation bill, without any reference to this Senate amendment, the following large sums were appropriated for various navy-yards in the country: New York, \$371,500; League Island, \$712,970; Washington, \$575,000; Charlestown, \$880,500; Norfolk, \$1,159,000; while for Mare Island, which is one of the best yards in America to-day, we only appropriated \$260,000?

Now, then, I want to ask you the further question. That appropriation which may become necessary, about which there is now some doubt, can be met at the next session of Congress in ample time if these colliers go to the navy-yards.

Mr. FOSS. Oh, yes. I am giving, as far as the committee is concerned, the facts entirely as they come to the committee from the Navy Department, and after that leaving it to the judgment of the House. If the House sees fit to concur in the Senate amendment, all well and good; or if they decide otherwise, all well and good. It is a matter entirely with the House.

Mr. GAINES of Tennessee. Is the gentleman from Illinois opposed to building these two colliers in the navy-yards?

Mr. FOSS. Oh, I do not know that I am opposed to it particularly; only I think it is going to cost more money to build them in navy-yards than in private yards. Speaking generally, we are building a battle ship in the navy-yard at New York and comparing the cost of its construction with the cost of a similar ship constructed in the navy-yard, and we are trying to find out the difference between the two. Now, the House had this provision, which was on the bill, that one of these colliers should be built in the navy-yard and one at a private yard, so that we might thereby find out the difference in the cost of building these colliers. Now, the Senate put in this provision and say, "Let us build both of them in navy-yards."

Mr. GAINES of Tennessee. Is it not a fact that the Government is making its own smokeless powder, and making a great many of our firearms, and making them better and cheaper than when they had them made by private individuals? Is not that why Congress is having them made by the Government?

Mr. FOSS. I do not know how much cheaper they are making the smokeless powder. They claim to make it a little cheaper.

Mr. GAINES of Tennessee. Did not Mr. Secretary Long send two communications to Congress asking it to give him money to build this factory; and did we not build it; and are we not now making our own powder?

Mr. FOSS. The Government never takes into consideration the amount invested in the plant, but the private individual takes that into consideration.

Mr. GAINES of Tennessee. But the Government owns the improvement. The Government was held up during the Spanish war by this powder trust, and that is one of the reasons why this plant was established, and it has worked admirably.

Mr. FOSS. Is there any other discussion on it?

Mr. MEYER of Louisiana. I yield five minutes to the gentleman from Virginia.

Mr. RIXEY. Mr. Speaker, the naval bill of this year as it passed the House had provision for one battle ship, two armored cruisers, three protected cruisers, three scout cruisers, and two colliers. The colliers are the smallest ships. The Senate provision provides that these two smallest ships shall be built in two of the navy-yards of the country. There is not one of the important navy-yards but what can take care of these two smaller ships. The best constructors who were in the Navy two or three years ago, including Admiral Hichborn, had recommended that there should be navy-yard construction upon the ground that the Government could construct as cheaply and as well, and that the Government should keep a trained force on hand all the time.

Now, when the repair of a ship is completed in a navy-yard the mechanics are discharged, and when another ship goes in to be repaired it is difficult to get these men back. If you have navy-yard construction they can keep the mechanics all the time. This reasoning is justified by the facts. On one occasion, two or three years ago, this House provided that a battle ship, an armored cruiser, and a protected cruiser should be built in the navy-yards of the country.

Now, Mr. Speaker, in foreign countries every great naval power builds a portion of its ships in its navy-yards. Two years ago Great Britain was building eight battle ships and a number of cruisers in her navy-yards. Russia, France, and Germany are also building a portion of their ships in their navy-yards.

Now, as to the question of this expenditure of \$175,000 to make the necessary improvements, I can not understand that. Ten years ago one of the battle ships and one of the cruisers—the battle ship *Texas* and the cruiser *Raleigh*—were built at the navy-yard at Norfolk. A battle ship and cruiser were built at other navy-yards. Since then we have spent many millions on the navy-yards, and I have no hesitation in stating that if they are not ready and prepared to build a little ship like this collier, then it must be the fault of the people who have expended the money. If the navy-yards are not prepared to build these small ships they should be put in condition, and that without delay.

I do not believe, Mr. Speaker, that the building of these small ships in the navy-yards will cost the Government any more than we are now paying. The fact is that the private contractors have about sixty vessels building for the Government, and it is reasonable to put some little of this work with the navy-yards. The Secretary in his letter calls attention to the fact that in the navy-yards he is already building at Portsmouth, N. H., a training brig, at Boston a training brig and a steam tug, and at New York a battle ship; but I want to call attention to the fact that there are yards south of New York, and it seems to me that a yard which ten years ago built a battle ship and a cruiser ought to be ready now to build this little collier. There is also an important yard upon the Pacific coast. The amendment of the Senate is so reasonable that it does seem to me that the House should with practical unanimity concur in the amendment and build these two colliers in the navy-yards.

Mr. DAYTON. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAYTON. This clause provides that these two colliers shall be built in the navy-yards—that is, the Senate amendment provides that. The matter in controversy, as I understand it, is the question whether one or two shall be built in the navy-yards. Now the information comes from the Department that before any navy-yard in the country can build the colliers it will be necessary to enact an additional appropriation of from \$150,000 to \$175,000 to prepare and fix that yard to do that work. The parliamentary inquiry I want to ask is, whether it is within the power of the conferees to provide an extra appropriation under

this Senate amendment, so that there will be no delay in the building of the colliers?

The SPEAKER. Well, that is hardly a parliamentary inquiry.

Mr. DAYTON. Well, I doubted whether the Speaker would regard it as such, but it is very important for us to understand the situation.

The SPEAKER. The Chair can give his opinion—

Mr. DAYTON. I would very much like to have the Chair's opinion.

The SPEAKER (continuing). Upon the Senate amendment that will control the Chair's vote if it is necessary for him to vote, but that would not be answering his parliamentary inquiry.

Mr. DAYTON. Mr. Speaker, I simply called attention to this fact because I have a desire that these colliers shall be built, because they are desired by the Department now.

The SPEAKER. It seems to the Chair the gentleman has gotten in his speech. The question is on agreeing to the motion of the gentleman from Louisiana [Mr. MEYER] that the House do recede from its disagreement to the Senate amendment and concur therein.

The question was taken, and the Speaker announced that the Chair was in doubt.

Mr. FOSS. Division, Mr. Speaker!

The House accordingly divided; and there were—ayes 118, noes 57.

So the motion to concur was agreed to.

Mr. FOSS. Mr. Speaker, I ask if there are any other amendments?

The SPEAKER. This disposes of all the amendments.

Mr. FOSS. Then, Mr. Speaker, I move that the House agree to the conference asked for by the Senate.

The SPEAKER. Without objection, it is so ordered.

The SPEAKER announced the following conferees: Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana.

#### ALLOTMENT OF LANDS IN SEVERALTY TO INDIANS IN THE STATE OF NEW YORK.

Mr. GROSVENOR. Mr. Speaker, I offer the following report from the Committee on Rules.

The SPEAKER. The gentleman from Ohio reports the following resolution, which the Clerk will report.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 308: "Resolved, That immediately upon the adoption of this resolution it shall be in order to consider in the House the bill (H. R. 7262) entitled 'A bill to provide for the allotment of lands in severalty to the Indians in the State of New York, and extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes'"—has had the same under consideration, and asks leave to report it with the recommendation that the House agree to it with the following amendment: Add after the word "purposes," in line 7, the following: "and after forty minutes of debate, to be divided equally between those favoring and those opposing, such amendments as may be offered shall be voted on without debate, and thereupon the previous question shall be considered as ordered on the bill to its final passage."

Mr. GROSVENOR. Mr. Speaker, this is a rule to bring forward a bill that was presented in the House some days ago under a motion to suspend the rules, and for which a very large majority of the House voted. If there is anyone who desires now to oppose this resolution I will yield to him.

Mr. FITZGERALD. Mr. Speaker, I wish to ask the gentleman some question in reference to the rules.

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. Certainly.

Mr. FITZGERALD. Under this rule, will it be in order to offer amendments to the bill?

Mr. GROSVENOR. Mr. Speaker, I shall ask unanimous consent that the rule may be read again.

Mr. FITZGERALD. I could not catch it as it was read.

The SPEAKER. The gentleman asks unanimous consent that the resolution be again reported. Is there objection?

There was no objection.

The Clerk again reported the resolution.

Mr. SULZER. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. Does the gentleman desire time in opposition to the rule?

Mr. SULZER. I do.

Mr. GROSVENOR. How much time?

Mr. SULZER. I would like to have ten minutes.

Mr. GROSVENOR. Will not the gentleman be content with five minutes?

Mr. SULZER. Yes.

Mr. GROSVENOR. I yield five minutes to the gentleman from New York.

Mr. SULZER. Mr. Speaker, this is the same bill which was before the House a few days ago on a motion of the gentleman from New York [Mr. VREELAND] to suspend the rules and consider the

bill. At that time I opposed the motion and the House, by an overwhelming vote, refused to suspend the rules and pass this bill. I explained the objects of the bill then, and I think the Members of this House now know about what this bill is intended to do. I have not the time to go into the matter fully at this moment, but the real purpose and purport of this bill is to take away the Indian lands in the State of New York and incidentally give a legal status in court to what is known as the "Ogden land-grant claim." In other words, this bill divides up the lands of the Indians—fixes it so these lands will be sold to the white people and out of the proceeds \$200,000 be paid to the assigns of the Ogden Land Company. That land grant claim has no more legal standing in court than the man in the moon. It is without merit and absolutely indefensible. The courts have so held over and over again.

The people of the State of New York who are disinterested in this matter are absolutely opposed to this bill. These lands are now owned by the Indians in common, and New York is opposed to taking away these Indian lands by a process of allotment, because if these lands are taken away from the Indians in this way it will only be a question of a few years when the lands will be sold, the money gone, and then the Indians will become a public charge on the taxpayers of this country.

Mr. GAINES of Tennessee. Are the Indians opposed to the bill?

Mr. SULZER. Yes; they are unalterably opposed to the bill. Now, the friends of the Indians in New York declare that much of the money that will be derived from the sale of these Indians' lands will go to pay the Ogden land-grant claim of \$200,000 which has been pending in the courts for a number of years and which the courts over and over again have declared has no merit whatever. This entire proposition is unjust and unconscionable. The bill is a bad one in its every aspect and should be beaten in this House.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield for a question?

Mr. SULZER. Not just now. I only have a few minutes time. There is not, Mr. Speaker, in my opinion, the slightest reason why this House should waste its time considering a bill which has so little merit—an indefensible bill, which is opposed, in the first instance, by the Indians against whom it is aimed, and, secondly, by all of the people of the State of New York save a few who are to be benefited by it. These Indian lands are very valuable to-day. They contain great natural resources in oil and gas, and a considerable portion of the lands are leased to white people and to oil and gas speculators, who have much influence here.

Mr. GAINES of Tennessee. And who are they?

Mr. SULZER. They are the people who are now leasing the lands from the Indians for homes, for gas and oil, and for other purposes, and are tired of paying rent, and who believe it will be to their material benefit to get a fee simple title. These people have much influence in western New York, in some parts of Pennsylvania, and, it must be apparent to the most unthinking, much influence in Congress. I could name some of them, but it is unnecessary. The trail of oil is all over this bill. Will it slip through? That is for you to say.

Mr. Speaker, I take it for granted that few Members have read this bill and are familiar with its provisions. It is a queer bill in more ways than one, and some of its sections would be ludicrous if it were not for the sad and deplorable results it is destined ultimately to accomplish. It provides, among other things, that these lands of the Indians shall be taken after allotment by condemnation proceedings for private use. Who ever heard of taking lands from an individual by condemnation proceedings for another individual?

The Constitution provides, I believe, that private property shall not be taken by condemnation proceedings except for a public purpose, and it is not contended here, and the gentleman from Ohio [Mr. GROSVENOR] will not urge, I hope, that the purpose contemplated in the bill is of a public character. It is entirely a question of a few individuals who know the value of these Indian lands, who know of the minerals, the oil, and the gas that they contain, and who want to get it all as easily as possible, and the easiest way is by the passage of this bill.

This bill, Mr. Speaker, in a word, is an outrage on these Indians—these wards of the nation. This bill has been condemned by the Historical Society of New York and by every friend of the Indian in the State. If we did our duty here, we should guard their interests and protect their rights instead of legislating them away. Pass this bill and we will pauperize them and rob them of their heritage—a crime against them and their posterity. These Indians to-day are self-supporting, happy, self-reliant, prosperous, and contented. They are educated; they maintain themselves; they have good homes, of which they are proud; they annoy no one, harm nobody; they have good farms, which they cultivate; they have good schools, and they are not now and never



have been a burden upon the taxpayers of the State of New York or the slightest expense to the taxpayers of this country.

Now, why in the name of honesty, justice, and common sense should we take away their lands by allotment, to soon be sold to a few individuals? Then the Indians, when the proceeds are spent, will sooner or later become a public charge.

I submit to this House that this rule to now consider and pass this bill in forty minutes is unjust and iniquitous, and I hope the adoption of the rule will be defeated.

Why all this haste? Why single out this bill from hundreds and hundreds of others—honest and meritorious bills—for hasty consideration? There must be some good reason for it. Will some Member tell us? No. Who will be benefited by it? That is the question. The land and the oil and the gas speculators? Yes; they will reap a golden harvest. The Ogden Land Company? Yes; it will ultimately get its \$200,000 less the amounts it has assigned to the lobbyists who for years have been behind this legislation. These are some of the reasons. Should they appeal to us?

Mr. FINLEY. Will the gentleman yield for a question?

Mr. SULZER. Yes, for a question.

Mr. FINLEY. Have not the rights of this land company been adjudicated in the courts, and has not the decision been against them and in favor of the Indians?

Mr. SULZER. Yes, that is the fact; such a finding by the courts in favor of the Indians has been rendered time and again. The Ogden Land Company has not now, and never did have, any standing in court.

Now, this bill seeks to give that Ogden Land Company a legal status in the courts and compel the Attorney-General to take up its case and prosecute it. Who ever heard of such a proceeding? This bill is unjust and indefensible; it has absolutely no merit; it is hoary with age; it is looked upon by people who have investigated it and know something about it as a contemptible steal through and through. I hope the resolution will not be adopted. It ought not to be, if we do our duty and keep our contract, our treaty obligations, with the Indians, the wards of the Republic. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Speaker, the argument made by the gentleman from New York [Mr. SULZER], who has just taken his seat, seems to me as strong an argument as can be presented why the bill ought to be taken up and disposed of. After a long debate in this House, in which that gentleman participated, and also the gentleman from New York [Mr. FITZGERALD] now on his feet—

Mr. FITZGERALD. I hope that I may be allowed a little time upon the adoption of this rule.

Mr. GROSVENOR. I hope the gentleman will take the time on the bill itself.

Mr. FITZGERALD. I wish to call attention to the gross injustice which will be done by the adoption of the rule; and I should like to have five minutes.

Mr. GROSVENOR. I am not willing to yield further. The House has had this question before it heretofore, has spent considerable time upon it, and voted by almost a two-thirds majority in favor of its passage. The argument made by the gentleman from New York [Mr. SULZER] is conclusive as showing the necessity that something be done in this matter; and the opportune time to do it is when the bill is pending before the House.

Mr. FITZGERALD. I ask the gentleman to yield me five minutes. I am a member of the committee that considered this bill.

Mr. GROSVENOR. I will yield to the gentleman five minutes, with the understanding that immediately upon the close of that time I shall ask the previous question upon the adoption of the rule.

Mr. FITZGERALD. Mr. Speaker, I hope that this rule will be voted down. The Committee on Rules, apparently in a spirit of fairness, brings in a rule to permit this bill to be considered. It allows only forty minutes' debate, to be followed by the offering of amendments, without any possibility whatever of a word of explanation of those amendments. This is a farce, from a legislative standpoint. The bill involves vast property interests. It should be fairly considered in the House. There are many persons who believe it should be passed; but after an examination and investigation for more than three years of many of the matters connected with it I am convinced that certain amendments should be adopted in order to perfect the bill.

Mr. VREELAND. Will the gentleman allow an interruption?

Mr. FITZGERALD. Yes, sir.

Mr. VREELAND. I ask the gentleman from New York to indicate any amendments he would like to offer to the bill. There may be no objection to them.

Mr. FITZGERALD. If I can have the opportunity to offer and explain amendments which seem to me essential, I shall be glad.

Mr. Speaker, if the committee, in addition to allowing twenty

minutes' debate on each side, had permitted the bill to be even read for the purpose of offering amendments, with discussion under the five-minute rule, there would be some fairness in the proceeding. Few Members of this House outside of the members of the Committee on Indian Affairs know anything about this bill. Members in general have no knowledge of what it contains; they have no knowledge of the matters which it affects; yet it is proposed to adopt this rule, which prevents the bill from being read for the offering in good faith of amendments.

When this House faces a condition like that, I sincerely hope that in the interest of fairness and justice it will vote down this proposed rule.

Mr. GAINES of Tennessee. Will the gentleman explain what reason there is for this proposed division of these lands?

Mr. FITZGERALD. I am not "hankering" for a division of these lands at all, but a great many persons believe it should be done. If it is to be done, I hope that amendments, which I have prepared after some time spent in the examination of the bill, may be presented and explained to the House.

