

SENATE.

WEDNESDAY, April 20, 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. GALLINGER, and by unanimous consent the further reading was dispensed with.

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

ARMY TELEGRAPH OPERATORS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 12th instant, a report from Brig. Gen. F. C. Ainsworth, Chief of the Record and Pension Office of the War Department, relative to the number of telegraph operators in the military service who have received certificates of honorable service as provided in the act of January 26, 1897, etc.; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

JUDGMENT BY COURT OF 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 judgment rendered by the Court of Claims in favor of the Cincinnati, New Orleans and Texas Pacific Railway Company amounting to \$23,395.30; which was referred to the Committee on Appropriations, and ordered to be printed.

VISITORS TO ANNAPOLIS.

The PRESIDENT pro tempore appointed Mr. DRYDEN and Mr. GORMAN members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3611) to amend an act entitled "An act to amend an act entitled 'An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes,'" by extending the time for the construction of said railway by a further extension of time for the construction of said railway.

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

A bill (H. R. 10018) granting to the State of North Dakota 640 acres of land, embracing the White Stone Hills battlefield and burial ground of soldiers killed in that engagement;

A bill (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians, in the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect;

A bill (H. R. 11126) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw Nations, Indian Territory, and for other purposes;

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; and

A bill (H. R. 11518) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Big Stone Gap, Va.

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. 12647) to establish a supreme court for the Indian Territory and to provide for additional United States judges therein, and for other purposes; and

A bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The message also announced that the House had agreed to the concurrent resolution of the Senate relative to an invitation extended to the Congress of the United States by the Louisiana Purchase Exposition to attend the formal opening ceremonies of that exposition at St. Louis, Mo., April 30, 1904, etc.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 12231) for the survey and allotment of lands now embraced within the limits of the Flathead In-

dian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of C. H. Armes, of Washington, D. C., praying for the enactment of legislation to acquire the triangle at the corner of Sixteenth street and Kenesaw avenue for a Government reservation; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Stanton J. Peele, of Washington, D. C., remonstrating against the enactment of legislation to change the name of Oregon avenue and other streets to Samson street, in the city of Washington; which was referred to the Committee on the District of Columbia.

He also presented the petition of Coldren and Fenning, of Washington, D. C., and the petition of Smith Thompson, jr., of Washington, D. C., praying for the enactment of legislation to establish public-convenience stations in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented memorials of Winfield S. Crown, H. C. Hartwell, M. D. Mattson, John Wharton Clark, C. Engel's Sons, A. G. Daniels and 27 other citizens, and W. W. Prescott and 51 other citizens, all of Washington, D. C., and of the Eastern Pennsylvania Conference of Seventh Day Adventists, of Williamsport, Pa., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Art Club of Philadelphia, Pa., and a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. ANKENY presented a memorial of the Tacoma Hardware Dealers' Association, of Tacoma, Wash., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Long Pine Lodge, Brotherhood of Boiler Makers and Iron-ship Builders, of Hillyard, Wash., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. PERKINS presented a petition of the Pine Manufacturers' Association, of San Francisco, Cal., praying that an appropriation be made for an investigation and test of American timbers; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation of \$500,000 be made for restraining barriers on the Sacramento and San Joaquin rivers, and also authorizing the Secretary of War to draw warrants on the Treasury for funds to improve the upper Sacramento River; which was referred to the Committee on Commerce.

Mr. HOPKINS presented petitions of the Woman's Home Missionary Society of Evanston, of the Woman's Home Missionary Society of the Methodist Episcopal Church of Evanston, and of the Woman's Christian Temperance Union of Evanston, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Tri-City Trades and Labor Council, of Granite City, Ill., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

Mr. KEARNS presented a petition of sundry citizens of Sevier County, Utah, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. STONE presented a petition of Local Division No. 2, Order of Railroad Telegraphers, of St. Louis, Mo., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of Local Division No. 2, Order of Railroad Telegraphers, of St. Louis, Mo., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Missouri, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Travelers' Goods and Leather Novelty Workers' Union, of Kansas City, Mo., praying for the adoption of an amendment to the Constitution extending the elective franchise to women; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of Local Lodge No. 70, Brotherhood of Boiler Makers and Iron-ship Builders, of Springfield, Mo., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. COCKRELL presented a petition of the Association of Manufacturers and Distributors of Food Products of the United States, praying for the passage of the so-called "pure-food bill," which was ordered to lie on the table.

He also presented a memorial of the St. Louis Manufacturers' Association, of St. Louis, Mo., remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 207, American Federation of Labor, of St. Louis, Mo., and a petition of the Union Men's Political Club of St. Joseph, Mo., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations to whom was referred the bill (H. R. 15054) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, to report it with amendments, and I submit a report thereon.

This is the last appropriation bill from that committee. I shall call up the bill when the sundry civil appropriation bill has been disposed of, or as soon thereafter as possible. I think the Senator from North Dakota [Mr. McCUMBER] has announced that he will call up the pension appropriation bill immediately after the conclusion of the sundry civil appropriation bill. I have sent for additional copies of the deficiency bill, and if the other bills are disposed of to-day I shall ask the Senate to take it up late in the afternoon.

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

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 13300) granting certain rights and privileges to the commissioners of waterworks in the city of Erie, Pa., asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 965) granting an increase of pension to Franklin Webb, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5484) granting a pension to Burnetta B. Lehmann, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (S. 1659) granting permission to Capt. William E. Horton, United States Army, to accept a decoration tendered him by the President of the French Republic, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 5441) in relation to the assignment of diplomatic and consular officers, reported it without amendment.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALDRICH. Mr. President, I should like to make an inquiry of the Committee on Military Affairs. The Senator from Maine [Mr. HALE] has just announced that the last appropriation bill has been reported from the Committee on Appropriations. I notice by the Calendar that the Military Academy appropriation bill, so-called, has been before the Committee on Military Affairs since the 6th of April. I should be glad if some Senator on that committee would tell us about its status.

Mr. WARREN. The Military Academy appropriation bill is in the hands of the Committee on Military Affairs. I am not able to state whether it went to that committee on the 6th of April or at some later day, but it was sent to the subcommittee at a later date than that, and the subcommittee are considering it. They are now waiting for some information from Colonel Mills in regard to certain items about purchase of land, etc., for waterworks before they can complete it.

Mr. ALDRICH. I merely wish to suggest to the Senator that it is desirable to get the bill at an early day before the Senate.

Mr. WARREN. That committee does not need any spur or whip to compel a performance of duty. They will report the bill as soon as they have the information, and will report it, without doubt, before the other appropriation bills are disposed of.

DOCUMENTS FOR DEPARTMENT OF COMMERCE AND LABOR.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a bill to amend an act entitled "An act providing for public printing and binding and the distribution of public documents," and I ask for its present consideration.

The bill (S. 5597) to amend an act entitled "An act providing for public printing and binding and the distribution of public documents" was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That chapter 23 of the statutes of the United States, entitled "An act providing for public printing and binding and the distribution of public documents," approved January 12, 1895 (Stat. L., 23, p. 605), be, and is hereby, amended as follows:

In paragraph 20 of section 73 strike out the words "to the Department of Labor, 5 copies" and insert, after the words "to the Department of Agriculture, 50 copies," the words "to the Department of Commerce and Labor, 300 copies."

In paragraph 24 of section 73 strike out the words "to the Department of Labor, 5 copies" and insert, after the words "to the Department of Agriculture, 50 copies," the words "to the Department of Commerce and Labor, including those for the officers of the Immigration Service, 300 copies."

In paragraph 68 of section 73 strike out the words "to the Department of Labor, 4 copies," and also the words "to the Commissioner of Fish and Fisheries, 2 copies," and insert, after the words "to the Department of Agriculture, 15 copies," the words "to the Department of Commerce and Labor, 150 copies."

Mr. COCKRELL. The bill seems to give an abnormal number of volumes to the Department of Commerce and Labor. Does the Senator remember the number of copies the Treasury and other Departments get?

Mr. PLATT of New York. I do not remember the number stated in the printing act. Let the Secretary read the letter I send to the desk from the Secretary of Commerce and Labor.

The PRESIDENT pro tempore. The Secretary will read the letter sent to the desk.

The Secretary read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 19, 1904.

DEAR SIR: I beg to inclose herewith a draft of a bill to amend an act entitled "An act providing for public printing and binding and the distribution of public documents" and to request that if the proposed measure meets with the approval of your committee it be introduced in the Senate.

The purpose of the bill is to provide the Department of Commerce and Labor with its proper quota of pamphlet copies of the statutes of the sessions of Congress, bound volumes of the Statutes at Large, and of the Official Register of the United States, the printing law as it now stands making no provision for the distribution to this Department of the documents mentioned.

Very truly, yours,

GEO. B. CORTELYOU,
Secretary.

HON. THOMAS C. PLATT,
Chairman Committee on Printing, United States Senate.

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

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

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

BEECHER ISLAND BATTLE MEMORIAL ASSOCIATION.

Mr. DUBOIS. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 10101) for the cession of 120 acres of land to the Beecher Island Battle Memorial Association, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

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

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

The preamble was agreed to.

Mr. DUBOIS. I ask that the report accompanying the bill be printed as a Senate document. It has a local historical interest.

The PRESIDENT pro tempore. The Senator from Idaho asks that the report accompanying the bill may be printed as a Senate document. Is there objection? The Chair hears none, and the order is made.

BILLS INTRODUCED.

Mr. MARTIN introduced a bill (S. 5598) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia; which was read twice by its title, and referred to the Committee on the Library.

Mr. COCKRELL introduced a bill (S. 5599) for the relief of the legal representatives of Nathan E. Harrelson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5600) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897; which was read twice by its title, and referred to the Committee on Finance.

Mr. HOPKINS introduced a bill (S. 5601) amending the statutes relating to patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. FRYE introduced a bill (S. 5602) granting a pension to Susan H. Cutler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5603) for the preservation of historic and prehistoric ruins, monuments, archaeological objects,

and other antiquities, and to prevent their counterfeiting; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER introduced a bill (S. 5604) to regulate retirement of veterans of the civil war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 5605) to revive and amend an act entitled "An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport;" which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. NELSON submitted an amendment proposing to include in the number of employees of the Senate and House of Representatives to receive one month's extra compensation the seven assistants of W. A. Smith, CONGRESSIONAL RECORD clerk, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table, and be printed.

He also submitted an amendment making available so much of the appropriation made in the act approved March 3, 1903, to provide for the new examination authorized by article 9 of the tribunal of arbitration, etc., as may be necessary for the purchase of the original water-color drawings and life studies of the fur-seal herd of Alaska on the Pribilof Islands, by Henry W. Elliott, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table, and be printed.

Mr. BARD submitted an amendment proposing to appropriate \$1,250 for the relief of Helen D. Longstreet, widow of Gen. James Longstreet, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF SAMANA BAY COMPANY.

Mr. PLATT of New York submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved, That the President of the United States is hereby requested to enter into correspondence with the Government of the Dominican Republic, with the view to impressing upon that Government the justness of submitting to a court of arbitration the claim of the Samana Bay Company against said Government, as provided for by article 14 of the charter or contract between the said company and the said Government of the Dominican Republic, dated December 28, 1852.

POSTMASTERS IN IDAHO.

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

Resolved, That the Postmaster-General be, and he is hereby, directed to ascertain as far as possible and report to the Senate what, if any, postmasters in Idaho are living in polygamy.

EMPLOYMENT OF MESSENGER.

Mr. ALLEE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Depredations be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of \$1,440 per annum, until otherwise provided for by law.

HOUSE BILL REFERRED.

The bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, was read twice by its title, and referred to the Committee on Territories.

INVESTMENTS OF CAPITAL INDEPENDENT OF TRUSTS.

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

The Secretary read the resolution submitted on the 18th instant by Mr. DOLLIVER, as follows:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to prepare and send to the Senate a statement showing what companies have been incorporated in the United States and what investments of capital made by individuals or copartnerships since the year 1900, outside and independent of the so-called "trusts," and the aggregate capital, compared with the total capitalization of the trust combinations.

Mr. DOLLIVER. Mr. President, I have been very much interested since the present session of Congress began in observing the complete victory which the existing tariff law has won over the prejudices and settled opinions which for generations have determined the attitude of the Democratic party toward the protective policy. For the first time in our national history since 1816 that policy stands approved, its enemies themselves being the judges, by the common consent of the American people. If we may ac-

cept the plain intimation of the Democratic leaders of the Senate and of the House of Representatives, the old battle cries of the party are not to be heard as we approach the Presidential election of this year. But in their place we are likely to find a calm and resigned acceptance of our established industrial system, with no suggestion of a change which will disturb its foundations or alarm the interests which have grown up under its influence.

Whether this change in the attitude of the Democratic party means a change of heart or simply a cunning change of tactics, it is a little too early to say. The benevolent admission of the fact that vast investments of capital, furnishing employment to millions of workingmen, ought not to be suddenly sacrificed to political theories which have never worked well in the United States, will, it appears to me, be taken for what it is worth. It met all demands in 1884, though everybody perceives that the intervention of tremendous national experiences since that time has somewhat weakened the popular confidence in such an announcement of the plans of the Democratic party as they have been, somewhat ambiguously, confided to us in the course of the recent Senate debates by the distinguished Senator from Maryland [Mr. GORMAN].

If all Democratic leaders were as wise and sagacious as he is, it is possible the platform upon which Mr. Cleveland was first elected President could be taken up again, without exciting either the suspicion or the derision of the American people, but, fortunately for the cause of truth, not all of them have mastered the art of chloroforming their adversaries, as the Senator from Maryland has, for no sooner do others less gifted undertake to follow his smooth and sinuous suggestions than they are betrayed into familiar habits of speech which put the whole industrial community on its guard.

The brilliant young leader of the minority in the House of Representatives makes a brave effort to echo these counsels of prudence and moderation in dealing with the tariff question, and succeeds almost as perfectly as the Senator from Maryland himself, though he has not acquired the educated discretion which enables him to ignore the general Democratic opinion inherited from distant generations "that protection is a system of taxation whereby the public is robbed in order that a few may be hothoused by legislation into artificial prosperity." He is conservative for all that, and makes an honest effort to assimilate the palatable wisdom of the Senator from Maryland. And it must be confessed that he does fairly well in lining the party up, when we consider what his real opinion is and what the ultimate Democratic design is.

In order to interpret the conservative programme of dealing with the tariff which the Senator from Maryland for the second time brings forward as a platform for the Democratic party, let me read two sentences from an article printed in a recent magazine by the Hon. JOHN SHARP WILLIAMS:

"The general principle that protectionism," says this writer, "is wrong, morally wrong—a prostitution of government to private ends—should never be forgotten; the goal ought never to be lost sight of. At the same time the friends of tariff reform would not strike down, in a revolutionary way, overnight, as the Germans say, all the scaffolding which the false system has erected."

I may be mistaken about it, but it looks to me as if the platform outlined by the Senator from Maryland, intended to allay the country into the belief that the great industries by which our people live are not to be subjected, in case of Democratic victory, to an immediate assault, will be read in the light of this more candid if less seductive statement of the actual motive of Democratic statesmanship. For the difficulty which his followers labor under when they try to harmonize their crude fanaticism with his soft and benignant method of winning elections, without arousing the country and putting the people on their defense, is illustrated also in speeches which have been made here and to which I can more appropriately refer:

I have been taught, and I believe, that the Dingley tariff is an abomination—

Said the eloquent Senator from North Carolina in the Cuban debate of December 15—

that it is an exorbitant and excessive taxation, and that after levying a sufficient sum to make up the difference between the labor and the material cost between this country and competing countries it imposes heavy additional duties, in many instances for no other purposes than private enrichment.

It will thus appear that the effort to detach the Democratic party from its traditional antipathy to the protective tariff system is not likely to deceive very many people in a country whose pathway has been lit by an experience so acute and so recent as to baffle all attempts to explain it, however persistent or captivating. If the protective tariff system is to become an issue in the approaching campaign, the issue will be between its friends and its enemies, and the mere fact that the wolves who propose to devour it are dressed in sheeps' clothing will not save them from the reception which they would have in their habit as they have lived all their days.

If such an issue is to be made, if the scattered occupations of the American people now flourishing in every State of the Union are to be again subjected to the doubts and uncertainties of Democratic tariff reform, whether by sudden assault or the indolent horrors of a protracted siege, I know of no Republican who does not welcome the issue and stand ready to defend the historic faith of the party; for surely there never was a period in the history of the United States when the policy of protection had so complete a vindication as it has had under the tariff law of 1897.

From whatever point of view it may be judged—whether from the universal employment of the working forces of the country or the general level of high wages or the multiplication of new industries or the prosperity of the farm or the activity of domestic trade or the volume and net results of foreign commerce—the years covered by the Dingley law will be memorable for generations to come. That enactment stands at the beginning of a new epoch in our commercial life, yet it only repeated upon a wider scale the national experience from the beginning, and it will be a vain task to try to blot out of the minds and hearts of the American people the memory of the redemption wrought in their affairs by the statute which bears the name of Nelson Dingley and preserves the immortal signature of William McKinley.

It is entirely too early for our brethren on the other side to begin the task of explaining away the business disasters incident to Mr. Cleveland's second Administration, much less of disparaging the act of Congress which brought them to an end. To my mind, it has always seemed that the good providence which tries to guide our footsteps had at length determined to give the American people one national experience which they could all understand, and I do not believe that very many who were over 21 years of age when General Harrison was voted out and Mr. Cleveland voted in, and who marched wearily from the fortunate business conditions of 1892 through the wilderness of that lamentable four years, leaving by the wayside their worldly possessions as they marched, will ever deliberately repeat such an act of folly or invite again such a general assignment for the benefit of their creditors. It is gratifying, at least, to find the real leader of the Democratic party recognizing the educational significance of that experience by putting on an air of moderation and caution, as he guides his party in its attack upon the national industrial policy by covert phrases and honeyed words intended to conciliate the apprehensions of a people just recovered from the ten plagues of Egyptian statesmanship.

I count the concession which the protective tariff has won from its ancient enemy all the more remarkable because it has had more to contend with in the last ten years than ever before in its history. The founders and first apologists of the doctrine forecast the only rational complaint that could be made against it. They faced boldly the proposition that if we stopped buying manufactured goods in England and undertook to make them for ourselves, the factories at home, protected by the tariff law, might exact exorbitant profits in the absence of foreign competition.

It was to that criticism that Alexander Hamilton, in the Treasury report which has become the text-book of our progress as a people, addressed his most profound reasoning, confidently laying down the principle that the law of competition acting within our own market place would effectually correct whatever tendencies in that direction might arise. It was a notable testimonial to the wisdom of the founder of the protective-tariff system in America when nearly a century afterwards, looking back upon the whole course of our material development, James G. Blaine was able to put on record, in his unique historical sketch of the period of his own public service, an unqualified corroboration of the opinion which, when Alexander Hamilton first wrote it down, was hardly more than the daring intuition of a mind which had anticipated all the problems of the national life. Mr. Blaine said:

Protection, in the perfection of its design, does not invite competition from abroad, but is based on the controlling principle that competition at home will always prevent monopoly on the part of the capitalist, assure good wages to the laborer, and defend the consumer against the evils of extortion.

Year by year the good sense of that proposition had been manifest. Nobody denied that while industries were taking form and gaining a foothold among us temporary burdens might arise from the greater cost of production here compared with the countries in which they had been long established, but time gradually demonstrated that as one after another the fields of production in the United States were occupied that temporary disadvantage either disappeared altogether or was reduced as far as it could be without degrading the wages of labor.

Until within more recent years it could not be intelligently said that the system of protection, which began with the organization of our Government and continued with an interruption, never complete, of hardly twenty-five years, had disappointed that expectation of the statesmen who laid its foundations. Competition here, in every field of production, before the eyes of all men, had put the price of manufactured articles down so low that in 1896

Mr. Bryan was able to enlist the Democratic party in a wild crusade for doubling the price of everything by cutting in two the value of the standard coinage of the country.

Within the past ten years the industrial system established by our fathers and defended by all our great practical statesmen who were not under the duress of the slave power, from Washington to McKinley, has had to submit to a test more severe than it had ever before encountered. The question for the first time has become debatable whether the universal law of competition in our market place is able to stand up in the present state of American business or has gone to pieces as a result of a new industrial situation. And we are gravely informed that the trust question is to be made the paramount issue of the approaching campaign. So far as I am personally concerned, it makes very little difference what issue is selected by the Democratic convention as paramount. I sometimes think that we on our side have become neglectful of our rights, in always allowing our opponents to define the area of the controversy and to select the subject for debate. I never knew of any other kind of fighting where such a diagram of the contest was prepared in advance, except the duel described by the biographer of Curran, the Irish orator.

When Curran, on being challenged, chose pistols at 30 paces, his adversary objected, because being a man of 300 pounds weight he would be at an evident disadvantage in such an encounter with one who weighed less than 100 pounds; and to adjust the matter, Mr. Curran proposed to draw out on the overcoat of his antagonist the figure of a man exactly his size, with the distinct understanding that all shots which fell outside the chalk marks need not count. [Laughter.] At any rate there is no mistaking the fact that for a time, at least, our friends on the other side are likely to make more noise about the trusts than about anything else—a familiar and somewhat mechanical noise, it is true, but nevertheless noise enough to be overheard in the general confusion of their counsels.

It can not be denied that the public uneasiness over the sudden rise of the trust system, affecting all classes of society, has given an uncommon opportunity for every form of reckless agitation to find an audience. It would be expecting too much even of Democratic conservatism that it should miss such an opportunity; and it must be confessed, if it could be shown that the policy of sheltering the industries of the United States against the damaging competition of other countries had resulted in a successful conspiracy in restraint of trade in our own country, the task of defending the protective tariff would become a good deal harder than it ever has been before.

It is not surprising, therefore, that the uprising of public opinion against the trusts should have taken the form of a clamor not altogether confined within party lines against the protective tariff system itself, and it can not be denied that there was something exasperating beyond all patience in seeing industries which had literally been created out of the dust of the earth by the act of 1890 manipulated within ten years into huge corporations seeking to engross the whole market place. But time enough has elapsed and things enough have happened to enable us to bring all these scare heads and signals of distress to the test of experience, and to judge with some degree of accuracy how the principle of protection holds its previous reputation in the midst of such new and strange influences as have beset the American market place during the last ten years.

The Democratic party was quick to take up the statement which the president of the American Sugar Refining Company made in his testimony before the Industrial Commission that "the customs-tariff law is the mother of trusts." That sentence, passing rapidly into the liturgy of Democratic devotions, has become the text for every species of extravagant declamation and invective. It has seldom happened to a single man to render such a service to his party in the hour of its distraction, and if that sentence is to be made the paramount issue of the approaching campaign, ordinary generosity would require that Mr. Havemeyer's name should appear somewhere on the ticket.

I propose to inquire briefly into the truth of that proposition, then into the extent of the trust influence in our various fields of industrial production, and, after that, into the behavior of the law of competition, operating in a market place like ours, suddenly invaded by the reckless spirit of trust speculation.

It is hard to understand how anyone experienced in the practical aspect of affairs can believe that the effect of protective laws has been to foster, much less to engender, monopoly. The American market place is a unit, and every part of it, in the nature of the case, shares alike in the advantages arising from a given schedule. The object of such a schedule and its uniform result has been to produce not one industry but many of like kind; not in one section of the country alone, but everywhere throughout our borders. So that if a tendency toward monopoly has grown up in the United States it must be explained on some other principle. For more than a century these laws which are said to breed trusts

had the undeniable effect to distribute throughout our whole territory the industries which they were designed to build up, so that from ocean to ocean the map of the United States has been colored all over by the innumerable industrial activities of the American people.

