

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. 11963) 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

Mississippi River between the counties of Stearns and Benton, in the State of Minnesota;

A bill (H. R. 14901) to provide for payment of damages on account of changes of grade due to construction of the Union station, District of Columbia; and

A bill (H. R. 15121) for the extension of Twenty-third street from S street to California avenue.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Elisha M. Kempton, of Newport, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the White Swan Mines Company (Limited), of Concord, N. H., remonstrating against the fraud order issued by the United States authorities against that company restraining them from sending by mail certain remittances for balance of amounts owed by them on subscriptions for stock; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of College View, Nebr.; of Rome and New York City, in the State of New York; of Grand Rapids, Mich.; of Minneapolis, Minn.; of Baltimore, Md.; of Alexandria, Va., and of Washington, D. C., 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.

Mr. FAIRBANKS presented a petition of Lincoln Relief Corps, No. 249, of New Albany, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. FOSTER of Washington presented a petition of Long Pine Lodge, No. 107, 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.

He also presented a petition of Typographical Union No. 202, American Federation of Labor, of Seattle, Wash., 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.

He also presented a memorial of the Retail 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 memorial of sundry citizens of Tacoma, Wash., remonstrating against the action of the Mine Owners' Association and the Citizens' Alliance of the State of Colorado, and praying that an investigation be made of the labor troubles in that State; which was referred to the Committee on Mines and Mining.

Mr. BEVERIDGE presented a petition of sundry citizens of South Bend, Ind., praying for the passage of the so-called "pure-food bill," which was ordered to lie on the table.

He also presented a petition of George H. Chapman, Woman's Relief Corps No. 10, of Indianapolis, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. LONG presented a petition of the Pharmaceutical Association of Fort Scott, Kans., praying for the passage of the so-called "Mann bill" regarding patent law as applied to pharmaceutical products; which was referred to the Committee on Patents.

He also presented a petition of the congregation of the Baptist Church of Jamestown, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of Local Division No. 16, Order of Hibernians, of Philadelphia, Pa., praying that an appropriation of \$50,000 be made for the erection of a statue of Commodore John Barry at Washington, D. C.; which was ordered to lie on the table.

He also presented the petition of Robert N. Willson and sundry other citizens of Philadelphia, Pa., praying for the enactment of legislation to establish a world's congress or parliament to convene periodically for the consideration of all international matters; which was referred to the Committee on Foreign Relations.

Mr. MITCHELL presented a petition of sundry citizens of Nestucca Valley, Oregon, praying for the construction of a jetty at the mouth of and on the south side of Nestucca Bay, to intercept and exclude the washing of sand over the south spit into and obstructing the channel at the bar; which was referred to the Committee on Commerce.

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

He also presented a petition of the Woman's Club of Bement, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. HALE presented a petition of the Twentieth Century Club of Patten, Me., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Board of Trade of Rumford Falls, Me., praying for the passage of the so-called "good-roads bill," which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Lamoine, Me., and a petition of sundry citizens of Stonington, Me., praying for the passage of the so-called "dogfish-shark bounty bill," which were referred to the Committee on Fisheries.

Mr. QUARLES presented the petition of Isabella Beecher Hooker, Lucius F. C. Garvin, Olympia Brown, William Canfield Lee, Clara Bewick Colby, Clara W. McNaughton, and 912 other citizens of the United States, praying for the enactment of legislation to enable women citizens of the United States having certain qualifications to vote for Members of the House of Representatives; which was referred to the Select Committee on Woman Suffrage.

Mr. SPOONER presented a memorial of sundry citizens of Milwaukee, Wis., 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 Harrison Post, No. 91, Department of Wisconsin, Grand Army of the Republic, of Depere, Wis., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 5567) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach to and include the said lands in the Sierra Forest Reserve, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5184) granting a pension to Ethel Talley, reported it with an amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on Indian Affairs, to whom was referred the bill (S. 4657) authorizing the payment of the Choctaw and Chickasaw town-site fund, reported it with an amendment.

MODERN PRISON SYSTEMS.

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

Resolved, That there be printed and bound in cloth, for the use of the Department of State, fifteen hundred copies of House Document No. 452, second session Fifty-seventh Congress, on Modern Prison Systems, and that this edition shall include a page of errata submitted by said Department.

LANDS AT ERIE, PA.

Mr. NELSON. I am directed by the Committee on Commerce, 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., to report it favorably without amendment, and I ask for its present consideration.

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

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

MISSOURI RIVER BRIDGE.

Mr. STONE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5549) authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River at Lexington, Mo., to report it favorably with amendments, and as amended to recommend its passage. I submit a report thereon. I ask for the present consideration of this measure.

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

The amendments of the Committee on Commerce were in section 1, on page 1, line 7, after the word "point," to strike out the words "at least one-third of a mile from any other bridge;" on page 2, line 1, before the word "said," to strike out "its" and insert "the;" and on page 2, line 13, after the word "prescribe," to insert:

And provided further, That all street-railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use, and in case of dis-

agreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

In section 3, on page 3, line 18, after the word "fifty" and before the word "feet," to strike out "five;" and in line 19, after the word "above," to strike out the word "mean;" so as to make the bill read:

Be it enacted, etc., That the Lexington Suburban Railway Company, duly incorporated under the laws of Missouri, is hereby authorized to construct and maintain a bridge, and approaches thereto, across the Missouri River, between the city of Lexington, Mo., and Ray County, Mo., at a point to be selected consistent with the interests of navigation. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, street-railway cars, electric motors, railway cars (but not steam locomotives), animals, foot passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by the said company, and to be approved from time to time by the Secretary of War: *Provided*, That the said company, or its successors and assigns, shall build and maintain at all times, as accessory works to said bridge, such booms, piers, dikes, guard fences, and similar devices as may be necessary, in the judgment of the Secretary of War, to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for the guiding of rafts, steamboats, and other water craft safely under said bridge: *Provided further*, That the said company, or its successors and assigns, shall maintain on said bridge, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe: *And provided further*, That all street-railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use, and in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

SEC. 2. That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge and accessory works; and if any change be made in the plan of construction of said bridge and accessory works at any time, such change shall be subject to the approval of the Secretary of War, and any change in the construction or any alteration of said bridge and accessory works that may be directed at any time by Congress or the Secretary of War shall be made at the cost and expense of the said company or its successors and assigns; that the said bridge shall be constructed without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted, and in order to secure that object the said company, or its successors and assigns, shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge and accessory works and a map of the proposed location, giving for the space of 1 mile above and 1 mile below such proposed location the topography of the banks of the river with shore lines and soundings, and such other information as may be required for a full understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

SEC. 3. That said bridge shall be built as a high bridge with unbroken and continuous spans, all spans over the waterway to have a clear channel way of not less than 400 feet and a clear headroom of not less than 50 feet above high-water mark; and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto.

SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and upon being satisfied that a bridge so built will conform to the requirements of this act, to notify the company authorized to build the same that he approves of the same; and upon receiving such notification the said company may proceed to erect said bridge, conforming strictly to the approved plan and location, and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

SEC. 5. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the street railways or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof, and the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

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

CARNEGIE INSTITUTION OF WASHINGTON.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia to report back favorably with amendments the bill (H. R. 14093) to incorporate the Carnegie Institution of Washington, and I submit a report thereon. I will venture to ask unanimous consent for the consideration of the bill.

Mr. LODGE. I wish to have an opportunity to examine the bill. I think I shall desire to offer an amendment to it. I object to its present consideration.

The PRESIDENT pro tempore. The bill goes to the Calendar.

Mr. GALLINGER. I ask that the bill may take the place on the Calendar of Order of Business 1791, Senate bill 5167, being a favorable report on the same subject upon a Senate bill, and I would ask that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. The bill (S. 5167) to incorporate the Carnegie Institution of Washington will be indefinitely postponed, and the bill just reported by the Senator from New Hampshire will take its place on the Calendar.

BILLS INTRODUCED.

Mr. BEVERIDGE introduced a bill (S. 5606) to amend section 6 of "An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township," approved July 1, 1902; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT of New York introduced a bill (S. 5607) for the relief of Roswell M. Shurtleff; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 5608) for the relief of the legal representatives of James Legg; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5609) for the relief of Urias D. Ramsburg; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 5610) for the relief of the heirs of Thomas Duty; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5611) making an appropriation for the improvement of the Tallahatchie River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MONEY introduced a bill (S. 5612) for the relief of the estate of Franklin S. Whitney, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 5613) for the relief of J. W. Smart; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. NELSON (by request) introduced a bill (S. 5614) for the relief of Philip Epstein, Mordecai David, Henry Stein, Julius Louis, and Herman Somers; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 5615) for the relief of the estate of Marcellin Gillis, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BALL introduced a bill (S. 5616) granting a pension to Samuel Derry; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. ALDRICH submitted an amendment proposing to appropriate \$960 to pay Harry A. Nelson for extra services as mail messenger in United States Senate post-office from July 1, 1900, to March 1, 1903, inclusive, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table, and be printed.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes; which was ordered to lie on the table and be printed.

INVESTMENT OF CAPITAL INDEPENDENT OF TRUSTS.

Mr. BACON. I desire to submit a proposed amendment to the following resolution, which is now pending, submitted by the Senator from Iowa [Mr. DOLLIVER] on the 18th instant:

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.

I offer a proposed amendment, which I ask may be read and printed and lie on the table with the original resolution.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read the amendment, as follows:

Resolved further, That the Secretary of Commerce and Labor be, and he is hereby, directed to procure, so far as practicable, the information hereinafter specified, and report the same to the Senate during the present session of Congress if practicable.

First. What classes of goods manufactured in the United States have, during the year ending December 31, 1903, been sold or offered for sale in foreign countries, or for export to foreign countries, by the manufacturers thereof, or through their representatives or agents, at prices less than the same classes of goods were during the same period sold in the United States by the manufacturers thereof, or through their representatives or agents; the said report, while including so far as practicable all classes of goods so manufactured and sold, to have special reference to manufactures of iron and steel and other metals, of glass and crockery, textile goods and the manufactures thereof, boots, shoes, and other manufactures of leather, hats and caps and other wearing apparel, household and kitchen utensils and wares, household and kitchen furniture, sewing machines, vehicles of all kinds, farm implements and farm machinery and other machinery of all kinds, cutlery and tools of all kinds, watches, jewelry, and other articles for household and personal use, comfort, or adornment; and the said report to give the comparative prices in said sales separately for each of the said classes of goods, and the foreign countries in which or for export to which said sales were made.

Second. What, separately stated as to each class of goods, was the general average during the said period of the said comparative prices in sales in the United States and in the several foreign countries.

Third. If, during the said period, the said comparative prices in any instances fluctuated materially from said average, then stated separately, what were, in such instances, the comparative prices in said sales, in the several classes of goods embraced in such instances, at different periods in the year when said fluctuations occurred.

The Secretary of Commerce and Labor is further directed to make said reports as soon as practicable, and if, when the same shall be completed, the Senate shall not be then in session, he is hereby directed to file same with the Secretary of the Senate, and there shall thereupon be copies of said reports immediately printed for the use of the Senate.

The PRESIDENT pro tempore. The amendment will lie on the table and be printed.

LAST SPEECH OF THE LATE PRESIDENT M'KINLEY.

Mr. FAIRBANKS. I ask an order for printing 5,000 extra copies of Senate Document No. 268, Fifty-eighth Congress, being the last speech of President McKinley, delivered at Buffalo, September 5, 1901. The demand for the speech is very large and the copies authorized are insufficient to meet it.

The PRESIDENT pro tempore. Has the Senator any idea of the cost?

Mr. FAIRBANKS. I understand that it is comparatively only a small sum.

The PRESIDENT pro tempore. Less than \$500?

Mr. FAIRBANKS. Considerably less than \$500.

There being no objection, the order was agreed to, as follows:

Ordered, That there be printed for the use of the Senate 5,000 extra copies of Senate Document No. 268, Fifty-eighth Congress, second session, being the last speech of President McKinley, delivered at Buffalo, September 5, 1901.

THOMAS J. CAMPTON.

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

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 1046) granting an increase of pension to Thomas J. Campton, the beneficiary of the said bill having died.

GENERAL FEDERATION OF WOMEN'S CLUBS.

The PRESIDENT pro tempore. There is a bill on the table introduced by the Senator from Indiana [Mr. FAIRBANKS] day before yesterday, which was read once.

Mr. FAIRBANKS. I ask that it be read the second time, and I ask also for its present consideration. It is a very brief amendment, to which there is no objection, I presume.

The bill (S. 5583) to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs," approved March 3, 1901, was read the second time by its title.

The PRESIDENT pro tempore. The Senator from Indiana asks that the bill may be now considered. It will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act approved March 3, 1903, by adding thereto one section, to be designated as section 4, which will read as follows:

SEC. 4. That said corporation be, and it is hereby, authorized to hold its biennial meetings at such places outside of Washington, in the District of Columbia, as it from time to time may deem best.

Mr. BACON. May I ask the Senator a question? I do not know whether I caught the phraseology aright. The bill limits the meeting to the District of Columbia, but authorizes it outside the city. Is that it?

Mr. FAIRBANKS. Their biennial meetings are held in different cities throughout the United States. Under the charter as it was enacted by Congress the opinion prevails that they are forbidden from holding their biennial meetings in different cities throughout the country. This amendment simply makes that clear, giving them the authority to do so.

Mr. BACON. I have no objection, of course, to the bill, because the character of the organization is such that no harm can come from it.