Mr. GAINES of Tennessee. Are not these Indians getting along all right now on these lands?

Mr. FITZGERALD. A great many persons think so.

Mr. GROSVENOR. I yield five minutes to the gentleman from New York [Mr. VREELAND].

Mr. VREELAND. Mr. Speaker, no Indian bill that has ever come before this House, with the exception of the original Dawes bill, has received longer or more careful consideration from all those who are interested in the welfare of the Indians than this bill before us. The opposition to the bill comes from New York City—400 miles away from the reservations.

It comes, among others, from my colleague from New York [Mr. SULZER], who, I venture to say, never was on one of these reservations except to ride over it on the railroad; who never saw an Indian except those who have filled him up with misinformation which he has poured out upon this House; who knows absolutely nothing about Indians, unless it be the wooden Indians that they have down on the Bowery [laughter]; whose statements in regard to this bill and in regard to the author of it are absolutely untrue.

I stand behind every line of this bill. I hold myself personally responsible for every line in it. I have lived for thirty years near these reservations, and I know all about the conditions that prevail there. Every line in that bill I stand for and vouch for of my own personal knowledge. The statement that it is an attempt to steal lands from the Indians I pronounce to be absolutely untrue. Not an acre of land is taken from these Indians under this bill. No Indians in the United States have been more generously and fairly treated than these Indians. The insinuation that the Standard Oil Company is interested in this bill in any way, shape, or manner is a fact that my friend from New York must have pulled down out of the air. It exists nowhere else.

Mr. GILBERT. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. VREELAND. Yes.

Mr. GILBERT. I want to know what provision there is in this bill for the disposition of the money? Is it to be paid directly to the Indians, or invested, or how?

Mr. VREELAND. It is to be divided among the Indians.

Mr. GILBERT. Individually?

Mr. VREELAND. Individually; yes.

Mr. GAINES of Tennessee. Will my friend yield a moment?

Mr. VREELAND. Yes.

Mr. GAINES of Tennessee. The gentleman from New York says that the Standard Oil Company is trying to get this land.

Mr. VREELAND. I heard him.

Mr. GAINES of Tennessee. On page 7 of the bill I find a line about oil.

Mr. VREELAND. Yes.

Mr. GAINES of Tennessee (reading):

That nothing in this act contained shall in any manner affect the payment of royalties or rents under any oil lease of lands upon either of said reservations, but such royalties shall continue to be paid the same as heretofore.

Mr. VREELAND. Yes.

Mr. GAINES of Tennessee. Who owns these oil leases?

Mr. VREELAND. I would say that the Standard Oil Company—that is, the South Penn Oil Company—has a lease on the oil lands. The money derived from those leases belongs to the Seneca Nation. This bill provides that that land shall not be allotted, because it is evident that it could not be, but that the income from it shall continue to be paid to the United States Indian agent for distribution among all the Indians.

Mr. GAINES of Tennessee. How did this oil company get these oil lands away from the Indians?

Mr. VREELAND. They were leased in the regular way and the leases ratified by act of Congress, the same as leases are made anywhere.

Mr. GAINES of Tennessee. Who wants this allotment made?

Mr. VREELAND. Let me state another fact to the gentleman, if he is interested in oil matters.

Mr. GAINES of Tennessee. I only want to take care of the Indians, that is all.

Mr. VREELAND. This bill not only does not make it easy to lease their lands for oil purposes, but it makes it impossible for the Indians to lease them for oil purposes.

Only a few days ago a bill passed this House by unanimous consent, and the gentleman from New York [Mr. SULZER] withdrew his objection to it. That bill provided that a whole great tract or territory there should be leased for oil and gas purposes. Under this bill, when these lands are allotted in severalty among the Indians, they are forbidden to alienate them for twenty-five years, and such a bill as that could not pass.

Mr. GAINES of Tennessee. What right has Congress to allow the President to appoint commissioners to go up there and take charge of this land under what you may term a species of eminent domain?

Mr. VREELAND. The United States has full charge of it as the guardian of the Indians, and has been so recognized by the courts since the time of Chief Justice Marshall.

Now, Mr. Speaker, this bill passed the House of Representatives last winter—

The SPEAKER. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Speaker, I ask the previous question.

Mr. SULZER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. I hope the gentleman will not insist on the previous question. I want to say just a word or two more in answer to the gentleman from New York [Mr. VREELAND].

Mr. GROSVENOR. How much time does the gentleman want?

Mr. SULZER. Three minutes.

Mr. GROSVENOR. Could not the gentleman compromise on two? [Laughter.] I yield to the gentleman two minutes.

The SPEAKER. The gentleman has two minutes.

Mr. SULZER. Mr. Speaker, in that two minutes I ask the Clerk to read a letter to me from the editor of Puck, Mr. Joseph Keppler, which I send to the desk.

The Clerk read as follows:

NEW YORK, April 19, 1904.

Hon. WM. SULZER,  
Washington, D. C.

MY DEAR MR. SULZER: Your kind favor of April 15 is just received. Be assured of my keen appreciation and thanks.

The Vreeland bill is certainly a very bad one from the viewpoint of the Indian. Its provisions benefit the white land and oil speculators only. These plotters have all to gain and the Indians everything to lose.

The Indians' consent to allotment can not be obtained without fraud or forgery. They are practically unanimously opposed to this bill. Their daily prayer is to be spared its—to them—terrible enactment.

Your assurance, therefore, to strenuously oppose this bill and all future legislation detrimental to the welfare of the Indians of New York State is most welcome and gratifying to me, who have always considered you a staunch friend of our cause. I now know that I may rely upon you.

It may please you to learn that your loyalty and fearlessness in behalf of our Indian people have caused you to be referred to among themselves as "our friend who wields the tomahawk in Congress."

[Laughter and applause.]

With all good wishes, and trusting that I may have the opportunity of assuring you of my appreciation at some future time, believe me,  
Very truly, yours,

JOS. KEPPLER.

The SPEAKER. The gentleman's time has expired.

Mr. VREELAND. May I ask the Clerk what the signature was?

The SPEAKER. Without objection, the signature will be announced.

The Clerk read as follows:

Joseph Keppler.

Mr. VREELAND. Who is he?

Mr. SULZER. Mr. Keppler is the editor of Puck.

Mr. GROSVENOR. I yield five minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Speaker, I will not use the five minutes. "The Tomahawk of Congress" has stated that there is no Member on the floor outside of the committee who knows anything about this bill. I believe I am not to be included in that. I do not know much about the bill, but I was born within a few miles of that reservation, and I live very near to it. It is a contiguous tract alongside my Congressional district. I have been over every inch of the ground on foot, on horseback, and by all means of transportation, including floating down the river. I believe that this Congress can do no wiser act for the benefit of the people living on that reservation, to better their condition, than to make an allotment of these lands. Under the provisions of their tribal relations, no matter how well a man cultivates his tract, the council may take his little farm away from him for his newly acquired son-in-law.

Mr. FITZGERALD. The gentleman is entirely mistaken in that statement.

Mr. SIBLEY. I think the chief and the tribal council can so determine. There are very few men, I believe, who are opposed to the bill. I believe my friend who has just risen and other Members on your side believe that this bill ought to pass, although you believe it ought to be amended; but of that I have nothing whatever to say. But I do speak of the justice of this bill. I believe as sincerely as I have ever made a statement looking into the eyes of my colleagues that there is not one vicious thing about this bill, and I believe also that my friend has offered it with the sole purpose of benefiting these people among whom he lives. If for the purpose of betterment it were to be amended, I should not object.

I believe that my friend from New York, who has been designated "The Tomahawk of Congress," makes a mistake, and he is wrong when he imputes to other gentlemen any motives other than those which ought to actuate any high-minded Member of this House who has taken an oath to respect the laws and Constitution of this country, and I hope he will withdraw his reference in this that the gentleman from New York has acted or attempted to act in any way except for the benefit of those among whom he resides and for the benefit of those men who are entitled to some property rights on the reservation.

Mr. GILBERT. What do the Indians want done about it?

Mr. SIBLEY. I believe I am not qualified to state what the Indians want.

Mr. LITTLE. The bill requires their consent.

Mr. SIBLEY. The bill requires their consent, as my friend the gentleman from Arkansas states. I think the gentleman from Arkansas has been on that committee a number of years, and I believe that he recognizes that the time has come—I think I betray no confidence when I say he has come to the belief that the time has come—when this allotment shall be made. I agree with you all that it should be made properly; but I do want to disclaim improper motives upon the part of the gentlemen who are supporting this measure. [Applause.]

Mr. VREELAND. I ask for three minutes.

Mr. GROSVENOR. I yield three minutes to the gentleman from New York.

Mr. VREELAND. I stated to the House a few moments ago that no better considered bill had been brought to the consideration of the House during this session than this one. My colleague from New York [Mr. SULZER], who is undoubtedly full of kindness to the Indians, but lacks information about them, was entirely correct when he stated that this is an old matter—that this is an old steal, I think was the way he referred to it—that this is not the first attempt to bring this matter before Congress. It was once recommended by Secretary of the Interior Mr. Hoke Smith and also by Judge Browning, who was the Commissioner of Indian Affairs under President Cleveland. In that report Judge Browning, who was one of the ablest Indian Commissioners, I think, we have ever had, makes unqualifiedly and without reservation a strong appeal in favor of passing the same legislation which I am offering here to-day.

I have not time to read his report. On page 22 of that report you will find that Judge Browning takes exactly the same ground that I take in this bill.

The only previous bill that has been introduced here, so far as I know, was in 1897, which was in response to a report of Judge Browning, the Indian Commissioner at that time. It was introduced in the Senate by Senator David B. Hill, of New York.

That bill called for an appropriation to pay off a land company which claimed to have title to these Indian lands. That bill, which was introduced by Senator Hill, of New York, whose name, I have no doubt, is familiar to my colleague from New York [laughter], was introduced here and passed through the Senate of the United States. So far as I know the only previous legislation to which my colleague can refer is the bill introduced by Senator Hill and passed in the Senate in 1897.

The same bill as we are now considering, with some changes, was introduced by myself in the last Congress. It was fully considered for many weeks, with many hearings before the Committee on Indian Affairs; it was reported favorably from that committee; it was discussed in this House and passed under a suspension of the rules. The board of Indian commissioners in this city, appointed by the President, has passed resolutions, which I have here, in favor of this bill for two successive years. The Commissioner of Indian Affairs, on page 196 of his last report, favors the passage of this legislation.

The Conference of Friends of the Indians at Lake Mohonk, which is known all over the country, has for two successive years passed resolutions in favor of this particular bill. The United States Indian attorney, the missionaries among the Indians, the Indian Rights Association, Mr. Philip Garrett, of Philadelphia,

who represents the interest of the Friends—all of these various bodies have time and time again considered this legislation in detail and recommended its passage.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Speaker, I ask for a vote on the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SULZER. Division, Mr. Speaker.

The House accordingly divided; and there were—ayes 139, noes 81.

Mr. SULZER. Yeas and nays, Mr. Speaker.

The SPEAKER. Twenty gentlemen have arisen—not a sufficient number; and the yeas and nays are refused, and the resolution is agreed to. The resolution provides for forty minutes' debate—twenty minutes to be controlled by those in favor of the bill and twenty minutes by those opposed to it, members of the Committee on Indian Affairs having preference.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to control the time on this side in favor of the bill.

The SPEAKER. The gentleman from New York asks unanimous consent that he may control the twenty minutes' time of those in favor of the bill. Without objection, it is so ordered; and the gentleman from New York on the Committee on Indian Affairs [Mr. FITZGERALD] will control the other twenty minutes. [After a pause.] The Chair hears no objection.

Mr. VREELAND. Mr. Speaker, it has been the policy of this Government for more than twenty years to allot lands among the Indians and eventually to make citizens of them. This policy has been pursued for years throughout the West with the Indians who were only semicivilized and with many who were not civilized at all. Ever since the passage of the Dawes bill, introduced by Senator Dawes nearly twenty years ago, that has been the established policy of this Government.

We have had, Mr. Speaker, several different stages of treatment of the Indians of the United States. We have had the first stage, where the policy of the Government seemed to be to consider that the only good Indian was a dead Indian. That, Mr. Speaker, has long since passed by. Then we had the second stage, where it was considered to be for the benefit of the Indians to herd them upon reservations and keep them by themselves and maintain their tribal relations and keep white men away from among them and maintain them as tribes of Indians. I say, Mr. Speaker, that that stage has also passed away.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. VREELAND. Certainly.

Mr. STEPHENS of Texas. I will ask the gentleman if we have not passed several bills this session of Congress, coming from the Committee on Indian Affairs, providing for breaking up reservations and allotting lands among the Indians?

Mr. VREELAND. I understand that that is true.

Mr. STEPHENS of Texas. And I will ask if it is not also a fact that we have spent more time upon this bill than any other bill before the Committee on Indian Affairs.

Mr. VREELAND. I think, Mr. Speaker, I may say in reply to the question of my friend from Texas, who is also on the Committee on Indian Affairs, that it is true that in this session more time has been spent in hearings and consideration upon this bill than any other one bill or two bills before that committee.

Not only that, but in the last House, at the session a year ago last winter, many weeks were spent by the members of the Indian Committee of the House in hearings and in considering every detail of this legislation. I want to say that I am interested in this legislation for two reasons, and I am perfectly frank to state to the House what those reasons are: In the first place, every Commissioner of Indian Affairs for the last ten years has been urging upon Congress to pass legislation looking to making citizens of these Indians and allotting their lands.

Mr. STEPHENS of Texas. I would like to ask another question, if the gentleman will yield.

Mr. VREELAND. Yes.

Mr. STEPHENS of Texas. Is the gentleman aware of the amendments to be offered by the gentleman from New York [Mr. FITZGERALD], who is a member of the committee?

Mr. VREELAND. I know of some of the amendments to be offered by the gentleman from New York, and I do not know that I would object to them. Some of the other amendments, in my judgment, would be fatal to the bill.

Mr. BREAZEALE. How many Indians are affected by this particular bill?

Mr. VREELAND. About 2,700 Indians, who are living upon about 56,000 acres of land; living under tribal relations; living outside the law of the State of New York; living where their property and domestic relations are outside of the laws of the State of New York and of the United States. These Indians, Mr.

Speaker, are perhaps more civilized than any other tribe of Indians in this United States.

For nearly a century they have lived there, in the State of New York, surrounded by civilization, occupying in their reservations, following the Allegheny River, about half a mile on each side of that river a strip nearly 40 miles long, stretching through an old and rich and thickly settled part of the State of New York. Now, it has been impossible to prevent white people from interfering with and from mixing in business relations with these Indians. The railroads had to be built over these reservations in order to get by the hills and through the valleys on their way to the great West.

Therefore, in 1876, after the Erie Railroad had been built through western New York, on its way to Chicago, the railroad men were obliged to settle along the line of railroads and obliged to settle on these reservations. There was no way to get around them. In that way these communities of white people that are now contained in villages first settled on the Indian lands.

It was done with the consent of the Indians. These Indians are as intelligent, in my judgment—many of them—as the farmers throughout western New York. They are men who know how to do business. They are men who know how to protect themselves in their business intercourse with white men. These Indians voluntarily made leases with the white people and permitted them to settle upon the reservations in the so-called "villages."

In 1876 these villages had become so large that Congress ratified the leases and authorized the Indians to make further leases with the white people.

So then to-day we find that there are about 8,000 people, who are constituents of mine, who are residing upon these reservations, upon lands which they have leased from the Indians under leases which have been ratified by act of Congress. These leases are perpetual, having been so decided by the supreme court of the State of New York, and are renewable once every ninety-nine years for the purpose of readjustment of rent.

Now, Mr. Speaker, outside of these villages, which the Indians have parted with in perpetuity by their own action, not an acre of land is taken away from them, except that which they have voluntarily parted with. Not only that, but all of the provisions of the Dawes Act have been put around this bill to protect the interests of the Indians. Before introducing the bill in Congress I submitted it to the board of Indian commissioners, to the Indian Rights Association, to the Commissioner of Indian Affairs, and I asked them to suggest any provisions which should be added to care for the rights of Indians under this bill.

Many amendments were made, and I say here, Mr. Speaker, that this bill is a perfected bill, made jointly with all of these societies that make it their business to look after and protect the interests of the Indians.

Mr. GILBERT. Mr. Speaker, I will ask the gentleman what is the necessity for the bill at all?

Mr. VREELAND. I will say to my friend the gentleman from Kentucky [Mr. GILBERT] that all of these societies that are urging the passage of this bill are doing it entirely on account of the Indians. I will say to him that here are 2,700 people who are civilized people, people who take newspapers, who cultivate their lands, who have their own parties among themselves and conduct their elections, who have a tribal government, who are as intelligent as nine out of ten of the immigrants who land on our shores to become American citizens.

Here are 2,700 of these Indians settled down in one of the old States of this Union, outside of the law, without any law to govern their own property relations, without any property rights which go to the individual, but all of them possessed only of tribal rights. All of their domestic relations are outside of the law. There is no law of the State of New York that can reach one of these Indians. If the husband of a woman deserts his family and goes and lives with some other woman, they are entirely outside of the law.