And even in these later years, at the very time the outcry against the trusts has silenced all the other noises of our political strife, the publication of the census of 1900 has thrown the light of definite information upon the flights of everybody's imagination. Whoever now begins his tirade against the trusts by announcing that they bestride our narrow industrial world like a

colossus, only makes himself ridiculous. Fortunately, we know in this Presidential campaign what we did not know in the last—exactly how many trusts there are, where they are located, what their capital is, and what their relation to the business of the country is. At the time the census was taken they employed 8.4 per cent of the factory labor of the country, and their total output was 14.1 per cent of the aggregate factory product of the United States. In order to exhibit the exact relation which they bore to the varied field of our industrial production, I will ask your attention to Table 26, contained in Part I of the census of manufactures:

TABLE XXVI.—Wage-earners, total wages, and value of products: Percentage of industrial combinations to all establishments.

Group.	Average number of wage-earners.			Total wages.			Value of products.		
	All establishments.	Industrial combinations.	Ratio of industrial combinations to all establishments.	All establishments.	Industrial combinations.	Ratio of industrial combinations to all establishments.	All establishments.	Industrial combinations.	Ratio of industrial combinations to all establishments.
			Per cent.			Per cent.			Per cent.
Total	4,749,276	400,046	8.4	\$2,034,215,456	\$195,122,980	9.6	\$11,820,784,665	\$1,667,350,949	14.1
Food and kindred products	813,809	33,185	10.6	123,910,070	12,446,866	9.6	2,277,702,010	285,941,063	12.6
Textiles	1,029,910	37,723	3.7	341,734,399	13,297,557	3.9	1,637,484,484	71,888,202	4.4
Iron and steel and their products	733,968	145,609	19.8	381,875,499	81,068,533	21.2	1,793,490,908	508,626,482	28.4
Lumber and its remanufactures	546,153	10,778	2.0	212,201,768	4,339,344	2.1	1,030,906,579	20,378,815	2.0
Leather and its finished products	238,202	9,898	4.2	99,759,885	4,070,641	4.1	533,731,046	45,684,829	7.8
Paper and printing	297,551	16,706	5.6	140,062,453	7,478,002	5.3	606,317,768	44,418,417	7.3
Liquors and beverages	63,072	7,624	12.1	36,945,557	4,899,457	13.2	425,504,167	93,432,274	22.0
Chemicals and allied products	101,522	23,401	28.0	43,870,602	13,214,006	30.1	552,891,877	184,914,244	33.4
Clay, glass, and stone products	244,987	20,294	8.3	109,022,582	10,994,488	10.1	293,524,225	23,258,182	7.9
Metals and metal products other than iron and steel	190,757	20,522	10.8	96,749,051	12,356,772	12.8	748,765,464	180,154,703	24.1
Tobacco	142,277	17,061	12.4	49,552,454	5,278,151	10.6	283,076,546	74,033,029	26.2
Vehicles for land transportation	316,214	34,422	10.9	164,614,781	17,571,613	10.7	508,649,129	85,985,533	16.9
Shipbuilding	46,781			24,839,163			74,573,158		
Miscellaneous industries	483,273	17,243	3.6	202,746,182	8,056,140	4.0	1,004,062,294	48,606,073	4.8

The census of 1900 has been supplemented by careful investigations, which bring our knowledge down to date. A notable and useful work of this character is the recent book called "The Truth about the Trusts," by Mr. John Moody, who appears to be a competent student, entirely without bias, except perhaps a rather insubstantial hope that better days are ahead for the trust combinations. I notice in this book that the author puts down the names of 318 trusts, counting those in various states of dilapidation; but the list includes at least 100 which are composed of only two constituent companies and many others which are unimportant in size and negligible in influence.

It is a safe calculation, however, considering how rapidly their competitors have gained upon them, to say that the combined product of all of them, compared to the total output of the country, is less rather more than is shown by the figures of the census. It needs, therefore, only the slightest familiarity with our industrial statistics to relieve a man's mind at once of the fear that the whole market place has been overshadowed by new and sinister business adventures; and hereafter whoever tries to deal with the trust problem at all will be compelled to deal with an ascertained situation and to let go, however reluctantly, of the endless chain of hearsay and fable which has been worked so long by all sorts and conditions of men in the United States.

I do not intend to discuss at this point the origin of the trusts. The subject is an intricate one and I have not finished my meditations upon it, but I have got far enough into it to see that the protective system is not the mother of them, for that system was a century old before the first one of them was born; and beside that, they made their appearance in free-trade countries even before they did here. I distinctly remember that Mr. Blaine, immediately after his return from Europe in 1888, opened the Harrison campaign by the statement, verified by the common knowledge of everybody, that England was even then plastered all over with trusts. Furthermore, very many of our trusts, from the least and the meanest, like the American Ice Company, even unto the greatest and most successful, like the Standard Oil Company, have dealt with commodities which have nothing to lose by free trade, and never have had.

I am not one of those who have been deceived by the dogmatic statement so often heard in this discussion that the trust is an evolution, and therefore to be accepted, if not as a consummation devoutly to be wished, at least as a final state of things not to be disturbed, except under the heavy penalties imposed by the laws of nature. There is an evolution of business from the day of small things to the modern triumphs of accumulated capital over the market places of the world which no man in his senses complains of; and one of the misfortunes of the trust agitation as it has been conducted in the past has been its indiscriminate attack

upon enterprises of large capital, and especially upon corporate undertakings which have assembled vast investments for the transaction of business upon a scale previously unapproached.

There are few among us who would take away from the business community of the United States the modern weapons with which we have fought our way into the arena of the world's affairs, and that man renders the American people a very doubtful service who, in his hurry to strike down the trusts, assaults with indiscriminate stupidity the great corporations which have collected the scattered and unfruitful accumulations of many individuals and put them at the service of the community.

The oldest law known among men, except the law of the family, is the law of property. It has been comparatively easy to justify that law in all ages, for while it has not always been regarded as certain that what you have earned and saved is yours, it has always been obvious that it is not mine. If it has become harder to defend the law of property, whether individual or corporate, in our own times, it is not because its foundations are any less secure or its rights any less sacred; it is because the inventions of avarice and greed have filled the hearts of millions of people with resentment against the whole tribe of promoters, underwriters, stockjobbers, and cheats at common law. And I venture the opinion in this Chamber that the law of property which we have inherited from our fathers, the immemorial prescription of civilization which guards the earnings and savings of labor, whether invested in a farm, in a cottage, or in the stocks of a railroad, a bank, or a manufacturing company, never had more defenders to fight for it than it has to-day, nor a wiser, truer friend to speak for it than the President of the United States.

Unhappily, there is and probably always will be a prejudice more or less general against great wealth in the hands of others, but in a country like this such a prejudice is confined within the narrowest limits and as a political asset has proved absolutely worthless. Even a corporation, like a bank or a railroad, no longer has to contend with the swarm of petty misconceptions which at one time threatened to hinder the development of these indispensable agencies of commerce and business. As the people have studied the trust problem, a good many common errors have been eliminated from their judgment, and a good many advantages in these organizations have found appreciation.

In so far as they stand for an evolution, for a law of progress under which enterprises once conducted single-handed by individuals have grown into partnerships, into companies, into corporations, and even into legitimate combinations, bringing many separate properties under one management, there is much to be said in their defense. The people of the United States, with their accustomed prudence, have been slow to frame a wholesale indictment against them, for when the record is examined neither

political party appears to have done very much to circumvent their plans. If they had been in reality hideous monsters about to seize the market place by the throat, does anybody doubt that the terror and distress of the public mind would have found an immediate and effective response from the law-making powers of the Government?

The Republican party is accused by its adversaries of nurturing the trusts, and for proof the circumstance is cited that they began to increase and multiply after McKinley's first election. It is true that few trusts were organized during Mr. Cleveland's last Administration; not, however, because either the President or the Congress by word or deed assumed a threatening attitude toward them, but for the reason that all business was suspended, all credit abolished, and hardly enough money left in circulation to capitalize the organized charities. The only responsibility which Republican policies have had in the matter is that under their auspices a revival of business took place which lifted the country at once out of rags into affluence; and whatever may be said in condemnation of the trust evil, there are mighty few thoughtful citizens who have ever had any temptation to kill them off by remedies which have never failed to produce the industrial misfortune out of which we escaped in 1896.

Nor ought it to be forgotten that the only steps which have been taken by legislation to prevent conspiracies in restraint of trade—the act of 1890, the act of last year to put a stop to secret freight discriminations, and, more important than either, the adequate equipment of a Bureau of Corporations in the new Department of Commerce and Labor—have been taken by the Republican party. The Sherman law did not, however, deal with such a problem as has grown up in these later years. The late Senator Hanna, using the language of a plain, blunt, business man, began his discussion of the trusts on the stump in Ohio by stating in a straightforward way that "there are no trusts in the United States," and while his speech was laughed at a good deal, yet he spoke the literal truth.

I hold in my hand a little book, published in 1888 by William V. Cook, a member of the New York bar—a mere pamphlet on the trusts—which gives a description of the various forms of industrial combination which up to that time had attracted public attention. He sets out in full the agreements upon which the Standard Oil trust and the sugar trust of that period were based, and describes with some detail the various forms of trade arrangements by which numerous industries had sought the advantages of a more or less compact organization. Some were manufacturing agreements; others selling agreements; others still mere associations for the benefit of the trade. Only two of them appear to have represented a settled purpose of monopolizing the market place, and all of them seem to have been a crude expression of the desire of those concerned to avoid the losses and wastes incident to unrestrained competition.

These were the trusts of 1890, and against them the public opinion of that day, aided by antitrust laws, Federal and local, as administered by the courts, was so effective that within a brief time the primitive trust system disappeared altogether, and little remains except the name to identify the corporate combinations of to-day with the trust movement of the period prior to 1890.

The trust of these times is a single corporation, regularly chartered under State laws, which has acquired, in one title, the separate properties which constitute its plant, so that the problem of dealing with it without rewriting the whole law of corporate property becomes at once difficult and obscure. The trustees who formerly managed separate properties freely committed to their control by the owners have disappeared, and the board of directors exercising all the legal rights of proprietorship over combined properties has taken their place. I am not sure that this transition of industries from the hands of several corporations into the control of the single one, if it could have been made within certain well-defined limits and in perfect good faith toward the public, would have in the long run been regarded as against the general welfare. It permits so many savings in production and distribution and avoids so many of the wastes of the common methods of business that there are reasons for believing that the public would have taken no detriment, but advantage rather, from it.

It has been so uniformly true that the process of cheapening production and facilitating transportation has inured to the benefit of the whole community, that it requires no very unusual confidence in the laws which govern this world to believe that these corporations, when honestly formed and honestly administered, might be made a blessing to the whole world. I have never been disturbed because Congress has not been more swift to strike them down, because I am sure that there are laws in the universe which Congress did not make and which, fortunately, Congress has not yet repealed; and without disparaging the sovereignty of the people over these gigantic creations of the State, the real sovereignty which holds them to their strictest account is

the frame and structure of things in a world governed, after all, by the everlasting law of fair dealing among men. The progress of society from the itinerant shoemaker, carrying his tools and his stock with him, fashioning footwear for the entire family while he tarried under their humble roof, to the mammoth shoe factories of New England, is by far more startling in its effect upon the community than the absorption of all these great plants into one could possibly be.

When I have reflected, therefore, upon what might happen to us if any one of our varied industrial fields should pass into a single ownership I have found a good deal of comfort in the thought that even such an institution, from its foundation up, would be compassed about by far-reaching limitations upon its power to oppress and degrade the market place which it had been called to serve; so that if one of our modern trusts should manage to secure and to hold, by fair means or foul, the exclusive production of a given article of general use and necessity, in the very nature of the case not only its permanent grip upon the market, but its profit from year to year would require its managers to divide with the community the savings incident to its improved methods and to put its product within reach of the people upon the fairest and most equitable terms.

It is a maxim of every great business that it moves upon top-nage, and its whole problem is to secure the wide distribution of its product rather than to reap extortionate profits upon a limited sale. The Government of the United States, if you will allow me to make an example of the only perfect monopoly there is in the country, has always jealously guarded its exclusive right in the manufacture and sale of postage stamps. Again and again the price of them has been put down—from 25 cents to 15, from 15 to 10, from 10 to 5, from 5 to 3, from 3 to 2. Every one of these reductions has been for the purpose of increasing the postal revenues, and every one of them has so speedily brought about that result that to-day there are shrewd people who think that a flat reduction of letter postage to 1 cent would still further increase the receipts of the service.

What law is that? It is the law of maximum consumption, by virtue of which the profits of a great business are multiplied; not by the arts of extortion and greed, but by deliberately reducing the price of the article until its use reaches from the few to the unnumbered millions. That is a law which God made and which Congress has not yet repealed.

Not one of the trusts, not even those which, like the American Sugar Refining Company, have approached most nearly to a monopoly, is exempt from that law. They watch more diligently than ever the signs of the market, for they know better than anybody else that their profit is in the sale and not in the manufacture of their goods.

Even such a natural monopoly as a railroad has learned that its dividends are more secure with a big business done in a fair way with a friendly community, than with a precarious business conducted on lines which impoverish its patrons and leave them stripped and embittered at every station along the line. How else shall we account for the fact that the consolidation of the American railway system has been accompanied with a steady decline of rates, until to-day they are less than 50 per cent of what they were twenty years ago, and less by far than anywhere else in the whole world. The motto, "Charge what the traffic will bear," belongs to a rudimentary stage of railway management, long since superseded by the more enlightened selfishness which studies the improvement of facilities and the development of the territory upon which its earnings permanently depend.

There is another common law inherent in the nature of things which stands guard in the market places of the earth against the exactions of greed even when it is clothed with the powers and opportunities of monopoly, and that is the law of deferred consumption.

There is a sense in which to the modern man the distinction between luxuries and necessities has passed away, so that, speaking in general terms, everything is a necessity. But the necessity of buying things has one benevolent limitation upon it—it is not always necessary to buy them to-day, or this week, or even this fall. Nearly everything, from the clothing upon our backs to the roof over our heads, can wait until the structure of high prices yields to the irresistible pressure of the market place.

Suppose, for example, that every factory making hats in the United States should be absorbed by a single corporation, which should blindly and stupidly fix the price of one at \$10, how long would a monopoly like that last before it would be reduced to bankruptcy by the quiet but effectual competition of every old hat that there is in the United States? Even the present price tends notably in that direction, for I am told that many of the lockers in the cloakrooms of the Senate are keeping the dust off of silk hats purchased to attend McKinley's funeral.

That placid, undemonstrative section in the statute book of human nature called the law of deferred consumption has already

wrecked more than one promising capitalization of industry in the United States, and in some cases, at least, left the victims of the disaster too feeble to call for a receivership. So, if you should ask me to account for the fact that notwithstanding the shrieks of our political platforms, notwithstanding the timidity and hesitation of our statesmen, the American people as a whole have gone serenely about their affairs, refusing to become panic-stricken by the apparently unobstructed advance of the mercenariness upon them. I should explain it by their instinctive faith in the government of the world—in those omnipotent energies which make for open and even-handed justice among the children of men.

For, when you come to think of it, in moments of meditative leisure, it would seem to be rather singular that the good God who made us and placed 80,000,000 of us here together in the greatest market place that has been known in the centuries of the world's commerce should have gone off and left us in our weakness to be robbed without benefit of clergy, with nothing to lean on except an occasional act of Congress or a joint resolution of the State legislature.

Let me mention another of these laws, more effective than the legislative enactments of man, which puts a limit to the schemes of monopoly, and that is the law of alternative consumption.

That is a law in obedience to which the market place turns from an article which has become irritating in price to a similar article which answers the same purpose. There are few things which men use that can not, in a pinch, be made to give way to something equally as good. If, for example, the manufacturing of woolen goods should pass into the control of a single corporation—a thing utterly incredible, or at least as far as it has been tried, utterly unprofitable—its product of this year would not only find itself in competition with last year's output, but with the aggregate supply of all the other textile industries in the country.

If a lumber trust were possible, combining every one of the 32,000 separate establishments which constitute, according to the census, the chief industry of thirty-one States of the Union and an important industry in all the rest, including our Territories and the islands of the sea, the market place would speedily bring even such a corporation to its terms, not only by putting off until tomorrow what could be done to-day, but by turning to the brickyard, the stone quarry, and the other supplies of building material within everybody's reach.

It is a common observation, verified by universal experience, that an unreasonable price not only fatally limits the use of the article, but drives its customers in other directions to satisfy their wants. Suppose that the present approach to monopoly attained by the American Tin Plate Company could be continued indefinitely, that institution would still be far short of a command of the market place, except on terms dictated by the people who consume its products. There is hardly a demand for tin plate which can not be met by the use of something else. So that even in the case of ordinary tinware, if the price should begin to respond to the dictation of greed, the potter, the glass-blower, the maker of enameled ware, and a score of other equally alert craftsmen are at hand at once to offer their sympathy.

Even the Standard Oil Company, powerful as it has become, is plainly subject to the mastery of these forces. The Oil City Derrick, in a certain sense, owing to its location, a trade journal, commenting in a recent editorial on the constant variations in the price of petroleum, says:

A drop of 5 cents a barrel in the price of crude oil follows close upon the celebration of the Christmas holiday. It was preceded by a cut of 20 points a gallon on the refined quotations, and appears to be simply a case of history repeating itself. Refined oil was at a price which compelled economy in its use. There was a falling off in the demand, and to induce greater buying the price had to be lowered. The average foreign consumer can not afford to pay the equivalent of 15 or 20 cents a gallon for his oil.

When it gets up to the prohibitory mark he simply does without it or substitutes an inferior article. In the United States gas and electric lighting have been crowding out oil illumination for years. The increase in the home consumption has been due to the increased use of oil for heating and cooking purposes, and for furnishing fast running power of various kinds. It is clear that a two-dollar market is not to be reached this year, and that the figure could not be long maintained under present conditions. In 1895 similar conditions prevailed and the market climbed rapidly to the highest point known in years. But the price was beyond the ability of the great body of consumers, a decline in the demand resulted, and a great drop in prices quickly followed.

I call your special attention to the statement made by this writer about the gradual displacement of illuminating oil by the competition of electric light. That is a process only just begun. In a thousand laboratories throughout the world unknown or obscure men are turning the blaze of science on the problems which concern the comfort of human life. The other day, in an unfrequented quarter of New York, I saw an American inventor, with a German electrical engineer by his side, peering into the secrets of a strange mechanism, which sends out a novel magnetic current which distributes heat and light as a mere incident in

the traction of motors and the transmission of sounds by wire—a mere by-product of the dynamo.

These two men, whose names I am not at liberty to speak, may be wasting their time or they may be introducing a revolution which shall make all previous industrial ages seem meager and unattractive. At any rate it can do us no harm, while we are considering the array of forces which appear in a market place like ours, to counteract the abuses of commercial greed and to awaken unscrupulous persons from the dream of avarice to think of the thousands of students in every land who are devoting their lives to the exploration of nature in the eager hope of bringing its inmost mysteries to the service of the human race.

I have by no means mentioned all the subtle factors which are at work in this world to establish justice. It is an instructive thing to consider how ingeniously the rule of fair dealing strengthens itself by capturing the very infirmities of human nature. Here is a group of men made uncomfortably rich by the exploitation of the plate-glass industry. They are troubled, as most of us never are, to find a place to put their money. A year ago a million dollars of it is quietly transferred to Michigan and expended on one of the most elaborate beet-sugar factories in the world. They had nothing against the sugar trust; but they unconsciously lent themselves to a movement of capital, which, if the beet-sugar industry is not still further harassed, will require only a few years more to distribute the surplus of that interesting institution.

The history of the Pittsburg Plate Glass Company, which began only a few years ago by buying up every profitable plant engaged in that business in the United States, illustrates also many other weaknesses of fallen man. More than one of its promoters has found the inglorious ease arising from a separation from his lifelong occupation intolerable for him and unpromising for his children. The contentions of the board of directors have turned out to be a poor substitute for the dignity and independence of the old factory, and so we are not surprised to find the pioneer of that industry in Pennsylvania retiring from the trust and initiating his boys into the business for themselves at Toledo, Ohio.

There are few better illustrations than this plate-glass industry of the manifold devices of nature to circumvent the best-laid schemes for engrossing the market place, for, not satisfied with the situation which had been created through its absorption of practically the whole productive capacity of the country, it appears to have followed the hope of gain in new and perilous directions.

Not content with what appeared to be the undisputed privilege of manufacturing all the plate glass made in the country, in a moment of weakness it undertook to invade the functions of the merchant by establishing its own selling agencies in all the important cities of the country. To do that profitably it was compelled to keep in stock the kindred building material which the old jobbers of glass had been accustomed to handle, and before they knew it they had aroused the wrath of excitable little corporations engaged in manufacturing and selling paints, and these responded swiftly to the challenge of the trust by beginning the construction, at Kane, Pa., at a cost of more than a million dollars, of a perfectly equipped plant for manufacturing plate glass.

Our experience has already advanced to such a stage that we are enabled to say with some degree of certainty that no industry dealing with those natural resources, like the harvest of the fields or the mineral riches of the earth, which are everywhere distributed throughout the country, can offer a hopeful chance for the operations of the trust promoter. That phase of the subject, however, I do not intend to discuss until I have advanced a little further into this study of the forces which are at work in the market place to bring confusion to the trust movement of the last decade.

I hold it to be true that the law of competition, while it may be made subject to reasonable restraints, and possibly ought to be, can not be repealed or permanently impeded in its movements by any possible human devices. It is, therefore, my conviction that all or nearly all of these unwieldy creations of the incorporation laws of the country would be worn out by the internal resistance of the market place even if they represented a legitimate investment of bona fide capital. In that case if they survived at all it would only be on account of the efficiency of their administration and the equity with which they distributed to the community the economies in production arising from the combination.

I am not without the sympathy which every sober-minded man feels with those business undertakings, numerous in every part of the country, which have been compelled to consolidate their interests rather than to go on, each destroying the business of the other, in the fierce struggle to sell its products, and which, rather than continue any longer a death grapple for the trade, with its accompanying wastes and disappointments, have united their capital and brought the scattered details of their business under one management. In cases more numerous than the public is

aware, this process has gone on, giving strength to enterprises that were weak and a new lease of life to others which were ready to fail.

Against such combinations I will not utter a word of condemnation, and I shall count myself unfortunate if I have not made plain the distinction between the speculative trust flotations and these legitimate combinations of capital to more efficiently carry on, without the aid of wind or water, the pursuits in which they are engaged. Unfortunately, however, for the typical speculative trust enterprise, it exhibits only a morbid, and, in many cases, a profligate effort to take away from the people the fruits of the world's industrial progress by creating an inflated capitalization which, in order to pay any dividend at all, must not only sacrifice the property involved, but lay burdens upon the community which no free market place will patiently bear. I have examined with some care the history of the organization of industrial trusts, such as these now in existence, in every stage of decomposition, and with a few honorable exceptions they all stand upon a more or less fictitious basis, and very many of them have been administered with cynical indifference to those principles of sound finance which have been for generations treated with respect throughout the world.

A corporation, very far from being a curse to the world, ought to be one of the chief blessings of civilization. I regard the English statute, which first outlined the structure of the modern corporation, as an epoch-making step in the progress of society. The bank, which represents the union of numerous stockholders and accepts on deposit the modest savings of the neighborhood, which would otherwise constitute a useless hoard, and puts them to the honorable service of the community, is a benign and not a hurtful institution. And so that organization of capital in corporate form which, in exchange for its stock, takes the actual money of investors, in sums great or small, and applies them to the production of the things which men need, ought not to have an unreasonable critic, much less an enemy, in the world.

We ought not to complain even if it grows with its success until at length, by the efficiency of its administration, it attains a commanding influence in the market place. The mere fact of its combination with other institutions of like character ought not in itself to work a prejudice against it. A single firm in New England, still managed by the surviving member of an ordinary partnership, owns more than a dozen cotton mills, running more spindles than any corporation in the world. I refer to the firm of B. B. & R. Knight, of Providence, R. I., and I will present briefly the history of that firm, given in a work called "The New England States." I hope that I can get the attention of the young men of the United States.

Everywhere I go I find men coming to me asking whether the old opportunities of American business are not gone; whether the trusts, the combines, the present industrial attitude of things have not at last succeeded in shutting the door of opportunity in the face of the young people of the United States. And I find hundred of thousands of young men grown indolent and heartless in the battle of life because they have been told that the doors of opportunity have been at last shut. I have already said that I have not finished my meditations on this trust question, but I have got far enough in it to see that whatever else is true about it, that is not true. Instead of shutting the door of opportunity in the face of the young men of the United States, modern industrial methods have multiplied the opportunities of life in a thousand different directions.