Mr. FAIRBANKS. No.

Mr. BACON. But as a principle, it is beyond the power of Congress to give any corporate powers in a State, unless it is some matter which relates to Federal functions or the public necessities of the Government. With that statement I am willing that

the bill should pass, it not being designed, I understand, to confer any power in the States.

Mr. FAIRBANKS. None whatever.

Mr. BACON. I was sure that was not the reason, but I thought it better that the bill should not pass without this statement, because otherwise it might be taken as a precedent.

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

ESTATE OF SVEN J. JOHNSON.

Mr. CULLOM. I ask leave to call up the bill (H. R. 2009) for the relief of the estate of Sven J. Johnson.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to issue duplicates to the legal representative of Sven J. Johnson, also known as John Johnson, in lieu of United States 4 per cent registered bonds, funded loan of 1907, Nos. 45369, 45370, 45372, 45373, for \$100 each, inscribed in the name of John Johnson, and alleged to have been stolen after having been assigned in blank.

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

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 15th instant approved and signed the following acts and joint resolution:

An act (S. 2259) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes;

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

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

The message also announced that the President of the United States had on the 16th instant approved and signed the following acts:

An act (S. 94) granting a pension to Alvin Rine;

An act (S. 1810) granting a pension to Ella C. Tupper;

An act (S. 2458) granting a pension to John H. Oney;

An act (S. 3986) granting a pension to Cynthia Speaks;

An act (S. 4001) granting a pension to Benjamin A. Provoost;

An act (S. 4381) granting a pension to Mary P. Wilson;

An act (S. 4759) granting a pension to John M. Manlove;

An act (S. 10) granting an increase of pension to Albert H. Taft;

An act (S. 208) granting an increase of pension to Alfred Kent;

An act (S. 320) granting an increase of pension to Hiram W. White;

An act (S. 329) granting an increase of pension to Bushnell B. Loomis;

An act (S. 725) granting an increase of pension to Amanda L. Mardin;

An act (S. 1478) granting an increase of pension to Leroy R. Hawthorne;

An act (S. 1570) granting an increase of pension to Jasper Robinson;

An act (S. 1572) granting an increase of pension to Isaac N. Hughey;

An act (S. 1618) granting an increase of pension to Thomas Herran;

An act (S. 1989) granting an increase of pension to John McCabe;

An act (S. 2030) granting an increase of pension to Elias L. Fidler;

An act (S. 2046) granting an increase of pension to William G. Scott;

An act (S. 2124) granting an increase of pension to David W. Johns;

An act (S. 2248) granting an increase of pension to Frederick Sommers;

An act (S. 2252) granting an increase of pension to David Inches;

An act (S. 2423) granting an increase of pension to Benson C. Bellamy;

An act (S. 2645) granting an increase of pension to La Roy B. Church;

An act (S. 2711) granting an increase of pension to Fannie S. Moore;

An act (S. 3018) granting an increase of pension to George W. Sullivan;

An act (S. 3029) granting an increase of pension to Margaret French;

An act (S. 3030) granting an increase of pension to Charles O. Fargo;

An act (S. 3198) granting an increase of pension to Samuel D. Reynolds;
 An act (S. 3305) granting an increase of pension to James K. Deyo;
 An act (S. 3308) granting an increase of pension to Jesse C. Lott;
 An act (S. 3327) granting an increase of pension to Isaac N. Moor;
 An act (S. 3490) granting an increase of pension to Bucklin H. Wood;
 An act (S. 3493) granting an increase of pension to John C. Van Campen;
 An act (S. 3561) granting an increase of pension to Anna E. Draper;
 An act (S. 3778) granting an increase of pension to Joseph L. Cotey;
 An act (S. 3867) granting an increase of pension to Osmer S. Deming;
 An act (S. 3956) granting an increase of pension to Patrick Fleming;
 An act (S. 3988) granting an increase of pension to John L. Hughes;
 An act (S. 4056) granting an increase of pension to George G. Wright, alias George Gravett;
 An act (S. 4192) granting an increase of pension to James H. Whaley;
 An act (S. 4242) granting an increase of pension to Andrew Fisher;
 An act (S. 4249) granting an increase of pension to Mary Gilroy;
 An act (S. 4364) granting an increase of pension to Joshua McCormick;
 An act (S. 4428) granting an increase of pension to Edwin W. Ford;
 An act (S. 4487) granting an increase of pension to Aaron M. Mason;
 An act (S. 4496) granting an increase of pension to Harvey Fletcher;
 An act (S. 4507) granting an increase of pension to Francis G. Hoffmire;
 An act (S. 4602) granting an increase of pension to Hiram Imus;
 An act (S. 4621) granting an increase of pension to George Draper;
 An act (S. 4635) granting an increase of pension to David Misener;
 An act (S. 4670) granting an increase of pension to Thomas H. Devine;
 An act (S. 4678) granting an increase of pension to John W. Paris;
 An act (S. 4742) granting an increase of pension to Earl B. French;
 An act (S. 4811) granting an increase of pension to Phebe Sibley;
 An act (S. 4815) granting an increase of pension to Angeline P. Root;
 An act (S. 4827) granting an increase of pension to John F. Burkholder;
 An act (S. 4842) granting an increase of pension to Siloam Williams;
 An act (S. 4846) granting an increase of pension to John Taylor;
 An act (S. 4891) granting an increase of pension to Elizabeth G. Illsley;
 An act (S. 4920) granting an increase of pension to Mary Jane Mullins;
 An act (S. 4948) granting an increase of pension to Elijah A. Peyton;
 An act (S. 5056) granting an increase of pension to James D. Folsom;
 An act (S. 5112) granting an increase of pension to Kittil Torgeson;
 An act (S. 5124) granting an increase of pension to Charles H. Avery;
 An act (S. 5149) granting an increase of pension to Charles A. McKean;
 An act (S. 5181) granting an increase of pension to John W. Pearson;
 An act (S. 5182) granting an increase of pension to Charles B. Davis;
 An act (S. 5208) granting an increase of pension to William A. Bentley;
 An act (S. 5211) granting an increase of pension to Mary A. Hayward; and
 An act (S. 5243) granting an increase of pension to Benjamin F. Ross.

The message further announced that the President of the United States had, on the 18th instant, approved and signed the joint resolution (S. R. 44) as to the provisions of "An act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June 16, 1880.

The message also announced that the President of the United States had on the 19th instant approved and signed the following acts:

An act (S. 987) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants; and
 An act (S. 1607) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery.

The message further announced that the President of the United States had on the 20th instant approved and signed the following act and joint resolution:

An act (S. 4576) transferring the custody of certain obsolete ordnance to the city of Boston; and

A joint resolution (S. R. 54) to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York.

MARY HEANEY.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13850) granting an increase of pension to Mary Heaney, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,

N. B. SCOTT,

Managers on the part of the Senate.