I say that it has created a condition of affairs here which has attracted the attention of all the societies that exist for the benefit of Indians and has caused these societies to urge here, year after year, the passage of this legislation. Now, I say that I want to be entirely frank with this House. I am not sure that that reason alone, while I understand and believe in it and know the necessity of this legislation on account of these Indians, is what has prompted me to spend so many days in urging this legislation.

I am not sure that I would have done it had it not been for the 8,000 white people who live there and who are asking of me that I endeavor to settle up these affairs; that I endeavor to put these Indians where, while every right they have is to be respected, they will be brought under the laws of the State; that each one shall have his own lot of land, protected against alienation for twenty-five years, so that these lands in the State of New York shall be made a place of peace and prosperity and contentment for their Indian owners.

Mr. GILBERT. What about their mining or mineral rights?

Mr. VREELAND. I will say to my friend from Kentucky [Mr. GILBERT] that about eight years ago oil was found on their reservation; that oil has been developed. The Indians leased those oil lands in the ordinary way, under a lease ratified by Congress, and they are now receiving from that oil property the royalty, amounting to a good many thousand dollars a year.

So far as I know—and I am familiar with the subject—there is no other land in that reservation—and I am familiar with the oil business—that I would take and put down a well upon if they would give me a lease of the whole of it.

Mr. CAMPBELL. In allotting the lands to these Indians, is any provision made in this bill for segregating the developed oil lands from those which are to be allotted to the Indians?

Mr. VREELAND. There is provision that the oil lands shall be allotted the same as the other; but the money coming from the oil lands is to be paid to the United States Indian agent, as is now done, for distribution among the Indians.

Mr. CAMPBELL. Then the benefit of the developed oil lands will accrue to the entire nation?

Mr. VREELAND. Yes, sir.

Mr. STEPHENS of Texas. Will the gentleman from New York [Mr. VREELAND] explain to the House how the claim of the Ogden Land Company is to be disposed of? There seems to be some question about that claim.

Mr. VREELAND. The reason why these lands were not included in the original Dawes bill was because there is a question in regard to the title to these lands. I wish to read a letter in relation to this matter, which I received from ex-Senator Dawes shortly before his death. He says:

No man can be more impressed than I have been for the last dozen years with the deplorable condition of the New York Indians, as well as the incursions of these reservations upon the future development of western New York. There is no cure that I know of but allotment. They would have been included in the operation of the severalty act of 1887—

That is the allotment act, known as the "Dawes bill"—but for the trouble about their title.

There is a company—not a corporation, but the heirs of four or five men of Revolutionary times—that claims to hold the pre-emption right to these reservations; that is, that claims to have the first and sole right to buy these lands when the Indians shall be through with them.

Not only that, but all of you gentlemen who are familiar with Indian laws know that the right of the Indians to occupy lands which are preempted exists as a tribal right; that the United States Supreme Court has decided that the Indians must exist as a tribe in order to hold their rights to these lands. Therefore, it has been necessary through all these years that these Indians should maintain their existence as a tribe in order to protect their title from the company called the "Ogden Land Company."

I referred a moment ago to the bill which the late Senator Hill introduced in the Senate of the United States in 1897, upon the recommendation of Secretary Hoke Smith and Judge Brown, Commissioner of Indian Affairs. That bill provided that the claims of the Ogden Land Company should be paid off and that \$270,000 should be appropriated for that purpose.

Mr. LITTLEFIELD. What provision does this bill make in regard to adverse claims? Does it impair or validate them?

Mr. VREELAND. This bill provides that the Attorney-General of the United States shall bring suit to quiet the title to these lands; that he shall endeavor to find out whether the Ogden Land Company has any interest at all, and if so, how much; and if that company has no interest, then the allotments shall go on.

Mr. LITTLEFIELD. This bill does not confer any rights upon that company?

Mr. VREELAND. Not the least; it simply proposes to find out the existing legal status of that company, whatever it may be.

Mr. Speaker, the United States has now reached the third and, I trust, the last stage in its treatment of its Indian wards; that is, to them not as tribes of Indians, but as individuals capable of development along civilized lines. To develop habits of industry among them, to awaken among them the property instinct by giving to each one his own individual allotment of land, there must be among them a survival of the fittest. They must either survive as individuals or perish as tribes of Indians. The present policy of the Government aims to develop them into useful citizens, who shall be absorbed into and become part of the citizenship of our country.

Mr. Speaker, I reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker, it is proper to state at the outset that while a great many people favor the passage of this bill, yet there is one gentleman, at least, who opposes it, whose knowledge of the conditions of the Indians affected by the bill is as accurate and as great as that of any other person, with the exception, perhaps, of the gentleman who introduced the bill. Bishop Walker, of Buffalo, an Episcopalian, whose diocese includes

the reservations affected by this measure, is heartily opposed to the bill.

The bill provides for the allotment of the lands of the Seneca Indians in New York State in the Allegany and Cattaraugus reservations. It first provides that the consent of a majority of the Indians shall be obtained before anything can be done to render the legislation effective. Although the United States Supreme Court has decided in the Lone Wolf case (1 U. S., —) that Congress has the absolute power to dispose of Indian lands as it deems proper without the consent of the Indians affected, yet I deem it advisable to make provision for the obtaining of their consent to any proposed legislation unless there be peculiar reasons to dispense with such consent, so that their interests may be properly safeguarded and their just demands respected.

With the addition of certain amendments that I shall ask the House to adopt, the bill is less objectionable than any that has ever been urged for the allotment of the lands of these Indians. I am inclined to believe from investigations made as a member of the Committee on Indian Affairs that a condition exists on the reservations that should in some way be changed. Many who have given close attention to the matter—persons who are entirely disinterested—insist that legislation along the lines suggested in the pending bill is imperative.

Could I have my way, Mr. Speaker, I would not at this time provide for the allotment of the lands of these Indians. Since the bill is before the House, however, I shall endeavor to have adopted some amendments that in my opinion will somewhat improve it. The following provision is found on page 5 of the bill:

*Provided further*, That at any time after the expiration of six years after such allotments have been made the Secretary of the Interior, upon presentation of a certificate signed and acknowledged by the county judge, the surrogate, and the clerk of the county in which any such allottee may reside, stating that such allottee in their knowledge and opinion is temperate, industrious, competent to manage his affairs, and qualified for citizenship, may cause such patent in fee simple to issue at once to such allottee under such regulations as the Secretary of the Interior may prescribe.

I shall ask the House to adopt an amendment striking out the following language:

Upon presentation of a certificate signed and acknowledged by the county judge, the surrogate, and the clerk of the county in which any such allottee may reside, stating that such allottee, in their knowledge and opinion, is temperate, industrious, competent to manage his affairs, and qualified for citizenship—

and inserting after the word "cause," in line 23, the words "in his discretion."

The effect of this amendment will be to give the Secretary of the Interior authority to issue a patent in fee to any allottee after six years if he deems it proper so to do. I shall ask to have the provision for a certificate from the county judge, clerk, and surrogate eliminated, for a reason very obvious to those who are familiar with the conditions about Indian reservations.

Before I call attention to that phase of the matter, however, I desire to point out that in no legislation allotting Indian lands, where, for any cause, the power to alienate the allotment has been permitted within twenty-five years from the date of the allotment, have the local authorities been clothed with power to pass upon the qualifications of the allottees for citizenship, so that a patent in fee to their lands might be obtained.

The reason is quite obvious, Mr. Speaker. In this case, for instance, the lands to be allotted are rich in gas, in oil, and in minerals. So long as the power of alienation is suspended the Indian is in no danger of having his land taken improperly. In the communities wherein the lands affected by this bill are located the interests of the white people are considered much superior to those of the Indians. It is the same in all communities under similar circumstances.

The officials named in the bill to furnish the certificate required would be so strongly predisposed in favor of the whites and the desire to have the Indian land given to him with such a title as to make it part of the taxable property of the county would be so strong that the entire matter might better be left to the Secretary of the Interior, so that a thorough investigation by an Indian Office inspector may be assured for every application made for a patent in fee by an allottee.

It can readily be seen that if an allottee be permitted to come to the Department with such a certificate as is required by this provision of the bill that there shall be less disposition on the part of the Department to make the thorough and independent investigation that each case should have.

Another amendment that it is my purpose to offer will place in the bill a provision contained in the bill as it passed Congress on a previous occasion. It is provided that none of the land in the villages of Salamanca, West Salamanca, Red House, Vandalia, Carrollton, and Great Valley shall be allotted; but the lessees shall be permitted to obtain a patent to the leased lands by paying a sum of money which, if invested at 4 per cent, would yield the annual rental of the leased land.

Mr. VREELAND. Mr. Speaker, will the gentleman permit an interruption?

Mr. FITZGERALD. Yes.

Mr. VREELAND. I did not understand the gentleman exactly. Did he say that he wished to offer an amendment in regard to the terms under which an individual after six years could become a citizen?

Mr. FITZGERALD. I have already stated that.

Mr. VREELAND. Will the gentleman be kind enough to state it again?

Mr. FITZGERALD. I will move to strike out on page 5 all contained in lines 18 to 23, commencing with the words "upon presentation" and down to the word "citizenship," and after the word "cause," in line 23, I shall move to insert the words "in his discretion," so that the Secretary of the Interior in his discretion may have that power.

On page 7, in line 2, after the word "Provided," I shall offer an amendment which will restore to the bill a provision which was in it when it passed the last Congress. As I have already stated, the lessees in these villages, who pay in rent for lots from six to ten dollars a year, may obtain patents to those lots upon paying a sum of money which, if invested at 4 per cent, will yield the annual rental they now pay.

In the former bill it was also provided that in case \$200,000 was paid to the so-called "Ogden Land Company" to extinguish the interest or lien or claim which it is said they have to these reservations, the lessees should pay in addition a sum which would be so proportionate to the sum paid to the Ogden Land Company as the area of the land that they have under lease would bear to all of the land covered by the claim of the Ogden Land Company.

It was estimated by the gentleman from New York that if \$200,000 were paid to extinguish this so-called claim, the lessees in the villages would be compelled to pay at least \$30,000 in addition to the other sums.

I know of no reason for omitting this provision from this bill. If the lands are to be allotted; if by any possibility the so-called "Ogden Land Company" has any interest in these lands for which compensation must be made; if the lessees in the villages are to obtain patents in fee to the lands occupied by them, they should pay their proportionate share of the amount required, if any, to acquire the interest of the Ogden Land Company.

There is one other amendment which I shall offer to the bill. The right or claim of the so-called "Ogden Land Company" has been the subject of controversy for many years. Some contend that the persons known as the "Ogden Land Company" have the fee of these reservations, subject to the tribal right of occupancy of the Indians; many others insist that the so-called "company" has the right of preemption or, as it is described, the first right to purchase from the Indians if the tribal relation is to be destroyed.

If there be any right whatever possessed by this so-called "company" in these lands, I am quite satisfied, after an exhaustive examination of the authorities, that it is merely a right to negotiate with the Indians for the lands before they are otherwise disposed of. With a former Member of this House, who gave the subject much consideration, a man eminent on the bench, a Republican, and of great legal acumen, the late Charles H. Daniels, I believe that the Ogden Land Company's claim is a myth, for it has been repeatedly defeated in the courts of the State of New York, with the exception of the case of *Christie against The Seneca Nation* (126 N. Y.).

In that case it appears that to lands apart from those contained in the reservations affected by this bill the company had negotiated with the Indians, had agreed upon terms, had fully complied with the conditions of the agreement, and under the circumstances were held to have a good title. That is not the condition of the lands in this bill.

The bill in its present shape provides that the right or claim of the so-called "Ogden Land Company" shall be determined in the courts in an action or proceeding brought or participated in by the Attorney-General of the United States. Then if it be found that the Ogden Land Company has some interest that has some value this bill provides that the Secretary of the Interior shall ascertain the value of the interest and negotiate for its purchase in the name of the United States and in trust for the Indians.

If unable to agree with the so-called "Ogden Land Company" within four months, then provision is made to condemn the interest or right that may be found to exist. I shall offer an amendment that will take from the Secretary of the Interior the power to negotiate for the purchase of any right that may be found to exist, and leave the bill in such a way that the right or interest, if any, shall be obtained by condemnation. I shall do this because of the very great difference of opinion that exists regarding the value of the supposed rights of this company.

In the language that I shall ask to have stricken out, too, there is, in my opinion, words which may give a right never urged by the representatives of this so-called "company." The bill directs

that if it be adjudged that the company have "a valid interest to, or vested interest in, said lands, or entitled to recover damages as for a breach of contract for the purchase of such lands," the interest shall be acquired.

Should it be determined that this company has a right to negotiate for the purchase of these lands, before it could be entitled to recover damages it would be obliged to show that it was in a position—able to purchase—to acquire the land. The language just read would make such proof unnecessary. It should be stricken out.

Mr. VREELAND. I would ask my colleague from New York if this bill does not provide that the Ogden Land Company must prove their claim in court, whether they have any title, and, if so, how much?

Mr. FITZGERALD. It provides that they may recover damages for a breach of contract of purchase, and that is reading into their claim something that they have never made.

Mr. VREELAND. Has the gentleman prepared an amendment to cover that? If so, I will not object to it.

Mr. FITZGERALD. I want to strike out the provision which permits the Secretary of the Interior to negotiate for the purchase of any interest it may be determined the company has. If he is to do that, there should be some limitation upon the amount he shall pay; or, better, leave it to be acquired by condemnation proceedings.

Mr. VREELAND. I do not want to interrupt my friend unless with his permission. I would ask him if the Secretary of the Interior can do anything more than negotiate under this bill, providing the Ogden folks can establish the claim, without coming back to Congress to obtain money whereby to carry it out?

Mr. FITZGERALD. I do not know, I will say to the gentleman. Although I have read this bill carefully, I do not know.

Mr. LACEY. I would like to ask my colleague on the committee if he thinks it is possible that the rights of the Ogden Land Company could be reached by condemnation?

Mr. FITZGERALD. I do not think so.

Mr. LACEY. How could they take private property for private use?

Mr. FITZGERALD. I do not think we could make it a public use merely by declaring in the bill that it is a public use.

Mr. LACEY. I would also like to ask the gentleman if there is not a suit pending in the supreme court of New York in which this same question is involved, and in which they directed the attorney-general to investigate?

Mr. FITZGERALD. There is, and that meets with my approval. I ask, Mr. Speaker, if it be necessary that amendment be offered during the discussion?

The SPEAKER pro tempore (Mr. OLMSTED). They can be offered when the discussion is closed.

Mr. FITZGERALD. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has eleven minutes remaining.

Mr. FITZGERALD. I yield ten minutes to my colleague [Mr. SULZER], who is opposed to the bill in its entirety.

Mr. SULZER. Mr. Speaker, as I said before, the real purpose of this bill is to take away the Indians' land, and incidentally to revive and give a legal status to what is known as the "Ogden land-grant claim." I speak from personal knowledge, having been more or less familiar with this subject for the last fifteen years, both as a member of the New York legislature and as a Member of Congress, and I stand here to-day and declare that if this bill becomes law in less than twenty years the white people will have the Indians' lands, the Indians will not have a dollar of the money left, and then they will be a public charge on the taxpayers of the State of New York or on the citizens of the United States.

The Government of the United States more than a hundred years ago gave these lands to the Indians under a solemn treaty, by which it was agreed that the Government under no circumstances nor at any time would ever take these lands away from the Indians. That is a contract. We should not break it now. The Government never would attempt to take these lands away from the Indians, and the few people in the western part of the State of New York, represented by the gentleman from New York [Mr. VREELAND], would not now want to take these lands away from the Indians if it were not for the fact that recently it has been discovered that these lands contain valuable deposits of oil and natural gas. This is the chief reason this iniquitous bill is now to be jammed through this House by a special and peremptory rule.

Mr. VREELAND. Will the gentleman permit me to interrupt him?

Mr. SULZER. I have not time now, for I want to read what a distinguished Republican, a former Member of this House, a gentleman who occupied for many years a very conspicuous position on the other side of this Chamber, a man who is well known

in the State of New York, who has given this subject a great deal of careful study and who knows whereof he speaks—I say I want to read what the Hon. John Van Voorhis, formerly a Member of this House, from the city of Rochester, says in regard to this bill. He says in a recent address:

Mr. VREELAND says he represents 100,000 people in his district. That means white people, of course. It doesn't mean a single Indian, because an Indian has no vote and no representation. As a matter of fact, the Indians are against Mr. VREELAND's bill. They dislike its terms and its features. And if the Indians don't want it, what have the rest of us to say? By a treaty made with the Indians at Canandaigua in 1794 this Government has guaranteed to them the absolute ownership and control of those lands in question.

Why, then, should white people poke their noses into this affair under the pretense of bettering the Indian's condition? Because the white people have an interest of their own in this matter. They are trying to get these lands away from the Indians. There has never yet been a Representative from that district who wasn't inimical to their interests, in fact, if he wanted to be elected to Congress. I look upon this bill of Mr. VREELAND's, therefore, as an entering wedge in an effort that is about to be made to drive those Indians off their lands.

White speculators want to get at the valuable oil privileges that are on those reservation lands, as they have in the past secured most of them for nothing. I would like at this moment to put Mr. VREELAND on the witness stand under oath, and ask him if it is not a fact that he himself has got rich off these very Indians, and if one corporation formed to exploit these lands was not formed by himself.