Within twenty years every railroad magnate in America will be in his grave. Within twenty years every trust manager in the United States will either be on the retired list or in a sanitarium somewhere for nervous diseases brought on by drawing his salary, and panic-stricken boards of directors will be scouring in every direction looking for men of training and energy and intellect to take up these great business responsibilities and go forward with the work of the modern world. If I could get the ear of the young men of the United States I would say to them that there was never a minute in the history of the human race when a man taken by himself stood for as much and when a dollar taken by itself stood for as little as it does to-day.

I call your attention to this statement. I think it describes an authentic case of the evolution of business.

This firm was established in 1832, and still exists with its original partners. Moreover, it has now under its control and its ownership more cotton-manufacturing machinery than was ever owned by any business house or corporation in the world. Robert Knight, the younger brother, was the first to become interested in manufacturing. He was born in 1826. He began work at the age of 8 years in the Cranston Print Works, and from the age of 10 to 17 was employed in a cotton mill in Coventry. Then followed a period of study at an academy, a short session as a teacher, and a time of employment as a clerk.

In 1850 he purchased, with Zechariah Parker, a mill in Warwick, which they had been operating on lease for four years so successfully that they had, during that time, earned the purchase money, \$40,000; in 1851 he bought out his partner, and in 1852 sold one-half to his elder brother, Benjamin B. Knight. The partnership then formed has remained unchanged. Benjamin Knight,

born in 1813, like his brother, was employed for a time in the Cranston Print Works, but then became a clerk, and began business on his own account soon after coming of age. He was a successful merchant at Providence when he first engaged in manufacturing. The brothers brought great skill and good judgment to their enterprise, and have steadily enlarged the field of their operations.

Their first purchase was a mill at Hebronville, in Attleboro, Mass., and their next one was one at Dodgeville, in the same town. Since then they have come into possession of the Grant Mill, at Providence; the Manchaug, in Sutton, Mass.; the Whiterock, at Westerly, R. I.; the Clinton, at Woonsocket; the Jackson and Fiskville, at Scituate; and the Readville, at Hyde Park, Mass.; and they own almost 200,000 spindles in the town of Warwick, in six large mills. These last-named mills were a part of the Sprague estate, and were purchased from the trustee of the estate in 1883. At present the Knights own in all more than 400,000 spindles, of which about 300,000 are in Rhode Island and the rest in Massachusetts.

If two boys beginning life as common hands in a cotton mill can acquire and build up in their own names such a business as that, without harm to any public interest, who shall say that a corporation, with shareholders scattered all over the country, could not do the same thing? The wagon works at South Bend, Ind., date back to a little blacksmith shop on the edge of the woods at Ashland, Ohio, where my colleague, the senior Senator from Iowa, as a boy used to watch the old father of the Studebaker Brothers working at his forge, shoeing horses, and setting tires on the tumble-down vehicles of that frontier village of fifty years ago.

To-day his children and grandchildren control a corporation with millions of capital, occupying 90 acres of land, with 30 substantial buildings, in which thousands of well-paid American workmen are turning out carriages fit for the luxury of kings, and wagons which are helping to do the work of the whole world in peace and bringing up the rear of all its armies in war. That looks to me like an evolution of business, and I have sought in vain for somebody to fix the exact point between that little blacksmith shop yonder on the edge of the woods, at Ashland, and these palaces of modern American industry at which the safety of society requires the intervention of the politicians.

The union of two or more establishments in one, whether effected by one of them buying the others out or by a third absorbing them all would be, so far as the public is concerned, a matter of comparative indifference if the obligations left outstanding in the process corresponded, in an economic sense, to the combined assets; and the most flagrant offense of many existing trust organizations lies in the fact that they have appeared in the market place bearing the burden of fictitious liabilities supported by an inventory of imaginary property. Comparatively few of them have added anything to the actual capital which they found invested or made a substantial contribution to the working instrumentalities of industry. They have as a rule taken over plants already in operation, and in many cases encumbered them in advance so far beyond their value as to make the days of the combination few and full of trouble.

Take for illustration the Corn Products Company, commonly called the glucose trust, which in 1902 combined the starch trust with nearly every important glucose factory in the country. The entire property involved could have been duplicated in the most modern form for less than one-third of the capitalization of the trust. To make a dividend on its capital stock and to pay interest upon the bonded indebtedness of the constituent companies required earnings so excessive that immediately new companies, attracted by the apparent profits of the business, entered the field with improved machinery, and the result is thus stated in a recent issue of the Kansas City Journal:

Instead of the trust being able to undersell and drive them out they were able to undersell the trust. A single independent company with a capital of three millions is, it is said, grinding one-third as much goods as the trust with its capitalization of seventy-six millions.

We ought to be very slow to believe that we are living in a world where a modest investment of actual money will have anything to fear from such stuff as dreams like that are made of. Such a situation, whatever the college professors may say, is not an evolution of business, it is the lineal successor of South Sea bubbles and Mississippi schemes, and this aspect of the case is worth a careful attention because it is a description of nine out of ten of the lesser combinations and of more than one of the seven great industrial trusts.

The success of such enterprises is rendered all the more precarious, because this structural weakness necessarily communicates itself to every subsequent financial activity of the corporation. If the process of forming the organization originated no excess of stock, no promoter would undertake it, and unless the stock issue was accompanied by a cunning prospectus of dividends, the public gullible, as it is past all belief, would not absorb the securities. Thus it has happened that hardly one of the industrial trusts, even if it understood what the laws of sound finance are, has been in a position to obey them. It has been for a generation regarded as axiomatic that of the earnings of a railroad system a sum approaching one-half must be used to improve the property and to fortify its resources against the evil day.

On that principle the Pennsylvania Railroad Company has won the confidence of the financial world, and what has been true of it has been in a large measure true also of the well-managed railroad properties East and West. But a railroad system, for reasons arising out of the very character of its traffic, is not subject to those sudden fluctuations which are likely to beset an ordinary industrial enterprise. The Midvale Steel Company worked wisely toward a dividend basis for ten years before it paid one. How, then, shall these shakily creations of the market place, with half their capitalization representing nothing beyond the pleasures of hope, bound by every consideration of good faith to produce dividends from the start whether the stock represents anything or not, observe the precautions everywhere known to be essential for the preservation of their tangible assets and for that reinforcement of their reserves which is required to meet the exigencies of their business?

That they have not been able to do so, or at least that they have not done so, is shown by the fact that the average sum carried to the reserve account, taking all the trusts whose reports are accessible to the public together, is only 3.2 per cent of the outstanding capital, the permanent value of which it is intended to secure. Andrew Carnegie did not become the ironmaster of the world by fixing prices and limiting output in times of depression. He followed the fortunes of the market place even though in the last ten years of his business life he had to wade through balance sheets fluctuating all the way from three to forty millions of dollars.

But he had been so busy for thirty years making steel that he had never had time to study the art of manufacturing stocks; and if the corporation blanketed by his mortgage goes on losing its business for the sake of maintaining prices and starving its surplus under the necessity of paying dividends whether they are earned or not, it requires no prophetic foresight to see the miraculous little Scotchman returning in his old age to Pittsburg to rescue the imperiled steel properties of the United States.

These specific infirmities of genesis and of management would, in my humble opinion, gradually drag down the whole structure of the trust system without the aid of any act of Congress or the assistance of any political convention even if no outside influences were at work to undermine their foundations. But there is an outside influence at work, very ancient and not yet obsolete, which has steadily tended to weaken their hold upon the market place, which a good many people thought they were about to control, and that is the law of competition.

It is a favorite Democratic theory that the trusts depend for their life upon the effect of the tariff law in mitigating the pressure of foreign competition upon the industries which employ our own labor, and that, therefore, free trade in trust-made goods would kill the trusts. I confess that I do not see how any man can contemplate such a remedy without at least a grave apprehension that disasters may be invited worse than the disease. I never hear that simple Democratic panacea for the trusts recommended without thinking of the advertising card of a traveling doctor, which I picked up the other day in a country hotel. It reads:

O. P. Vanderman, specialist in rheumatism and neuralgia. A sure cure in its most aggravated form.

I do not deny that free trade may be counted upon with reasonable certainty to cripple, if not to destroy, almost any industry which it comes in contact with. The whole world seems to understand that, for as we enter upon our Presidential campaign the ministers of the English Crown, awakened by the decay of the ancient crafts of the Kingdom, are preparing an appeal to the people for a revision of those sacred acts of Parliament which in the course of fifty years have left the Empire commercially dismembered and the home market itself glutted by the remnant sales of other nations.

Therefore, even if it could be shown that a trust has absorbed any given field of production, I would not counsel my countrymen to turn that field over to foreign countries for the purpose of exterminating that trust, for even if American capital has been so managed as to forfeit the consideration of our laws, the employment and wages of American labor have still their claim upon the attention and good will of our Government.

There is only one sense in which the protective tariff can be held responsible for the trusts, and that is, that without the protective tariff there would have been fewer industries to combine and therefore fewer combinations. Further than that, the protective tariff has created the conditions, that unprecedented circulation of money in the hands of the people, without which the trust securities of our times could not have been even partly digested. So uniformly has the approach of our tariff law to the basis of free trade been accompanied by national poverty that its acceptance now might safely be relied upon to induce conditions which would effectually discourage the trust movement.

Seeing, then, that the protective tariff is responsible for the existence of some of the industries which have been organized into trusts and at the same time for the reintroduction among our

people of the general use of money, without which these venturesome exploits of modern business would not have attracted the attention of either Doctor Jekyll, the banker, or Mr. Hyde, the capper, is it asking too much of the American people that they inquire with some care into that remedy for the abuses of the trust system which the protective tariff provides? For while it is true that out of the abundance of capital incident to these seven years of plenty the opportunity of the trust organizer has arisen, it is also true that this very abundance of capital in search of employment, offering itself in a market place where the law of competition has been fighting for its life, has completely vindicated the whole doctrine of protection.

Let us contrast for a moment the remedy of free trade with the remedy of protection in the case of some well-known American trusts. We may take up for example the National Salt Company, and I refer to that particularly because in the present session of Congress an absurd effort has been made to repeat the folly of 1894 by putting salt on the free list. At that time no salt trust existed in the United States, so that the Wilson bill simply expressed the unrestrained animosity of the Democratic party against a particular industry. Salt had been protected in the United States for over a century at a rate as high as it was then and often at a much higher rate. The industry dealt with one of the universal resources of the country, a resource which our fathers had sense enough to foster from the first act of the First Congress.

The difficulty which they had in getting salt to use, on account of disturbed conditions abroad, was the very thing which drew from Mr. Jefferson that manly and patriotic message confessing the mistake of his Administration in departing from the counsel of his cotemporaries in dealing with questions of trade, which was quoted very eloquently on this floor during the Cuban reciprocity debate by the junior Senator from Colorado. It appeared to Jefferson and to everybody who afterwards examined the question, whatever his politics, from that time down to the second election of Mr. Cleveland, that this industry could not be abandoned without damage to the public welfare. It remained for that Congress, dominated by the very men who are now inventing reassuring phrases of conservatism and prudence, with which to mask the battery of Democratic malice against the protective tariff system, to discover the necessity of putting salt on the free list.

They did it at a time when half the salt works of the country were idle and their managers turning frantically in all directions to sell their product in a stricken and helpless market place. They were not after the salt trust then; they were pursuing the salt industry; and so far as free importation could accomplish that result, they turned our market over, its capital and its labor alike, to the only salt trust then existing in the world—the British Salt Union, with its principal office in Liverpool—a trust which had monopolized the entire salt production of Great Britain. It may be that the Congress of 1894 knew more about the subject than all their predecessors and all those who have come after them, but I can not recollect anything in connection with their achievements that is likely to give currency to that view of their case.

The National Salt Company, commonly called the salt trust, was organized in the spring of 1899, and within a year had sufficiently monopolized the salt business of the country east of the Rocky Mountains to claim in its published reports 94 per cent of the entire output of evaporated salt. It started out with a capital stock of \$12,000,000, five millions preferred, seven millions common, all of it very damp. It had to do business in a market place protected by a tariff law which for over a century had operated to invite independent capital to embark in the industry; and the question the trust had to face was this: Would its size, its pretensions to monopoly, the mere swagger of its intoxicated capital prevent others from seeking the profits of that business.

In a sense the National Salt Company put the protective tariff system on trial. Less than five years have passed, but already the theory of protection has come out of that trial perfectly vindicated by the unanswerable finding of the market place. The salt industry does not require an exorbitant investment to carry it on with success; money sufficient to bore a hole in the ground and buy fuel enough to pump the water and heat it is all that is needed to start a salt factory wherever salt deposits are found. Is it any wonder, therefore, that the National Salt Company should have been compelled to add a new department to its business? A purchasing agent, to buy off competition; a performance so continuous that according to the decree of the court of equity that listened to their tale of woe in the State which gave them their charter, it reduced them from apparent solvency to unquestionable bankruptcy within a few months—liabilities one million five hundred thousand, assets three hundred thousand barrels of wet salt.

To complete this comedy of mismanagement, we are not surprised to see new promoters and new syndicates coming forward to gather up the remains, under the high-sounding name of "In-

ternational Salt Company," with vague plans and specifications for bringing under one control the salt works of Canada, Italy, Spain, and Great Britain as well as of our own country. It is astounding that a sane man could be found, after the Lord has graciously located a reservoir of salt under the whole earth and an ocean of brine all around it, to give countenance to a proposition to supply the world with such a necessity of life, under the auspices of an international corporation which starts out with a bogus capital of \$42,000,000, a large portion of it set apart for the profit of an underwriting syndicate, and its visible resources pre-empted by an indebtedness of \$12,000,000, with neither a provision nor a prospect for even a preliminary payment of interest.

If there is room in our market place for a project like that why did the Post-Office Department issue a fraud order against the amiable clergyman who boiled a bushel of pumpkin seeds and began a profitable business career by advertising that while in the Holy Land he had secured a limited number of the seeds of the gourd mentioned in Sacred Writ and was willing to distribute them to devout persons at a dollar apiece? [Laughter.]

I will refer again, by your permission, to the glass industry, a field of production which in the last few years has illustrated at once the facility with which trust combinations could be formed and at the same time the ease with which outside capital digs away their foundations and anticipates their final collapse.

Here is an industry which in all its departments is literally the child of the protective tariff. It could not exist at all on the basis of free trade, so that it may be admitted that if its products had been put upon the free list all the glass trusts would have disappeared, and with them nearly every vestige of the industry in the United States. If the tariff was the mother of the glass trusts, it has been a very careless and unnatural mother, for its standing invitation to American capital to embark in the business has never been withdrawn and has been so generally accepted that every effort to keep it in the hands of trusts has already ended in unmistakable failure. An honored member of this body, a successful manufacturer of glassware, operating a factory once connected with the United States Glass Company, permits me to call him as a witness to the swift descent of that institution from the domination of the trade to the premonitory symptoms of final dissolution. He managed to get his factory out of it in good time, and has had the satisfaction, as an independent manufacturer, of making good profits while the shareholders of the trust have waited in vain for their dividends.

Mr. SCOTT. They got one the other day, the first since 1891.

Mr. DOLLIVER. I do not begrudge it; since 1891 one dividend. A fate almost equally interesting has undertaken the other trusts that undertook to dip into the glassware business in the United States.

Notably the National Glass Company, organized in 1899 with nineteen plants. Its vital ailment, according to a recent writer, was a sort of corpulence which prevented the trust from coping with less top-heavy competition, the same disability that qualifies the speed of a fat man in a foot race. And so, after five years, its constituent companies have fallen back, not under the anti-trust act but under the law of gravitation, to their original form, and the water-soaked millions of its capital have been sorrowfully laid away where they will have a chance to dry out.

Exactly the same tragedy has overtaken the American Window Glass Company. It capitalized the prospects of twenty-two separate plants in October, 1899, at \$17,000,000 and assumed control of 90 per cent of the total window-glass product of the country. It went on the theory apparently that it could depend upon the size of its capital to overawe the market place and gain for it the profits of a self-sufficient monopoly.

The trust took every precaution to strengthen its position. They overlooked only one thing, and that is that this is a world that does not allow for any length of time a dividend on \$17,000,000 for the transaction of a volume of business for which \$5,000,000 in cash will furnish equal facilities. If independent investors ever did tremble before the trust, they certainly never took counsel of their fears, for within five years the business has slipped out of the hands of the American Window Glass Company until now instead of making 90 per cent and conceding to others 10, it makes only 10 per cent, and has been compelled to concede the other 90 to irreverent outsiders, who, under the broad invitation of the protective tariff, have felt free to embark in the business.

I have already alluded to the Pittsburg Plate Glass Company, which totally monopolized that product as early as 1895. To-day they have less than 50 per cent of the productive capacity of the country, and while shortsighted men—some of them, I regret to say, Republicans—have been calling upon Congress to put plate glass upon the free list, the Dingley tariff law has called into existence seven well-equipped plate glass plants outside the trust and the magnificent new establishment now building at Kane, Pa., will make eight. Now I submit that if it is possible, as I have shown, to kill the glass trusts and at the same time to keep

the industry alive and well, why should any man whose head is still doing business on its own account, seek to wipe them out by handing over their orders to our friends in Belgium, Germany, Austria, France, and England?

It would be easy if I could properly encroach on the time of the Senate to take up one after another the case of more than a score of once hopeful and enthusiastic trust combinations and study the behavior of the protective tariff in the fight which has been going on in the American market place against every unreasonable restraint of trade. I can, however, cover the whole ground by inserting a study of industrial statistics made for the end of the year summary by Mr. Luther Conant, jr., financial editor of the New York Journal of Commerce. This writer says:

It was evident by the end of 1902 that a decided check had been given to the industrial consolidation movement, and during the past year the organization of these so-called "trusts" was restricted to a total which appears insignificant by comparison with the returns of preceding years.

The pronounced halt in this consolidation of industrial properties during the year 1903 may be appreciated from the fact that from a total capitalization of more than \$2,800,000,000 in 1901—this including the \$1,400,000,000 Steel Trust—there has been a drop in the year now ending to less than \$430,000,000, this figure including a \$100,000,000 increase in the authorized capital of the American Telephone and Telegraph Company. These figures include only mergers and not miscellaneous new companies organized during the year, a summary of the capitalization of which is given separately. Following are figures of consolidations for a series of years:

INDUSTRIAL CONSOLIDATIONS.

	Stock.		Bonds.
	Preferred.	Common.	
1903.....	\$107,276,000	\$266,350,000	\$52,250,000
1902.....	273,698,900	622,158,300	226,348,000
1901.....	888,950,000	1,249,950,000	596,575,000
1900.....	180,800,000	530,595,000	203,800,000
1899.....	759,100,000	1,674,450,000	229,885,000
Total five years.....	2,200,824,900	4,473,503,300	1,278,868,000

Following is a summary of the capitalization of new companies:

OTHER COMPANIES.

	Rivals for consolidations.	Miscellaneous companies.
1903.....	\$105,610,000	\$1,208,322,000
1902.....	244,800,000	1,232,011,550
1901.....	173,650,000	979,900,000
1900.....	63,800,000	948,875,000
Total four years.....	587,860,000	4,429,108,550

What do these figures mean? They write the doom of the speculative trust system; they mean that an actual dollar is more than a match for an imaginary one—that the modest unobtrusive coinage of the realm has nothing to dread from the free and unlimited coinage of the air. Already the market place is strewn with the remains of arrogant institutions which five years ago pushed honest men off the sidewalks as they opened their books for the accommodation of the restless and buoyant throngs. Take up your newspaper, and if you read carefully you will hardly find a day in which the obituary of some trust is not printed in fine type and narrow space, which occupied the whole page with its prospectus and the announcement of its birth.

Glance at the proceedings of the courts and watch the lawyers picking the bones of corporations that five years ago were ostentatiously giving tips to investors with half-defined ambitions to own the earth. It is the 1st of January. What is the governor of New Jersey doing yonder at Trenton? He is crossing off the books of that thrifty and hospitable Commonwealth the names of scores of preposterous consolidations, illustrating all types of mental and moral hallucination—thrusting them out into a cold world for the nonpayment of dues.

Here is a partial list of failed industrial enterprises, at one time colossal in their proportions, already admitted to the hospital for disabled trusts, undergoing the most difficult operations known to the surgery of the street:

The Malt trust, 80 plants, with a total capital of \$24,000,000.

The General Asphalt Company, 20 plants, with a capital of \$31,000,000.

The International Salt Company, 28 plants, with a capital of \$42,000,000, valued in the market at \$7,000,000.

The New England Cotton Yarn Company, with 9 plants and a total capital of \$17,280,000.

The United States Cotton Duck Corporation, with 21 plants and a capital of \$26,100,000.

The Phosphate Trust, with 111 plants and a total capital of \$57,000,000.

The realty trust, with 7 plants and a total capital of \$66,000,000, valued in the market at \$16,000,000.

The shipbuilding trust, with nine plants and a total capital of \$79,851,000, valued in the market all the way from \$13,000,000 down to nothing; not to mention a score of others whose chance of recovery is too small to attract the interest of the overworked doctors of high finance. It is not necessary to speak harshly of the men who organized them and it can do no good to express our sympathy for the credulous multitudes who went broke on them. "Let them alone. They be blind leaders of the blind. And if the blind lead the blind" do not the Scriptures expressly admonish us that "both shall fall into the ditch?" It will do us no harm either to step for a moment inside the gates of our new national cemetery dedicated to the memory of dead trusts; its boundaries are large, and while it is only partly occupied, its gates, as General Harrison used to say about the gates of Castle Garden, never swing outward.

I do not pretend to have read all the inscriptions on the tombstones, and if I were disposed I could add the names of a good many once animated institutions whose graves are already dug if their friends were only willing to quit sitting up with them.

Here are some of the trusts which are definitely known to be dead and gone:

Company.	Year organized.	Where chartered.	Capitalization.
American Alkali Co.....	1899	New Jersey.....	\$30,000,000
American Bicycle Co.....	1899	do.....	39,500,000
American Molasses Co.....	1902	do.....	3,000,000
American Silver and Casket Co.....	1900	do.....	500,000
American Plow Co.....	1899	do.....	75,000,000
American Witch Hazel Corporation.....	1902	do.....	4,000,000
Anglo-American Gypsum Co.....	1902	do.....	7,500,000
Artificial Lumber Co. of America.....	1899	do.....	12,000,000
Atlantic Coast Lumber Co.....	1899	Virginia.....	4,000,000
Chemical Company of America.....	1902	New Jersey.....	5,000,000
Consolidated Grocers of America.....	1903	Illinois.....	1,500,000
Consolidated Liquid Air Co.....	1902	New Jersey.....	1,000,000
Consolidated Match Co.....	1902	do.....	10,000,000
Eastern Milling and Export Co.....	1900	do.....	4,000,000
Farmers' Cooperative Exchange.....	1902	South Dakota.....	50,000,000
Hawaiian Securities Co.....	1902	New Jersey.....	12,000,000
Illinois Coal and Coke Co.....	1902	do.....	12,000,000
International Barrel Co.....	1902	Arizona.....	20,000,000
International Tin Co.....	1902	New Jersey.....	20,000,000
Kentucky Coal, Lumber, Iron and Oil Co.....	1902	South Dakota.....	10,000,000
Mohawk Valley Steel and Wire Co.....	1902	Maine.....	60,000,000
National Bread Co.....	1901	New Jersey.....	3,000,000
National Creamery Co.....	1902	do.....	18,000,000
National Fiber and Cellulose Co.....	1902	Delaware.....	10,000,000
National Grocer Co.....	1902	New Jersey.....	5,500,000
National Saw Co.....	1896	Kentucky.....	1,000,000
National Wall Paper Co.....	1892	New York.....	35,079,600
New England Consolidated Ice Co.....	1902	New Jersey.....	17,000,000
People's Pure Milk Co.....	1903	New York.....	25,000,000
Southern Car and Foundry Co.....	1899	New Jersey.....	3,500,000
Southern Textile Co.....	1903	do.....	14,000,000
Standard Shoe Machinery Co.....	1899	do.....	5,000,000
Suffolk Leather Manufacturing Co.....	1903	Massachusetts.....	50,000,000
Union Lead and Oil Co.....	1900	New Jersey.....	15,000,000
United States Cotton Mfg. Co.....	1903	Massachusetts.....	40,000,000

This is only the advance guard of the innumerable caravan which moves to that mysterious realm where the small and the great, the millions and the billions, meet at last on equal terms. Open the Wall Street Journal for October 26, 1903, and read for yourselves the bloodless verdict of the market place against the modern American trust system. I will print the article in full as an appendix to my remarks. It indicates the present lost condition of 100 corporations whose stocks are dealt in on the New York Exchange, taking no account of those which are too little or too feeble to make their way from the curb to the headquarters.