W. A. CALDERHEAD,

THOMAS W. BRADLEY,

JOHN S. SNOOK,

Managers on the part of the House.

The report was agreed to.

ENOCH STAHLER.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9256) granting an increase of pension to Enoch Stahler, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the Senate amendment.

P. J. McCUMBER,

N. B. SCOTT,

Managers on the part of the Senate.

W. A. CALDERHEAD,

ELIAS DEEMER,

R. W. MIERS,

Managers on the part of the House.

The report was agreed to.

DAVID T. TOWLES.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1851) granting an increase of pension to David T. Towles, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the Senate amendment.

P. J. McCUMBER,

N. B. SCOTT,

Managers on the part of the Senate.

HENRY R. GIBSON,

ROBERT W. MIERS,

C. A. SULLOWAY,

Managers on the part of the House.

The report was agreed to.

JOHN WEAVER.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8925) granting an increase of pension to John Weaver having met,

after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the Senate amendment.

P. J. McCUMBER,
N. B. SCOTT,

Managers on the part of the Senate.

W. A. CALDERHEAD,
ELIAS DEEMER,
ROBERT W. MIERS,

Managers on the part of the House.

The report was agreed to.

CARE OF THE INSANE IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8692) to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
H. C. HANSBROUGH,
THOMAS S. MARTIN,

Managers on the part of the Senate.

S. W. SMITH,
ADOLPH MEYER,

Managers on the part of the House.

The report was agreed to.

EAST WASHINGTON HEIGHTS TRACTION COMPANY.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9331) to extend the time for completion of the East Washington Heights Traction Railroad 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 from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all the matter inserted by said amendment and insert in lieu thereof the following: "That failure to complete any portion of the routes as provided in the charter of said company within the time herein limited shall operate to repeal the authority to build such portion and shall not repeal the charter of said company; and that any connecting company may lease or purchase the portion of said routes which is completed within the said eighteen months;" and the Senate agree to the same.

J. H. GALLINGER,
H. C. HANSBROUGH,
THOMAS S. MARTIN,

Managers on the part of the Senate.

J. W. BABCOCK,
S. W. SMITH,
ADOLPH MEYER,

Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 8690) to amend the law relating to taxation in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 875) for the relief of Harry C. Mix was read twice by its title, and referred to the Committee on Claims.

The 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, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 14467) to amend chapter 508 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.," was read twice by its title, and referred to the Committee on the Judiciary.

The 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, was read twice by its title, and referred to the Committee on Commerce.

ESTATE OF WARREN MITCHELL.

Mr. WARREN. I move that the Senate take up the bill (H. R. 1700) for the relief of the legal representatives of Warren Mitchell, deceased.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the present consideration of House bill 1700, which will be read.

The Secretary read the bill.

Mr. SPOONER. Mr. President, I do not think that bill ought to be considered hastily. It is an old acquaintance of mine. When I was chairman of the Committee on Claims a number of years ago it was considered, and the claim has been considered a number of times. I remember making a very elaborate and laborious report adverse to it, and I supposed it had gone to sleep. If there is some new evidence, I should want to look it over.

Mr. WARREN. I observe the Chair stated that I asked unanimous consent. I moved to take up the bill. It is one that has passed the House unanimously. It is a bill too large in amount, perhaps, to be considered in an omnibus claims bill, and one that I should like to have the sense of the Senate upon. I believe it is worthy of consideration. I therefore moved to take it up.

Mr. SPOONER. Has the motion been adopted? Of course the motion is not debatable, I know.

Mr. ALDRICH. Let us have a vote by yeas and nays.

The PRESIDENT pro tempore. If the bill is taken up at this time on motion, the Chair would hold that it would be under Rule VIII.

Mr. WARREN. And subject to objection?

The PRESIDENT pro tempore. Which would subject it to objection and also to a limitation of debate.

Mr. SPOONER. I shall be obliged to object.

Mr. WARREN. Mr. President, if I may be allowed, I desire to say a word in regard to the conduct of the business of the Senate. It does seem to me that where a bill has passed the House after a thorough consideration it ought at least to have the sense of the Senate taken upon it.

I think the Chair and the Senate will understand the embarrassment under which the Committee on Claims is laboring in attempting to bring in here an omnibus claims bill, which should naturally be confined to Court of Claims findings and such bills as have passed one or the other of the Houses of Congress, and which are for small or moderate amounts.

Here is a bill which is clearly within the rule adopted by the committee, clearly within all committee rules, as to going upon the omnibus claims bill. But I think it too large in amount and too important to be put in an omnibus with a lot of others, and therefore I consider that it ought to be treated alone.

I have no remarks to make upon the bill unless debate is provoked by others. I hope the Senator will let it come to a vote of the Senate, and I will be content.

Mr. SPOONER. It can not come to a vote of the Senate in five minutes. It will be necessary to read the report which was years ago made on the bill. I then spent a great deal of time on it. I was at first favorably inclined to the bill. It had been reported a number of times favorably. But my investigation made it very obvious to me that the bill ought not to pass; and it can not pass now without debate, and full debate.

If there is any new evidence, that is another proposition. I have no objection to the bill being taken up, but it will be debated.

Mr. WARREN. Mr. President, one word further. I want the attention of the Senate to this matter, so that Senators may understand where we are as to this and similar bills.

It seems useless to have the Committee on Claims burn up time day after day and the midnight oil night after night and after careful, laborious, and painstaking work bring matters in here favorably reported for which we can not get consideration. I care not whether the bill passes or does not pass, as may be the sense of the Senate upon it. I should not have presented the bill here on a favorable report unless I had given it sufficient study and sufficient attention to convince me that the bill was equitable and ought to pass. But be that as it may, I am willing to submit it to the Senate for a vote.

If we are in the condition the Chair assumes we are in and which of course I grant we must be, as the Chair is always correct—that a bill of this kind can not be taken up except subject to objection and for only five-minute speeches—then of course every claim against the United States is subject to the capricious objection of any one Senator. That is the condition a creditor of the United States is in if there is the least point of controversy about his claim. If, unfortunately, some one has a claim against the United States and comes to the Senate for relief, any one man oc-

cupping a seat in this body as a member can prevent even the consideration of it.

Mr. ALDRICH. Mr. President—

The PRESIDENT pro tempore. The Chair does not wish to be misunderstood. The Chair would hold that bills taken up before 2 o'clock are subject to objection, and that they are to be debated under Rule VIII. But if an objection is made and then a motion is made to proceed to its consideration notwithstanding the objection, and that motion prevails, it is not under Rule VIII.

Mr. ALDRICH. Mr. President, just a word as to the order of business in the Senate. We are approaching the end of this session. There are two general appropriation bills now before the Senate awaiting action. It seems to me that it should be the policy of the Senate—

Mr. BERRY. There are three, I will state to the Senate. There is the river and harbor bill.