I state these things only to show the animus which brought forth this bill. There is always some measure of this kind before Congress, and the Indians are continually being compelled to go to Washington to fight these things, until it appears almost that the Government, instead of being the guardian of the Indians, is in reality their oppressor.

Mr. Speaker, that is from a Republican—from a recent speech of John Van Voorhis, a former Member of this House. He knows, no doubt, whereof he speaks. But let me read what Charles T. Andrews says in the New York Sun in regard to this bill. I have only time to read the concluding paragraph. Mr. Andrews is the New York State inspector of Indian schools. He says:

But let not Congress, deceived by sophistry or overpersuaded by importunities, dishonor itself, disgrace the nation, and make its last transaction with the Iroquois Indians infamous by robbing the helpless remnants of that once powerful tribe of \$300,000 for the benefit of the most unscrupulous land speculators, who for two-thirds of a century have robbed, cheated, and debauched the Indians of the great Six Nations.

[Applause on the Democratic side.]

I wish I could read all of this masterly article, but I have not the time. Now, you listened a few moments ago to a letter written to me by Mr. Joseph Keppler, the editor and proprietor of Puck. Mr. Keppler is a patriotic and disinterested citizen; he is a public-spirited man who has taken a great deal of interest in these Indians; he has looked into this matter and he knows the evil this bill will accomplish if it becomes a law. He raises his voice to-day as a citizen of this country in protest to this bill, and says:

The Vreeland bill is certainly a very bad one. \* \* \* Its provisions benefit the oil and land speculators only. These plotters have all to gain and the Indians everything to lose. The Indians' consent to allotment can not be obtained without fraud or forgery. They are practically unanimously opposed to the bill. Their daily prayer is to be spared from its enactment.

Let me now read, Mr. Speaker, a brief extract from a letter to me from W. H. Samson, the president of the Rochester Historical Society, a very distinguished gentleman of New York, who resides in Rochester. He says:

The purpose of the Vreeland bill, in my opinion, is to get the Indians' land and not to Christianize the Indians, not to civilize them, and one of the saddest and most discouraging things about the whole business is that Mr. VREELAND has deluded a whole lot of good people into the idea that its purpose is strictly philanthropic.

Mr. Speaker, I quote from these statements and letters to show how utterly iniquitous and indefensible this legislation really is. This bill should be defeated. It has been in Congress in one shape or another for years, but the purpose is always the same—to get the lands of the Indians and out of the proceeds of their ultimate sale pay the Ogden land-grant claim.

When De Witt Clinton was governor he told the Indians that "all the right which the Ogden Company has to your reservations is the right of purchase when you deem it expedient to sell them." In 1840 the committee of the general council of Massachusetts said, in regard to the claim that under the agreement with New York, "Massachusetts held the sole and exclusive right to purchase the lands whenever the Indians should voluntarily dispose of them. \* \* \* The sole and exclusive right to purchase the lands of the Indians gave no other title or interest in the land whatever. \* \* \* Such interest or title could be assigned only by a sale or conveyance thereof by the Indians."

The Constitution of the United States provides that "all treaties shall be the supreme law of the land." On November 11, 1794, a treaty was negotiated at Canandaigua between the United States and the Six Nations of Indians. It was ratified by the Senate of the United States on January 21, 1795. The council with the Indians was solicited by the United States, and the purpose thereof, as stated in the treaty itself, was to remove from the minds of the Indians "all cause of complaint and establishing a firm and per-

manent friendship with them." The treaty described in detail the boundaries of the Seneca Indian lands, and then said:

Now, the United States acknowledge all the land within the aforementioned boundaries to be the property of the Seneca Nation, and the United States will never claim the same nor disturb the Seneca Nation nor any of the Six Nations or their Indian friends residing thereon and united with them in the free use and enjoyment thereof, but it shall remain theirs until they choose to sell the same to the people of the United States, who have the right to purchase.

This treaty is a part of "the supreme law of the land," is as binding as any treaty with a foreign power, and it gives to the Seneca Indians a much stronger title to their lands than that of aboriginal occupancy. This point was emphasized by the Supreme Court of the United States in 1866, when it declared that the rights of these particular Indians do not depend upon statutes, "but upon the treaties," and "it is to these treaties that we must look to ascertain the value of these rights and the extent of them." (5 Wall., 768.)

And so the matter stands. The Indians of western New York own their lands, and the United States has not only said so, but has solemnly pledged itself never to claim the lands and never to disturb the Indians "in the free use and enjoyment thereof." The Ogden Land Company has the first right to buy, but it has nothing more than that. To compel the Indians to pay \$200,000 for the extinguishment of the right would be a monstrous outrage. It seems to me, therefore, that it is the imperative duty of all friends of the Indians and of all who believe in honesty and fair dealing to oppose the passage of the Vreeland bill.

The SPEAKER pro tempore. The gentleman will suspend for one moment. The Chair feels it his duty to remind the gentleman that the rule of the House forbids reference to Members by name, and it is just as much a violation of the rule to read something somebody else has said as if the gentleman had stated it himself. It is also against the rules of the House to impugn the motives of other gentlemen.

Mr. SULZER. I am not impugning motives. The gentleman's own statement does that. I am stating facts. These letters I read violate no rule.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SULZER. I ask for a few minutes more.

The SPEAKER pro tempore. The gentleman from New York [Mr. FITZGERALD] has one minute remaining.

Mr. FITZGERALD. I have only one minute, and I promised that to the gentleman from Arkansas [Mr. LITTLE].

Mr. SULZER. Then one word more, Mr. Speaker. I think I have made this matter clear to the House. I have no more to say. I leave it now to the judgment and conscience of Members. My vote now, as in the past, will be cast against this infamous and iniquitous Indian land steal. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from Arkansas [Mr. LITTLE].

The SPEAKER pro tempore. The gentleman from Arkansas is recognized for one minute.

Mr. LITTLE. Could the gentleman from New York [Mr. VREELAND] yield me some time?

Mr. VREELAND. I have five minutes, and I yield three minutes to the gentleman from Arkansas.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized for four minutes.

Mr. LITTLE. Mr. Speaker, I rise principally for the purpose of expressing the hope that the amendments offered by the gentleman from New York [Mr. FITZGERALD] will be adopted by the House. With these amendments on the bill I have no hesitancy in saying that in my opinion it ought to pass. I say that in the face of the extravagant statements made by my friend the gentleman from New York [Mr. SULZER]. The trouble is that the oil companies have already got the reservation under leases approved by the Congress of the United States, so that question is not in this proposition at all. It simply is a proposition to divide the lands of these Indians among themselves, each getting the part to which he is entitled. That can not be done except by their consent, according to the provisions of the bill; and if they are all opposed to it, as the gentleman from New York [Mr. SULZER] suggests, there will be no division of the lands.

In the next place, there is no such thing as a \$300,000 steal proposition in this bill. There was at the time the statement was written which the gentleman has just read to the House. A bill was reported to pay the Ogden Land Company \$200,000 for its claim, which I believe was a wild-cat claim, and if the gentleman wants to use that word as referring to that claim I have no objection; but I know the gentlemen upon the Committee on Indian Affairs all know that for five years I have stood against the payment of that claim and in part contributed my influence to defeat this bill, both in the committee and in the House. It is not treating either the committee or the House fairly to charge them

with infamy in regard to this matter. [Applause.] I know that we investigated it, and that we investigated it carefully, day after day and week after week, and the charge is wholly unjust and unfounded, and the bill that we are now asked to vote upon provides that whatever claim the Ogden Land Company has or claims to have shall be determined by the courts of the country, as they have a right to have it determined, and then if that company has any just claim let it be paid.

So far as I am concerned, I do not believe it has any just claim; but it insists upon the justice of the claim which it asserts, and it is necessary to clear the title to these lands in order to give the Indians a clear title to their lands, so that they can dispose of them in the future if they desire to do so. If the white men propose to rob these Indians of their little allotments when they get them, if the laws of the country are enforced they will wait twenty-five years before they get many acres of it under the provisions of this bill. As to the sale of the town lots in the villages and the provisions for the payment in this bill, I am not sufficiently familiar with the facts to be prepared to speak with reference to their sufficiency. Those who are familiar with it, more so than I am, think it a just compensation, so I do not hesitate, especially on that score. But one of the amendments offered by the gentleman from New York [Mr. FITZGERALD] provides that in the event in the future it is determined that the Ogden Land Company has any claim and it must be paid, the people who own these town lots shall pay their pro rata share of the money to go to the Ogden Land Company. That was in the bill last year. With these amendments I hope the bill will pass. [Applause.]

Mr. VREELAND. Mr. Speaker, I do not know that I desire to occupy any more time except to say that the communication read by the gentleman from New York [Mr. SULZER] emanates from the lawyer for the Indian council—the officeholders who would be out of a job in case this bill passes, and who are therefore against it. He is a man of somewhat violent expressions, who lives about 125 miles away from the reservation and never was there, I think, but once.

He was at one time a Member of this body and was on the point of being turned out of it for the violence of his expressions in this House.

I now yield whatever time I have remaining to the gentleman from Texas [Mr. STEPHENS]. [Applause.]

Mr. STEPHENS of Texas. Mr. Speaker, it will be impossible for me in the brief time I have to address the House to explain this bill. I will therefore content myself with the statement that I think the bill should pass. It has been well considered by the Committee on Indian Affairs and has passed the House once, and with the amendment suggested by the gentleman from New York [Mr. FITZGERALD], who is also a member of the committee, I think that it would be nothing but right to pass the bill.

The SPEAKER pro tempore. The time for debate fixed by the rule having elapsed, the question is on the passage of the bill.

Mr. FITZGERALD. Mr. Speaker, I have some amendments which I wish to offer.

The SPEAKER pro tempore [Mr. OLMSTED]. Do the amendments of the gentleman propose to amend the amendments of the committee?

Mr. FITZGERALD. One of the amendments is an amendment to a committee amendment.

Mr. VREELAND. I ask that the vote be first taken on the amendments of the Committee on Indian Affairs.

The SPEAKER pro tempore. Those will be first in order. Additional amendments, unless offered as amendments to committee amendments, will be reserved until all the committee amendments have been disposed of. The Clerk will read the first committee amendment.

The following amendments reported by the committee were read and agreed to:

On page 5, in line 17, strike out "one year" and insert "six years."  
On page 6, in line 14, strike out "and one-half."

The following amendment reported by the committee was read:

On page 6, at the end of line 23, insert, after the word "patent," the following:

"Provided, That to secure the said patents, payment must be made by the lessees of said lands within four years from the date of the extinguishment of the said Ogden Land Company's title or claim, if such title or claim be found to exist by the decision of the courts as herein provided."

Mr. FITZGERALD. As an amendment to that amendment, I offer what I send to the desk.

The Clerk read as follows:

Page 7, at end of line 2, add:

"And provided further, That in case it shall be determined that the so-called Ogden Land Company has a valid claim, lien, interest in, to, or upon the lands to be allotted hereunder, each lessee in the towns shall pay in addition to the sum to be computed as aforesaid a further sum, which shall bear the same proportion to the sum which shall be paid in extinguishment of the claim, interest, or lien of the so-called Ogden Land Company as the area of the lands so leased by him bear to the total area of the lands to which the claim of the so-called Ogden Land Company attaches on the Cattaraugus, Allegany, and Tuscarora reservations."

The amendment of Mr. FITZGERALD was agreed to.

The committee amendment as amended was adopted.

The following amendments, reported by the Committee on Indian Affairs, were read and adopted:

Page 7, line 12, after the word "pending," insert "or such other action as may be hereinafter authorized."

Page 8, end of section 5, insert "or such other action, either in State or Federal court, as will, in his judgment, best determine the question."

The SPEAKER pro tempore. The committee amendments are now concluded.

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

The Clerk read as follows:

On page 5, strike out from the "upon" in line 18, down to and including the word "citizenship" in line 23; and insert, after the word "cause," in line 23, the words "in his discretion."

The amendment was agreed to.

Mr. FITZGERALD. I offer a further amendment, which I ask the Clerk to read.

The Clerk read as follows:

On page 8, strike out, commencing with the words "or entitled" in line 2 down to and including the word "land" in line 14.

Mr. VREELAND. I offer an amendment to an amendment, which I ask the Clerk to read.

The Clerk read as follows:

Strike out on page 8, in line 2 to line 4, the words "or entitled to recover damages as for a breach of contract for the purchase of such land."

Mr. FITZGERALD. Mr. Speaker, that is not an amendment to my amendment.

The SPEAKER pro tempore. One moment. Does the Chair understand that the gentleman from New York [Mr. VREELAND] proposes an amendment to the amendment offered by his colleague [Mr. FITZGERALD]?

Mr. VREELAND. Yes.

The SPEAKER pro tempore. Or does he propose a new amendment?

Mr. VREELAND. As I understand it, my colleague from New York [Mr. FITZGERALD] offers an amendment, that on page 8, line 2, commencing at the word "or," the remainder of the page shall be stricken out down to and including the word "land," in line 14. I offer as a substitute for that on page 8, commencing at the word "or," in line 2, that all shall be stricken out down to and including the word "lands," in line 4, and that the balance shall stand.

The SPEAKER pro tempore. The Chair will state the parliamentary situation to be that the gentleman from New York [Mr. FITZGERALD] offers to amend by striking out certain words. The other gentleman from New York [Mr. VREELAND] offers an amendment, which is to strike out certain words which are within and much less than the part proposed to be stricken out by the first amendment.

Mr. VREELAND. I offer that as a substitute.

The SPEAKER pro tempore. And under the rules the amendment offered by the second gentleman from New York [Mr. VREELAND] is in the nature of a perfection of the paragraph, and is therefore a preferential amendment, to be voted upon before the amendment offered by the gentleman from New York [Mr. FITZGERALD] is put. The question is upon the adoption of the amendment offered by the gentleman from New York [Mr. VREELAND].

The amendment of Mr. VREELAND was agreed to.

The SPEAKER pro tempore. The question now is upon the adoption—

Mr. FITZGERALD. Now, Mr. Speaker, I will modify the amendment. As a part of it has been adopted already, I will now move to strike out all that part of the bill commencing with the word "then," in line 4, down to and including the word "land," in line 14.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Beginning with line 4, strike out the following words: "then, and in that case, the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to ascertain the value of such interest and to negotiate for the purchase of the same in the name of the United States and in trust for the benefit of said Indians, as provided in this act; and in case the Secretary of the Interior is unable within the period of four months from the final determination of said action to agree with the said Ogden Land Company, or the individuals composing the same, upon the value of its or their right, title, interest, claim, and demand in and to said land."

The SPEAKER pro tempore. Without objection, the amendment originally offered by the gentleman from New York [Mr. FITZGERALD] will be modified as he has suggested.

Mr. FITZGERALD. I ask unanimous consent that we devote about five minutes to the explanation of this, to be divided between my colleague and myself.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that there may be five minutes debate

upon this subject, the time to be equally divided between himself and his colleague from New York. Is there objection?

Mr. MAHON (from his seat). Regular order!

The SPEAKER pro tempore. The regular order is demanded. The question is upon the adoption of the amendment offered by the gentleman from New York.

Mr. VREELAND. A parliamentary inquiry. Was there objection to the request of the gentleman from New York [Mr. FITZGERALD]? If so, who made the objection?

The SPEAKER pro tempore. The Chair will state that the regular order was demanded, which is equivalent to an objection.

Mr. VREELAND. By whom?

Mr. FITZGERALD. Mr. Speaker, I submit that nobody arose to demand the regular order.

The SPEAKER pro tempore. The Chair will again put the question, in order that there may be no doubt. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that five minutes may be devoted to debate upon this amendment, one-half to be used by himself and the other by his colleague [Mr. VREELAND]. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I will take two minutes and give my colleague three.

The language that I desire to strike from this bill permits the Secretary of the Interior to negotiate for the acquisition of any right or interest that the courts may find the Ogden Land Company to have. It also provides that if he can not get an agreement on the price within a certain time he shall ascertain the value of the interest by condemnation proceedings.

It seems to me, considering the wide difference of opinion that has been expressed regarding the value of this so-called "right," that it would be unwise to leave it, without any restriction whatever, in the power of the Secretary to negotiate for the purchase of the rights, if any. If the amendment offered by me is adopted, the right or interest of this company, if any, will be fixed by condemnation. I believe that that is the proper way to do it.

Mr. VREELAND. Mr. Speaker, as I understand the desire of my friend and colleague [Mr. FITZGERALD] in this matter, this does just what he proposes to do.

In the first place, this bill sends the Ogden people to the courts to prove their claim, if they have any. Many gentlemen for whose opinion I have much respect declare that they believe the courts will decide that this company has no claim.

I trust that they may be right about it. But suppose that the courts declare that they have a vested interest there which must be disposed of before allotment can take place, what then? Under the provisions of this bill, instead of waiting to come back to Congress for the passage of further legislation, the Secretary of the Interior is directed to find out what their interest is worth to the best of his ability.

He is directed to do just what Congress would direct him to do if we came back here for further legislation under this bill. Therefore I say that the amendment of my friend from New York would mean nothing but delay in carrying out the provisions of the bill.