It shows a shrinkage in these better-class shares of nearly two thousand millions of dollars. That is to say, a loss of more than 43 per cent of their advertised value. Is it any wonder that even the best of the industrial shares are under suspicion, since the public discovered that with conditions exceptionally favorable less than 50 per cent of the total trust capitalization has ever paid any dividend at all? When stocks which have never failed to make a show of 7 per cent per annum settle down between 50 and 60 cents on the dollar, what is likely to become of the miscellaneous assortment of speculative investments which have never been able to draw a full breath in their lives?

What is the significance of an evaporation of values like that? Evaporations of values did I say? Revelation of values rather; progressive revelation, clouded and bewildered somewhat by the jockeying of the stock exchange; revelation moving gradually toward that daylight of fact and truth which shall shortly make it plain that the only dollar entitled to a dividend in the American market place and the only dollar which in the long run will have a dividend is the dollar actually put in. Can any man believe that the business community, which in 1896 fought for its life against a proposal to manufacture its standard coin out of

material valued everywhere throughout the world at 50 cents, will allow itself now to be smothered under an infinite flutter of picturesque paper certificates?

The PRESIDENT pro tempore. The Senator from Iowa will suspend for one moment while the Chair lays before the Senate the unfinished business.

The SECRETARY. House bill 14416, the sundry civil appropriation bill.

Mr. ALLISON. I ask that that may be informally laid aside until my colleague shall have finished his remarks.

The PRESIDENT pro tempore. The Senator from Iowa asks that the bill may be temporarily laid aside that his colleague may conclude his speech. The Chair hears no objection.

Mr. DOLLIVER. Mr. President, we will quit talking one day about the conflict between capital and labor, for we all join in the hope that they are on the way toward a better understanding, even toward a treaty of permanent peace. But there is a conflict in which there can be no truce—the conflict between capital and capitalization—the earnings and the savings of labor against the coalition of the promoters and the engravers. We do not need to call on the Old World to take the fight off of our hands. Independent American enterprise is equal to the strategy of our commercial defense.

A victory over the trusts won by enlisting the armies of the aliens against them is not an American victory. Such a victory would prostrate our market place in inconceivable disaster, in the midst of which labor and capital would suffer a common affliction. The victory which we seek—the only victory that can be of any value to the industrious millions of our people—is the victory of our own capital, fighting its battle under the protection of our own laws and sharing the fruits of its achievements with our own market place.

The experience through which we are passing has not, of course, been without its depressing effect upon business and commerce. But if the prosperity of our people were an artificial thing—if the American market place were not founded upon a rock—how could it have stood when these winds blew and these rains descended and these floods came?

The process of stripping the uniform from the militia captains of industry and dressing them up in citizens' clothes has not been entirely unattended with inconvenience, but looking at the whole country together the reconquest of the market place by the reserve corps of American energy, that indefinable moral quality which claims the prerogative of signing its own name, has already justified the faith which our people from the beginning have had in the industrial system founded by our fathers. In its allegiance to that system the Republican party has not faltered for a moment. If there were doubts and fears and anxieties while the underwriting syndicates strutted their brief day upon the stage of our affairs they are all gone now.

We approach this Presidential campaign united in the bonds of our historic faith. We did not originate it; we inherited it from our fathers. When William McKinley died he left it as a rich legacy to us who followed him in the great triumphs of his public life. It was not a discovery of his. He got it from Abraham Lincoln, who got it from Henry Clay, who got it from Alexander Hamilton, who got it from Benjamin Franklin; so that our title is clear, our abstract perfect, without lien or incumbrance, running straight back to the original sources of American common sense.

If changes are required to bring the tariff law of 1897 into a more perfect relation to the industrial progress of the American people, we propose to make them ourselves, whenever in our judgment the work can be undertaken without doing more harm than good; but we shall not consent to any change which surrenders the rights of American labor or the advantage which every man who makes a bona fide investment of his money in the United States ought to have over his competitors in other lands. We look forward with hope to the progress of our commerce from the river to the ends of the earth, but we do not forget that the statistics of our foreign trade have brought the most encouragement to our people in those exact periods when our own producers have been most perfectly guarded against the injurious approach of the outside world, and that the law of 1897 for the first time in our history has yielded us a favorable balance of our trade in manufactured goods.

We do not underestimate the value of the foreign market; but knowing how small it is, how small it always must be compared to the volume of our domestic business, we refuse bargain that away, or put it in jeopardy for the sake of a dim and nebulous prospect of recouping our losses in the markets of the world.

We follow a leader who has enforced the laws of the land without favor and without fear, who has dared to utter the convictions that are in him with absolute reliance upon the integrity of his country and the good will of his countrymen. We

do not know what the vicissitudes of the struggle may be; we do not presume to lift the veil of the future; but we are persuaded that the American people will not turn their backs upon the national policies for which Theodore Roosevelt stands, nor upon the lofty ideals of public duty with which, whatever his political fortunes may be, his name will be associated in the history of the United States.

APPENDIX.

[From the Wall Street Journal of Monday, October 26, 1903.]

THE SHRINKAGE IN 100 INDUSTRIALS—AMOUNTS TO \$1,753,959,790 FROM THE HIGH PRICES OF THE BOOM.

The leading industrial stocks of the country show a shrinkage of \$1,753,959,790 from the high prices of the boom to the recent low. The market value of 100 industrial stocks at the highest price at which each has sold during the past three years was \$4,090,047,450, and at the recent low price it was \$2,336,087,657, a loss in market value of 43.4 per cent.

The total capitalization of these stocks is \$3,693,410,837.

We present below a table comprising the highest price at which each of 100 industrials has sold during the past three years, with the recent low, and showing the total shrinkage on each. Not one of the stocks which we have taken show a shrinkage of less than \$1,000,000.

	Capital stock.	High.	Low.	Shrinkage.
Allis-Chalmers	\$20,000,000	21	8	\$2,600,000
Amalgamated	155,000,000	130	33½	149,381,250
Agricultural Chemical	16,715,600	35	11	4,011,744
Agricultural Chemical, preferred	17,153,000	91	69½	3,731,078
American Bicycle, preferred	9,294,000	52	8	4,798,030
American Can	41,233,300	31½	63	11,751,491
American Can, preferred	41,233,300	80½	28½	21,441,313
American Car and Foundry	30,000,000	41½	17½	7,230,000
American Car and Foundry, preferred	30,000,000	96½	61½	9,637,500
American Cotton Oil	20,237,100	57½	27½	6,045,831
American Cotton Oil, preferred	10,198,600	100	82	1,835,748
American Hide and Leather	11,274,100	13½	2½	1,268,336
American Hide and Leather, preferred	12,548,300	43½	10	4,203,681
American Ice	25,000,000	49½	44	11,187,500
American Ice, preferred	15,000,000	78½	19	8,925,000
American Linseed, preferred	18,750,000	66	28	6,395,000
American Locomotive	25,000,000	36½	10½	6,593,750
American Locomotive, preferred	24,100,000	100½	67½	7,892,750
American Malt, preferred	14,440,000	31½	15	2,882,000
American Shipbuilding	7,000,000	63	28	2,330,000
American Smelting and Refining	50,000,000	69	36½	16,125,000
American Smelting and Refining, preferred	50,000,000	105	80½	12,625,000
American Snuff	11,001,700	135	90	4,950,705
American Snuff, preferred	12,000,000	101	80	2,520,000
American Steel Foundry	15,000,000	15	5	1,500,000
American Steel Foundry, pfd	15,500,000	70	48	3,410,000
American Sugar Refinery	45,000,000	153	107½	20,640,000
American Sugar, preferred	45,000,000	130	116½	6,240,000
American Telegraph and Telephone	109,685,000	186	114½	78,424,780
American Tobacco, preferred	14,000,000	151½	130	3,010,000
American Woolen, offered	20,000,000	82½	65	3,550,000
American Writing Paper, pfd	9,500,000	25½	10½	1,436,875
Anaconda	30,000,000	53	16	22,200,000
Cambria Steel	45,000,000	29½	18½	9,337,500
Calumet and Hecla	2,500,000	860	430	43,000,000
Colorado Fuel and Iron	24,000,000	136½	25	26,700,000
Commercial Cable	13,333,300	189	149½	5,299,987
Consolidated Gas	73,000,000	238	170	49,640,000
Consolidated Lake Superior	73,961,500	50	3	36,426,099
Consolidated Lake Superior, pfd	27,406,500	80½	2½	21,808,554
Continental Tobacco, preferred	48,846,100	126½	98	13,921,139
Corn Products	44,869,255	38½	22	7,515,600
Corn Products, preferred	27,362,750	90	73	4,652,668
Crucible Steel	25,000,000	27½	5½	5,687,500
Diamond Match	15,000,000	152½	129	3,525,000
Dist. Securities	27,927,777	33	20½	3,770,250
Copper Range Consolidated	28,500,000	83	42½	11,753,250
Domestic Iron and Steel	20,000,000	79½	7	14,575,000
Electric Vehicle	10,450,000	70	5	6,792,500
Electric Vehicle, preferred	8,125,000	90	8	6,632,500
General Electric	41,957,100	195	139	23,436,976
International Merchant Marine	48,000,000	21	4	8,120,000
International Merchant Marine, preferred	52,000,000	50	15	18,200,000
International Paper	17,422,000	28	10½	3,070,630
International Paper, preferred	22,403,700	81½	60	4,317,440
International Power	5,017,000	199	29½	8,542,048
International Steam Pump	12,262,500	57½	33	2,973,656
International Steam Pump, preferred	8,850,000	95	70	2,212,500
Lehigh Coal and Navigation	115,801,300	79½	663	5,293,437
Massachusetts Gas	15,000,000	42½	31	1,708,250
Massachusetts Gas, preferred	15,000,000	84½	75½	1,331,250
Mergenthaler	10,000,000	190	170	2,000,000
National Biscuit	29,236,000	53½	32	6,312,650
National Biscuit, preferred	23,825,100	109½	94	3,692,913
National Lead	14,905,400	82	11½	1,565,067
National Lead, preferred	14,904,000	106½	75	4,094,760
Pennsylvania Steel, preferred	16,500,000	105	648	9,405,000
People's Gas	32,969,100	111½	89	7,418,048
Pittsburg Coal	32,000,000	35½	21	4,520,000
Pittsburg Coal, preferred	29,701,200	99½	67½	9,430,131
Pressed Steel Car	12,500,000	65½	28	4,656,500
Pressed Steel Car, preferred	12,500,000	96½	67	3,687,500
Republic Iron and Steel	27,191,000	27½	7½	5,506,174
Republic Iron and Steel, preferred	20,356,900	83½	54½	5,878,058
Rubber Goods Manufacturing	16,941,700	38½	13½	4,150,717
Rubber Goods Manufacturing, pfd	8,051,400	90	70	1,610,280
Standard Oil	97,500,000	830	580	243,750,000

	Capital stock.	High.	Low.	Shrinkage.
Swift & Company	\$25,000,000	177½	100½	\$19,312,500
Tennessee Coal and Iron	22,801,600	104	26½	17,728,244
Union Bag and Paper	16,000,000	25	4½	3,440,000
Union Bag and Paper, preferred	11,000,000	85	65	2,200,000
Union Typewriter	10,000,000	132	93	3,900,000
Union Bag Bd and P, preferred	11,418,000	71	18	6,051,540
United Fruit	12,369,500	137	63	5,442,590
Un. Gas Imp	28,125,000	126	77	27,562,500
Un. Shoe Mach	10,720,300	57½	38½	7,933,022
U. S. Leather	62,882,300	19	6½	7,761,655
U. S. Leather Realty, preferred	62,282,300	96½	71½	15,726,281
U. S. Realty & C.	33,198,000	32	5½	8,879,715
U. S. Realty & C., preferred	27,011,100	75½	35½	10,804,440
U. S. Rubber	23,696,000	44	7½	8,578,325
U. S. Rubber, pfd	23,525,500	104½	35	16,409,037
United States Steel	508,493,200	55	12½	216,110,490
United States Steel, preferred	430,000,000	101½	57½	191,900,000
Virginia Car Chemical	27,984,400	76½	17½	16,475,819
Virginia Car Chemical, preferred	12,000,000	134½	90	5,385,000
Western Telegraph and Telephone	16,000,000	33½	10	3,700,000
Western Telegraph and Telephone, preferred	16,000,000	106½	71	5,680,000
Western Union	97,340,504	100½	80½	19,224,750
Westinghouse	14,016,551	233	130	14,437,048

α \$25 par.

β \$50 par.

In United States Steel preferred we have allowed for the amount converted into bonds. We have not included the \$10,000,000 each of common and preferred issued by the Massachusetts Gas companies last January. We have taken one-half of the shrinkage of Anaconda, as Amalgamated holds one-half of the Anaconda stock, and the shrinkage of that appears in the figures for Amalgamated.

The shrinkage in Colorado Fuel and Iron, Calumet and Hecla, Anaconda, International Power, Standard Oil, and Westinghouse is in each case more than the par value of the capital stock, and in Amalgamated and United Gas Improvement nearly equal to it.

The \$20,000,000 preferred and \$25,000,000 common of United States Shipbuilding are not included owing to the fact that there has never been any market for them.

It has been estimated that the capitalization of the industrial corporations of the United States, aside from gas and electric companies, is \$8,000,000,000. All of these have sustained some shrinkage, but the percentage would probably not be as large on the whole number as it is on those we have taken above, because the stocks we have not included are largely inactive, more closely held, and less subject to general market influences.

Mr. GALLINGER. Mr. President, I ask that the resolution submitted by the Senator from Iowa may remain on the table; and I give notice that on Friday morning, after the routine business, I shall take occasion to submit some remarks on the tariff, reciprocity, and allied subjects.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the resolution to which the Senator from Iowa addressed himself may lie on the table. The Chair hears no objection.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14416) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes.

The PRESIDENT pro tempore. The Secretary will call the roll on the pending amendment.

Mr. GORMAN. I should like to have the question before the Senate stated.

The PRESIDENT pro tempore. It is the amendment of the committee relating to the annex building, on which the yeas and nays were ordered.

Mr. STEWART. Mr. President, when the Senate adjourned yesterday I was about to make a few remarks—not a speech—on the pending amendment.

I am not an architect nor an expert in any way in that line, but I remember well that on my first visit to Washington some forty years ago I was profoundly impressed with the beauty of this Capitol, and also with the stately appearance and commodious arrangement of the Patent Office. The Smithsonian Institution was also attractive. Those were beautiful buildings, and they were admired and have ever since been admired by strangers who have come here.

The architecture of the buildings constructed since that time has not been favorably commented on by strangers nor does it favorably impress many of us. There are one or two exceptions, notably the Library building. The Printing Office building in its line, though it is not an architectural beauty, is well adapted to its purposes. The Library building attracts the attention of all who come here. But this Capitol above all is commented upon by every stranger. Although I am not familiar with the architecture of the Old World to any great extent, I am quite familiar with the architecture of Paris and London, and they have nothing there that pleases me as much as this Capitol, and I have heard foreigners make the same remark.

There may be American architects who are equal to those who existed prior to the civil war; there may be those in the country who are superior to them, but they have not appeared in this

capital as a rule. The buildings that have been erected here are apologized for by the citizens. They apologize for your new post-office building, for your War, State, and Navy Department building, and you will find that American citizens of taste will be apologizing for them.

Now, I do not want anybody to apologize for any mutilation of the east front of this Capitol. I have heard it universally admired, and I want to know the architect who is to do this work before I vote to have it done.

I am heartily in favor of the new building for the accommodation of the Senate, though I shall not be here to enjoy it and there are not many Senators now here who will enjoy it. Many of them will be gone when the building is completed, but it is a duty, I think, to provide for the business of the Senate. Our accommodations are now cramped and inconvenient. You are putting up magnificent buildings all over the country elsewhere; and the accommodations outside of Washington for doing official business are generally superior to the accommodations here for the Senate.

This annex building ought to be erected, but it ought not to be made a condition that if we erect this building, which is necessary for the business of the country, we shall take any chances for a modern architect to mutilate the east front of the Capitol.

In what the artists who have constructed buildings here have generally done I do not say has been the case all over the country, for it is not true, I know, because there are many fine buildings all over the country; but the artists here appear to have had an insanity of originality, and they conceived the most fantastic things in the world, particularly the State, War, and Navy Department building.

I hope there will not be any committal to the destruction of the beauty of the east front of the Capitol, and in voting for this amendment I shall vote for it with the understanding that we are not committed to that project. I hope it will not be done. I hope the good sense of Congress will come in to preserve all there is of grandeur and beauty in the architecture of the Capitol of the nation. Every building put up should be for all time. It should be enduring. It should be constructed after models—and there are plenty of them—which endure through all the ages of history in different parts of the world. In Rome and other places you have these models; but with the modern departure, with the insanity of originality, the work is always deprecated as soon as it is done.

I hope that this new building will be erected; that it will be a stately building which will be a credit to this nation, as this Capitol is a credit to this nation, and that not only our own citizens will be proud of it, but that foreigners who come here may admire it.

I trust there will not be any experiment made which would disfigure this building or any other building that we may erect. Let us have a monumental building, erected for all time, not to be torn down, or something which is to last only a year, but let it be a handsome building. The House of Representatives I hope will have a fine building at their end of the Capitol, which will comport with the beauty of the architecture of this Capitol, and that the two buildings which are projected may add to the beauty, the grandeur, and the permanency of the capital of the nation.

I shall vote for this amendment with the distinct understanding that there will be no vandals or no modern architects insane with inventions of new things wicked enough to try to experiment with the east front of this Capitol.

Mr. STONE. Mr. President, undoubtedly the question now before the Senate has been sufficiently debated to enable every Senator to fully understand the issue. I feel as though I ought to apologize for detaining the Senate, even for a few moments, in protracting the discussion. Nevertheless, I desire to add a little to the sum of what has been said.

The Senator from Colorado [Mr. TELLER] remarked on yesterday that at the beginning of his present term of service he was consigned—I think that was the proper word—consigned to the basement of the Maltby Building, and that the room or apartment furnished him was so inadequate, if not unwholesome, that he declined to occupy it and provided for his use quarters elsewhere at his own expense. My experience in one respect is the opposite to that of the Senator from Colorado. He was placed in the cellar of that building, while I have been put into the garret.

When I first came to the Senate, about a year ago, to attend the called session held immediately after the adjournment of the Fifty-seventh Congress, by the considerate courtesy of the Sergeant-at-Arms and the Committee on Rules of the Senate I was given two rooms in the fifth story of the Maltby Building. When I examined them, Mr. President, I ventured to enter a modest protest against the assignment. I do not criticize the Sergeant-at-Arms or the members of the Committee on Rules nor blame them in the least, for I am sure they did the very best they could. They told me they had done so, and being, like Brutus, honorable men, and, like Washington, most veracious men, I knew their

statements were absolutely correct. I am confident they did the best they could, and I wish here now to acknowledge my sense of appreciative obligation to the senior Senator from Wisconsin [Mr. SPOONER], the chairman of the Committee on Rules, for the courtesy he extended me at that time, the use of his committee room during the vacation and until better accommodations could be provided. Later, at the beginning of the present session, a third room, about the size of the others, was added to the two rooms I already had. Formerly this room had been used as a storeroom or lumber room. Those three rooms constitute my office suite.

That Senators may understand how entirely inadequate these apartments are to accommodate the uses for which they are intended, I might call attention to one circumstance occurring but the other day. Six of my constituents were here on business with Congress of great importance to them and to the locality which they came to represent. Those six gentlemen came to my committee rooms or offices to consult with me about the business they were here to look after. I was not able to seat them in the room which I personally occupy; it was not large enough, and so I was obliged to seat two of my visitors in the adjoining room occupied by my clerk, and we communicated with each other through the open doorway. I have had more than one experience of that kind.

The Senator from Iowa [Mr. ALLISON], the chairman of the committee having charge of the bill now before the Senate, and other Senators have spoken of the necessity of ample quarters for the use of Senators, and have spoken of the necessity of the use of books by a legislator in preparing himself for the duties he has to discharge. I have some hundreds of books which I brought with me, and which I often have use for, but I have no place to put them, Mr. President. I could not store them in those rooms, much less arrange them for convenient use.

The rooms are poorly ventilated and poorly lighted. Besides the doors, which communicate with the hall leading to the elevator, the rooms have one window each, looking out upon a blank wall 30 feet away, a part of the adjoining wing running back from the central building. The prospect is cheerless and the surroundings dispiriting.

The furnishings are poor, but I make no special complaint of that. I am five stories above the street. The elevator does not run after 6 o'clock in the evening nor on Sunday nor after the final adjournment of Congress. So if I have occasion to go to those rooms after 6 o'clock in the evening or on Sunday—as it may sometimes occur, not often, but it might—or after the Congress adjourns, I must climb five flights of stairs when I go in and descend them when I go out.

There is some little compensation for these inconveniences. I am located, happily, next to the bath room and also immediately adjoining the window, from which I could make my exit to the fire escape if occasion required.

I have not detailed this story to relate a tale of woe or to excite sympathy, for I ask no sympathy, but I maintain that a representative of a great State, because of his representative character, if for no other reason, is entitled to better accommodations and better surroundings than those I am being compelled to put up with. There are other Senators in the Maltby Building little if any better provided for than I am. This I know. They feel about it as strongly, some of them perhaps even more strongly, than I, if I can judge by what I have heard them say.

Mr. President, there are Senators who have excellent quarters in the Capitol and elsewhere, who have every convenience and comfort afforded them; their surroundings are pleasant, congenial, and conducive to good thought and to good work. I do not complain of that; I am glad of it; but I insist there ought to be a nearer approach to equality in the accommodations afforded Senators who are entitled to seats on this floor as the representatives of equal States.

I shall vote for the amendment to construct this new building, and also for that part of the amendment which provides for a commission to examine into the question of extending the east front of the Capitol; but I am addressing myself now especially to the new building.

My good friend the Senator from Arkansas [Mr. BERRY] thinks that \$3,000,000 is too much money to expend for this proposed building. It may be so. If an adequate building can be constructed for a less sum, it goes without saying that it should be done. It may not be going too far to indulge the hope that the entire appropriation would not be used if found to be unnecessary; but I believe, sir, that when we construct a public building here at the capital for the uses of the Congress or of the executive or judicial departments it should be ornate, massive, and imposing, but, above all, it should be adequate and well adapted to the uses for which it is intended. With all due deference to the good judgment of the Senator from Arkansas, I doubt whether a less sum than \$3,000,000 can purchase the site and erect such a building as ought to be constructed for this purpose.

I shall not hesitate to cast my vote for the amendment, but if

that were all I had to say I would not have detained the Senate to say it. It will take some years at best under the most favorable auspices to erect this building and have it ready for use. In the meantime I desire to submit to the chairman of the committee, the Senator from Iowa, and to other Senators whose voices are potent here, whether some provision ought not to be temporarily made for the accommodation of Senators situated as I tell you I am and as I know others are. That is the special purpose for which I arose. Aside from the question of convenience involved, the question of safety to life is involved, and I believe, Mr. President, that an amendment ought to be made to the amendment now pending, providing that the Sergeant-at-Arms, or some other officer under the direction of the Committee on Rules, shall secure some additional office rooms to be disposed of equitably and properly for the accommodation of Senators whose present quarters are so inadequate. I shall not offer such an amendment. I desire merely to suggest it to the Committee on Appropriations and to ask the members of that committee to give it consideration.