Mr. ALDRICH. There are three now awaiting action. It seems to me the Senate should proceed with the public business first and pass the appropriation bills which are now pending. There certainly will be ample opportunity for any bill that receives the approval of a majority of the Senate to be considered and acted upon after the appropriation bills are out of the way.

Mr. WARREN. The Senator from Rhode Island knows very well that practically that is not true, while technically it may be true. He knows that there will not be ample time to take up the Calendar, because he knows from the pressure we have upon us—

Mr. ALDRICH. The Senator did not quite report my language correctly. I said any bill that the majority of the Senate is in favor of and desires to have considered.

Mr. WARREN. And that nobody objects to.

Mr. ALDRICH. I did not say that. It is always within the power—

Mr. WARREN. Practically that is what the Senator said.

Mr. ALDRICH. I beg the Senator's pardon. It is within his power as chairman of the Committee on Claims at any time, either in the morning hour or after the morning hour, to move to displace any order of business, any appropriation bill, or other bill which is before the Senate, and to proceed to the consideration of claims bills or a claims bill.

Mr. WARREN. I have just made the motion to take up a claims bill.

Mr. ALDRICH. And if a majority of the Senate is with the Senator, then he has a right to have the bill considered. But if a majority of the Senate should think that the public business should be proceeded with first and that private claims should be considered afterwards, his remedy will not be a good one.

Mr. WARREN. Mr. President, the appropriation bill that is supposed to just now have priority stands on the Calendar this morning as the unfinished business to come up at 2 o'clock. This leaves the time up to 2 o'clock for the consideration of any other bill or bills. I took the very course the Senator from Rhode Island suggested in moving to take up this bill, presuming that it would be disposed of soon, one way or the other. I have made a motion to take up the bill, and that motion is now before the Senate.

The PRESIDENT pro tempore. Objection being made to the request of the Senator from Wyoming, the Senator now moves—

Mr. ALDRICH. I beg the Chair's pardon; if he will permit me, the request was not made for unanimous consent. The Senator from Wyoming moved to take up the bill. He did not ask to have it considered.

The PRESIDENT pro tempore. The Chair put the question to the Senate in that way. Whether he did it understandingly or not the Chair does not know.

Mr. WARREN. The President of the Senate did put it as a request for unanimous consent, and that having been denied, I now move to take up the bill.

Mr. ALDRICH. That was not the suggestion made by the Senator from Wyoming.

Mr. WARREN. That is very true. I made the motion to take up in the first place.

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the bill. [Putting the question.] By the sound, the yeas have it.

Mr. WARREN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONEY. Before the yeas and nays are called, let us have the bill read.

The PRESIDENT pro tempore. The title of the bill will be read.

Mr. MONEY. I should like to have the bill read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise

appropriated, to pay to the legal representatives of Warren Mitchell, deceased, late of Louisville, Ky., the sum of \$123,692.22, being proceeds of captured property and found to be in the Treasury by the United States Supreme Court.

Mr. MONEY. I should like to ask for information, Is this one of the so-called "cotton claims?"

Mr. ALDRICH. Yes.

Mr. WARREN. I will say to the Senator from Mississippi that it is not one of the so-called "cotton claims" in the sense he perhaps considers it, with reference to other cotton-claims bills.

Mr. MONEY. If the Chair will bear with me for a minute I should like to ask the chairman of the committee if this is a claim for the proceeds of cotton captured under the act of March 13, 1863, called the "captured and abandoned property act?"

Mr. WARREN. It is for the payment of cotton which the books of the Treasury show was taken from this man Mitchell, particularly, and for which the Government received one hundred and twenty-odd thousand dollars in gold.

Mr. ALDRICH. Mr. President, I think I shall have to object to the consideration of the merits of the bill.

The PRESIDENT pro tempore. The Secretary will call the roll on the motion of the Senator from Wyoming to proceed to the consideration of the bill.

The Secretary called the roll.

Mr. MORGAN. I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. LODGE (after having voted in the negative). I have a general pair with the Senator from Georgia [Mr. CLAY]. I see that he is not present. I therefore transfer my pair with him to the Senator from Ohio [Mr. DICK], and will let my vote stand.

Mr. PETTUS. I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. MALLORY. I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. In his absence, I withhold my vote.

Mr. SPOONER (after having voted in the negative). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is necessarily absent from the city. I inadvertently voted, and I withdraw my vote.

Mr. BATE. I do not think that is necessary, this not being a political question.

Mr. SPOONER. Very well. Then, with the announcement that the Senator from Tennessee [Mr. CARMACK] is necessarily absent, I will allow my vote to stand in view of what his colleague [Mr. BATE] has said.

The result was announced—yeas 39, nays 19, as follows:

YEAS—39.

Alger,	Culberson,	Kearns,	Quarles,
Ankeny,	Cullom,	McComas,	Scott,
Bacon,	Daniel,	McCreary,	Simmons,
Bard,	Dubois,	McCumber,	Smoot,
Bate,	Fairbanks,	McLaurin,	Stewart,
Berry,	Foster, Wash.	Mitchell,	Stone,
Blackburn,	Fulton,	Money,	Teller,
Burnham,	Gorman,	Overman,	Warren,
Clark, Wyo.	Hansbrough,	Perkins,	Wetmore,
Cockrell,	Heyburn,	Platt, N. Y.	

NAYS—19.

Aldrich,	Dolliver,	Gamble,	Long,
Allison,	Dryden,	Hopkins,	Millard,
Ball,	Elkins,	Kean,	Platt, Conn.
Burrows,	Frye,	Kittredge,	Spooner.
Clarke, Ark.	Gallinger,	Lodge,	

NOT VOTING—32.

Allee,	Depew,	Hawley,	Newlands,
Bailey,	Dick,	Hoar,	Patterson,
Beveridge,	Dietrich,	Latimer,	Penrose,
Burton,	Dillingham,	McEnery,	Pettus,
Carmack,	Foraker,	Mallory,	Proctor,
Clapp,	Foster, La.	Martin,	Quay,
Clark, Mont.	Gibson,	Morgan,	Taliaferro,
Clay,	Hale,	Nelson,	Tillman.

So the motion of Mr. WARREN was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1700) for the relief of the legal representatives of Warren Mitchell, deceased.

The PRESIDENT pro tempore. The bill has been read.

Mr. ALDRICH. Do I understand that this bill is now to be considered under Rule VIII?

The PRESIDENT pro tempore. It is not, having been taken up by motion after objection was made.

Mr. ALDRICH. Then it is now open to indefinite debate. I ask for the reading of the bill, Mr. President.

Mr. SPOONER. Let the bill be reread, Mr. President.

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

The Secretary read the bill.