Mr. FITZGERALD. The gentleman is mistaken about the amendment. The amendment I offer compels him at once to condemn this interest, instead of permitting the Secretary of the Interior to negotiate for its purchase. It merely strikes out that part of the bill which empowers the Secretary to negotiate, and in case he does not get an agreement within four months, to proceed to condemnation. My amendment compels him to condemn, at once, without negotiation.

Mr. VREELAND. I sympathize entirely, Mr. Speaker, with the object desired by my colleague; but from my understanding of the bill, which has been reached after many years of familiarity with it, I think that the object which he desires would better be arrived at by defeating the amendment to strike out.

The SPEAKER pro tempore. The question is upon the adoption of the amendment offered by the gentleman from New York.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. FITZGERALD. I ask for a division.

The House divided; and there were—ayes 74, noes 110.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. SULZER. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SULZER. I would like to know whether the bill has been engrossed.

The SPEAKER pro tempore. The Chair states that the bill has been ordered to be engrossed for a third reading, and has been read a third time. The question is on the passage of the bill.

Mr. SULZER. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SULZER. My point of order is that if the bill has not been engrossed it can not be passed.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 187, noes 55.

So the bill was passed.

The SPEAKER. Without objection, the title will be amended.

On motion of Mr. VREELAND, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### MINERAL LANDS.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13298.

The bill was read, as follows:

A bill (H. R. 13298) to amend section 2327 of the Revised Statutes of the United States, relating to lands.

*Be it enacted, etc.*, That section 2327 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"Sec. 2327. The description of vein or lode claims upon surveyed lands shall designate the location of the claims with reference to the lines of the public survey, but need not conform therewith; but where patents have been issued for claims upon unsurveyed lands, the surveyors-general, in extending the public survey, shall adjust the same to the boundaries of said patented claims so as in no case to interfere with or change the true location of such claims as they are officially established upon the ground. Where patents have issued for mineral lands, those lands only shall be segregated and shall be deemed to be patented which are bounded by the lines actually marked, defined, and established upon the ground by the monuments of the official survey upon which the patent grant is based, and surveyors-general in executing subsequent patent surveys, whether upon surveyed or unsurveyed lands, shall be governed accordingly.

The said monuments shall at all times constitute the highest authority as to what land is patented, and in case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

Mr. BROOKS. Mr. Speaker, the purpose of this bill is to direct and prescribe the practice with reference to determining the relations of patented mining claims to the public domain and ascertaining, in case of controversy, what land the Government has really conveyed. It amends section 2327 of the Revised Statutes, which is the section now in force with regard to this matter. But in thus amending the statute it does not, in the opinion of its framers and supporters, change the existing law or do anything more than to put in statutory form what the law really is and always has been since the time of the yearbooks. The bill is substantially the same as Senate bill 3596, which passed the Senate on March 5 last. Indeed, the language of the two bills is identical to and through the word "accordingly," in line 7, page 2, of the bill. Thereafter the Senate bill reads as follows:

The said monuments shall at all times constitute the highest authority as to what land is patented, and erroneous calls in the patent description shall give way thereto.

And the bill now under consideration reads as follows:

The said monuments shall at all times constitute the highest authority as to what land is patented, and in case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto.

It will be seen that the only difference between the two bills is that the language of the House bill is slightly more specific and seeks more in detail to correct the evils which both bills are designed to remedy. Both bills prescribe that the patented area shall be held and considered to be that ground which is actually marked, defined, and established on the ground and inclosed within the actual monuments, and the House bill merely follows this requirement to its conclusion, and provides that erroneous and inconsistent "calls" and descriptions in the patents shall not prevail as against the actually established physical boundaries of the property patented. The proposer of the Senate bill has accepted the amendment effected by the House bill, and, indeed, it seems transparent to anyone who considers it for a moment that the language of the Senate bill limited to erroneous "calls" might be held to be inadequate to reach the point of an inconsistent description.

In other words, the "calls" in the patent, which are the ties or distances to corners of the public survey, may be absolutely accurate, and yet, for some reason or another, the description



itself may be erroneous or inconsistent with the actual ground. Thus a patent description may describe accurately a segment of the earth's surface correctly connected with the public survey and still may not be the claim which the miner thought he was patenting.

The evil that these bills seek to remedy is one that can hardly be appreciated in its full extent by those not familiar with the great and growing industry which has been so potent in the wonderful growth and prosperity of our western country, namely, the development of our mineral resources.

The matter, however, has received the consideration of three committees of this Congress and has been made the subject of strong favorable reports from each one. The Senate bill was passed after an elaborate report from the Senate Committee on Mines and Mining. That bill, when brought to this House, was referred to the Committee on the Public Lands. Meanwhile the House bill, introduced prior to the passage of the Senate bill, was referred to the Committee on Mines and Mining, and the favorable reports of both these committees are now on file in the House. The committees of both Houses have also had the benefit of the views of eminent counsel who have made mining rights and litigation their specialty, and these gentlemen also urge very strongly the adoption of some such measure. I quote from the language of the chairman of the House Committee on the Public Lands:

The general rule of law is that where there is a conflict between the description in a conveyance and an actual, natural, or artificial boundary that the monuments prevail over the description in the conveyance.

This rule of law, we believe, is applicable to patents as well as in every other kind of conveyance. There is some conflict with this rule of law in the administration of the law in the Land Department, so it is claimed; and it is further claimed that in construing the effect of a patent, where there is a conflict between the monuments and a patent, that the patent is held to control as against the actual location of the monuments as located upon the grant.

In a matter of this kind there should be uniformity between the courts and in the Department.

Your committee believe that this bill is only declaratory of existing law; but to secure uniformity of construction your committee believe that this bill ought to be enacted into law.

The difficulty which is thought to justify this legislative action is of comparatively recent origin, but it is growing, and unless something is done very promptly almost incalculable injury will be done to the mining interests of the country and a cloud and uncertainty will be cast over the security of ownership in mining property that will be absolutely ruinous to individuals and work great detriment to those large, progressive, and rapidly growing sections to whose prosperity the mining industries have contributed in so marked a degree.

The mining laws require, in addition to a discovery of mineral and the several acts of location of a claim, the expenditure of a considerable sum of money upon the claim and then a formal survey and location by an officer of the Government—viz, a deputy mining surveyor—as prerequisites to the issuance of a patent.

This surveyor is required to permanently mark by substantial boundaries the ground which the prospector and locator has thus appropriated and for which he is seeking a Government title. The claim then becomes a definite, certain tract of ground, whose boundaries and extent can be ascertained by the eye or by physical inspection. The act of the survey and the determination of its position is hedged about by many formalities, and it should be and is, under the intention of the law, the conclusive determination of that which the owner claims and holds. Conflicts and interferences with existing claims are required to be set forth, and every possible step is taken to render the location definite and certain. So far all is well. But the laws further require the deputy surveyor to report the results of his work to the surveyors-general in the various States and Territories, and then official maps of the public domain upon which the claims are situated are made from these results, and these become a part of the permanent records of the Interior Department.

These surveys are required to be connected, when situated upon surveyed public domain, with corners of the public survey. It often happens that these surveys, made many years ago and indistinctly marked, are in themselves faulty, and that the corners of the ground are not in the places indicated on the maps. The plats of these surveys, however, as they appear in the offices of the surveyors-general in many cases show these surveys as they hypothetically should be, regardless of the real facts. All the errors which attended the original survey and all the possibilities of error therein become applicable to the survey of a mining claim, or rather to the written description of it, and these errors are aggravated, when transcribed, by the above-mentioned discrepancies, sometimes occurring between the real and the assumed position of the monuments of the public surveys. Add to these difficulties the fact that the deputy surveyors do not always agree in their work; that the surveys are often made, particularly in periods of rapid development and mining excitement, in great haste and in exceedingly rugged and difficult country, and it is not to be wondered at that many and serious errors do creep in.

In the last few years it has been the practice of the Interior Department to regard the official data collated from various sources and then transcribed upon plats, showing the positions of the boundaries of the public surveys according to the office memoranda with regard thereto and comprised in what are called "extended sheets," as the final authority for the location of a mining claim. When an application is made for patent on supposedly vacant ground and the preliminary surveys are made, the question as to whether or not the ground is open to appropriation and patent is determined by what is shown upon the plats, regardless of what may be the fact on the ground. In this way it is claimed that in actual cases mining locations which are many feet, sometimes appreciable fractions of a mile, apart are made to show a paper conflict; and, on the other hand, ground which is located, appropriated, and patented, and in actual physical occupation, shows as unappropriated ground, subject to location and patent.

The statement of these conditions is enough to show how great is the hazard and what a disastrous effect this ruling has and is bound to have upon the mining industry of the country.

Time and again have we heard that one of the great causes of our recent national prosperity, which is our common cause of congratulation, is the wonderful increase in the mineral output of the country in the last decade—an output which for the fiscal year ending January 1, 1903, reached the tremendous aggregate, according to the very conservative figures of the Director of the Mint, of \$151,758,000 in gold and silver alone, or nearly three times as much as it was for the corresponding period thirty years ago. The influx of this great amount of precious metals into the avenues of trade and the marts of the world is agreed by all to have been one of the great determining factors of our national wealth and progress during the last decade.

The further continuance of this source of wealth is absolutely dependent upon the security which the investor has in the safety of the title to his mining property, and anything that Congress may do or fail to do which interferes in any way with this feeling of security is bound to have a prejudicial influence far wider than the particular industry affected. Moreover, not only will the developing of mines and prospects be retarded by the continuance of this uncertainty, but the search for minerals and the discovery of new mines will be even more seriously interfered with.

Hitherto the hardy prospector who has braved all the hardships and inclemencies of a mountain region in his search for wealth at the hand of nature, a wealth, too, that is untainted by any oppression of the sweat shops and the grinding down of labor, a wealth the acquisition of which makes no one poorer but everyone richer, will have little reason to continue in his arduous labors. Hitherto he has had sublime confidence in the protection which the Government has thrown around his little holding so soon as it has given him his title thereto. If, now, this faith is shattered and if he must maintain a constant watch and ward to protect his property, he certainly will find other avenues for his enterprise, and the country must suffer accordingly.

Every consideration of justice, prudence, and wise legislation, every regard for simply self-interest, demands the immediate enactment of this measure.

Mr. Speaker, before the bill is ordered to be engrossed I would like to offer a formal amendment, which is to change the language on the first page.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting in line 9, page 1, after the words "have been," the words "or shall be."

The question was taken; and 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. BROOKS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLERKS OF COURTS AT NEWBERN AND ELIZABETH CITY, N. C.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 14467) to amend chapter 503 of the United States Statutes at Large, volume 32, part 1, Fifty-seventh Congress, entitled "An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C."

Be it enacted, etc., That chapter 503 of the United States Statutes at Large, volume 32, part 1, Fifty-seventh Congress, entitled "An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.," approved April 15, 1902, be, and the same is hereby, amended so that the same shall read as follows:

"That section 3, chapter 232, of the United States Statutes at Large, volume 17, be amended by adding thereto, at the end of said section, the following: "And the circuit and district judges for the eastern district shall appoint, besides a clerk of said court, held at Raleigh, additional clerks, who shall re-

side and keep their offices at Wilmington, Newbern, and Elizabeth City, and be clerks both of the district and circuit courts held at Wilmington, Newbern, and Elizabeth City, and who shall have the custody and control of the records of said courts, shall give the same bonds required of the clerk of circuit and district courts of said district, and shall receive the same fees and compensation for services performed by clerks of such courts now fixed by law."

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. THOMAS of North Carolina, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### AMENDING LAWS RELATING TO SHIPPING COMMISSIONERS.

Mr. GROSVENOR. 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. 3118) to amend the act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved August 19, 1890, and for other purposes."

Be it enacted, etc., That so much of the act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved August 19, 1890, and for other purposes," as reads "shall be liable to a penalty of not exceeding \$100" is hereby amended to read "shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than \$500, or both."

The SPEAKER. Is there objection?

Mr. BAKER. Mr. Speaker, I would like to have an explanation of this bill.

Mr. GROSVENOR. Mr. Speaker, as the law now stands—

Mr. WILLIAMS of Mississippi (to Mr. BAKER). The bill is all right.

Mr. BAKER. This makes a misdemeanor for what the penalty is now a fine, and we have already got penalties enough.

Mr. GROSVENOR. Well, the gentleman is flying in the face of all the friends of organized labor all over the country. Does the gentleman want to hear an explanation?

Mr. BAKER. I do. I am listening to an explanation.

Mr. GROSVENOR. As the law now stands, for fraud on a sailor in undertaking to secure him a job by the man ordinarily called "a professional crimp" the penalty is in a civil action.

Mr. BAKER. This makes that a misdemeanor, and if so I am in favor of the bill.

Mr. GROSVENOR. It does exactly that thing. Mr. Speaker, I guess we can go on. [Laughter.]

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. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LOCK AND DAM IN THE TENNESSEE RIVER NEAR CHATTANOOGA, TENN.

Mr. MOON of Tennessee. 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 Tennessee asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read the bill as amended, as follows:

A bill (H. R. 15014) to enable the Secretary of War to contract for the erection of lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn.

Be it enacted, etc., That the Secretary of War be, and he is hereby, fully authorized and empowered to grant permission to the city of Chattanooga, Tenn., or to a private corporation or company, or to individuals, as provided in section 5 of this bill, to build and construct a lock and dam across the Tennessee River at "Scott Point," near Chattanooga, Tenn., under his direction, supervision, and control, and in accordance with and conformity to the plans and designs made by Maj. Dan C. Kingman, an engineer of the United States Army, in pursuance of an act of Congress passed on March 3, 1899, with such changes and modifications as the Secretary of War may direct: *Provided*, That the said contracting municipality or parties shall purchase and pay for all lands on either side of the river that may be necessary to the successful construction and operation of said lock and dam, including flowage rights and rights of way for ingress and egress from public highways, and deed the same to the United States, and make all excavations, erect all stone, concrete, and timber work, furnish all materials of every character, and pay for all labor employed in the construction of said lock and dam, and give said lock and dam to the United States completed, free of all cost, expense, claims, or charges of any kind whatsoever, except for expenses connected with the preparation of plans and the superintendence, as provided in section 5 of this act, and further excepting the cost of the lock gates and ironwork and machinery necessary to operate the lock when completed, which shall be furnished by the United States.

SEC. 2. That the said municipality, corporation, company, or individuals undertaking the construction of said work shall begin the building of said lock and dam within eighteen months from the passage of this act, and the same shall be completed within four years from the date of beginning the construction, the right being reserved to the United States to enter on the construction of said lock and dam if deemed advisable at any time before the work is commenced by said contracting parties; or if begun and not carried on in strict accordance with the directions of the Secretary of War, then the

United States may assume the further construction and completion of said work at its option, the cost of such further construction and completion to be paid by the said contracting municipality, corporation, company, or individuals.

SEC. 3. That the deed to the United States to the land to be purchased and donated to the same, as mentioned in the first section of this act, shall be executed and delivered within twelve months after the passage of this act; and, further, that the Secretary of War shall determine from time to time whether the work is being properly done, and may require an increase in force to be employed by the contractor so as to force the work to completion within the limit mentioned in the act.

SEC. 4. That in consideration of the construction of said lock and dam, free of cost to the United States except as provided in section 1 of this act, the United States hereby grants to the municipality, corporation, company, or persons constructing said lock and dam under the provisions of this act such rights as it possesses to use the water power produced by said dam, and to convert the same into electric power or otherwise utilize it for a period of ninety-nine years: *Provided*, That it or they shall furnish the necessary electric current while its or their power plant is in operation to move the gates and operate the locks and to light the United States buildings and grounds, free of cost to the United States: *And provided further*, That the plans for the necessary works and structures to utilize said water power shall be approved by the Secretary of War, and that nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States for the purposes of navigation: *And provided further*, That the Secretary of War is hereby authorized to prescribe regulations to govern the use of the said water power and the operations of the plant and force employed in connection therewith; and no claim shall be made against the United States for any failure of water power resulting from any cause whatever.

SEC. 5. That it shall be the duty of the Secretary of War in contracting for the erection of the said lock and dam to give the preference, option, or first right to contract to do said work to the city of Chattanooga, Tenn., but if said city of Chattanooga shall fail within four months from the passage of this act to formally notify the Secretary of War of its intention to construct said lock and dam and to enter into contract to do so, then to C. E. James and J. C. Guild, residents of Chattanooga, Tenn., their heirs and assigns. In case of failure on the part of said C. E. James and J. C. Guild, residents of Chattanooga, Tenn., their heirs and assigns, for a further period of eight months to formally notify the Secretary of War of their intention to proceed with the construction of the lock and dam as herein provided, then it shall be lawful for the Secretary of War to contract with any private corporation, company, firm, or persons for the construction of said lock and dam on the terms and in the manner herein provided: *Provided*, That the Secretary of War may require the contracting party to execute a bond, with proper sureties, before the commencement of the work in such amount as he may consider necessary, not exceeding \$100,000, to insure the commencement, prosecution, and completion of the work herein authorized and compliance with the terms, conditions, and requirements of this act: *Provided further*, That the plans, including specifications and drawings for the work, shall be prepared at the expense of the United States, under the direction and subject to the approval of the Secretary of War and the Chief of Engineers, United States Army, by the officer of the Corps of Engineers, United States Army, having under his charge the work of improving the Tennessee River, who shall at the expense of the United States maintain a suitable force of inspectors upon the work to see that the plans and specifications are strictly carried out, and such conditions or safeguards as the Secretary of War and the Chief of Engineers may deem essential to securing proper results shall be made a part of the contract.