Mr. HALE. I would say to the Senator that I agree with him fully about that, but it would not do to complicate it with this provision. We can put such a provision as the one to which the Senator refers either on this bill or on the general deficiency bill as a separate proposition. As I understand the Senator, he thinks that provision for additional rooms should not await the construction of this new building, but that it should be made at once. Is not that the Senator's idea?

Mr. STONE. Yes, sir.

Mr. HALE. Well, that as an independent proposition can be put on as an amendment either to this bill or to the deficiency appropriation bill when it comes up. I agree with the Senator that there is some need for something of that kind.

Mr. STONE. I am glad to hear the Senator so express himself. It is immaterial to me on what bill a provision of that kind may go. I have suggested it simply for the thoughtful consideration of Senators who are in control of these appropriations and who are especially influential here in determining matters of this character.

Mr. President, I think I have said all I care to or need to say.

Mr. NEWLANDS. Mr. President, there are two questions to be determined by the Senate—one as to whether or not the proposed extension of the Capitol will improve the Capitol architecturally, and the other the question of accommodations for Senators. I imagine, if it is determined that the extension of the Capitol will improve it architecturally, then it would be very desirable, if possible, to include in that extension the accommodations necessary for Senators; but if it is determined that the extension will not improve the Capitol architecturally, then the office building becomes a necessity. In the event that both are done, an expenditure of five million and a half dollars or six million dollars is possible. In the event that the extension of the Capitol only is sufficient to accommodate Senators with offices, an expenditure not exceeding two million and a half dollars is possible.

It seems to me that we ought to have the report of experts upon this question, and upon both of these questions, before we conclude anything; that we should have first the report of the architects and of this commission as to whether or not the Capitol will be improved in architecture by the proposed extension, and, second, as to whether or not that extension can be so made as to accommodate Senators, for if their report is favorable as regards both of these contentions, we will save an expenditure of at least \$3,000,000 and we will have secured, to a higher degree than the construction of both buildings contemplates, the convenience of Senators.

As to the necessities of Senators, there are forty-three Senators to be provided for, and we will assume that they require in all between sixty and seventy rooms. Would it not be possible in this extension, if it is determined upon, to include such accommodations, assuming that the House of Representatives, in view of the very large and expensive building that they are proposing to put up for the accommodation of their Members, may yield a part of the space to which they are entitled, and possibly a part of the space which they now occupy?

It is admitted that this new building to be erected for the House of Representatives will meet all their demands. It can be so constructed as to permit them to withdraw from a part of the space which they now occupy: it certainly can be so constructed as to do away with the necessity of their claiming the additional space to which they may be entitled, and if by so doing an expenditure of \$3,000,000 can be saved and the greater convenience of Senators can be secured, it seems to me a very desirable thing to accomplish.

We have, then, forty-three Senators requiring between sixty and seventy rooms. What possibility is there of our securing that number of rooms? Mr. Walter, the former Architect of the Capitol, has prepared two plans for the extension of the east front of

the Capitol, one involving the addition of about sixty-six rooms and the other the addition of thirty-three rooms.

If the extension providing for sixty-six rooms is made, and the House of Representatives waives its rights to its one-half, those sixty-six rooms will accommodate the Senators who now need additional accommodations. Another plan prepared by Mr. Walter, providing for an extension only of the middle half of the present main or central building of the Capitol, would involve an addition of only thirty-three rooms. That number would not, of course, be sufficient for the Senators now demanding additional accommodations. But if the House would agree to surrender to the Senate the committee rooms which it now has in the western front, formerly occupied by the Congressional Library, substituting for those rooms rooms that it can construct in the new building, we would have twenty-six additional rooms, which, added to thirty secured by the smaller extension contemplated by Mr. Walter, would make fifty-six rooms for the accommodation of forty-three Senators.

Now, it does seem to me that as yet we have not had plans prepared which were designed to cover both questions—the question of architecture and the question of additional accommodations. At all events, we have not had the aid of eminent architects in this direction. No one to-day knows what the product of their work may be. They may be able to present to us a plan for the extension of the Capitol which will satisfy us architecturally and give us all the additional rooms which we require. An arrangement may possibly be made with the House of Representatives by which they will permit us to occupy a part of the space to which they are entitled, and in that event the construction of the office building will be entirely done away.

I assume that every Senator upon this floor would prefer to be in the Capitol building rather than in the office building, for the nearest point to the office building will be 300 feet distant, and only a few of the Senators can be accommodated in the corner nearest the Capitol. With the extension of the building it means that many Senators will occupy offices from four to five hundred feet distant from the Senate Chamber, and necessarily they will take a great deal of time in going up and down in the elevators and through the tunnel in order to attend to their duties here. I assume that if we can cover the question of the proper architectural development of the Capitol and at the same time the question of the convenience of Senators, we will content ourselves with one construction and one expenditure instead of two.

Now, what is the sensible and businesslike thing to do under these conditions? It seems to me we ought to authorize this commission, consisting of three Senators and three Representatives, to employ, as the Senate amendment contemplates, these three eminent architects, for the purpose not only of preparing plans for the extension of the Capitol, but also for preparing plans for this office building and presenting them to us in the alternative, with their recommendation, first, as to whether the plans for the extension of the Capitol would improve or impair its architectural appearance; second, if the contention be determined in favor of the improvement of its architectural appearance, whether the extension can be so made as to furnish Senators with the necessary accommodations; and, third, if not, plans for a suitable office building.

All this can be presented to us at the same time in December next, and we can determine these questions intelligently. As it is we are proposing now immediately to order the construction of the office building, and yet the plans presented by these architects may demonstrate to our satisfaction that we can secure sufficient accommodations in the Capitol building.

It seems to me we should have the whole question of the accommodation of Senators as well as the question of the architectural effect submitted to these trained architects, who are accustomed to just such problems and who will work them out in the most satisfactory way to us, and that we should simply authorize the plans for both of these structures to be submitted for our approval in December next, so that we can then determine whether we shall enter upon both of these enterprises or whether we shall confine ourselves simply to one.

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

Mr. COCKRELL. What is the amendment?

The PRESIDENT pro tempore. The amendment providing for an annex for the Senate.

Mr. SCOTT. Before the roll is called, will the Chair please state what we are about to vote upon?

The PRESIDENT pro tempore. It is the amendment of the Committee on Appropriations providing for the construction of an annex for the benefit and use of the Senate.

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR], whom I do not see present. If he were present, I should vote "nay."

The roll call was concluded.

Mr. LODGE. I have a general pair with the Senator from Georgia [Mr. CLAY], who is absent. I do not know how he would vote; so I transfer my pair with that Senator to the Senator from Ohio [Mr. DICK], and will vote. I vote "yea."

Mr. QUARLES. I announce my pair with the senior Senator from Texas [Mr. CULBERSON], and withhold my vote.

Mr. BLACKBURN. I am paired with the senior Senator from Maryland [Mr. MCCOMAS], who is absent. I am informed that the Senator from Oregon [Mr. MITCHELL] is paired with the Senator from Idaho [Mr. DUBOIS], who is absent, and that the Senator from Oregon has voted. Therefore I will transfer my pair to the Senator from Idaho [Mr. DUBOIS], so that he will stand paired with the Senator from Maryland [Mr. MCCOMAS], and I will vote. I vote "nay."

Mr. ELKINS. I have a general pair with the Senator from Texas [Mr. BAILEY]. I am informed that he is favorable to this proposition, and therefore I will vote. I vote "yea."

Mr. SPOONER. I have a general pair with the Senator from Tennessee [Mr. CARMACK]; but as there is no party division on this question, and after consultation with his colleague, I will vote.

Mr. BATE. That is correct.

Mr. SPOONER. I vote "yea."

The result was announced—yeas 50, nays 10, as follows:

YEAS—50.

Alger,	Depew,	Heyburn,	Money,
Allou,	Dolliver,	Kean,	Newlands,
Allison,	Dryden,	Kearns,	Penrose,
Ankeny,	Elkins,	Kittredge,	Platt, N. Y.
Bacon,	Fairbanks,	Latimer,	Simmons,
Ball,	Foster, Wash.	Lodge,	Spooner,
Bard,	Frye,	Long,	Stewart,
Burnham,	Fulton,	McCreary,	Stone,
Clark, Wyo.	Gallinger,	McCumber,	Teller,
Clarke, Ark.	Gamble,	McEnery,	Warren,
Cockrell,	Gorman,	McLaurin,	Wetmore.
Cullom,	Hale,	Martin,	
Daniel,	Hansbrough,	Mitchell,	

NAYS—10.

Bate,	Clapp,	Morgan,	Scott.
Berry,	Hopkins,	Perkins,	
Blackburn,	Millard,	Platt, Conn.	

NOT VOTING—30.

Aldrich,	Culbertson,	Hawley,	Proctor,
Bailey,	Dick,	Hoar,	Quarles,
Beveridge,	Dietrich,	McComas,	Quay,
Burrows,	Dillingham,	Mallory,	Smoot,
Burton,	Dubois,	Nelson,	Taliaferro,
Carmack,	Foraker,	Overman,	Tillman.
Clark, Mont.	Foster, La.	Patterson,	
Clay,	Gibson,	Pettus,	

So the amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the next passed-over amendment.

The SECRETARY. On page 83, line 11, after the word "modifications," it is proposed to strike out "of the interior;" in line 15, after the letter "a," to strike out:

commission, composed of three Senators to be appointed by the President of the Senate, and three Members of the House of Representatives of the Fifty-eighth Congress to be appointed by the Speaker of the House of Representatives.

And insert:

joint commission, composed of three Senators, namely, Hon. GEORGE P. WETMORE, of Rhode Island, Hon. RUSSELL A. ALGER, of Michigan, and Hon. ARTHUR P. GORMAN, of Maryland, and three Members of the House of Representatives of the Fifty-eighth Congress, namely, Hon. JOSEPH G. CANNON, of Illinois, Hon. WILLIAM P. HEPBURN, of Iowa, and Hon. JAMES D. RICHARDSON, of Tennessee; and said commission shall employ three eminent architects jointly to prepare designs, working plans, details, and specifications, and to supervise the work, under the direction of the said commission and with its approval: *Provided*, That said commission shall report to Congress such designs, working plans, details, and specifications as it shall recommend, which shall be approved by Congress before any further action is taken toward the construction of said extension.

On page 84, line 10, after the word "grounds," to insert "subject to the approval of Congress as aforesaid;" in line 17, after the word "such," to strike out "professional and personal;" and in line 20, after the word "commission," to strike out "hereby created;" so as to make the clause read:

Toward the extension and completion of the Capitol building in accordance with the original plans therefor by the late Thomas U. Walter, with such modifications as may be found necessary or advantageous, and for each and every purpose connected therewith, \$500,000; and the said construction shall be made under the direction of a joint commission composed of three Senators, namely, Hon. GEORGE P. WETMORE, of Rhode Island; Hon. RUSSELL A. ALGER, of Michigan, and Hon. ARTHUR P. GORMAN, of Maryland, and three members of the House of Representatives of the Fifty-eighth Congress, namely, Hon. JOSEPH G. CANNON, of Illinois; Hon. WILLIAM P. HEPBURN, of Iowa, and Hon. JAMES D. RICHARDSON, of Tennessee; and said commission shall employ three eminent architects jointly to prepare designs, working plans, details, and specifications, and to supervise the work, under the direction of the said commission and with its approval: *Provided*, That said commission shall report to Congress such designs, working plans, details, and specifications as it shall recommend, which shall be approved by Congress before any further action is taken toward the construction of said extension; and the superintendent of the Capitol building and grounds, subject to the approval of Congress as aforesaid, under the direction and supervision of said commission, is authorized to make contracts for said construction after proper ad-

vertisements and the reception of bids within a total sum not exceeding \$2,500,000, including the sum herein appropriated, and said superintendent, subject to the direction and approval of said commission, shall employ such services in connection with said work as may be necessary. Any vacancy occurring by resignation or otherwise in the membership of the commission shall be filled by the presiding officer of the Senate or House, according as the vacancy occurs in the Senate or House representation on said commission.

Mr. ALLISON. After consultation with Senators respecting this provision I am authorized to offer some amendments to the amendment. After the word "commission," in line 12, page 84, I move to strike out "is authorized to make" and insert "whenever it shall be authorized by Congress shall conduct the making of all contracts."

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

The SECRETARY. On page 84, line 12, after the word "commission," it is proposed to strike out the words "is authorized to make" and insert "whenever it shall be authorized by Congress shall conduct the making of all."

The amendment to the amendment was agreed to.

Mr. ALLISON. In line 14, page 84, after the word "bids," I move to strike out the limitation "within a total sum not exceeding \$2,500,000, including the sum herein appropriated."

The amendment to the amendment was agreed to.

Mr. ALLISON. After the word "therewith," in line 13 on page 83, I move to strike out "five hundred" and insert "seventy-five."

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 83, line 13, after the word "therewith," it is proposed to strike out "five hundred" and insert "seventy-five;" so as to read "\$75,000."

The amendment to the amendment was agreed to.

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

Mr. ALLISON. Mr. President, I wish to say only a word about this amendment before it passes from the consideration of the Senate, as respects the propriety and necessity of making this extension.

The Senator from Georgia [Mr. BACON] the other day expressed his total dissent from the proposition to make this extension, and in the debate it has been stated that this has not the approval of the architects of the country. As I understand the history of the Capitol, the architect who has been so fittingly and appropriately spoken of as having erected here the most beautiful Capitol building in the world, has put himself on record over and over again as to the necessity of the extension of the east front of the Capitol and made several plans, as was stated a few moments ago by the Senator from Nevada [Mr. NEWLANDS], for that construction.

Some of them received his absolute approval, and some of them were condemned by him. There is, as I understand, one plan made by him that he strongly urged upon Congress, which provided for an extension projecting 67 feet from the center of the building. The present plan, a model of which is in the Rotunda, projects, as I understand, a hundred and eight feet.

Now, that I may not be mistaken, I wish to place upon record what Mr. Walter stated upon the subject. I wish to say another thing, and that is that when these two wings were placed where they are now it was in mind, as I think all the circumstances indicate and show, that this projection was necessary for the completion of this great building.

The construction of the two wings was undertaken and this wing, I believe, was completed in 1859, the House wing having been first completed. But before this wing was completed finally a project was started for the tearing down and rebuilding of the Dome. So this beautiful façade, which is mentioned as having been spoken of by distinguished Senators in 1855, was a façade with a low dome, and the Dome that we now have was authorized, I believe, in 1857. It was completed in 1865 and cost \$1,000,000 in round numbers. It was greatly enlarged as regards its height and also in the details of its construction. This was built under the architectural management and direction of Mr. Walter.

Now I want to read what Mr. Walter said in 1864, after the Dome was completed or about the time of its completion and long after these wings were constructed.

Mr. TELLER. I hope the Senator, when he reads what Mr. Walter said, will tell us to which of the plans that Mr. Walter had prepared he was addressing himself. I understand that the only one to which he ever gave his adherence was the 67-foot plan. Is it not the fact that that is the only plan which it can be shown he really approved?

Mr. ALLISON. Perhaps it is the only plan, but I am not quite ready to state that it is the only plan. But I know he disapproved of one plan which extended the eastern front 275 feet.

Mr. TELLER. I want to say that that plan was simply an extension, leaving the front as it is now.

Mr. ALLISON. No; the Senator is mistaken about that.

Mr. TELLER. Very nearly, if not quite, it was.

Mr. ALLISON. What I wish to avoid is the idea that anybody here, as far as I know, has approved any plan. This amendment especially rejects the idea of any approved plan by providing for three eminent architects who shall take up this question, and what I was saying respecting Mr. Walter was with regard to the importance of a projection there in order to perfect the eastern facade of this building.

Now I desire to read what Mr. Walter said in 1864:

Now that the new Dome—

Which was built after these two wings were built.

Now that the new Dome and the wings of the Capitol are approaching completion—

The figure at the top of the Dome had not then been placed—it must be apparent to everyone—

He seemed to have some ideas then—

It must be apparent to everyone that the extension of the Senate building on the east to the line of the new wing becomes an architectural necessity. I have therefore prepared plans for thus completing the work in harmony with what has already been done, and will place them in the Capitol for future reference.

I do not suppose, nor would I recommend, that any action be taken by Congress in reference to such an improvement until the war is ended and the financial condition of the country becomes settled and prosperous; but, inasmuch as it is my purpose to retire from these works as soon as the Dome is finished, I deem it incumbent upon me to leave upon record my views as to their final completion.

I will not read other extracts from Mr. Walter upon this subject, and I only read this one to show that at the time these great improvements were made with regard to the two wings of the Capitol and the tearing down of the old Dome and its reconstruction, at a cost of a million dollars, Mr. Walter, the architect, whose work has received the approval of the generations that have followed him, stated that he desired to put on record his conviction that the Capitol would not be finished until there was an extension of the central portion of it.

Therefore, when we are dealing with this question, we are not dealing with the models; we are not dealing with any specific plan; we are dealing with eminent architects, whose duty it is made to be, and whose pleasure it will be, I have no doubt, to ransack the records of the Capitol with respect to the projected plans of Mr. Walter, and so harmonize those plans with whatever plans they may have, as to details, as to make the Capitol what Mr. Walter and everybody else in 1864 believed was necessary to secure its completion. So the Capitol now, nearly forty years after the close of the war which he said would retard its necessary improvement, stands as it stood at the close of the war, when Mr. Walter wrote the statement which he put upon record in the archives of our country.

Therefore it is that I for one, whilst I approve the construction of this addition because I believe it to be necessary, also believe, and every study I make and every moment of reflection I give to the matter adds to the strength of my judgment, that upon every account we should enter, as we propose in this amendment to enter, upon the extension of the east front of the Capitol.

Mr. TELLER. I speak more from memory than anything else, but I am morally certain that Mr. Walter never suggested such a proposition as is now proposed, by building out a couple hundred feet, or nearly that.

Mr. ALLISON. If the Senator will permit me, such a proposition is not proposed in this debate by anyone here, and we have struck from the bill the idea that this projection is approved by the Senate.

Mr. TELLER. I am not contending that the provision proposes anything of that kind; it did not as it came from the House. I said yesterday, and I said once before, there is authority to say that there might be a slight addition in order to put the building in better harmony than it is now. My discussion of the matter yesterday was upon the theory that we are to make this extension with a view to the rooms that will be furnished. Mr. Walter's idea was to put it in harmony with the new Dome, which everybody knows was slightly out of proportion.

Mr. ALLISON. And to furnish twenty-two additional rooms.

Mr. TELLER. It might produce that effect, but the demand that has been made here for twenty-five years has been not for twenty-two rooms, but for three or four times that number, an absolutely different thing from what Mr. Walter ever proposed, and from what I believe any architect will ever propose, whether three or five or whatever number may be employed.

I do not myself contend that there is anything in this provision which requires us to adopt that plan or any other. I do not know what plan the architects may propose, but they ought to know beforehand whether they are to provide a plan simply to complete, as one may say, the harmony of the building or whether they are to have a plan that will give us 100 rooms or 75 rooms or whatever the number may be. They can not do that unless they know for what purpose it is to be done. If it is to complete the Capitol, that is one thing; if it is to furnish rooms, that is another. We

ought to settle that by adopting the provision to construct the additional building. Then there will be no claim for any more rooms.

Mr. HALE. Mr. President, as the Senator from Iowa has intimated that at the time of the construction of the two additional wings it was in contemplation to extend the center of the Capitol, I wish to read, without taking much time, an extract from the fundamental report which was made by the Committee on Buildings and Grounds at that time, signed by Jefferson Davis and John H. Clarke, February 17, 1851. I will read only the pertinent extracts that bear on the real question in controversy here, and that is whether we shall do anything now that commits Congress to the invasion of the symmetry and beauty of the eastern facade. The report says:

To answer the requirements of Congress without impairing the beauty, disturbing the harmony, or diminishing the effect of the noble structure our fathers erected was a problem of extreme perplexity.

Later along they are more definitive and state, dealing with this question of the two wings and the center, that—

The architectural character of the present edifice, though it does not invite, is nevertheless such as to admit of additions—

That is, the wings—

and it is believed that they may be made not only to harmonize with it, but to heighten its effect. In the plan proposed it has been studiously sought to avoid interference with the original design. The beautiful east facade will be preserved and rendered not less imposing by the stronger light and shadow given by the proposed projections.

I might talk until the darkness of evening frowned upon us and I could not so clearly express the desire recognized by the great men who had in charge the extension of the Capitol in no way to mar or disturb or deform the beautiful east facade.

Nothing at that time was intimated to the contrary; and come what will, I will not vote for any proposition which commits the Senate now to a project of extension that in the end will result in what was so studiously excluded and so eloquently deprecated when the original plans were carried out for the two wings.

I do not agree with the Senator from Iowa, who in his appeal to the Senate when he took his seat declared that the amendments as he had at last proposed them committed us to the extension of the eastern front of the Capitol. If I believed that, I would without hesitation move to strike out the whole proposition of the House and leave the matter clean as it is and the front as it stands before us.

Mr. CLAPP. May I ask the Senator from Maine a question?

Mr. HALE. Certainly.

Mr. CLAPP. I ask the Senator if it does not mean something, if it does not foreshadow some action by Congress, why leave it in the bill at all?

Mr. HALE. That is a very strong argument, undoubtedly. As the Senator from Iowa saw fit to declare when he sat down that he would expect that the work of extension should go on, it certainly will be put in our faces that he has committed himself to that proposition.

Mr. ALLISON. Mr. President, I said only what I believe, that whatever we may do here to-day or ten years from now, what Mr. Walter said in 1864 was an absolute necessity will be agreed to at some time by some Congress. I did not deal at all with the specific provision of the bill.

Mr. HALE. The Senate has voted almost unanimously for what would be a great, noble building for the convenience of Senators. It ought to have large, spacious rooms for committees and all accommodations for all Senators, not only for those who have now good committee rooms here, but those who have poor committee rooms and those who have none. There are only a few committees that have good rooms. I could not pick out more than twenty-five Senators who have committee rooms such as they ought to have in this Capitol. If I were a Senator outside of that number, I would much rather have good, ample rooms, two rooms to each Senator, in the building beyond in which to hold committee meetings.

As has been suggested, and I had the same idea in my mind, the building ought to be made large enough so that as a part of it there shall be a moderate auditorium to be used whenever great hearings are held. At every session there are hearings upon great popular questions where a committee room is entirely inadequate, and there ought to be provision in this new building for just such a room as that. But the commission can settle all that.

Mr. President, I am glad the vote has been so nearly unanimous; and having generously consented to the House proposition for their building, I hope that no rude hand will be laid by any Representative of the House of Representatives upon this project for an additional building that has received the almost unanimous approval of the Senate.

Now, with that building going on, I ask Senators to consider another thing. If you enter upon any project to change the eastern front and rebuild the Capitol there and carry it out, it is no slight matter that every one of us who frequents the Capitol in

our duty, every citizen who comes to Washington and seeks to view the great National Capitol is to be met with piles of brick and masonry and the sound of the hammer, and all the work that is going on is to be in our ears and is to visit our vision for three or four years. That we could abide if everybody was in favor of it, but it is a serious thing to shut out the Capitol from the view of the American people, as would be done for that time, and to submit ourselves to all of the inconvenience and interruption that will go on for three or four years.

Therefore, if we accept this provision, I for one accept it upon the condition that I am not in any way committed to any extension hereafter. The discussion has developed the sentiment of the Senate in favor of this eastern front. I do not believe any extension ought to be agreed to, unless it be some immaterial extension that will carry out the foundation of the Dome for a comparatively small space. But to enlarge it in any way, to fill up that middle space and destroy the beauty of the recession of the center from the sides, no matter what we do here, I will not in any way be committed to, and I shall reserve to myself for one the right to oppose any plan of that, no matter what architects recommend it, no matter what committee recommends it.