Mr. ALDRICH. I ask for the reading of the report accompanying the bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. WARREN March 2, 1904:

The Committee on Claims, to whom was referred the bill (H. R. 1700) for the relief of the legal representatives of Warren Mitchell, deceased, having carefully considered the same, hereby report it back to the Senate and recommend its passage without amendment.

The facts as set forth in House Report No. 21, Fifty-eighth Congress, second session, sustain your committee in its favorable action.

The report of the House is adopted by your committee and made a part of their report, as follows:

[House Report No. 21, Fifty-eighth Congress, second session.]

"The Committee on War Claims, to whom was referred House bill 1700, respectfully submit the following report:

"At the breaking out of the war of the rebellion Warren Mitchell resided at Louisville, Ky. He was a merchant with extensive interests and connections, and had large amounts owing him in various sections of the South. General Anderson, commanding the Department of Kentucky, gave him a pass to enter the Confederate lines, and he went South 'solely for the purpose of saving himself from financial ruin, leaving his wife at Louisville,' and engaged in the proper and legitimate occupation of collecting, in the most available commodities, the amounts due him.

"His base of operations was Memphis and Nashville, Tenn., and by December, 1864, he had gathered together 724 bales of cotton and had the same stored at Savannah, Ga., where it was seized by General Sherman, sold, and the proceeds, amounting to \$128,692.22, turned into the Treasury.

"Mr. Mitchell's character for loyalty, truthfulness, integrity, and honor is amply sustained by such men as Virgil McKnight, ex-Senator John W. Stevenson, Hon. Benjamin H. Bristow, and Maj. Gen. L. H. Rosseau, nor is it to be presumed that General Anderson would have issued a pass to a Confederate sympathizer.

"Mr. Mitchell promptly brought his suit in the Court of Claims under the 'abandoned and captured property act,' and the court being equally divided upon his right to recover his petition was dismissed. On appeal to the Supreme Court of the United States the sole issue was, not his loyalty, nor the amount of his loss, but the question of his domicile. Attorney-General Williams thus stated the proposition:

"If Mitchell acquired a domicile within the Confederate lines his business there was legitimate, and he is entitled to recover; if not, his business there was illegitimate, and he is not entitled to recover."

"The Supreme Court stated the question thus:

"Hence this case turns upon the point whether the appellant was domiciled in the Confederate States when he bought the cotton in question." (21 Wall., 553.)

"As a matter of fact, Mitchell resided for over three years in Tennessee in the laudable endeavor to protect his property, and he exercised many of the rights of citizenship, and it may well be questioned whether, if the case had been differently presented, the decision would not have been different.

"In commenting on this feature of the case it is plain that the Supreme Court, in view of the petitioner's equities, must have felt a strong desire to be freed from the harsh rule of law under which they felt constrained to act, when they frankly tell us, at the end of their opinion, that 'obviously important further facts bearing on the question might have been put in evidence by either party. We regret that this was not done. As the case is presented, our conclusion must necessarily be against the appellant.'

"The court held, however, that it appeared from the record Mitchell was a citizen of the State of Kentucky at the time of the seizure, and that therefore and for no other reason his business was illegitimate and he acquired no title to the property taken in payment of debts due him, because Kentucky was a loyal State, and the nonintercourse laws prohibited traffic between its citizens and citizens of States in rebellion.

"In his brief before the Supreme Court John M. Harlan, now one of its justices, made the following unquestioned but startling proposition, when considered in the light of the court's decision:

"Had Mitchell, upon his entering the Confederate lines in July, 1861, joined the rebel army and become the owner of this identical cotton while he was endeavoring to overturn the Government of the Union, it could scarcely be doubted that under the present course of decisions his right to recover the proceeds of the cotton could not be questioned."

"The decision of the court, therefore, was to the effect that if Mr. Mitchell had denied his allegiance to the United States and had become a citizen of Tennessee, instead of remaining loyal to the Union and to the State of his birth, he could have recovered in his suit, because he would not have been amenable to the nonintercourse laws, and his disloyalty would have been condoned by the President's amnesty proclamations. (U. S. v. Klein, 13 Wall., 128.)

"The Supreme Court of the United States has repeatedly held that the proceeds of the abandoned and captured property now in the Treasury are merely 'trust funds' (U. S. v. Padelford, 9 Wall., 543), and millions of dollars have been distributed to the legal owners upon that theory, and since the decision in the Klein case, above, it has not been questioned that the amnesty proclamations restored all property rights, even to disloyal persons. If, as said by Mr. Harlan, this decedent claimant had been an active rebel in the field, he could still have recovered under the Klein decision. In this case the return of these 'trust funds' by the trustee, who holds and claims nothing but the naked legal title, is not prevented by disloyalty or fraud, but by the mere accident of domicile.

"Your committee does not doubt or criticize the decision of the Supreme Court, harsh and technical as it is, but the question now presented is, Shall this Government, by the mere exercise of an arbitrary power, longer keep from this claimant the proceeds of property which, in every sense except the technical one that the courts of law can not recognize his right to sue for it, is rightfully his; property to which the Government can make and does make no lawful claim; not confiscated or confiscable; not in its possession or control under any law except one that has been declared by its courts to make it a trustee of such property? The claimant appeals to the sovereign, whose citizen he is, for that justice which is his due.

"Here no technical construction of law can be held to overthrow the real merits or equities of a case. To do absolute justice is the highest duty, as well as the undisputed power, of Congress. It is hard to conceive upon what moral principle this money can be longer kept in the Treasury of the United States or the hand of arbitrary power be placed so heavily on the children of this man, who passed his old age and died in poverty merely because of the accident of his residence in the loyal State of Kentucky instead of the disloyal one of Tennessee.

"Your committee report back the bill and recommend its passage."

In *Cutner v. United States* (84 U. S., 517-520) the material facts were identical with those in this case. The Supreme Court held that:

"The sale being illegal, the suit can not be sustained for the benefit of the vendors. It can not be sustained for Cutner's own benefit, because he received the full consideration of the cotton and has no interest remaining."

The Supreme Court has also held, in numerous cases, that the proceeds of abandoned and captured property in the Treasury constitute a trust fund,

and that the title to the property was not divested from the original owners by operation of that act. (U. S. v. Klein, 13 Wall., 128; U. S. v. Padelford, 9 Wall., 531; *Wylie v. U. S.*, 6 Ct. Cls., 285.)

The application of these rules to this case estops Mitchell's vendors from maintaining an action for the value of the property, for the reason that they had received full consideration from Mitchell; they also prevent Mitchell from recovering, and thereby present practically the anomalous proposition that a trustee can, by his own acts, convert a trust estate into a fee, or in other words, that he can destroy the rights of a cestui qui trust by confiscation of the trust fund.