The expense for plans as well as for the maintenance of the force of inspectors herein referred to shall be paid from the amount appropriated for preliminary examinations, surveys, contingencies, etc., made in section 2 of the river and harbor act of June 13, 1902.

SEC. 6. That in the event the city of Chattanooga undertakes the erection of said lock and dam the Secretary of War shall extend the time provided herein for beginning the work on the same for a period not exceeding twelve months from the passage of the enabling act that the general assembly of the State of Tennessee may pass at its next regular session, enabling said municipality to undertake said work, if the same be necessary; and in the same event he shall extend the time for the completion of said lock and dam twelve months.

SEC. 7. That the right is expressly reserved in the United States to revoke by act of Congress the rights, privileges, and benefits conferred by this act; but in the event of such revocation the United States shall pay to the municipality, corporation, company, firm, or persons who may erect said lock and dam under the provisions of this act, as full damage, the reasonable value of all properties erected and lands purchased by them necessary for the enjoyment of the benefits conferred upon them by the provisions of this act: *Provided*, That to insure compliance with the terms of the contract and of this act, or to protect the interests of navigation, the Secretary of War shall have power at any time, before or after the completion of the work, to order a suspension of all privileges granted by this act: *And provided further*, That compliance with such order of suspension may be enforced by the injunction of the circuit court of the United States exercising jurisdiction in the district in which the work is situated, and proper proceedings to this end shall be instituted by the Attorney-General upon request of the Secretary of War.

SEC. 8. That nothing in this act shall be construed as in any way interfering with the exclusive jurisdiction over and control by the United States of the Tennessee River and the lock and dam therein to be erected for the purpose of navigation, nor as repealing or modifying any of the provisions of law now existing in reference to the protection of navigation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

Mr. BURTON. Mr. Speaker, as I understand, the substitute is to be adopted in place of the original bill. I did not follow exactly the different amendments prescribed, but take it for granted they have all been enumerated.

Mr. MOON of Tennessee. I will say to the gentleman the amendments are those that the gentleman and the Secretary of War placed in the bill, and the bill as now read to the House is identical with the substitute.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was passed.

On motion of Mr. MOON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the title will be amended.

## LAWS RELATING TO AMERICAN SEAMEN.

Mr. GROSVENOR. Mr. Speaker, I sent up to the Clerk's desk the wrong bill. I sent up a bill relating to the clothing of the seamen, which bill already has been passed by the House. I now ask unanimous consent to vacate the order.

The SPEAKER. Without objection, the order will be vacated.

Mr. GROSVENOR. And I now ask unanimous consent to pass the bill S. 4375.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

An act (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."

*Be it enacted, etc.,* That so much of paragraph (a) of 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," as reads "If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not more than \$100," is hereby amended to read "If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500."

SEC. 2. That this act shall take effect on and after July 1, 1904.

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, was read the third time, and passed.

## OZARK AND CHEROKEE CENTRAL RAILROAD COMPANY AND ARKANSAS VALLEY AND WESTERN RAILWAY COMPANY.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to pass the bill (S. 5454) which is now on the Speaker's table.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table and pass the Senate bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 5454) permitting the Ozark and Cherokee Central Railroad Company and the Arkansas Valley and Western Railway Company, and each of 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.

*Be it enacted, etc.,* That the Ozark and Cherokee Central Railroad Company may sell and convey to the St. Louis and San Francisco Railroad Company or to the Chicago, Rock Island and Pacific Railway Company all that part of the railroad of said first-named railroad company extending from Fayetteville to Okmulgee which is situate in the Indian Territory, together with all the property, rights, privileges, and franchises appurtenant or relating thereto, such sale and conveyance to be made upon such terms and conditions as may be agreed upon by the boards of directors of the respective companies parties thereto.

SEC. 2. That the Arkansas Valley and Western Railway Company may sell and convey to the St. Louis and San Francisco Railroad Company or to the Chicago, Rock Island and Pacific Railway Company all of the railroad of said Arkansas Valley and Western Railway Company extending from Tulsa Junction, Ind. T., to Enid and Avarad, Okla., together with all the property, rights, privileges, and franchises appurtenant or relating thereto, such sale and conveyance to be made upon such terms and conditions as may be agreed upon by the boards of directors of the respective companies parties thereto.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to ask for some explanation of this bill.

Mr. CURTIS. This bill was recommended by the Department and unanimously reported from the Committee on Indian Affairs.

Mr. SULZER. What Department?

Mr. CURTIS. Department of Interior, and simply permits two short railroads to be sold that now belong to the stockholders of the parent companies. The stock is all owned by the stockholders of the Rock Island and Frisco Company. They are not competing lines, but are feeders. They consist of 200 miles of road.

Mr. SULZER. These are competing lines?

Mr. CURTIS. Not at all. They are branches of the same company now. They are feeders; they are not parallel lines.

Mr. SULZER. Why does not this bill provide this transfer shall be made upon consent of the stockholders or two-thirds of the stockholders? Why should it be on consent of majority of the board of directors?

Mr. CURTIS. Because they have control of the matter under their charter.

Mr. SULZER. Are there no individual stockholders outside of the directory?

Mr. CURTIS. Oh, I suppose there are a few.

Mr. SULZER. I do not care to object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

## HARRY C. MIX.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent to pass the bill H. R. 875.

The SPEAKER. The gentleman from Georgia asks unanimous consent to pass the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 875) for the relief of Harry C. Mix.

*Be it enacted, etc.,* That Harry C. Mix, of Bibb County, Ga., be, and he is hereby, relieved from any and all liability to pay a certain recognizance given by A. F. Holt and the said Harry C. Mix as security for the said A. F. Holt on the 23d day of January, 1895, in the penal sum of \$1,500, by which recognizance they acknowledged themselves to be held and firmly bound to the United States of America that the said A. F. Holt should personally appear at the then next term of the district court of the United States for the southern district of Georgia, to be held at Savannah, Ga., in said district, on the first Monday in January, 1895, and at the succeeding term or terms, should the case be continued, the said A. F. Holt being charged with the embezzlement of postal funds: *Provided, however,* That the said Harry C. Mix shall first pay to the Government of the United States all costs that may have accrued upon any proceeding instituted for the purpose of forfeiting such recognizance.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

## REIMBURSING GOVERNORS OF STATES AND TERRITORIES.

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I will send to the desk and ask to have read.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill which he sends to the desk and of which the Clerk will report the title.

The Clerk read as follows:

A bill (S. 1343) to amend an act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,' approved July 8, 1898," and so forth, and for other purposes.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I reserve the right to object for the purpose of making a statement, that punctually at and after twelve minutes past 5 o'clock I shall object to any more unanimous consents. I do not want to be invidious, but I think this is rather important. I now withdraw the objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That section 6 of the act of Congress approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,' approved July 8, 1898, and for other purposes," be, and the same is hereby, amended by striking therefrom the words "nineteen hundred and two" and inserting in lieu thereof the words "nineteen hundred and six;" so that the same shall read:

"SEC. 6. That all claims for reimbursement under this act or the act approved July 8, 1898, shall be presented in itemized form to the Treasury Department on or before January 1, 1906, or be forever barred."

SEC. 2. That any claim or any item of a claim heretofore presented under the provisions of said acts approved July 8, 1898, and March 3, 1899, respectively, and disallowed by any Auditor, the Comptroller, or any other officer of the Treasury Department, shall, on application of the governor or other duly authorized officer or agent of the State or Territory, made on or before the 1st day of January, 1904, be reopened, considered, audited, and settled anew by said officers of the Treasury Department in accordance with the provisions of said acts.

The following committee amendment was read:

Strike out all of section 2 and insert the following:

"That where the governor of any State or Territory has furnished military transportation, or has purchased or authorized the purchase of supplies, or incurred expenses for services rendered, and which purchases of supplies and expenses for military transportation and services rendered have been certified by the governor of such State or Territory as necessary, just, and reasonable for the organization, maintenance, transportation, and comfort of troops raised by him and accepted into the service of the United States Army in the said war with Spain, the Secretary of the Treasury be, and he is hereby, authorized to allow in the settlement of claims for reimbursement now on file in the office of the Auditor for the War Department, such items or parts thereof as have been disallowed in the consideration of said claims, for the reason that they appear to have been for stores furnished or expenses incurred or transportation furnished after the troops raised had been mustered into the service of the United States, and the certificate of the governor of any such State or Territory that such expenses were incurred in good faith, for the sole purpose of aiding the United States in the raising, organization, transportation, and equipment of troops, shall be held to be sufficient to authorize the final settlement and payment in full of such claims for reimbursement."

The SPEAKER. Is there objection?

Mr. POU. Mr. Speaker, I desire to send forward an amendment.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to hear from the gentleman from Pennsylvania.

Mr. MAHON. Mr. Speaker, this bill interests nearly all of the

States. During the war with Spain the original act required the governors of States by the 1st of January, 1904, to have their claims in. The Comptroller of the Treasury made his decisions about the time the act was expiring, but the governors did not receive or have any knowledge of those decisions. It is merely to let in two classes of claims. These troops were in the field. The States had their troops in their different camps. The United States mustering officer went to these camps and mustered them into service.

By telephone message the Secretary of War requested the governors to take care of these troops until they could be taken and moved by the United States War Department. These governors did so. When it came to the Comptroller of the Treasury, he suspended all these claims—he did not reject them—holding that under the original act he could not allow any money for the maintenance and support of the troops after they had been mustered into the United States service. This is simply to authorize the Treasury Department, on claims that have been suspended, to pay these governors the amount they paid for clothing, food, and for taking care of these troops.

I want to state further, Mr. Speaker, that when the Senate bill came to the Committee on War Claims section 2 of it provided that all the accounts should be reopened and reaudited. The Committee on War Claims struck that section out and confined it to the claims that I have just mentioned.

Mr. UNDERWOOD. As I understand the gentleman from Pennsylvania [Mr. MAHON], this is a bill which provides on what terms the Auditor shall audit these accounts?

Mr. MAHON. Yes.

Mr. UNDERWOOD. And it is intended to allow the claims of soldiers from the time they went to the mustering camp and not from the time they were actually mustered in?

Mr. MAHON. No, no. They have been paid up to the time they were mustered, but these troops were held in the State camps, and by order of the Secretary of War the governors took care of them for some ten or twelve days or two weeks, until the United States Government marched them out of the State camps. The States provided all the rations and food, and took care of them during that time. The Comptroller holds that after they were mustered in he can not pay them, under the original act.

Mr. UNDERWOOD. And that is all that is covered under this bill?

Mr. MAHON. Yes.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Pennsylvania whether, if unanimous consent is given, he will yield for an amendment?

Mr. MAHON. That depends on what the amendment is.

Mr. POU. Mr. Speaker, I sent forward an amendment which I think will improve the bill.

Mr. MAHON. Oh, no; the gentleman submitted that amendment to the committee, and the committee rejected it unani- mously. Its adoption would open up the whole matter.

Mr. GAINES of Tennessee. Does this bill apply to all the States alike?

Mr. MAHON. All the States alike.

The SPEAKER. Is there objection?

Mr. ROBINSON of Indiana. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if the Indianapolis claim is embodied in this?

Mr. MAHON. There are nothing but State claims.

Mr. ROBINSON of Indiana. I mean the claim now growing out of the fact of soldiers being taken to Indianapolis and destroying property at the camp. Would this bill open up the matter so as to allow that kind of a claim?

Mr. MAHON. No; the claim must come from the governor of a State.

Mr. POU. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to permit the amendment to be read. No harm can be done by that.

Mr. MAHON. Well, read it. I have no objection to that.

The SPEAKER. Is there objection?

Mr. POU rose.

The SPEAKER. Does the gentleman from Pennsylvania yield for the offering or for the reading of the amendment?

Mr. MAHON. Just for the reading.

Mr. POU. Mr. Speaker, I will say to the gentleman that if the amendment is voted down I propose to support the bill in its original form.

Mr. MAHON. Let it be read for information.

Mr. POU. I do not care to withdraw my objection unless the gentleman will agree to permit me to offer the amendment.

Mr. MAHON. Well, read it.

Mr. THOMAS of North Carolina. Mr. Speaker, we want also to have some arrangement or understanding about being heard on this amendment. We desire, on behalf of the State of North Carolina at any rate, to be briefly heard.

Mr. GAINES of Tennessee. Mr. Speaker, I think the House has gotten into a little confusion on this subject. The gentleman from Pennsylvania [Mr. MAHON] is asking for unanimous consent, and, as I understand, no unanimous consent has been granted. Yet I think some gentlemen are laboring under the contrary impression. I ask the Chair what is the parliamentary status?

The SPEAKER. Unanimous consent has not been given. And now the Chair will ask, is there objection?

Mr. THOMAS of North Carolina. I reserve the right to object unless some arrangement such as I have indicated can be made.

Mr. POU. There is an agreement, as I understand, that my amendment may be read.

The SPEAKER. During the delay of ascertaining whether there is unanimous consent, many other gentlemen are waiting to submit their propositions.

Mr. ROBINSON of Indiana. In order to dispose of this matter for the present, I object.

RICHARD T. CORBIN.

Mr. HUGHES of West Virginia, from the Committee on Accounts, reported back with amendments House resolution 279, which was read as follows:

*Resolved*, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House (miscellaneous items, 1903), to Richard T. Corbin the sum of \$60, for services rendered as a laborer in the Doorkeeper's department during the month of April, 1903.

The amendments reported by the committee were read, as follows:

In line 3 strike out the words "miscellaneous items, 1903."

In lines 5 and 6 strike out the words "during the month of April, 1903."

The amendments were agreed to; and the resolution as amended was adopted.

STENOGRAPHER IN OFFICE OF JOURNAL CLERK.

Mr. HUGHES of West Virginia, from the Committee on Accounts, reported back House resolution 314, which was read, as follows:

*Resolved*, That for the remainder of this session there shall be employed and paid out of the contingent fund of the House, at the rate of \$6 per day, a stenographer in the office of the journal clerk.

The resolution was agreed to.

CAMPBELL SLEMP.

Mr. HUGHES of West Virginia, from the Committee on Accounts, reported back favorably House resolution No. 322, which was read, as follows:

*Resolved*, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to CAMPBELL SLEMP, the sum of \$1,500, being the amount expended by and recommended to be paid to him, as shown in House report from the Committee on Claims, No. 2374, second session Fifty-eighth Congress, on account of mandamus proceedings before the supreme court of the State of Virginia in the case of Slemp against Rhea, growing out of the election in 1902 of a Representative to the Fifty-eighth Congress from the Ninth Congressional district of said State of Virginia, said amount to be paid upon vouchers to be approved by the Committee on Accounts.

Mr. MADDOX. Mr. Speaker, I should like to understand something about this resolution.

Mr. HUGHES of West Virginia. Mr. Speaker, I wish to say for the information of gentlemen that this is merely a resolution for the payment of the expenses of CAMPBELL SLEMP in connection with the election contest of Slemp v. Rhea for his seat in the Fifty-eighth Congress. The claim was favorably reported by the Committee on Claims in this Congress, but on account of the difficulty of getting a bill for payment considered, the session being so near its close, the matter was re-referred to the Committee on Accounts.

The committee has carefully investigated the whole matter and has unanimously reported this resolution, and while the committee hesitated to consider this resolution to be paid out of the contingent fund, as the Committee on Claims has stated in their report, it is unquestionably a saving to the Government of the difference between \$10,000 and \$1,500. Had Mr. Slemp left this contest to be settled by the House of Representatives, which he had a right to do, each one of the contestants would have been entitled to \$2,000, and Rhea would have drawn the salary for at least one year, making a total cost of \$10,000, and this resolution pays all for \$1,500.

Mr. MANN. May I ask the gentleman a question?

Mr. HUGHES of West Virginia. Yes.

Mr. MANN. Is this for the payment of any expenses which have been incurred in connection with the House of Representatives?

Mr. HUGHES of West Virginia. In connection with a Member of the House of Representatives.

Mr. MANN. Oh, well, suppose a Member incurs a board bill. Does that give the Committee on Accounts jurisdiction? Is this item for anything that has occurred in connection with the House of Representatives?

Mr. HUGHES of West Virginia. Only in this way—

Mr. MANN. Mr. Speaker, I do not think the time has gone by. I make the point of order against this being a privileged resolution.

Mr. MADDOX. I am glad the gentleman did that, because I was going to make the same point.

The SPEAKER. The Chair asks unanimous consent that the matter go over until to-morrow morning, so that the point of order may be passed upon. It has proper clothing from the contingent fund, but the point of order is made, and the Chair is not prepared to rule upon it. The Chair asks unanimous consent that the matter may go over until to-morrow morning. Is there objection?

There was no objection.

#### FOLDING SPEECHES AND PAMPHLETS.

Mr. HUGHES of West Virginia, from the Committee on Accounts, submitted the following resolution, which was read:

*Resolved*, That the sum of not exceeding \$3,000 is hereby authorized to be expended, under the direction of the Doorkeeper of the House, for the purpose of folding speeches and pamphlets, at a rate not exceeding \$1 per thousand; and the Clerk of the House is authorized to make payment hereunder out of the contingent fund of the House upon vouchers approved by the Committee on Accounts.