Mr. FAIRBANKS. May I ask the Senator a question?

Mr. HALE. Certainly.

Mr. FAIRBANKS. The east front has stood as it is now for upward of fifty years. What emergency is there demanding that this question of an extension should be taken up now, particularly immediately following a vote of the Senate to proceed with an expenditure involving from three to four million dollars for the construction of a building for the accommodation of Senators?

Mr. HALE. Mr. President, I am one of those who believe that there is none. I should be glad if this matter was left and nothing whatever done, except the construction of a new building for the Senate, as the House is going on with its building. I should be very glad if that could be done.

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

Mr. HALE. Certainly.

Mr. SPOONER. I understood the Senator from Maine yesterday to say that it is the desire of the justices of the Supreme Court of the United States that that tribunal shall continue to sit in the Capitol.

Mr. HALE. No; the Senator from Iowa [Mr. ALLISON] made that statement.

Mr. SPOONER. The Senator from Iowa said so, and I think the Senator from Maine said so, as he will see if he will look at his remarks.

Mr. HALE. I asked the Senator from Iowa if the Supreme Court were finding any fault with their present quarters, which I understand they are not, if they are not interfered with by having the light shut out.

Mr. SPOONER. I understand that the justices of the Supreme Court very much prefer that the sessions of that court shall continue to be held in the Capitol. I do not think any justice of the Supreme Court has ever been quoted as having said that the members of that court regard the accommodations now offered to that tribunal as in any wise adequate. Not one of those justices has a room apart from the conference room in which they meet to confer about decisions.

Now, is it the Senator's notion that that condition should perpetually exist? Leaving out the question of committee rooms, leaving out the accommodation of Senators, let it be assumed that that will be provided for by this new building, do we not owe something to the Supreme Court of the United States in respect to giving them adequate accommodations? There is hardly a capitol, there is not a new capitol, in any State which does not give to the judges of the supreme court infinitely better accommodations than are given under the Dome of this Capitol to the highest judicial tribunal in the country. Is it the Senator's notion that there may be some slight change in the east front of the Capitol which would accommodate the Supreme Court and yet not in any way mar the façade?

Mr. HALE. I do not think we can make any projection to the east there large enough to hold the Supreme Court without marring the present plan. I do not think that can be done.

Mr. SPOONER. I am not referring to a new Supreme Court chamber. I think the justices of the Supreme Court would prefer to continue to occupy the present court room. It is a historic room, where great justices have sat, celebrated causes have been decided, and where great lawyers have won renown. I think the justices are satisfied with that room as a court room. But could not a change be made which would furnish them some additional accommodations without, in the Senator's view, impairing the beauty of the façade?

Mr. HALE. Let me say to the Senator he has introduced a new element. I am not troubled about the Supreme Court. They may not have all the room they want. They may be well content

where they are. They do not want to be disturbed. They do not want to be walled up. The Chief Justice told me the other day that this plan of extension would wall them up. I will say to the Senator that comes up only indirectly. I do not think in the future the question of what shall be done with the Supreme Court, or whether they shall remain in the Capitol, is so much a question for us as that at some not remote day Congress ought to provide for the erection of a great court building on the corresponding corner to the Library to match that building in architecture, not match it in expense in the interior, which shall contain not only the Supreme Court, with rooms for all its judges and its reporters, but shall contain all the courts of the District of Columbia, except, of course, the municipal courts, which should be downtown, and the frequenters of which should not be let loose upon a building here.

It ought to contain rooms for all forms of arbitration, for all hearings of joint commissions appointed by this Government and other governments, and it should be a complete temple of justice. No Supreme Court judge ought to insist, when we furnish such accommodation as that so near here, that they should be kept here in a legislative building. The courts have grown in their extent and ramifications as Congress has done. Their business has increased greatly. There are several great tribunals here in Washington that are now put around in different rented buildings that ought to be placed in the great building which some day we will erect there.

But, Mr. President, that question is not involved here. The great question that is involved here now is whether we shall commit ourselves to anything that hereafter it will be urged we have done, and that Congress has embarked in the scheme of extending the east front of the Capitol and marring or destroying or changing the present feature. That is the great question.

Mr. BACON obtained the floor.

Mr. ALLISON. Mr. President—

Mr. BACON. I yield to the Senator from Iowa.

Mr. ALLISON. If the Senator will yield, I wish to say one word in regard to the report of Mr. Jefferson Davis and Mr. Clarke, made in 1851, read by the Senator from Maine. That report was made before either wing of the Capitol was completed. I doubt whether it was then even in the model form we now have here; it was on paper. I am not surprised that they spoke of the beauty and symmetry of the building created by our forefathers and theirs. But it must also be remembered that the two wings were not completed until 1859, and that in 1857 that Capitol, so distinguished for beauty and symmetry, was torn to pieces and a new Dome was constructed, which cost a million dollars. It must also be remembered that when that new Dome was constructed the most distinguished architect of our country at this or any other period of its history stated that it was a necessity to build a new façade on the east front.

Mr. BACON. Mr. President, I am very sorry indeed that the distinguished Senator from Iowa favors this present appropriation, whatever may be thought to be desirable in the future. I would very much prefer, as we have entered upon the construction, or, rather, adopted an amendment looking to the construction of a Senate building, that we at least get under way as to that, and I can see no reason for haste in the matter of the Capitol extension. It may be found that this proposal for the extension of the east front will not be pressed in the future. If so, it would seem unfortunate that \$75,000 should be expended for that which will, in such case, result in nothing of a practical character.

Ordinarily I am more than content to follow the lead of the distinguished Senator from Iowa as to any matter relating to the appropriation of money, and whenever I am in doubt I feel very safe if I vote on the same side with himself on such matters. It is therefore with very much hesitation that I make a suggestion as to anything in a matter where he has such a pronounced opinion.

For myself, Mr. President, I am like the Senator from Maine [Mr. HALE] in my unalterable opposition to the extension of the east front. I am opposed to it on two grounds. One of them has been discussed here at length. I have already suggested the view which I have upon it. As it stands it is now recognized as one of the beautiful façades in all the world. I am opposed to any experimentation with it.

But without pursuing that reason, which has been so fully discussed, there is another thought which I have not heard suggested or commented upon here. With individuals association, in the sentiment thus engendered, amounts to a great deal in their personal lives and relations; but in the case of a nation patriotic associations are not mere matters of sentiment. They are matters of great value in the inspiration which they give to the people, and in the pride and the patriotism which they incite and which they strengthen.

Sir, is there a Senator present, is there a citizen of the United States, who can for a moment ignore the value of the associations

which will ever belong to the east front of this Capitol? Should such associations be destroyed except in the presence of some overpowering and controlling necessity? What is the value of the mere matter of a little extra room when weighed in the balance with the associations connected with that classical and beautiful front? For more than three-quarters of a century—I do not recall the exact date since its renovation after the war of 1812—but certainly for more than three-quarters of a century that east front has been connected with great historic occasions. How many Presidents have stood there and taken upon themselves the great oath before they assumed the duties and functions of the great office?

Mr. President, if it could be demonstrated—which I do not think it ever could be to my satisfaction—that the east front could, from an architectural standpoint, be improved, as a citizen of the United States and as a Senator, standing here charged with guarding the institutions of this country and with the preservation of the great traditions and the historic memories of this country, I would never consent that all those associations should be destroyed merely for some slight convenience or imagined architectural advantage, if such advantage could be demonstrated as the result.

Mr. President, from my boyhood I have, as a visitor, been familiar with the White House, and I can recall when as a boy I entered the portals of that building with all its historic associations pressing upon me as I stood there, awe-stricken with the recollections as I had read of what had occurred there and of those great men who had served the Government there. As I grew from boyhood to manhood the feeling of veneration that I had for that building was intensified. It was not lessened when, after coming here in an official capacity, I became more familiar with that building; but I confess that I never now enter those portals without a feeling of sadness because those associations are all destroyed and gone. I would not know, if I were blindfolded and carried inside the White House and the bandage then removed from my eyes, that I was inside the historic building. Every association connected with it has been destroyed by the changes which have been made. It may be that it has been improved, and I am not prepared to say that it has not been, but what are those improvements to be compared in value to the associations which clustered around that edifice, sacred to every lover of his country?

Mr. President, are we to have a repetition of that here? Are all the associations of more than three-quarters of a century to be destroyed ruthlessly, either to give additional room or to enter upon an experiment of increased architectural beauty? No one can be more considerate than I am of the requirements and needs and comforts of the Supreme Court judges. I desire that they shall have a building which shall be ample and commodious, and suitable in its proportions to the dignity of their office, and commensurate with their office; and it is perfectly competent to give them that in another building.

I sympathize with the sentiment of the Supreme Court which makes them desire to remain, so far as their court room is concerned, in this building; and I shall be always glad to see them remain in their present room, because of its associations, in order that, while it has been devoted to other uses than it was in the days when the great Senators made it vocal with their eloquence, it may still be devoted to the high purposes of the highest court, not only in this country, but, as we fondly think, of the whole world. But it is entirely consistent with their remaining in that historic chamber as a court room that they should have another building, ample in all respects in the way of offices, to the needs of themselves and of the officers and employees of the court.

Mr. President, I say this—and I confess that I have a great deal of feeling upon the subject—because, while it may be true, as the Senator from Maine [Mr. HALE] says, that the adoption of this particular clause as proposed to be amended may not commit us to the construction of the proposed extension of the east front, it is a step in that direction. While I never propose to go in that direction any further than I am compelled, I do not desire that anything shall be done now which shall encourage others to do so.

For myself, I will not undertake to ask the Senate to eliminate this feature from this bill, but I should be more than delighted to see it done to-day; and if we can not go to the extent of eliminating it entirely, if we must consider the action of the other House at least in some degree, let us limit it to the extent of an appointment of this commission to examine and make a report, and eliminate from it this feature which proposes that plans and estimates shall be made at a cost of \$75,000, which, aside from the influence which it may exert and which I deprecate, may be money entirely and uselessly thrown away.

Mr. PLATT of Connecticut. Mr. President, I think that Senators who are opposed to any interference with the east front of the Capitol, to any change of it, or to any extension of it, ought to think twice before they vote for this paragraph as amended in the Senate. I understand amendments have been made.

I stated yesterday, without much thought on the subject, that it seemed to me that the enactment of this legislation would commit the Senate to some extension, to some alteration, of the east front of the Capitol, and it was suggested by other Senators about me that it would not at all. But I can not look at it in any other way. If the amendments proposed by the Senate should be agreed to by the other House; if they should take the Senate amendments, what should we then have? We should have a provision in a law which would appropriate—

Toward the extension and completion of the Capitol building, in accordance with the original plans therefor by the late Thomas U. Walter, with such modifications as may be found necessary or advantageous—

That would be law agreed to by both Houses. Who will say that that would not in all honor bind the Senate? The Senators who do not think it ought to be done, think that they would find some way out of such a law having been passed by being able not to accept any plan that should be brought here; but that is a disingenuous way, I submit, of trying to oppose such a proposition. If Senators are opposed to the extension of the east front of the Capitol, it seems to me that they ought to vote to strike all this matter from the bill. Certainly Senators do not intend to vote for this provision with the reservation in their minds that they will not vote for any plan that can be brought in here, and that as the Senate will not agree to any plan that the commission can present to the Senate, therefore there will be no extension of the east front of the Capitol.

To my mind, the appointment of a commission to get plans—and such a commission as this is to secure plans, to be presented to Congress, for the extension of the east front of the Capitol—does certainly in honor commit Congress to the building of such an extension. The language of the provision is very strong. I know that it has been amended somewhat, so I may not perhaps read it just as it will leave the Senate, but I have already spoken of the fact that we are making an appropriation, not to get plans, but—

Toward the extension and completion of the Capitol building, in accordance with the original plans therefor by the late Thomas U. Walter, with such modifications as may be found necessary or advantageous.

That is what we make this appropriation for in language; and then we have this provision:

Provided, That said commission shall report to Congress such designs, working plans, details, and specifications as it shall recommend, which shall be approved by Congress before any further action is taken toward the construction of said extension.

But it is contemplated that this commission, composed of these distinguished gentlemen, are going to act in good faith, that they are not going to try to get plans which will not be accepted, but they are going to try to get plans that will be accepted; and when that commission agrees upon a plan the chances are very great that that plan will be accepted by Congress. Then this provision is made:

And the superintendent of the Capitol building and grounds, subject to the approval of Congress as aforesaid, under the direction and supervision of said commission, is authorized to make contracts for said construction after proper advertisements and the reception of bids within a total sum not exceeding \$2,500,000.

Mr. President, with that legislation passed, how can Senators stand up in the Senate and say, "We are not in favor of the extension of the east front of the Capitol; we never were in favor of it, and when we agreed to this legislation we did so for the purpose of defeating it." No Senator can take that position. He must say that he agreed to this legislation for the purpose of having this thing done, provided only the commission should get plans which were satisfactory to the majority of the House of Representatives and the Senate.

I am not going to vote, Mr. President, for any of this legislation, if I can help myself, because I do not wish now to be committed to the extension of the east front of the Capitol.

Mr. FAIRBANKS. Mr. President, have the committee amendments been agreed to?

The PRESIDENT pro tempore. They have not been. The Chair, if there be no objection, will treat all the amendments to this one clause relating to the extension of the Capitol as one amendment. The question is, Will the Senate agree to the amendment?

The amendment was agreed to.

Mr. BACON. Those I understand to be, Mr. President, the amendments to the amendment.

Mr. PLATT of Connecticut. And to the text.

Mr. BACON. The amendments to the amendment as proposed by the committee. The committee proposed amendments, and the chairman of the committee has proposed amendments to those amendments.

Mr. PLATT of Connecticut. And to the text.

The PRESIDENT pro tempore. The amendments offered by the chairman of the committee were agreed to as they were offered, and the Chair stated that there were several other amendments that were contained in the bill which were treated, without objection, as one amendment, because they had one purpose.

Mr. FAIRBANKS. Mr. President—

Mr. BACON. If the Senator will pardon me before he begins, I simply desire that the clause as it has thus been amended be read.

The PRESIDENT pro tempore. The Secretary will read the amendment as amended.

The Secretary read as follows:

Toward the extension and completion of the Capitol building in accordance with the original plans therefor by the late Thomas U. Walter, with such modifications as may be found necessary or advantageous, and for each and every purpose connected therewith, \$75,000; and the said construction shall be made under the direction of a joint commission composed of three Senators, namely, Hon. GEORGE P. WETMORE, of Rhode Island; Hon. RUSSELL A. ALGER, of Michigan, and Hon. ARTHUR P. GORMAN, of Maryland, and three Members of the House of Representatives of the Fifty-eighth Congress, namely, Hon. JOSEPH G. CANNON, of Illinois; Hon. WILLIAM P. HEPBURN, of Iowa, and Hon. JAMES D. RICHARDSON, of Tennessee; and said commission shall employ three eminent architects jointly to prepare designs, working plans, details, and specifications, and to supervise the work, under the direction of the said commission and with its approval: *Provided*, That said commission shall report to Congress such designs, working plans, details, and specifications as it shall recommend, which shall be approved by Congress before any further action is taken toward the construction of said extension; and the superintendent of the Capitol building and grounds, subject to the approval of Congress as aforesaid, under the direction and supervision of said commission, whenever it shall be authorized by Congress, shall conduct the making of all contracts for said construction after proper advertisements and the reception of bids, and said superintendent, subject to the direction and approval of said commission, shall employ such services in connection with said work as may be necessary. Any vacancy occurring by resignation or otherwise in the membership of the commission shall be filled by the presiding officer of the Senate or House, according as the vacancy occurs in the Senate or House representation on said commission.

The PRESIDENT pro tempore. The Chair has declared the amendments agreed to.

Mr. FAIRBANKS. Mr. President, I move to strike out the matter just read.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana.

Mr. ALLISON. On that motion I ask the yeas and nays.

The yeas and nays were ordered.

Mr. DANIEL. If I were to vote now, Mr. President, upon the question as to whether or not we should provide for the extension of the east front of the Capitol according to Mr. Walter's plans, I would vote "no." I would cast that vote because I am not at all satisfied that it would be a wise thing to do from an architectural standpoint. At the same time, Mr. President, I do not feel unwilling to have that question considered by the most competent architects that can be consulted.

It seems to have been the ideal of Mr. Walter's plan that the actuality of the Capitol should conform to the design which has descended from him. I say "seems," because there is some dispute on that point. I do not myself feel satisfied as to my own judgment upon the subject, because I am not expert and my mind has not been trained to the contemplation of such subjects.

With respect to the building for the Senate, I concur in all the remarks which were made on yesterday by the Senator from Iowa [Mr. ALLISON]. Very little could be said that was not covered by his reasoning in favor of that structure. It is a minor observation, and yet it is one that need not be overlooked in considering this matter, that to construct a building similar to the Library on the east wing of the Capitol would conform this plateau to a systematic scheme and would produce that harmony in the perspective which is to be desired in so permanent a matter as the Capitol of the United States and its grounds.

There are stronger reasons, however, to be drawn in defense of that proposed Senate building from the present and certainly from the future necessities of the Government of the United States. I do not think the people of this country have at any time been in any mood to criticize or object to any reasonable expenditure which was aimed at and confined to the purposes of good government.

It is essential to the purposes of good government that those who make the laws of this mighty and ever-increasing nation should have every appliance and tool necessary to enlighten their judgment and to facilitate their work.

There is no branch of the Government which more needs all the facilities of workmanship than the Senate of the United States. More of the work of this Government is concentrated in the responsibility of one man in the Senate of the United States than in any other department of the Government. This arises from two circumstances respecting the structure of the Senate. First, that it is legislative, that it is executive, and that it is also judicial in the functions attributed to it by the Constitution of the United States. The second feature from which this condition arises is the fact that the Senate is composed of a very small number of men, two from each State, of whatever population, each representing very large and always increasing constituencies.

When a Congressional district enlarges its population, it and adjoining territory may be readjusted and supplemented by additional districts, which are entitled to additional Representatives; but whether the population which is behind two Senators of the United States be a few hundred thousand or five million men the

number of representatives in the Senate is not increased, although much greater work is accumulated upon the person who is designated under the Constitution to perform it. As matters stand today, the average number of people represented by a Senator is nearly a million. In the State of New York it is two and one-half millions. There are already some Senators in this body who, out of the very necessity of their accumulated work, have to employ two or three and sometimes four clerks to give due answer and attention to their constituents and to the multifarious matters with which they must deal.

Matters which arise here, Mr. President, and in the daily transaction of the business of the United States are but in a slight measure matters that can be postponed. The great majority of them must be dealt with instantly; and in order that they may be dealt with efficiently the individual who has the responsibility of dealing with them should have every facility of room and help at hand to make his work efficient for the purposes of good government.

This Capitol is congested and crowded. There are many Senators occupying committee rooms and office rooms in this Capitol who, were they in personal control of the matter, would not occupy such rooms a single day. I do not state it as a matter of complaint, for every attention that is becoming has been shown me personally, and the best has been done that conditions permit; but in the room of the Capitol which I was forced to occupy year after year one was obliged to leave early in the afternoon lest pneumonia should be incurred by its dampness.

This Senate is not equipped as it ought to be equipped for the thorough and speedy transaction of its business, and I do not believe that a dollar of the public money of the people of the United States could be more wisely, more justly or more economically expended than in furnishing every Senator in this body with ample room, and with every convenience for the easy and efficient transaction of the multifarious business which is intrusted to his hands.

So, Mr. President, I have no apprehension whatsoever as to the judgment of the people about the structure for the Senate of a building, magnificent, if you please to call it so, which is proposed to be supplied by act of Congress.

Mr. President, as to this present question, the extension and projection of the east front of the Capitol, I think there is ample room for doubt and for hesitation; and I think the honorable Senator from Iowa [Mr. ALLISON] has shown his accustomed wisdom in not forcing that question to an acute issue at an unripe time.

I would wish that this proposition as it now stands might be a little more amended before the question to strike out is put before the Senate. I do not think that any term ought to be left in that provision which could be justly construed to commit the Senate to one proposition or another about it.

The first word, as was pointed out by the Senator from Connecticut [Mr. PLATT], in this appropriation seems to commit us; and if we adopt the provision as it stands, it is inevitable that it will be argued and contended that Congress has committed itself to the extension of the Capitol according to this plan. This had attracted my attention before the Senator from Connecticut made the point, and I have to suggest a slight amendment which will remove this objection.

Toward the extension and completion of the Capitol building—

"Toward." The appropriation is made to include "each and every purpose connected therewith," as if it were a present payment to be simply credited upon the great scheme and each and every portion of that great scheme; as if, indeed, the framer of this proposition had himself designed, not, indeed, by emphatic and close-cutting terms, to commit the Congress, but to speak as if it were committed, and to furnish argument for the doctrine that it was committed.

It is not as clear-cut and decisive in its terms as a matter of such importance should be. So if the motion to strike out shall be voted down, and I shall vote "nay" on that proposition, I would hope, with the concurrence of the Senator from Iowa, who has conformed his views to the prevailing view of the Senate, that it might still be amended so as to make our present intent undebatable. The Senate should not now commit itself to any proposition concerning the extension of the Capitol, save to have plans prepared and submitted and architects consulted whose views might hereafter be considered.

Mr. HALE. The Senator can move his amendment now before the vote is taken on the motion to strike out.

Mr. DANIEL. I will move to strike out the word "toward," in line 9, page 83, and insert instead of it the words "with a view to considering." If there is no objection, I ask that a vote be taken on the amendment to the amendment.

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

The SECRETARY. In line 9, page 83, it is proposed to strike out the word "toward" and to insert "with a view to considering;" so as to read:

With a view to considering the extension and completion of the Capitol building, etc.

The amendment to the amendment was agreed to.

Mr. DANIEL. Mr. President—

Mr. ALLISON. I hope the Senator will be content with that. This sentence now begins "With a view to considering the extension." I hope the Senator—

Mr. DANIEL. I wish simply to make a remark.

Mr. ALLISON. I thought the Senator proposed to offer a further amendment.

Mr. DANIEL. Mr. President, I shall content myself on this subject to accept the suggestion of the Senator from Iowa. That will end the debate as to whether or not there is here any intent or purpose of committing Congress to this idea.

There is one other subject, apparently foreign to this immediate question, but not disassociated from it with respect to the Capitol and the Senate and adjacent grounds, upon which I wish to say a few words before I sit down.

The Capitol plateau ought to present a harmonious picture to the mind.

As the place of gathering of the Congress of the United States and the Supreme Court of the United States, this bit of land on this plateau is one of the seats of the mighty. The people of the United States are proud of the associations of the Capitol, and the whole plateau ought to be made to conform to it in general picturesque aspect.

Mr. President, one great building has been put in front of the south wing of the Capitol, opposite the Hall of the House of Representatives; and it is inevitable that some day another building will be constructed on the Senate east front of the Capitol as a companion piece to the one now constructed facing the House front of the Capitol. It has been suggested, and I have heard Senator after Senator intimate his favor thereof, that there should be constructed, facing the Senate of the United States, a building for the Supreme Court. It does not strike my mind that that is a fitting thing to do.

From the foundation of the Capitol of the United States the Supreme Court has had its seat under the Dome, and it is certainly a just idealism to behold the Supreme Court of the United States sitting as it were between the two Houses of Congress in the Capitol of the United States. If that court were put in a great building opposite to the Senate front of the Capitol, they would be lost in that great building; and if you were to put around them a great many other tribunals or halls or arrangements for other things, you would belittle the ideal of the Supreme Court of the United States. There never will come a day in the history of this country when the Supreme Court, with all of its paraphernalia and appendages of whatever kind, will fill a building similar to the Library building of the United States, placed on the east front of the Senate wing of the Capitol.

But, Mr. President, some public building will go there, and I shall ask to have incorporated in my remarks, for I do not wish to delay the Senate, a letter which I hold in my hand from the Commissioner of Patents, addressed to the Secretary of the Interior, respecting the construction of a Patent Office and a Hall of Sciences of the United States.

It has seemed to me that such a building ought to be the companion of the Library building, and that as the theory of all arts and sciences embodied in literature is in the building opposite to the House, so such an exhibit as the United States shall make of the applied arts and sciences exhibited in its inventions should be put in a building on the other side of this plateau.