Mr. WARREN. Mr. President, I assume that it is due to the Senate that I should state some reason for reporting favorably this bill from the committee. I want to be absolutely fair with regard to it and to say that it has been reported adversely as well as favorably heretofore, both to the Senate and the House of Representatives. So far as I was personally concerned, I did not feel called upon to give the claim attention for the some nine years and over that it had been pending before Congress after I became a member of the Committee on Claims, because I noted that my honorable friend from Wisconsin [Mr. SPOONER] had once reported it adversely and that other Senators had done the same. But when it was considered in another place in this Capitol, fully debated, and finally unanimously passed, I felt it my duty to give it an examination, and I have given it a great deal of time and attention.

The circumstances are these: Warren Mitchell, at the time of the breaking out of the war, was a citizen of Kentucky, doing a mercantile business. He had something like \$116,000 due him in Southern States, and was owing money himself. In a consultation with bankers and other creditors of his at his place, Mr. Mitchell was advised by them to go South and undertake to collect for the merchandise that he had sold, in merchandise or in cash, or to make the best settlement he could, in order that he might in turn pay his own creditors.

He received a pass from the highest officer and authority available—General Anderson, who was in command of that division—and crossed the line. He approached his debtors, taking cotton for their debts in some cases, and taking Confederate currency in others, and then exchanged that currency for cotton. He was thus engaged south of the line until 1864, when Sherman's army arrived at Savannah. His cotton was taken under the captured and abandoned property act.

Mr. Mitchell was a loyal supporter of the Union. His cotton is accounted for. I have here on my desk a statement from the Treasury Department showing an account of every bag of cotton and stating upon which particular books of the Treasury it is listed, and also a statement that the cotton was sold for the exact amount which this bill proposes to pay.

Mr. Mitchell went before the Court of Claims, as was provided—

Mr. SCOTT. Will the Senator allow me to interrupt him for just a moment?

Mr. WARREN. Certainly.

Mr. SCOTT. Was the amount of money for which the cotton was sold turned into the Treasury?

Mr. WARREN. It was; and it is there now. Mr. President, I wish it distinctly understood that this bill does not propose to pay one dollar of the money of the United States to this man. It simply restores to him, after some thirty-five or forty years of waiting, the exact amount of money that the United States got from the sale of his cotton and put into the Treasury.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wyoming yield to the Senator from Rhode Island?

Mr. WARREN. Yes.

Mr. ALDRICH. I suppose the Senator from Wyoming is willing to admit that that is not conceded either by the Treasury Department or by a number of gentlemen who have given this subject consideration.

Mr. WARREN. What is not conceded?

Mr. ALDRICH. The fact that the money is in the Treasury of the United States belonging to this man.

Mr. WARREN. Mr. President, the Senator from Rhode Island intends perhaps to be captious, but the Secretary of the Treasury does say that that amount of money was received and put into the Treasury of the United States and that it has not been paid out to this claimant.

Mr. ALDRICH. It certainly has not been paid out to this man.

Mr. WARREN. Or to anybody else.

Mr. ALDRICH. There was unquestionably a large amount of money received into the Treasury of the United States, the proceeds of sales of captured and abandoned cotton, but that it belongs to Mr. Mitchell or to anybody else, or that Mr. Mitchell or anybody else has any legal or equitable right to it is denied both by the Treasury Department and by others who have examined this question.

Mr. WARREN. Well, the Treasury Department acknowledges a certain amount of money received from cotton, and states that

it is accounted for as being captured from the Confederacy. But as to this particular cotton, the Treasury Department does not maintain that position, because it traces the cotton and money all the way through. I have papers here from the War and Treasury Departments which account for this particular cotton and tell upon what pages of the Treasury books it is entered up. So there is no kind of question—I repeat, there is no kind of question—but that this cotton was sold by the United States and the amount stated received for it. It is so stated by the courts, as to the exact amount of money, and that that money went into the Treasury of the United States and has not been paid out to Mitchell or to anybody else for this cotton.

The Court of Claims divided evenly on this case. It is not stated how, but the Court of Claims report states that they divided equally, and the Supreme Court makes the same statement. I am assuming that there were four judges—two and two. Therefore the suit was lost, and it was appealed to the Supreme Court of the United States. The Supreme Court, after a hearing, decided against the claim on the sole ground that Mr. Mitchell was a resident of Kentucky, and therefore the court must apply the nonintercourse act, and it denied him the restitution which he sought.

This is the only question in this case. It may be well to note that Mr. Mitchell obtained his permission and went South before there was any proclamation carrying into effect the nonintercourse act; and in equity it may be well to note that he did not go down there to buy and sell cotton, with a capital in cash to speculate with and to make money, but went down there to collect his debts; and it is well also to note that the amount of the debts he went South to collect corresponds very closely with the amount the Government received for the cotton sold.

It is true—and any lawyer can state that much better than I—that the Supreme Court has passed on this question, but there are a great many such cases that come before Congress. That is what we have a Committee on Claims for, I assume, and I assume that is the reason why we take cases up here for settlement, because the Departments or the courts do not find themselves always able under the exact technical terms of the law to do that which is entirely and palpably equitable.

The Supreme Court, in trying this case, at the end of its opinion makes this significant statement:

Obviously important further facts bearing on the question might have been put in evidence by either party. We regret that this was not done. As the case is presented, our conclusion must necessarily be against the appellant.

Mr. PLATT of Connecticut. I do not find that quotation in the opinion.

Mr. WARREN. If the Senator doubts it, I will send it to him.

Mr. SPOONER. It is not in the opinion.

Mr. PLATT of Connecticut. I do not find it.

Mr. WARREN. As it comes to a matter of veracity, the Senator will allow me to show him whether I am right or he is right.

Mr. SPOONER. I do not see it.

Mr. PLATT of Connecticut. I do not see it.

Mr. PETTUS. Would it interrupt the Senator from Wyoming if I asked him a question about this case?

Mr. WARREN. Certainly not.

Mr. PETTUS. I should like to know the difference between this case and the hundreds of others that have been pending here for years and years.

Mr. WARREN. I will get to that in a moment.

Mr. SPOONER (to Mr. WARREN). Here is the opinion.

Mr. WARREN. That is not the entire case or opinion. I have the complete opinion here for the inspection of the Senator if he wishes to see it.

Mr. PLATT of Connecticut. I have the complete opinion as published.

Mr. WARREN. I have it as published in the Court of Claims report.

Mr. PLATT of Connecticut. Oh, the Court of Claims!

Mr. ALDRICH. The decision of the Court of Claims!

Mr. LODGE. That is not the Supreme Court.

Mr. WARREN. Quoting the Supreme Court.

Mr. ALDRICH. I wish the Senator would read it, if it is there.

Mr. LODGE. There is nothing in Wallace about it.

Mr. WARREN. Was Mr. Justice Swayne on the Court of Claims or was he on the Supreme Court?

Mr. PLATT of Connecticut. On the Supreme Court.