The resolution was agreed to.

#### ADDITIONAL CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. HUGHES of West Virginia, from the Committee on Accounts, submitted the following resolution, which was read:

*Resolved*, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$6 per day during the remainder of the present session.

The resolution was agreed to.

#### B. B. HARE.

Mr. HUGHES of West Virginia, from the Committee on Accounts, submitted the following resolution, which was read:

*Resolved*, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to B. B. Hare the sum of \$32.23, for services rendered as clerk to the late Representative G. W. Croft of South Carolina, from March 1, 1904, to March 10, 1904, inclusive.

The resolution was agreed to.

#### JOEL GRAYSON.

Mr. HUGHES of West Virginia, from the Committee on Accounts, submitted the following resolution, which was read:

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to Joel Grayson, for services and expenses incurred by him on the compilation of the antitrust laws, the sum of \$800, to be paid out of the contingent fund.

A committee amendment, striking out \$800 and inserting \$400 was read.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Is this a privileged matter?

The SPEAKER. It seems to the Chair that under the rules it is. The rule is very broad. It covers all matters—

Touching the expenditure of the contingent fund of the House.

Mr. WILLIAMS of Mississippi. Does this matter properly come under the head of an expenditure from the contingent fund?

The SPEAKER. On its face it is for an expenditure from the contingent fund, for an employee of the House.

Mr. MADDOX. I should like to have the Chair tell us what it is for and what it is about.

The SPEAKER. The Chair yields to the gentleman from West Virginia. [Laughter.]

Mr. HUGHES of West Virginia. I will say for the information of the gentleman that it is for compiling the antitrust laws. No doubt the gentleman has received some copies of this book for distribution through the folding room. As I am not an attorney I will yield to the gentleman from Georgia [Mr. BARTLETT] to make the explanation more full.

Mr. MADDOX. I should like to inquire who authorized this gentleman to do this, and why he now comes here to ask payment for it?

Mr. BARTLETT. Mr. Speaker, I will undertake to explain this resolution to my colleague and to the House. The compilation is a very valuable one. It was made by Mr. Grayson, a House employee in the document room. It is a compilation of all the antitrust laws. It took a great deal of work. It has been printed by the Government, and this simply pays for the work of the compilation. I do not know that it was authorized by the House in the first place, but the Government has accepted the compilation, has published it as a document, and has put it to the credit of Members of the House in the folding room. This is simply to pay \$400, the amount that the committee have recommended.

Mr. MADDOX. And all this was done without any authority of law up to date.

Mr. BARTLETT. I do not think so. The House has had it printed—ratifying the work—has accepted it; and on the quantum meruit this gentleman, I should think, would be entitled to what it was reasonably worth. The resolution as introduced provided for the payment of \$800; but after hearing the evidence on the matter the committee concluded that \$400 would be a very moderate and reasonable compensation.

Mr. MADDOX. I agree, if I may be allowed a minute or two, with all you say as to the document being a valuable one; but, gentlemen, this is an infamous system of business. Now, the idea that a man may undertake to do a work that he thinks is valuable and then come to Congress and unload it upon us!

Mr. BARTLETT. He has not unloaded it upon us?

Mr. MANN. Will the gentleman permit an interruption?

Mr. MADDOX. Yes, sir.

Mr. MANN. The gentleman will remember that there was some so-called "antitrust" legislation enacted in the closing days of the last Congress?

Mr. MADDOX. Yes.

Mr. MANN. Mr. Grayson went to work and got up all this compilation. He made no pretense that Congress was pledged to pay him anything for doing it. He never has made any pretense that Congress has to make any payment. It was necessary to make the compilation, not only for the benefit of Congress, but for the country, and it was distributed very widely, because there was a very great demand for such information. Now, the question simply is, having made that compilation, without any claim of liability on the part of the Government, whether it is our part to recompense him for that service.

Mr. MADDOX. Your explanation is full and satisfactory. But what I want to fight as long as I can is the idea of a man getting up a publication and then coming to Congress. But if this was done voluntarily, why that does away with my objection, and I am just as willing to pay him as any man in this House.

Mr. BARTLETT. My colleague will understand me, and he understands me as well as any man in the House, so far as I am concerned I am fully in accord with him. This compilation was made at the end of last Congress at the suggestion of some very prominent gentlemen who took part in the antitrust legislation. Mr. Grayson went to work and overhauled the statutes and collated them and made them easily accessible. It was necessary in order that the country might know what really were the laws upon this subject.

Mr. PAYNE. The suggestion is whether this ought to go over with the other and have it decided whether the Committee on Accounts have jurisdiction to pay claims for which there is no law and no employment. I think that is a matter that ought to be determined. I think the thing ought to be determined here and determined now, whether the Committee on Accounts may make expenditures from the contingent fund of the House and have them privileged where there is no law upon which they are based.

Mr. BARTLETT. I want to say to the gentleman from New York, the Chair can have no doubt about this being within the jurisdiction of the Committee on Accounts, be ause it proposes—

The SPEAKER. If the gentleman will allow the Chair, it is not necessary for the Chair to hear the gentleman from Georgia further. The Chair will say to the gentleman from New York that the Chair is quite well satisfied, after something of an examination, that this is a privileged report and that it is not upon all fours with the other resolution.

Mr. PAYNE. I want to suggest right there whether the chairman of the Committee on Accounts can under the law make payments that are not in pursuance of law. If this contingent fund, which is provided by law, can be expended for all sorts of purposes, it ought to be known to the House. As I understand it, this man was never employed by the House in any capacity, but was employed by one Member of the House.

Mr. MANN. The gentleman is entirely mistaken. He is an employee of the House all the time, provided for in the legislative, executive, and judicial appropriation bill by name, because he is the most valuable man connected with the House as an employee. [Applause.]

Mr. PAYNE. Was he employed for this purpose?

Mr. MANN. He was not employed for this purpose. He voluntarily did this work in the document room.

Mr. PAYNE. Because he happened to be an employee of the House he did this work. Now, the question is whether that is a proper expenditure for the Committee on Accounts to make.

Mr. HUGHES of West Virginia. I want to say for the information of the gentleman from New York that the Committee on Accounts does not bring in any resolution appropriating money out of the contingent fund until they have carefully investigated each case. They have done so in this case, and they think this gentleman entitled to this money; and therefore they bring in this resolution.

Mr. GROSVENOR. I would like to ask the gentleman a question. Is this document in the nature of ammunition for the trust busters to send out?

Mr. HUGHES of West Virginia. I guess you might consider that it was.

Mr. GROSVENOR. I hope the House will not refuse to pay for it, then.

Mr. BARTLETT. Mr. Speaker, I want to say in reference to the services that this employee rendered that these laws were passed at various times. There were some of them incorporated in appropriation bills, and this employee, at the suggestion of some very prominent gentlemen of this House, went to work and compiled them. This work has been one of the most valuable that has been done. It has been distributed by Members of the House to their constituents all over the country. It is now ready for distribution, and is accessible. The House has availed itself of the work, and the sum proposed to be paid is a very reasonable one, and the man who performed the work ought to receive it.

The SPEAKER. Is the point of order made against the resolution?

Mr. PAYNE. Mr. Speaker, as I understand, the point of order has been raised against the other resolution which is to be considered in the morning, and I want simply a decision as to what the rights of the Committee on Accounts are.

Mr. BARTLETT. If the gentleman from New York—

Mr. PAYNE. If the gentleman will allow me, I will not make the point of order on this.

The SPEAKER. It seems, on second thought, it is perhaps too late to make the point of order, because this matter has been debated. Now, a motion to postpone would be in order.

Mr. HAY. Regular order, Mr. Speaker!

Mr. PAYNE. I understand there is but one other report from the Committee on Accounts; therefore a motion to adjourn will be in order and take it over until to-morrow morning. [Cries of "Let us vote!"] I will not press the motion.

Mr. BARTLETT. May I say a word? Mr. Speaker, I desire to say, as a member of the minority of the Committee on Accounts, we have been very careful and have never undertaken to attempt any legislation on any matter which we did not believe we ought to have, and we have refused time and time again and have sent bills back which were referred to us upon the ground that we had no jurisdiction, and both the majority and minority members have endeavored to confine themselves strictly—

Mr. PAYNE. I am making no reflection upon the committee. The amendment was agreed to.

The question was taken; and the resolution was agreed to.

G. S. W. LEWIS.

Mr. HUGHES of West Virginia. There is one more report, Mr. Speaker.

The Clerk read as follows:

House resolution No. 273.

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to pay, out of the contingent fund of the House, G. S. W. Lewis, colored, for services rendered as a laborer from January 12, 1904, to and including January 16, 1904, at the rate which he was receiving on January 12, 1904.

The amendments were read, as follows:

In line 3, after the word "colored," insert the words "the sum of \$10." Strike out lines 6 and 7.

The amendments were agreed to.

The resolution as amended was agreed to.

SENATE DOCUMENT NO. 235, FIFTY-EIGHTH CONGRESS, SECOND SESSION.

Mr. CHARLES B. LANDIS. Mr. Speaker, I desire to present the following House resolution.

The SPEAKER. The gentleman from Indiana presents the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there be printed for the use of the House of Representatives, to be distributed through the House document room, 100,000 copies of Senate Document No. 246, Fifty-eighth Congress, second session.

Mr. TAWNEY. What is that?

Mr. CHARLES B. LANDIS. This is a document including the order of the Commissioner of Pensions, under the date of March 15, 1904, concerning pensions under the act of June 27, 1890.

Mr. GAINES of Tennessee. How many thousand?

Mr. CHARLES B. LANDIS. One hundred thousand. I will say that the superintendent of the document room states that—

Mr. GAINES of Tennessee. It has been printed twenty-five or thirty times in the CONGRESSIONAL RECORD, about 15,000 daily copies of which go out all over the country—

The SPEAKER. Does the gentleman from Indiana yield?

Mr. CHARLES B. LANDIS. I do not. I was saying the superintendent of the document room states from the demands

already made he is satisfied that 100,000 copies of this order will not be sufficient.

Mr. GAINES of Tennessee. Sufficient for whom?

Mr. CHARLES B. LANDIS. For the people—for the demands of Members of Congress, and the demands on the Pension Bureau.

Mr. GAINES of Tennessee. How are you going to distribute them?

Mr. CHARLES B. LANDIS. They will be distributed through the House document room.

Mr. FITZGERALD. I suggest to the gentleman they be put in the folding room.

Mr. CHARLES B. LANDIS. No; they will be distributed from the House document room.

Mr. TAWNEY. Mr. Speaker, if they are to be distributed through the House document room, it is the most industrious Member, the one who gets there first, who will get as many as he wants. I believe they ought to be distributed through the folding room and distributed equally among the Members.

Mr. CHARLES B. LANDIS. I will say the total cost of the 100,000 copies will not be in excess of \$500, and if an additional demand is made more will be printed.

Mr. GIBSON. Let one-half be distributed through the document room and the other half through the folding room.

Mr. MANN. If it goes through the folding room the expense of distribution will be a good deal more than \$500 and if it goes through the document room anyone will get as many as they want without trouble. I think 100,000 will do and leave plenty over.

Mr. CHARLES B. LANDIS. The committee thought it best to have them distributed through the House document room.

The question was taken, and the resolution was agreed to.

NORTHERN PACIFIC RAILROAD COMPANY, ETC.

Mr. LACEY. Mr. Speaker, I offer the following conference report, to be printed in the RECORD.

The SPEAKER. It will be printed under the rules.

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 House to the bill S. 4769, entitled "An act validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede,

JOHN F. LACEY,  
JOS. M. DIXON,  
*Managers on the part of the House.*  
KNUTE NELSON,  
CHARLES W. FAIRBANKS,  
E. W. PETTUS,  
*Managers on the part of the Senate.*

The statement is as follows:

The effect of the agreement is to place the conveyances of lots in the railway right of way in the even sections on the same footing as those in the odd-numbered sections.

The United States Supreme Court in its decision holds that the right-of-way title is a base fee with reverter to the Government, and that no title has vested in the owners of the adjacent land. This being the case, it is deemed necessary and proper to validate the conveyances in all the sections.

JOHN F. LACEY,  
JOS. M. DIXON.

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. 11129. An act to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect;

H. R. 8978. An act to extend the provisions of the act of January 21, 1903, to the Osage Reservation, in Oklahoma Territory, and for other purposes;

H. R. 9648. An act to amend the first section of an act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January 30, 1903;

H. R. 12147. An act to amend chapter 749, second session Fifty-seventh Congress, approved February 23, 1903, being "An act to establish United States courts at Wilkesboro, N. C.;"

H. R. 7634. An act to establish a life-saving station in Sussex County State of Delaware;

H. R. 15121. An act for the extension of Twenty-third street from S street to California avenue;

H. R. 10418. An act to ratify and amend an agreement with the Sioux tribe of the Indians of the Rosebud Reservation in South Dakota, and making appropriation and provision to carry the same into effect;

H. R. 13509. An act authorizing the Secretary of War to transfer to the Columbia Military Academy certain property in Maury County, Tenn.;

H. R. 11968. An act to incorporate the Washington Sanitary Housing Company;

H. R. 12655. An act for the relief of John Bremond;

H. R. 10891. An act for the relief of Julius A. Kaiser;

H. R. 14418. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Benton, in the State of Minnesota; and

H. R. 14901. An act to provide for payment of damages on account of changes of grade due to construction of the Union station, District of Columbia.

#### REGULATING PRACTICE OF MEDICINE IN INDIAN TERRITORY.

The SPEAKER laid before the House the bill (H. R. 11963) regulating the practice of medicine and surgery in the Indian Territory, with a Senate amendment.

The Senate amendment was read.

Mr. CURTIS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

Then, on motion of Mr. PAYNE (at 5 o'clock and 35 minutes p. m.), the House adjourned until to-morrow, at 12 o'clock m.

#### EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting, in response to the inquiry of the House, a statement of national banks that have applied to the Secretary of the Treasury for the retirement of national-bank notes—to the Committee on Banking and Currency, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15228) establishing a regular term of the United States circuit and district courts at East St. Louis, Ill., reported the same without amendment, accompanied by a report (No. 2683); which said bill and report were referred to the House Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3165) providing for second and additional homestead entries, and for other purposes, reported the same with amendment, accompanied by a report (No. 2684); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15087) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901, reported the same without amendment, accompanied by a report (No. 2685); which said bill and report were referred to the House Calendar.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes, reported the same with amendment, accompanied by a report (No. 2688); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13052) for the disposition of certain school lands in Oklahoma Territory, reported the same with amendment, accompanied by a report (No. 2689); 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. 14590) to authorize the courts of county commissioners of Houston

and Dale counties, Ala., to construct a bridge across the Choctaw-hatchee River between Houston and Dale counties, Ala., reported the same with amendment, accompanied by a report (No. 2691); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the House resolution (H. Res. 283) that the Attorney-General of the United States is requested to inform the House of Representatives whether any investigation was ever had of the so-called "anthracite coal trust," etc., reported the same without amendment, accompanied by a report (No. 2694); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the House resolution (H. Res. 284) that the Attorney-General is requested to inform the House of Representatives whether any criminal prosecutions have been instituted against the individuals or corporations in the Northern Securities cases, etc., reported the same without amendment, accompanied by a report (No. 2695); which said resolution 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 Senate (S. 1380) to provide for a site for a depot for the Revenue-Cutter Service, reported the same without amendment, accompanied by a report (No. 2696); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15195) authorizing the construction of a wagon, toll, and electric railway bridge over the Missouri River at Lexington, Mo., reported the same with amendment, accompanied by a report (No. 2697); which said bill and report were referred to the House Calendar.