The people of the United States are the most inventive people on the earth, and the philosophical reason of their great inventiveness may be largely, if not altogether, attributed to the freedom of their institutions. The freest people on earth, and the people who have shown themselves to be the greatest architects of the implements and plans and securities of freedom, have carried their inventiveness into every art and science and have led all the nations, either ancient or modern.

This inventiveness, too, Mr. President, is one of the deepest and strongest of the roots of our prosperity.

The efficient machinery of the American people is one of the great causes of their prosperity, and while laboring men who find their vocations disturbed now and then by the intrusion of labor-saving implements which momentarily disrupt occupations are sometimes arrayed against inventive appliances, invention has been and will ever continue to be the greatest friend of labor that is to be found in the evolutions of civilization. It has put better clothing upon their bodies. It has supplied better food for their table. It has enlarged their mental scope, and it has made the laboring man of the United States the rival in power of any man pursuing any other vocation whatsoever, for as soon

as he goes to labor the sciences which assist labor are opened to his mind, and he commences to climb a ladder firmly based upon the earth, rising round by round and in endless continuity farther and farther toward the heavens.

It is a noticeable fact, and I think the Congress of the United States has too long neglected it, that the Patent Office of the United States is one branch of our Government which sustains itself. Nay, more than sustains itself. It pours a surplus annually into the Treasury of the United States, showing the fecundity of our inventive element in the United States. For several sessions of Congress I have had the honor to send each session to the Committee on Public Buildings and Grounds a bill for the purpose of condemning the plateau of ground opposite the eastern face of the Senate and for the purpose of erecting there a Patent Office and Hall of Sciences of the United States. It would prove, in my judgment, the greatest college for the instruction of the practical inventive mind that the world has ever seen.

It is a fact respecting the history of invention that whenever one man is searching for and is about to find some truth of science that has not yet been quite discovered, there are dozens and scores of other men of equal mental development who are pursuing that idea in different channels, and it may be in distant places. A certain invention seems to belong to a certain period in the maturity and development of the average human intellect. At a certain stage in that development a new discovery will be made, and when a new star is discovered in the firmament it may be that a thousand telescopes in places unknown here and there are scanning the heavens and searching for it.

Mr. President, nothing so aids this kind of investigation and this kind of research and this kind of pursuit of an idea not yet quite found as to be able to behold in a single picture before the mind the various stages of evolution and of development which have led up to the last point of discovery. To put it upon a piece of paper does not fulfill the idea, but to see the mechanism and to behold the operation in actual practical working models is the best stimulant to the human mind which wants to take the next step that it is possible for the art and wisdom of man to supply.

For this reason, Mr. President, the great nations of the earth have halls, and we had a great hall in which to display the models of inventions which were patented; and there was no place more often visited and none that attracted more interest than the model room of the Patent Office in Washington. But what is our condition now? The model room of the Patent Office is no longer representative of our work and progress in invention. It has been deliberately neglected by the failure of the Congress to provide the proper means for its extension. We no longer display the models of our ever-increasing inventions. We have no hall in which the finest fruits of the American mind in practical arts can be beheld by our countrymen. But in old garrets and cellars and in junk shops of the United States we are hiding the greatest achievements of the human mind for the empire which invention and practical wisdom will alone give to our country and to our race.

Year after year, Mr. President, with all kinds of iterations and reiterations, the Commissioner of Patents and the Secretary of the Interior have appealed to the Congress of the United States to provide accommodations for that Office. We have acted about it as we have acted about accommodations for other Departments of our Government and as we have sometimes acted with regard to accommodations for ourselves. It is a curious feature of our history, and one I do not know that anyone can fully account for, that, possessing a half continent, with illimitable lands, with "money to burn," as I heard one of our great statesmen say a few weeks ago, though I have never quite been able to rise to so high a view of our financial condition, we have cribbed, cabined, and confined nearly every working agency of the Government of the United States. The War Department, like something that has been strayed or stolen, is wandering down two or three streets in the neighborhood of the War Office.

The Navy Department is struggling about trying to get accommodations in one rented building or another. So with the Interior Department, and so with nearly every great Department of this Government. The new Department of Commerce and Labor is yet without a home. And yet with the land around us rising day after day higher and higher in value, and with a surplus in the Treasury of the United States which is tempting every manner of spoliation, the Congress of the United States hesitates and delays and postpones and postpones. Whenever a proposition comes up to make due, proper, dignified, and necessary accommodations for the Government of the United States we fall into the old Spanish vernacular and say, "to-morrow," "to-morrow."

Mr. President, as the chairman of the Committee on Public Buildings and Grounds feels and is kind enough to express by his countenance approbation of many of the sentiments I have uttered, I hope when the necessary things to be done for the immediate accommodation of our executive and legislative departments have been provided for, he will put forward this neglected

bill for the construction—opposite to the Senate face of the Capitol—of a hall for the Patent Office of the United States, which has made its own living, which is to-day granting 30,000 patents a year, five times as many as the German Empire, and that we shall round off this plateau with the greatest college of applied sciences that the world has ever known.

New England, Mr. President, contains the most inventive portion of our population. The great State of Connecticut contains the most inventive people the world has ever known. I hope that her sons, who have led advanced lines all over the world for education and for science, will not be lacking in giving assistance to a proposition which in my humble judgment has more of practical benefit in it to the great masses of the people of the United States than any other which we have commemorated in Washington by any public monument or building whatsoever.

Mr. President, I ask that the letter to which I have referred may be printed in the RECORD to accompany my remarks.

The PRESIDENT pro tempore. The letter will be printed in the RECORD, to accompany the remarks of the Senator from Virginia.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., December 14, 1903.

The SECRETARY OF THE INTERIOR.

SIR: I have received by your reference of the 12th instant copy of a bill to provide for the construction of the Patent Office of the United States, including a hall of inventions, and for other purposes (S. 1896), with request for a report thereupon.

The bill in question provides for the erection of a fireproof building for the accommodation of the Patent Office and a hall of inventions east of the Capitol, between East Capitol street and B street north, and between First and Second streets, for the acquisition of the site, and for the preparation of designs for such building, and for the appointment of a commission, to be known as "Commissioners of the Patent Office," to take charge of these matters.

I have the honor to report that in my opinion there is great necessity for an expansion of the present Patent Office of the United States. The business of this Office is growing rapidly, and for the year 1903 the issue of patents will exceed 31,000, the largest in the history of the Office, and the number of applications of all kinds upon which this issue has been made has been about 60,000. The following table, comparing certain elements of the work of this Office for the years 1899 and 1903, will indicate the rapid growth of our work:

Class,	1899.	1903.	Increase.	Per-centage of in-crease.
Receipts.....	\$1,209,554.88	\$1,591,251.04	\$381,696.16	32.4
Expenditures.....	\$1,148,663.48	\$1,423,094.40	\$274,430.92	23.9
Applications and caveats filed.....	41,930	56,023	14,093	33.6
Letters patent, design and re-issuance patents granted; and trade-marks, labels, and prints registered.....	25,404	33,229	7,825	30.8
Printed copies of patents furnished.....	1,963,971	1,914,249	550,278	40.3
Price received.....	\$49,681.37	\$64,907.01	\$15,225.64	30.6
Words written in copies of records furnished.....	13,899,700	18,589,700	4,690,000	33.7
Number of employees.....	668	722	54	8.0

In the natural growth of this system it is to be expected that each successive year will surpass in volume of work the previous records, even if the system receives no further encouragement than it has in the past; but this patent system is an index, as it is an aid in the industrial development of the United States. If anybody in this country doubts this statement, it does not appear to be doubted by such careful observers as the German Government, who have adopted the examination system, following our example, and who view the protection of inventions as having contributed so largely to the advancement of the arts in this country and to be so valuable in the matter of their own commercial rivalry with us that they are planning an enormous increase in their office.

In fact, last summer, when I was in Berlin, I was shown, at the German imperial patent office, the plans for their new buildings, for which they have already acquired the site, and which are intended to house 2,000 employees. At the present time Germany issues about 6,000 patents a year, against our issue of 31,000 for this year. I had the pleasure of visiting also last summer, in Paris, the Conservatoire des Arts et Métiers—an adjunct of the French patent office—and was exceedingly impressed by the extent and beauty of the collection of working models there brought together, illustrating the growth of many arts. Such a collection is of great educational value, and if this Government could have a hall of inventions, including such a set of models, or in many cases working machines, I believe the educational results would justify any reasonable expense.

The object of the patent system is something more than merely to furnish protection to the individual inventor in his invention. It is broadly to aid the arts by disclosing to others new inventions, and the education of the workers in a particular art is the final desirable result of any patent system. For this reason the opportunities to study the arts by using our scientific library, by rapid examination of records of issued patents, and by examination of illustrative models or working machines is of the greatest consequence.

Now, even without looking into the future and without adequate means for the education above referred to, the United States Patent Office to-day is crowded to an extent which greatly interferes with the transaction of its work. The space at present given to its operations is insufficient, and I have had occasion heretofore to call attention to the fact that an extension of space would result in economies in the transaction of our work.

The service of the Patent Office at the present time absolutely requires attention to this matter of extension of space for the purposes of its present business. Without attention to this matter it is difficult to see how the grow-

ing business of this office can be transacted at all in a few years of such progress as the office has experienced recently.

The American patent system has been considered by the commercial rivals of this country as having contributed greatly to its rapid progress, and when we see such a rival as Germany, who have taken their inspiration in this matter from us, expanding this system at a rate so rapid that at the present time their list of employees nearly equals ours it is time for friends of the patent system to consider whether we should be willing to see the best expression of this system of protection to inventors in their inventions in the hands of our great commercial rival. It seems to me that it will be a public calamity if our patent system can not be permitted to expand by generous appropriations for this purpose, so that it may retain its present preeminent position among these organs of the governments of the world.

It may be noted that the balance in the Treasury of the United States on account of the patent fund a year ago amounted to \$5,438,984.61. This sum of money could be well used for the purposes of this office, and I am of the opinion that it should be used absolutely for such purposes, and without delay. It seems to me that such an expenditure might be considered as insignificant in proportion to the benefits which might be conferred upon the useful arts of this country by its wise expenditure in furtherance of this system. As soon as we look away from the monopoly granted to the individual and consider the records of this office, where nearly 800,000 inventions have been so recorded that they may be studied, the educational value of this work becomes apparent.

I am heartily in sympathy with the purposes of this bill, and hope that it may become a law.

The papers received by your reference are returned herewith.
Very respectfully, yours,

F. I. ALLEN, Commissioner.

The PRESIDENT pro tempore. The Secretary will call the roll on the question of agreeing to the motion to strike out.

The Secretary proceeded to call the roll.

Mr. LODGE (when his name was called). I again announce that I have a general pair with the Senator from Georgia [Mr. CLAY]. I transfer my pair to the Senator from Ohio [Mr. DICK], and will vote. I vote "yea."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEFEW]. If he were present, I should vote "nay."

Mr. McLAURIN (when his name was called). I have a general pair with the senior Senator from Washington [Mr. FOSTER]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. MITCHELL (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. The Senator from Maryland [Mr. McCOMAS] is paired with the Senator from Kentucky [Mr. BLACKBURN]. I transfer my pair to the Senator from Maryland, and will vote. I vote "yea."

The roll call was concluded.

Mr. BLACKBURN. I have a general pair with the senior Senator from Maryland [Mr. McCOMAS], who is absent. I do not know how he would vote if he were here. I transfer that pair to the senior Senator from Arkansas [Mr. BERRY], and I will vote "yea."

Mr. MALLORY. I am paired with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

The result was announced—yeas 28, nays 32, as follows:

YEAS—28.

- | | | | |
|------------|---------------|------------|--------------|
| Bacon, | Fairbanks, | Kittredge, | Overman, |
| Bailey, | Foster, Wash. | Lodge, | Platt, Conn. |
| Ball, | Hale, | McCumber, | Platt, N. Y. |
| Bard, | Hansbrough, | McLaurin, | Quarles, |
| Blackburn, | Heyburn, | Millard, | Simmons, |
| Burrows, | Hopkins, | Mitchell, | Stewart, |
| Clapp, | Kean, | Money, | Teller. |

NAYS—32.

- | | | | |
|--------------|------------|-----------|----------|
| Alger, | Cullom, | Gamble, | Penrose, |
| Allee, | Daniel, | Gorman, | Perkins, |
| Allison, | Dolliver, | Long, | Pettus, |
| Ankeny, | Dryden, | McCreary, | Scott, |
| Bate, | Dubois, | Martin, | Spooner, |
| Clark, Wyo. | Elkins, | Morgan, | Stone, |
| Clarke, Ark. | Fulton, | Nelson, | Warren, |
| Cockrell, | Gallinger, | Newlands, | Wetmore. |

NOT VOTING—30.

- | | | | |
|--------------|-------------|----------|-------------|
| Aldrich, | Culberson, | Gibson, | Patterson, |
| Berry, | Depew, | Hawley, | Proctor, |
| Beveridge, | Dick, | Hoar, | Quay, |
| Burnham, | Dietrich, | Kearns, | Smoot, |
| Burton, | Dillingham, | Latimer, | Taliaferro, |
| Carmack, | Foraker, | McComas, | Tillman. |
| Clark, Mont. | Foster, La. | McEnery, | |
| Clay, | Frye, | Mallory, | |

So Mr. FAIRBANKS's motion to strike out the clause was not agreed to.

Mr. NEWLANDS. I offer an amendment to come in on page 84, line 23.

The PRESIDENT pro tempore. That amendment will not be in order until the bill is in the Senate.

Mr. ALLISON. I have a few amendments that I desire to offer.

The PRESIDENT pro tempore. When the bill is in the Senate it will be still open to amendment, and then the amendment proposed by the Senator from Nevada will be in order; but it is not in order as in Committee of the Whole.

Mr. ALLISON. On page 83, line 4, after the word "building," I desire to offer an amendment.

The PRESIDENT pro tempore. The Senator will be obliged

to offer that amendment in the Senate. The whole amendment there has been agreed to.

Mr. ALLISON. It can not be added to?

The PRESIDENT pro tempore. It can not be amended as in Committee of the Whole, but it can be amended when the bill is in the Senate.

Mr. ALLISON. Very well. Then I hope the bill will be reported to the Senate, because I have two or three similar amendments to offer.

Mr. STEWART. Before that is done, I should like to offer an amendment, and I ask the attention of the Senator having charge of the bill. I presume there will be no objection to the amendment.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be read.

The SECRETARY. On page 104, after line 8, insert:

To enable Providence Hospital to obtain the amount of money necessary to pay the indebtedness incurred in the construction, reconstruction, and completion of the buildings used for hospital purposes on square 764, in the city of Washington, D. C., the directors of said hospital are hereby authorized to raise by mortgage or other incumbrance on the real estate and improvements on said square a sum not to exceed \$150,000, which said sum shall be in addition to the \$200,000 which was authorized to be raised by the directors of the Providence Hospital by act approved February 6, 1901, and said sums heretofore and hereby authorized shall be a first lien on said real estate and improvements.

Mr. ALLISON. To the general purpose of that amendment I see no objection; but I do not know why the last clause is inserted. I do not know why the mortgage proposed would not be a lien without inserting those words in the amendment.

Mr. STEWART. The parties who were to make the loan were consulted. I inquired for the reason of it, and they said that this language should be added.

Mr. ALLISON. I have no objection to the amendment.

The amendment was agreed to.

Mr. FAIRBANKS. I offer an amendment to come in after line 6 on page 19.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 19, after line 6, insert:

Building for Bureau of American Republics: For the share of the United States toward the erection of a building to be used as permanent quarters in the city of Washington, D. C., for the International Bureau of American Republics and the Columbus Memorial Library, \$71,000.

Mr. ALLISON. "And that it shall be available when the whole sum is properly deposited with the Secretary of State."

Mr. FAIRBANKS. Very well.

The PRESIDENT pro tempore. The amendment offered by the Senator from Indiana will be modified—

Mr. ALLISON. By adding "when the whole sum of \$125,000," which is the aggregate of the appropriation, "shall have been deposited with the Secretary of State."

The PRESIDENT pro tempore. The amendment as modified will be read.

The SECRETARY. On page 19, after line 6, insert:

Building for Bureau of American Republics: For the share of the United States toward the erection of a building to be used as permanent quarters in the city of Washington, D. C., for the International Bureau of American Republics and the Columbus Memorial Library, \$71,000, to become available when the whole sum of \$125,000 shall have been deposited with the Secretary of State.

The amendment was agreed to.

Mr. FAIRBANKS. I should like to have inserted at this point in the RECORD the message from the President and the accompanying report of the Secretary of State, showing the necessity of the appropriation.

The PRESIDENT pro tempore. It will be done.

The message and report referred to are as follows:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State looking to the payment of this Government's quota of a fund to be contributed by the governments forming the International Union of American Republics for the erection of a building in the city of Washington for the use of the Bureau of the American Republics.

I approve the recommendations made by the Secretary of State and strongly recommend the matter to the favorable consideration of Congress.

THEODORE ROOSEVELT.

WHITE HOUSE, December 11, 1903.

The PRESIDENT:

The governing board of the International Union of American Republics, which is composed of the diplomatic representatives of the governments of all the American Republics accredited to the Government of the United States, and the Secretary of State, agreed by a unanimous vote in the regular meeting of January 5, 1903, that it was highly desirable that permanent quarters be provided for the International Bureau of American Republics. This Bureau ever since its creation about thirteen years ago has occupied a rented building, which is now inadequate not only for the clerical force of the Bureau but for the large and ever increasing library which the International Conference of American States at Mexico expressed itself as particularly desirous of seeing augmented and made of more use to the public.

At a subsequent meeting, held on May 23, 1903, it was decided that a sum of not less than \$125,000 would be necessary for the purchase of the ground and erection of a building large enough for the purpose in view, and it was suggested that the various States composing the International Union of American Republics should contribute to said fund on the same basis as that now in force between the American Republics for the maintenance of the international bureau.

This decision of the governing board was communicated by the Depart-

ment of State to the various governments, and the board has since been informed by fifteen of the governments that they will take immediate action to have their specified quotas appropriated by the legislatures and transmitted to the United States. Two of the governments have already paid the full amount of their quotas.

Under the agreement the share of the United States is \$71,275.58, and I strongly recommend that Congress be asked to appropriate this sum for the purpose mentioned. It is desirable that the appropriation should be made immediately available, and subject to the order of the Secretary of State.

Considering the profound interest which the Government of the United States has always taken in the promotion of harmony and closer relations with the American States through the International Union of American Republics, and the fact as well that the international bureau, which is the active agency of the Union, is located in the capital of the United States, it would seem that this Government should do more than simply contribute its share toward the building.

I therefore make the further recommendation that Congress be asked to appropriate an additional \$50,000 for the purchase of a suitable lot of ground, in proximity to the other public buildings at Washington, on which to erect the building.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,

Washington, December 9, 1903.

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

Mr. DANIEL. On page 84, line 19, after the word "necessary," I move to insert—

The PRESIDENT pro tempore. The Senator will be obliged to wait until the bill is in the Senate. That paragraph has already been disposed of as in Committee of the Whole, and it is not open to amendment until the bill is in the Senate.

Mr. DANIEL. All right.

Mr. SPOONER. On page 23, line 6, after the word "dollars," I move to insert what I send to the desk.

The SECRETARY. On page 23, line 6, after the word "dollars," insert the following proviso:

Provided, That private messages may, with the consent and authority of the Secretary of the Treasury, be transmitted over any and all telephone lines controlled by the Treasury Department whenever it does not interfere with Government business, at such rates and on such terms and conditions as may from time to time be fixed by the Secretary of the Treasury, the proceeds thereof to be accounted for and paid into the Treasury of the United States: And provided further, That the Secretary of the Treasury may enter into agreement with any telephone company by which, in consideration of such company being permitted such use of the Government lines as may not interfere with Government business, the officers and employees of the Treasury Department shall have the use of the line and wire of such company.

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

The amendment was agreed to.

Mr. ALLISON. I hope the bill will now be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Is there any desire to reserve any particular amendment for consideration in the Senate?

Mr. GALLINGER. The one relating to the extension of the Capitol should be reserved.

The PRESIDENT pro tempore. Reserving the amendment relating to the extension of the Capitol, will the Senate concur in the other amendments?

Mr. HALE. No; the one in relation to the new building is to be reserved.

Mr. ALLISON. I understand the Senator from Virginia proposes to offer an additional amendment, or it is in order for him to do so now.

The PRESIDENT pro tempore. The Chair was simply inquiring whether it is the desire to reserve any of the amendments reported to the Senate. The Chair is informed that it is desired to reserve the amendment in relation to the extension of the Capitol and the amendment in relation to the annex. Both those amendments will be reserved.

Mr. ALLISON. If special reservations are to be made, I wish to reserve one or two other amendments. I think before they are concurred in I should like to offer amendments to them.

The PRESIDENT pro tempore. The vote may be delayed in concurring in all the amendments.

Mr. BACON. Do I understand the Chair to rule that no amendments can be offered in the Senate except to those which have been previously reserved?

The PRESIDENT pro tempore. Any that are germane and are in order can be offered in the Senate. The Chair has just at this moment announced that no vote will now be taken on concurring in any of the amendments. The whole bill is open.

Mr. BACON. And everything will be open in the Senate?

The PRESIDENT pro tempore. Everything is open in the Senate.

Mr. ALLISON. I ask that the amendment which I send to the desk may be read and agreed to.

The SECRETARY. On page 83, after the word "building," in line 4, insert:

May be used for the payment of necessary expenses in compensation or salaries of the commission hereinafter provided for, and.

The amendment was agreed to.

Mr. ALLISON. I offer an amendment to an amendment made as in Committee of the Whole, to come in on page 74, line 18. The PRESIDENT pro tempore. The Senator from Iowa offers an amendment which will be stated.

The SECRETARY. On page 74, line 18, after the word "the," strike out the words "Secretary of Commerce and Labor" and insert "President, by and with the advice and consent of the Senate;" so as to read:

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

The amendment was agreed to.

Mr. ALLISON. On page 132, line 16, in the paragraph relating to the Shiloh National Park, I move to amend the amendment made as in Committee of the Whole by adding the word "two;" so as to read "\$32,000."

The SECRETARY. On page 132, line 16, before the word "thousand," the committee amendment struck out "twenty" and inserted "thirty." It is now proposed to strike out "thirty" and insert "thirty-two" before "thousand;" so as to read "\$32,000."

The amendment was agreed to.

Mr. ALLISON. I have no further amendments to offer.

Mr. DANIEL. I move to insert after the word "necessary," in line 19, page 84, the following words in a separate sentence:

The plans prepared shall include designs for the accommodation of the Supreme Court of the United States and the law library.

Mr. HALE. Mr. President, if there is any chance in any extension that is or possibly may be hereby authorized, this amendment would take away so many chances of committee rooms in the extension, if it ever takes place. The committee did not propose to go into that question. It is of course committing Congress to a project for increased accommodation for the Supreme Court as against committee rooms. We can not have them for both.

Mr. DANIEL. I will state that if there were a projection made to the east front of the Capitol it cuts off the light of the United States Supreme Court. The court room is a small one now, and the library room is very crowded and inefficient. A great many lawyers come to Washington in order to get the benefit of the law library and prepare their briefs with the convenience of the large collection of books there. The light of both the law library and the Supreme Court room will be excluded by any extension of the east face of the Capitol. So any architecture which contemplates that ought to include a design for the proper accommodation of the Supreme Court and law library. They are very small as they stand, and whatever elements of desirability and convenience now exist would be eliminated by the extension unless the plans of that extension were to take that matter into consideration. It would be a necessity, and if it is overlooked it will be a great deficiency in any plan of construction.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. DANIEL].

The amendment was rejected.

Mr. ALLISON. I wish to say a word about this matter before it passes from the Senate. Both the Supreme Court and the law library being in the neighborhood of the east front of the Capitol, any commission, whether of civilians or architects, will of course take into account the fact that the central portion of the Capitol is now occupied by the law library and the Supreme Court. Therefore, even though the amendment of the Senator from Virginia has been disposed of, no commission will undertake to adopt any new plan that will not include proper and suitable accommodations for those who are already there.