Mr. CURRIER, from the Committee on Elections No. 2, to which was referred the House resolution (H. Res. 306) relating to the contested-election case of Bonyng against Shafroth, reported the same with amendment, accompanied by a report (No. 2705); which said 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. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15183) granting a pension to Ella F. Kennealy, reported the same with amendment, accompanied by a report (No. 2608); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3924) granting an increase of pension to Ira Waldo, reported the same with amendment, accompanied by a report (No. 2609); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14876) granting an increase of pension to Francis Stadler, jr., reported the same with amendment, accompanied by a report (No. 2610); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4152) granting an increase of pension to George B. Hartley, reported the same with amendment, accompanied by a report (No. 2611); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7373) granting a pension to Harriet J. Woodbury, reported the same without amendment, accompanied by a report (No. 2612); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 740) granting an increase of pension to Ira Meserve, reported the same with amendment, accompanied by a report (No. 2613); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14484) granting an increase of pension to Charles W. Lee, reported the same with amendment, accompanied by a report (No. 2614); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15076) granting an increase of pension to Lawrence Le Bron, reported the same

with amendment, accompanied by a report (No. 2615); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8280) granting an increase of pension to James A. Morrison, reported the same with amendment, accompanied by a report (No. 2616); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14490) granting a pension to Degraphenreed P. McKinley, reported the same with amendment, accompanied by a report (No. 2617); 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. 13605) granting a pension to Elizabeth E. Conatt, reported the same with amendment, accompanied by a report (No. 2618); 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. 14890) granting an increase of pension to Allen R. Harris, reported the same with amendment, accompanied by a report (No. 2619); 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. 14343) granting an increase of pension to William Neuborg, reported the same with amendment, accompanied by a report (No. 2620); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14612) granting an increase of pension to Myron Imas, reported the same with amendment, accompanied by a report (No. 2621); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15148) granting an increase of pension to Armour W. Patterson, reported the same with amendment, accompanied by a report (No. 2622); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11336) granting an increase of pension to Samuel R. Hazen, reported the same with amendment, accompanied by a report (No. 2623); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13373) granting an increase of pension to William W. Dennis, reported the same with amendment, accompanied by a report (No. 2624); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9394) granting an increase of pension to Mrs. John Leffler, reported the same with amendment, accompanied by a report (No. 2625); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12348) granting an increase of pension to John Pickering, reported the same with amendment, accompanied by a report (No. 2626); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10851) granting an increase of pension to Nancy Smallwood, reported the same with amendment, accompanied by a report (No. 2627); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11827) granting an increase of pension to Daniel Smith, reported the same with amendment, accompanied by a report (No. 2628); 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. 934) granting an increase of pension to Frank Brock, reported the same with amendment, accompanied by a report (No. 2629); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10334) granting an increase of pension to John S. Allison, reported the same with amendment, accompanied by a report (No. 2630); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1305) granting an increase of pension to Gilbert A. Kenney, reported the same with amendment, accompanied by a report (No. 2631); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3107)

granting an increase of pension to James E. Chappell, reported the same with amendment, accompanied by a report (No. 2632); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11374) granting an increase of pension to William Wells, reported the same with amendment, accompanied by a report (No. 2633); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3431) granting an increase of pension to William Basnett, reported the same without amendment, accompanied by a report (No. 2634); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4341) granting a pension to Henry Armstrong, reported the same without amendment, accompanied by a report (No. 2635); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4340) granting an increase of pension to Rose MacFarlane, reported the same without amendment, accompanied by a report (No. 2636); 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. 5125) granting an increase of pension to William O. White, reported the same without amendment, accompanied by a report (No. 2637); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3203) granting an increase of pension to George W. Foster, reported the same without amendment, accompanied by a report (No. 2638); 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. 3616) granting an increase of pension to Frances E. Plummer, reported the same without amendment, accompanied by a report (No. 2639); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3335) granting an increase of pension to John Waldo, reported the same without amendment, accompanied by a report (No. 2640); 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. 538) granting an increase of pension to Alice W. Stoodley, reported the same without amendment, accompanied by a report (No. 2641); 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. 2399) granting a pension to Michael Nelligan, reported the same without amendment, accompanied by a report (No. 2642); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3939) granting an increase of pension to Eugene Schilling, reported the same without amendment, accompanied by a report (No. 2643); 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. 3915) granting an increase of pension to Benjamin F. Bollinger, alias Benjamin Bell, reported the same without amendment, accompanied by a report (No. 2644); 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. 5349) granting an increase of pension to Rebecca Aumen, reported the same without amendment, accompanied by a report (No. 2645); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5372) granting an increase of pension to Jesse W. McGahan, reported the same without amendment, accompanied by a report (No. 2646); 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. 5230) granting an increase of pension to John D. Inger, reported the same without amendment, accompanied by a report (No. 2647); 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. 1564) granting an increase of pension to Daniel W. Working, reported the same without amendment, accompanied by a report (No. 2648); 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. 1808) granting a pension to James L. Dyer,



reported the same without amendment, accompanied by a report (No. 2649); 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. 5265) granting an increase of pension to James Stout, reported the same without amendment, accompanied by a report (No. 2650); 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. 5289) granting an increase of pension to Peter Baker, reported the same without amendment, accompanied by a report (No. 2651); 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. 5161) granting an increase of pension to William H. Seip, reported the same without amendment, accompanied by a report (No. 2652); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2183) granting an increase of pension to David L. Miller, reported the same without amendment, accompanied by a report (No. 2653); 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. 5270) granting an increase of pension to Ellen R. Ostrander, reported the same without amendment, accompanied by a report (No. 2654); 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. 3432) granting an increase of pension to Rosaline V. Campbell, reported the same without amendment, accompanied by a report (No. 2655); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2730) granting an increase of pension to Jasper N. Jennings, reported the same without amendment, accompanied by a report (No. 2656); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 433) granting an increase of pension to William L. Johnston, reported the same without amendment, accompanied by a report (No. 2657); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5205) granting an increase of pension to Joseph Dickinson, reported the same without amendment, accompanied by a report (No. 2658); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4187) granting an increase of pension to William G. Tompkins, reported the same without amendment, accompanied by a report (No. 2659); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 493) granting an increase of pension to Richard E. Bouldin, reported the same without amendment, accompanied by a report (No. 2660); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2116) granting an increase of pension to Edna Stevens, reported the same without amendment, accompanied by a report (No. 2661); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2803) granting an increase of pension to William H. Ijams, reported the same without amendment, accompanied by a report (No. 2662); 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. 5179) granting an increase of pension to Alonzo Gardner, reported the same without amendment, accompanied by a report (No. 2663); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4337) granting an increase of pension to William H. Hess, reported the same without amendment, accompanied by a report (No. 2664); 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. 405) granting an increase of pension to Darius W. Owens, reported the same without amendment, accompanied by a report (No. 2665); 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. 5076) granting an increase of pension to Stacy Williams, reported the same without amendment, accompanied by a report (No. 2666); 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. 5034) granting an increase of pension to George A. Miller, reported the same without amendment, accompanied by a report (No. 2667); 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. 5101) granting an increase of pension to Lewis Y. Foster, reported the same without amendment, accompanied by a report (No. 2668); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3304) granting an increase of pension to Andrew A. Kelley, reported the same without amendment, accompanied by a report (No. 2669); 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. 4679) granting an increase of pension to Samuel R. Shankland, reported the same without amendment, accompanied by a report (No. 2670); 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. 5282) granting an increase of pension to William P. Vohn, reported the same without amendment, accompanied by a report (No. 2671); 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. 741) granting an increase of pension to William D. Woodworth, reported the same without amendment, accompanied by a report (No. 2672); 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. 4223) granting an increase of pension to William P. Jackson, reported the same without amendment, accompanied by a report (No. 2673); 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. 5213) granting an increase of pension to Theodore J. Widvey, reported the same without amendment, accompanied by a report (No. 2674); 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. 5111) granting an increase of pension to Charles W. Barrett, reported the same without amendment, accompanied by a report (No. 2675); 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. 3890) granting an increase of pension to James N. Culton, reported the same without amendment, accompanied by a report (No. 2676); 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. 5191) granting an increase of pension to Elizabeth C. Way, reported the same without amendment, accompanied by a report (No. 2677); 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. 103) granting an increase of pension to Alexander D. Tanyer, reported the same without amendment, accompanied by a report (No. 2678); 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. 73) granting an increase of pension to William H. Colville, reported the same without amendment, accompanied by a report (No. 2679); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3666) granting an increase of pension to James W. Carrier, reported the same without amendment, accompanied by a report (No. 2680); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3245) granting an increase of pension to Oscar F. Bartlett, reported the same without amendment, accompanied by a report (No. 2681); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5369) granting an increase of pension to John McConnell, reported the same with amendment, accompanied by a report (No. 2682); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4682) for the relief of Henry Bradley, reported the same without amendment, accompanied by a report (No. 2686); 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. 10077) granting a pension to Julia A. Henderson, reported the same with amendment, accompanied by a report (No. 2690); 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. 13911) granting an increase of pension to Calvin Hitt, reported the same with amendment, accompanied by a report (No. 2693); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10343) granting a pension to Anna Mansfield—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10918) for the relief of W. M. Coulling—Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 15186) granting a pension to Albert Sidney Coomer—Committee on Pensions discharged, and referred to the Committee on Invalid 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. RIXEY: A bill (H. R. 15253) to protect the monuments already erected on the battlefields of Bull Run, Virginia, and other monuments that may be there erected—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 15254) to prevent superannuation in the public service—to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 15255) to reclassify employees in the civil service—to the Committee on Reform in the Civil Service.

By Mr. RODEY: A bill (H. R. 15256) to authorize the appointment of police judges in incorporated cities, towns, and villages in the several Territories—to the Committee on the Territories.

By Mr. MORRELL: A bill (H. R. 15257) extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 15258) authorizing the town of Otsego, in the county of Wright, and the village of Elk River, Minn., to construct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A bill (H. R. 15259) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits—to the Committee on Ways and Means.

By Mr. HAY: A resolution (H. Res. 342) relative to fund of the Soldiers' Home, District of Columbia—to the Committee on Military Affairs.

#### 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. BARTHOLDT: A bill (H. R. 15260) for the relief of Edward Cahalan—to the Committee on War Claims.

By Mr. BINGHAM: A bill (H. R. 15261) granting an increase of pension to Elizabeth Kane—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 15262) granting an increase of pension to Charles Brick—to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 15263) granting an increase of pension to Henry Hatch—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 15264) to correct the military record of George Stroop—to the Committee on Military Affairs.

By Mr. DRISCOLL: A bill (H. R. 15265) for the relief of the heirs of Asa O. Gallup—to the Committee on Claims.

Also, a bill (H. R. 15266) for the relief of John Kurtz—to the Committee on Claims.

By Mr. GOLDFOGLE: A bill (H. R. 15267) granting a pension to Thomas C. Hughes—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 15268) granting an increase of pension to Francis E. Brigham—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 15269) granting a pension to Anna C. Owen—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 15270) granting a pension to George Todd—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 15271) granting an increase of pension to Gavin W. Ryan—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 15272) for the relief of the heirs at law of William C. Dixon, deceased—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 15273) granting an increase of pension to Thomas Hancock—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 15274) granting an increase of pension to Richard Wareham—to the Committee on Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 15275) to correct the military record of John Flaherty—to the Committee on Military Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 15276) granting an increase of pension to N. Warren Pulsifer—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 15277) granting an increase of pension to Samuel H. Whatley—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 15278) for the relief of the legal representatives of Peter Glenn, deceased—to the Committee on War Claims.

By Mr. BELL of California: A bill (H. R. 15279) to remove the charge of desertion against J. J. Fisher—to the Committee on Military Affairs.

#### PETITIONS, ETC.

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

By Mr. ADAMS of Pennsylvania: Three petitions of citizens of Philadelphia, Pa., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURNETT: Petition of citizens of Winston County, Ala., in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL: Petition of Rev. L. D. Noel and 105 others, of Howard, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CAPRON: Petition of Councilman D. F. Grady, Dr. W. H. Jordan, Eugene J. Dullea, and P. J. Finneran, of Providence, R. I., committee representing the Ancient Order of Hibernians, advocating the passage of the bill to erect a monument to Commodore John Barry—to the Committee on the Library.

By Mr. CONNELL: Petition of the International Association of Machinists, Electric City Lodge, No. 230, of Scranton, Pa., in favor of the passage of an eight-hour law—to the Committee on Labor.

Also, petition of A. A. Chase, of Scranton, Pa., in favor of bill H. R. 8678, to increase the appropriation for agricultural experiment stations—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Norton Brothers and others, of Granville, N. Y., against the passage of bill H. R. 11964—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the United Laborers and Pavers' Union, Local No. 9750, of Troy, N. Y., in favor of the eight-hour and anti-injunction bills—to the Committee on the Judiciary.

By Mr. DRESSER: Papers to accompany bill to correct the military record of George Stroop—to the Committee on Military Affairs.

By Mr. GRANGER: Petition of the Bronson Chemical Company and others, of Providence, R. I., in favor of the passage of bill H. R. 9303—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of Shipwrights, Joiners, and Caulkers, Local No. 12, of Portland, Oreg., in favor of an eight-hour bill and an anti-injunction bill—to the Committee on the Judiciary.

By Mr. HILDEBRANT: Petition of riflemen of Ohio, in favor of bills H. R. 14047 and S. 5094 and 4875—to the Committee on Militia.

Also, petition of B. Schlesinger, of Xenia, Ohio, in favor of bill H. R. 13997—to the Committee on the Judiciary.

Also, resolution of the general assembly of Ohio, relative to the advancement of T. M. Anderson to the grade of major-general—to the Committee on Military Affairs.

Also, papers to accompany bill to correct the military record of Samuel Anderson—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: Resolution of the Twenty-seventh District Republican Club, of New York City, urging an amendment of the contract-labor clause of the immigration law—to the Committee on Immigration and Naturalization.

Also, resolution of soldiers and sailors of the civil war, of Ocean County, N. J., against placing a statue of Gen. R. E. Lee in Statuary Hall—to the Committee on the Library.

By Mr. LAMB: Petition of the Chelf Chemical Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. LINDSAY: Petitions of John Decker, Joseph Huchin, and Bernard Mintzer, of Brooklyn, N. Y., favoring clause in post-office appropriation bill relative to convict labor—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petition of citizens of Detroit, Mich., in favor of the passage of bill H. R. 14620—to the Committee on the Merchant Marine and Fisheries.

By Mr. MARTIN: Petition of N. A. Swickard and 41 others, of Canton, S. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MORRELL: Petition of the International Brotherhood of Steam Shovel Dredge Firemen, Deck Hands, and Scowmen, of Chicago, Ill., against the United States Government constructing steam dredges, etc.—to the Committee on Rivers and Harbors.

Also, resolutions of the Catholic Total Abstinence Union and Division No. 16, Ancient Order of Hibernians, of Philadelphia, Pa., in favor of bill for erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. PAYNE: Petition of Timothy G. Darling and 27 others, of Auburn, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. REID: Petition of G. H. Cunningham and 12 others, of Moulton, Ark., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Petition of S. P. Johnson and others, of New Decatur, Ala., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Arkansas: Petition of W. B. Alexander and others, of Pine Bluff, Ark., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Papers to accompany bill H. R. 5383, granting an increase of pension to Samuel Shafer—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 707, for the relief of W. R. McGuire—to the Committee on War Claims.

By Mr. VREELAND: Petition of the M. M. Fenner Medicine Company, of Fredonia, N. Y., in favor of the passage of bill H. R. 9302—to the Committee on Ways and Means.

Also, petitions of Isaac M. Longworthy and A. J. Armstrong, of Alfred, N. Y., in favor of bill H. R. 9313—to the Committee on Invalid Pensions.

## SENATE.

THURSDAY, April 21, 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. NELSON, and by unanimous consent, the further reading was dispensed with.

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

### EASTERN RAILROAD AND BOSTON AND MAINE RAILROAD.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of March 3, 1903, a report from the Commissioner of Internal Revenue relative to the amounts paid as taxes by the Eastern Railroad Company and the Boston and Maine Railroad in excess of the amount legally due under the acts of Congress: which, on motion of Mr. LODGE, was, with the accompanying paper, ordered to lie on the table, and be printed.

### REJECTED OR SUSPENDED CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, a report from the Auditor of the War Department relative to all claims for horses and other property lost in the military service of the United States: which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### ESTATE OF JAMES BOYCE, DECEASED.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in further response to a resolution of the 16th instant, an additional judgment rendered by the Court of Claims in the Indian deprecation case of Henry W. Boyce, administrator of James Boyce, deceased, not heretofore reported to Congress; which, with the accompanying

paper, was referred to the Committee on Appropriations, and ordered to be printed.

### LIST OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, an additional list of judgments rendered by the Court of Claims amounting to \$4,235.73, which have been presented to the Treasury Department, and require an appropriation for their payment; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2816) to amend section 3095 of the Revised Statutes of the United States, relating to manner of importation;

A bill (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;" and

A 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.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11963) regulating the practice of medicine and surgery in the Indian Territory.

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. 875) for the relief of Harry C. Mix;

A bill (H. R. 7262) to provide for the allotment of lands in severalty to Indians in the State of New York, and extend protection of the laws of the United States and of the State of New York over them; to provide for the sale of lands now leased in perpetuity, and to provide for disposition of the so-called "Ogden claim;"

A bill (H. R. 8690) to amend the law relating to taxation in the District of Columbia;

A bill (H. R. 13298) to amend section 2327 of the Revised Statutes of the United States, relating to land;

A bill (H. R. 14467) to amend chapter 508 of the United States Statutes at Large, volume 32, Part I, Fifty-seventh Congress, entitled "An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.; and

A bill (H. R. 15014) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River, near Chattanooga, Tenn., and for other purposes.

### ENROLLED BILLS SIGNED.

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

A bill (H. R. 7634) to establish a life-saving station in Sussex County, State of Delaware;

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;

A bill (H. R. 9648) to amend the first section of an act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January 30, 1903;

A bill (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation and provision to carry the same into effect;

A bill (H. R. 10891) for the relief of Julius A. Kaiser;

A bill (H. R. 11128) to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect;

A bill (H. R. 11968) to incorporate the Washington Sanitary Housing Company;

A bill (H. R. 12147) to amend chapter 749, second session Fifty-seventh Congress, approved February 23, 1903, being "An act to establish United States courts at Wilkesboro, N. C.;"

A bill (H. R. 12653) for the relief of John Bremond;

A bill (H. R. 13509) authorizing the Secretary of War to transfer to the Columbia Military Academy certain property in Maury County, Tenn.;

A bill (H. R. 14413) permitting the building of a dam across the