Mr. NEWLANDS. I offer an amendment to the bill.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be read.

The SECRETARY. On page 84, line 23, after the word "commission," it is proposed to insert the following proviso:

Provided, That no action shall be taken as to the actual construction of the Senate annex herein provided for until report shall be made to Congress by the commission hereby appointed as to whether the extension of the Capitol will improve or impair the present architectural appearance of the Capitol, and as to whether such extension will provide the committee rooms and necessary office rooms for Senators.

Mr. NEWLANDS. Mr. President, I wish to say a word regarding this amendment. This amendment is not intended for delay. It will not delay in any particular the construction of the Senate Annex. The amendment already inserted in the bill appropriates \$750,000 for a lot and also provides for the making of plans and authorizes immediate construction. Now, it will not be possible to get the title to that lot before next December, and all that this amendment contemplates is that no contract shall be let for the construction until we meet in December next and until this commission of the Capitol shall report, first, as to whether this extension can be made without impairing the architectural effect of the Capitol, and, second, as to whether if the extension is made it can be so made as to provide sufficient accommodations for Senators.

I have already stated the fact that forty-three Senators are to be provided for and that not more than sixty or sixty-five rooms will be required, that one of these extensions contemplated will provide for sixty-six additional rooms, that another one will provide thirty-three additional rooms, and that possibly, if the lesser extension is provided for, the House of Representatives may yield the space it would be entitled to and might also accord to the Senate a space in the western wing, formerly occupied by the Congressional Library. It might be induced to do this in view of the fact that Congress has already appropriated four or five million dollars, I believe, for an office building, which will be employed to meet these requirements.

If the extension should be determined upon, and should be sufficient for the proper accommodation of Senators, instead of having an expenditure aggregating pretty nearly \$6,000,000, I think, for construction, we would accomplish all for an expenditure of two and one-half millions.

This will not delay the condemnation of the property for the Senate annex, because it will be required anyway for some governmental purpose in the future. This does not delay the condemnation; it simply prevents the making of a contract for construction until the commission shall report to Congress in December next as to whether the proposed extension of the Capitol will furnish sufficient accommodations for Senators.

Proceedings of condemnation are necessarily slow, and the House in similar proceedings have taken even a longer time than between now and December next for the acquisition of a site for their building. I assume that before we enter upon the actual construction there it will take at least six months to acquire land and to prepare plans. It takes a long time to prepare plans and specifications.

The condemnation of this property and the preparation of the plans can go on at the same time, and in December next, if this amendment be adopted, it will involve the presentation to Congress not only of the plans of the office building, but the plans of the Capitol extension. Then we will have an opportunity of determining whether this extension meets the requirements of Senators.

I rarely go to the Maltby Building, though my office is there. I find my Senatorial duties much more exacting than were my duties in the other House. I have been obliged to attend committee meetings at least four times a week since I have been here, and have consequently found my time taken up from half past 10 or 11 o'clock in the morning until 5 o'clock in the evening at the Capitol.

During the session of the Senate from 12 to 5 it is inconvenient to go so far away as the Maltby Building for attention to correspondence, and this proposed Senate annex means that most of us will not only have to go 300 feet or more to get to the corner of the new building, but many of us will have to go 200 or 300 feet farther to the end of the building, so as to obtain the accommodations we require. This means much loss of time and inconvenience in attending roll calls, etc.

I would rather have a room on the roof of this Capitol building than have the most gorgeous apartments in that Senatorial annex, and I believe it to be the feeling of most of the Senators who have been consigned to quarters outside of the Capitol that they would rather submit to the inconvenience of a small room in the Capitol than to have the utmost convenience in a building, however splendid, nearly a block away.

Mr. GALLINGER. Mr. President, the only observation I have to make on this amendment is that if the Senator from Nevada [Mr. NEWLANDS] is indulging the hallucination that the House of Representatives will yield a single square inch of space beyond the middle of this building he had better disabuse his mind of that notion.

Mr. NEWLANDS. I think that is one of the possibilities.

Mr. SPOONER. One of the impossibilities.

Mr. NEWLANDS. But still the matter of the accommodation of Senators in the Capitol has never yet been submitted to the architects, and as we now propose to employ them they will probably present a plan that will meet every requirement.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nevada [Mr. NEWLANDS].

The amendment was rejected.

Mr. BACON. I wish to offer an amendment. I find on page 110, beginning in line 25, the following:

To defray the expenses incident to the erection and dedication, upon War College grounds, Washington Barracks, of the statue of Frederick the Great, the gift to the United States of His Imperial Majesty the Emperor of Germany, to be immediately available, \$8,000.

Mr. President, I have already expressed, somewhat at length, to the Senate my views upon the subject of the erection of this statue, and I do not intend to repeat what I then said further than to say that I am still of the opinion that it is an exceedingly inappropriate statue to be erected in the capital grounds or in the District of Columbia, and that while I recognize the fact that

there have been many Germans whose statues would be appropriate and acceptable, Frederick the Great was not one of them.

But my purpose, Mr. President, if we are going to have this statue, is to offer an antidote. I therefore ask that the amendment which I send to the desk may be inserted immediately after the language which I have just read from the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 111, after line 4, it is proposed to insert:

That there shall be erected in the city of Washington, D. C., a statue of Thomas Jefferson; and for the purpose of procuring and erecting said statue, with a suitable pedestal, and for the preparation of a site, the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of a commission to be composed of the Secretary of War, the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives of the Fifty-eighth Congress, and the United States Senators from the State of Virginia.

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

The amendment was agreed to.

The PRESIDENT pro tempore. The question now is, Shall the amendments made as in Committee of the Whole be concurred in?

Mr. STONE. I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 85, after line 23, it is proposed to insert:

For the purpose of immediately providing additional rooms for the use of the Senate and of Senators the Senate Committee on Rules be, and hereby is, authorized and empowered to lease or rent any building or part of any building convenient to the Senate Chamber for a term not to exceed five years, and at a total rental expense not to exceed \$5,000 per annum; and to carry out this provision the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. ALLISON. I hope the Senator from Missouri [Mr. STONE] will not press that amendment. Congress is about to adjourn in a few days, and I think we can get along until next winter with the project that we have already in mind. I dislike very much to make the point of order against the amendment, but it has not been recommended by any committee, and unless there is some general sentiment in the Senate that we ought immediately to rent some building, I should prefer that this amendment be not added to the bill. If, however, the matter is to be pressed, I would suggest that an amendment should be added leaving the matter in the discretion of the Committee on Rules.

Mr. STONE. Mr. President, I have no desire, of course, to press this amendment, and I shall not do so against the pleasure of the chairman of the Committee on Appropriations, whose judgment in matters of this kind I am disposed to yield to very willingly.

I offered the amendment simply to emphasize the importance of some provision of this kind, but I have been informed that this can be taken up by the Senate at an early day, and I therefore withdraw the amendment.

The PRESIDENT pro tempore. The question is, Shall the amendments made as in Committee of the Whole be concurred in?

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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11825) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12220) making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes; recedes from its disagreement to the amendment of the Senate numbered 35, and agrees to the same; further insists upon its disagreement to the amendments of the Senate numbered 10, 15, 16, 18, 19, 20, 21, 24, 31, 32, 33, and 38; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

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

A bill (S. 2133) to change the name of Madison, Sampson, and Samson streets to Church street;

A bill (S. 2424) to reorganize and promote the efficiency of army chaplains;

A bill (S. 2878) authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes;

A bill (S. 3454) for the extension of Eighth street NW., or Wrights road, District of Columbia;

A bill (S. 4130) 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;

A bill (S. 4165) to provide that a term of the circuit and district court of the United States for the district of Vermont may be held at Newport;

A bill (S. 4453) to amend section 17 of the act of Congress approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes;"

A bill (S. 4636) to validate certain original homestead entries and extend the time to make final proof thereon; and

A joint resolution (S. R. 64) authorizing the Librarian of the Library of Congress to deliver to the governor of the State of Vermont a record or records of certain conventions held in Vermont in the years 1776 and 1777 for the purpose of organizing a State.

MARY M. RICE.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5475) granting a pension to Mary M. Rice, to report it with amendments, and I submit a report thereon.

Mr. GALLINGER. Mr. President, the Senator from North Dakota [Mr. McCUMBER] has just reported favorably with amendments a bill granting a pension to Mary M. Rice, who is the widow of the late Gen. Americus V. Rice. I feel very anxious to have that bill acted on, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5475) granting a pension to Mary M. Rice, which had been reported from the Committee on Pensions with amendments, in line 8, after the words "United States," to strike out "Army" and insert "Volunteers;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Rice, widow of Americus V. Rice, late colonel Fifty-seventh Regiment Ohio Volunteer Infantry, and brigadier-general, United States Volunteers, and pay her a pension at the rate of \$30 per month.

Mr. GALLINGER. With reference to the last amendment, I want to make a very brief statement. Gen. Americus V. Rice was a very distinguished soldier. He had the unique distinction of having lost a leg on the battlefield, of having a wooden leg attached, and then going back and fighting for several months. His service was so distinguished that Congress granted him an increase of pension two or three years ago from \$30 to \$100 a month. He died very recently in this city, leaving a widow and two daughters in comparative poverty. I should very much like to have the Senator from North Dakota agree to accept an amendment to the amendment of the committee by making the amount \$40. I had hoped that the committee would allow it to go at \$50. It is a case of great merit and great necessity. I ask the Senator if he has any objection to that amendment?

Mr. McCUMBER. The Senator from New Hampshire has been the chairman of the Committee on Pensions so long that I am disposed to yield to his better judgment in a matter of this kind.

Mr. GALLINGER. I thank the Senator. I move to amend the last amendment of the committee by striking out "thirty" and inserting "forty."

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

The SECRETARY. In line 9, before the word "dollars," it is proposed to strike out "thirty" and insert "forty."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The first amendment reported by the committee, in line 8, to strike out "Army" and insert "Volunteers," has not yet been acted upon. The question is on that amendment.

The amendment was agreed to.

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

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

CROW RESERVATION IN MONTANA.

Mr. BARD. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 11676) to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. PETTUS. Would it be in order to object to the consideration of the bill now? It is very late in the evening.

Mr. BARD. The bill will not take long, I will say to the Senator.

Mr. PLATT of Connecticut. This bill is one of four bills that have been passed in the House of Representatives for the opening of reservations. This bill relates to the Crow Reservation in Montana. It does not differ substantially from the three bills which we have already passed, and they all ought to go together. I do not know but it is an unfortunate time to have it brought up.

Mr. PETTUS. My objection was not to the passage of the bill at all, but it was to the time at which it is taken up.

Mr. TELLER. I hope the Senator will let the bill be acted on.

Mr. PETTUS. Very well.

The first amendment of the Committee on Indian Affairs was, in section 1, page 11, line 16, after the words "provisions of," to insert "the reclamation act approved June 17, 1902;" in line 20, after the word "than," to strike out "three" and insert "four," and in line 21, after the word "acre," to insert "subject to the provisions in section 5;" so as to read:

ART. II. That in consideration of the land ceded, granted, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to dispose of the same as hereinafter provided under the provisions of the reclamation act approved June 17, 1902, the homestead, town-site, and mineral-land laws, except sections 16 and 36, or an equivalent of two sections in each township, at not less than \$4 per acre, subject to the provisions in section 5, the United States to pay for sections 16 and 36, or an equivalent of two sections in each township, at \$1.25 per acre, and to pay the said Indians the proceeds derived from the sale of said lands, and for the said sections 16 and 36, or an equivalent of two sections in each township, as follows, etc.

The amendment was agreed to.

The next amendment was, on page 18, section 3, line 17, after the word "appropriated," to insert:

and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$40,000, or so much thereof as may be necessary, for the completion of the survey and subdivision of said ceded lands.

So as to make the section read:

SEC. 3. That for the purpose of surveying and marking so much of the boundary line of the tract ceded and relinquished by the Indians as may be necessary to segregate the same from the lands reserved by them, as provided in Article IV of said agreement, the sum of \$1,200, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$40,000, or so much thereof as may be necessary, for the completion of the survey and subdivision of said ceded lands.

The amendment was agreed to.

The next amendment was, in section 4, page 19, line 12, after the word "otherwise," to strike out "entitled" and insert "qualified;" so as to read:

Provided, That the purchaser of such improvements shall have a preference right, if otherwise qualified, of thirty days after the land becomes subject to entry within which to enter the lands upon which the improvements are located, not exceeding 160 acres, in compliance with the provisions herein governing the disposition of said ceded lands.

The amendment was agreed to.

The next amendment was, in section 5, page 20, line 5, after the word "schedule," to insert "and after the sale or removal of such improvements;" in line 10, after the word "be," to strike out "disposed of," and insert "subject to withdrawal and disposition;" in line 11, after the word "under," to insert:

The reclamation act of June 17, 1902, so far as feasible irrigation projects may be found therein. The charges provided for by said reclamation act shall be in addition to the charge of \$4 per acre for the land, and shall be paid in annual installments as required under the reclamation act; and the amounts to be paid for the land shall be credited to the funds herein established for the benefit of the Crow Indians. If any lands in sections 16 and 36 are included in an irrigation project under the reclamation act, the State of Montana may select in lieu thereof, as herein provided, other lands not included in any such project, in accordance with the provisions of existing law concerning school land selections. In any construction work upon the ceded lands performed directly by the United States under the reclamation act preference shall be given to the employment of Crow Indians, or whites intermarried with them, so far as may be practicable. The lands not withdrawn for irrigation under said reclamation act, which lands shall be determined under the direction of the Secretary of the Interior at the earliest practical date, shall be disposed of.

And on page 21, line 18, after the word "Spanish," to strike out "wars" and insert "war or Philippine insurrection;" and in line 23, after the word "be," to strike out "three" and insert "four;" so as to read:

SEC. 5. That before any of the lands by this agreement ceded are opened to settlement or entry the Commissioner of Indian Affairs shall cause the allotments to be made and the schedule to be prepared, as provided for in section 4 of this act, and a duplicate of said schedule shall be filed with the Commissioner of the General Land Office. Upon the completion of such allotments and the filing of such schedule and after the sale or removal of such improvements the residue of such ceded lands, except sections 16 and 36, or lands in lieu thereof, which shall be reserved for common school purposes, and are hereby granted to the State of Montana for such purpose, shall be subject to withdrawal and disposition under the reclamation act of June 17, 1902, so far as feasible irrigation projects may be found therein.

The charges provided for by said reclamation act shall be in addition to the charge of \$4 per acre for the land, and shall be paid in annual install-

ments as required under the reclamation act; and the amounts to be paid for the land shall be credited to the funds herein established for the benefit of the Crow Indians. If any lands in sections 16 and 36 are included in an irrigation project under the reclamation act, the State of Montana may select in lieu thereof, as herein provided, other lands not included in any such project, in accordance with the provisions of existing law concerning school land selections. In any construction work upon the ceded lands performed directly by the United States under the reclamation act, preference shall be given to the employment of Crow Indians, or whites intermarried with them, so far as may be practicable.

The lands not withdrawn for irrigation under said reclamation act, which lands shall be determined under the direction of the Secretary of the Interior at the earliest practical date, shall be disposed of under the homestead, town-site, and mineral-land laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish war or Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *And provided further*, That the price of said lands shall be \$4 per acre, when entered under the homestead laws, to be paid as follows.

The amendment was agreed to.

The next amendment was, in section 5, page 22, line 1, after the word "and," to strike out:

40 cents per acre each year thereafter until the sum of \$3 per acre shall have been paid.

And insert:

the remainder in four equal annual installments, the first to be paid at the end of the second year.

So as to read:

One dollar per acre when entry is made and the remainder in four equal annual installments, the first to be paid at the end of the second year.

The amendment was agreed to.

The next amendment was, in section 5, page 22, line 13, after the word "laws," to insert:

but in no event at a less price than that fixed herein for such lands, if entered under the homestead laws.

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 payment, or any of them, within the time stated, 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, etc.

The amendment was agreed to.

The next amendment was, in section 5, page 22, line 19, after the word "canceled," to insert the following proviso:

Provided, That the lands embraced within such canceled entry shall, after cancellation of such entry, be subject to entry under the provisions of the homestead law at \$4 per acre until otherwise directed by the President, as herein provided.

The amendment was agreed to.

The next amendment was, in section 5, page 23, line 3, after the word "made," to insert "except as to lands entered under said reclamation act;" so as to read:

And provided, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made, except as to lands entered under said reclamation act.

The amendment was agreed to.

The next amendment was, in section 5, page 23, line 4, to strike out:

And provided further, That all lands herein ceded and opened to settlement under this act remaining undisposed of at the expiration of four years from the opening of the said lands to entry shall be sold and disposed of under sealed bids to the highest bidder for cash, under rules and regulations to be prescribed by the Secretary of the Interior, at not less than \$1.25 per acre and in tracts not to exceed 640 acres to any one person.

And in lieu thereof to insert:

And provided further, That when, in the judgment of the President, no more of the land herein ceded can be disposed of at said price, he may by proclamation, to be repeated at his discretion, sell from time to time the remaining lands, subject to the provisions of the homestead law or otherwise as he may deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all the interests concerned.

The amendment was agreed to.

The next amendment was, in section 6, page 24, line 2, after the word "ratified," to insert "or withdrawn for irrigation under the provisions of said reclamation act;" in line 8, after the word "occupied," to insert "or withdrawn;" and in line 12, after the word "settlement," to insert "but no selection shall be made by the State of the lands herein ceded except to compensate for losses occurring therein;" so as to make the section read:

SEC. 6. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States, and paid to the Crow Indians or expended on their account only as provided in article 2 of said agreement as herein amended.

No lands in sections 16 and 36 now occupied, as set forth in article 3 of the agreement herein ratified, or withdrawn for irrigation under the provisions of said reclamation act, shall be reserved for school purposes, but the State of Montana shall be entitled to indemnity for any lands so occupied; and the

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. 731. 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. | Keliher, | Martin, |
| Gillett, Mass. | Kitchin, Claude | Maynard, |
| Graff, | Knopf, | Meyer, La. |
| Greene, | Lacey, | Morrell, |
| Gudger, | Lafean, | Needham, |
| Hamilton, | Lamar, Mo. | Otis, |
| Hamlin, | Landis, Chas. B. | Palmer, |
| Harrison, | Landis, Frederick | Parker, |
| Hay, | Lanning, | Payne, |
| Henry, Conn. | Lawrence, | Porter, |
| Hepburn, | Legare, | Powers, Me. |
| Hill, Conn. | Lever, | Powers, Mass. |
| Hinshaw, | Lilley, | Prince, |
| Hitt, | Littauer, | Pujo, |
| Hopkins, | Livingston, | Ransdell, La. |
| Howell, N. J. | Lloyd, | Robertson, La. |
| Huff, | Loudenslager, | Rodenberg, |
| Hughes, W. Va. | Lovering, | Rucker, |
| Humphrey, Wash. | McCleary, Minn. | Shackleford, |
| Humphreys, Miss. | Mann, | Shiras, |
| Jones, Wash. | Marshall, | 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. | Davis, Minn. | Kline, | Richardson, Tenn. |
| Alexander, | De Armond, | Klutz, | Rider, |
| Babcock, | Dixon, | Knapp, | Rixey, |
| Baker, | Douglas, | Kyle, | Robinson, Ind. |
| Bartholdt, | Driscoll, | Lamb, | Russell, |
| Bartlett, | Esch, | Lewis, | Scott, |
| Beall, Tex. | Field, | Lindsay, | Sheppard, |
| Bede, | French, | Little, | Sherley, |
| Beidler, | Gardner, Mass. | Littlefield, | Shober, |
| Benny, | Gardner, N. J. | Longworth, | Shull, |
| Birdsall, | Gilbert, | Lucking, | Slayden, |
| Bishop, | Goldfogle, | McCarthy, | Smith, Iowa |
| Bonyng, | Goulden, | McCreary, Pa. | Smith, Ky. |
| Bowersock, | Granger, | McLain, | Smith, Samuel W. |
| Brantley, | Grogg, | McMorran, | Smith, Tex. |
| Brown, Wis. | Grosvenor, | Macon, | Snook, |
| Brundidge, | Hardwick, | Maddox, | Southard, |
| Burnett, | Henry, Tex. | Mahon, | Spalding, |
| Burton, | Hermann, | Miller, | Stafford, |
| Byrd, | Hill, Miss. | Moon, Tenn. | Stephens, Tex. |
| Candler, | Hitchcock, | Morgan, | Sulzer, |
| Cassingham, | Hogg, | Murdock, | Thomas, Iowa |
| Clark, | Houston, | Otjen, | Thomas, N. C. |
| Clayton, | Howard, | Padgett, | Townsend, |
| Cochran, Mo. | Hughes, N. J. | Page, | Van Duzer, |
| Conner, | Jackson, Ohio | Patterson, N. C. | Van Voorhis, |
| Cooper, Wis. | James, | Patterson, Tenn. | Volstead, |
| Cowherd, | Jenkins, | Pierce, | Webb, |
| Cromer, | Jones, Va. | Rainey, | Weems, |
| Crowley, | Kehoe, | Randell, Tex. | Young. |
| Crumpacker, | Kennedy, | Reeder, | |
| Davidson, | Kinkaid, | Richardson, Ala. | |

ANSWERED "PRESENT"—12.

- | | | | |
|-----------|----------------|----------------|----------|
| Allen, | Gardner, Mich. | Patterson, Pa. | Ruppert, |
| Brownlow, | Miers, Ind. | Pou, | Stanley, |
| Dresser, | Olmsted, | Roberts, | Zenor. |

NOT VOTING—123.

- | | | | |
|----------------|---------------|-----------------|------------------|
| Acheson, | Emerich, | Kitchin, Wm. W. | Scudder, |
| Aiken, | Finley, | Lamar, Fla. | Sherman, |
| Ames, | Fitzpatrick, | Lester, | Slemp, |
| Badger, | Fordney, | Lind, | Small, |
| Benton, | Poster, Ill. | Livernash, | Smith, Wm. Alden |
| Bingham, | Poster, Vt. | Lorimer, | Smith, N. Y. |
| Bowie, | Fowler, | Loud, | Snapp, |
| Broussard, | Fuller, | McAndrews, | Southall, |
| Buckman, | Garber, | McCall, | Southwick, |
| Burgess, | Garner, | McDermott, | Sparkman, |
| Burkett, | Gillespie, | McLachlan, | Sullivan, Mass. |
| Burleigh, | Gillett, Cal. | McNary, | Sullivan, N. Y. |
| Burleson, | Glass, | Mahoney, | Talbott, |
| Butler, Mo. | Goebel, | Marsh, | Tate, |
| Calderhead, | Gooch, | Metcalf, | Taylor, |
| Capron, | Griffith, | Minor, | Thayer, |
| Cassel, | Griggs, | Mondell, | Tirrell, |
| Castor, | Haskins, | Moon, Pa. | Trimble, |
| Cockran, N. Y. | Haugen, | Mudd, | Vandiver, |
| Connell, | Hearst, | Nevin, | Wachter, |
| Cooper, Tex. | Hedge, | Norris, | Wadsworth, |
| Daniels, | Hemenway, | Overstreet, | Wallace, |
| Darragh, | Hildebrandt, | Pearre, | Warner, |
| Davey, La. | Holliday, | Perkins, | Warlock, |
| Davis, Fla. | Howell, Utah | Pinckney, | Watson, |
| Deemer, | Hull, | Reid, | Weisse, |
| Denny, | Hunt, | Rhea, | Williamson, |
| Dickerman, | Hunter, | Robb, | Wilson, N. Y. |
| Dinsmore, | Jackson, Md. | Robinson, Ark. | Woodyard, |
| Dovener, | Johnson, | Ryan, | Wright. |
| Dunwell, | Ketcham, | Scarborough, | |

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 \$83,014.75 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 *Chinoak*) 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 *Chinoak* 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?

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 preemption 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 intersections 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.

LAWY 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 depredation 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