Mr. WARREN. Very well. Mr. Justice Swayne delivered the opinion of the court. It passes along, and here in the syllabus is the last paragraph:

Obviously important further facts bearing on the question might have been put in evidence by either party. We regret that this was not done. As the case is presented, our conclusion must necessarily be against the appellant. The judgment of the Court of Claims is affirmed.

Mr. LODGE. It is not in Wallace.

Mr. PLATT of Connecticut. Some one must have edited the opinion, then, because in the regular official edition of the United States Supreme Court Reports that language does not appear.

Mr. WARREN. That, in Wallace, does not claim to be a full report. This from which I am reading gives the argument and the entire report, and that is Judge Swayne's opinion, as I have read it. I am informed that another edition of Wallace, the one in the library of the Cooperative Association of Lawyers, or whatever it is called, publishes opinions in full as they are uttered and written. But certain I am that the opinion as written and in the archives of the court is as I have read it and as it is published in the volume from which I read.

Mr. BLACKBURN. That is simply a syllabus.

Mr. PLATT of Connecticut. This is the way the reports are published. That has been edited.

Mr. LODGE. Those are the Court of Claims Reports.

Mr. WARREN. This is not a Court of Claims Report.

Mr. LODGE. It is marked on the back "Court of Claims Report." It is not the official Supreme Court Report.

Mr. WARREN. Yes; but it quotes verbatim the opinion of the Supreme Court as uttered. If it is a question of veracity, we will leave it to the Supreme Court files; but I assert again that the Supreme Court found just that which I have stated.

Mr. LODGE. It is not in the Supreme Court Report.

Mr. WARREN. Here is a book which gives the entire argument and the entire finding or opinion. The other does not.

Mr. LODGE. That is the Court of Claims Report. They cite an opinion of Justice Swayne. The opinion of Justice Swayne in the official report of the Supreme Court—Wallace, the only official report—does not contain what is cited there.

Mr. WARREN. It does not pretend to contain the entire finding of the court.

Mr. LODGE. Then the Senator disputes the authenticity of the Supreme Court Report.

Mr. WARREN. Not at all. As far as it goes it is correct, but it does not include it all. That is the difference, as I have already explained.

Mr. SPOONER. Then it is not correct.

Mr. LODGE. It is not correct.

Mr. WARREN. I submit to the Senator the document I have here. The question may be between the Senators and the Court of Claims as to whether the Court of Claims forged an opinion of Judge Swayne. But the files of the Supreme Court will substantiate me in what I have asserted.

Mr. LODGE. If the correct report of the opinions of the Supreme Court is published in the Court of Claims Reports and not by the official reporter of the Supreme Court, it is a very serious matter indeed, because it invalidates all the Reports of the Supreme Court.

Mr. WARREN. There is no question of difference, except that the one is more ample than the other, and the one states the salient points of the opinion and the other is complete—the argument, as well as the finding and opinion.

Mr. LODGE. It seems to me the more ample one should be the Supreme Court Report.

Mr. WARREN. I will leave that with the Court of Claims and the Senator. I think as to the matter of verity between myself and the other Senators, I at least have already proven the authority from which I quoted. I will submit further proof later.

Mr. FULTON. I suggest to the Senator from Wyoming, although I have not examined either of these opinions, that oftentimes the opinion as published in the Supreme Court Reports gives only that portion of the opinion which deals with the issues, and this was not concerning any issue in the case. It may have been omitted from the report as published and still may be in the opinion of the Supreme Court on file.

Mr. WARREN. The Senator from Alabama [Mr. PETTUS] has asked me the difference between this and other claims. I have not had my attention called in my short service of nine years in the Committee on Claims to any similar case. The difference in this case and others is, first, that the party was loyal; second, that there is no evidence that he went into this cotton operation to take advantage of his Government, or to intentionally break or evade the law, but simply to collect the amount due him for merchandise previously sold. He was not caught trying to get cotton across the line surreptitiously. He was there pursuing his business. The cotton was taken under the abandoned-property act. As I said before, he did not allow the matter to rest, but took it promptly to court. The only question is whether the equities are persuasive enough to allow this man the money that undoubtedly belongs to him, the decision of the court against him on law points notwithstanding.

There is no claim, no shadow of a claim, made by anybody but Mitchell's heirs against this amount of money. The question is simply, Shall the United States take a bludgeon and go out on the streets and hold a man up and take from him a hundred and

twenty-odd thousand dollars and use and indefinitely hold it, or shall they return it to its proper owner, it being trust funds?

There is another matter. Mr. Mitchell, before the war, was in partnership with a man by the name of Armstrong. Armstrong had gone south at a prior date. While Mitchell was in the South he discovered that Armstrong had made a contract to do certain things—that was, to butcher cattle and to deliver the meat for parties who were in rebellion. He immediately protested against the use of his name and that of the partnership, but finding himself, by the use of his name by his partner, responsible under a large bond, he stayed there for nearly a month until he could get relieved from the contract and the work. For this suspicion or shadow of suspicion of disloyalty he took advantage later on, as many another did, to apply and receive a full and free pardon.

It is intimated in the trial all through that if Warren Mitchell had made his residence south of the line, there would have been no question; he would have received the pay for his cotton. On the other hand, others who were not loyal did receive money for cotton on the ground that general amnesty granted afterwards cleansed them from their disloyalty. So had he been disloyal, he could have been paid. Had he lied and claimed his home South, where he spent his time those two or three years, he would have been paid. Shall we rob him because he was honest? Mr. Mitchell is spoken of in the highest terms as an honest, worthy man by men like General Bristow, former Secretary of the Treasury, numerous former Senators in this body who knew him, Members of the House, and others; and I am impressed from all the evidence that he was a highly respected, straightforward, honest citizen, who would not stoop to any deception to undertake to prove he had moved his home south of the line, whatever might be the results of the trial. So in the Supreme Court the case turned on that one question alone—I think I can state it that strongly—of nonintercourse; that he lived on one side, and that his property was on the other.

Now, it is for Congress to say whether the United States, which at best and most was simply a trustee in fact for the abandoned and captured property which was taken, shall retain the money. The United States paid various people, certainly all the noncombatants. But such of the cotton as belonged to the Confederacy it confiscated. There is the whole question. The United States as trustee has this much cash. This man in pursuit of his business had that much cotton which produced the cash. Shall harsh and strict adherence to the rule cause him to lose that money and the Government to retain it? That is all there is to the case.

Mr. BLACKBURN. Mr. President, I knew the claimant in this case intimately pretty nearly all my life. He is entitled to every encomium that has been passed upon him, whether by the Senator from Wyoming [Mr. WARREN] or by former Senator Stevenson, of Kentucky, or former Secretary of the Treasury, General Bristow. They were all intimate personal associates of the claimant, and their testimony as to his character, as to his honesty, as to his status politically is all embraced in the record before the court.

Mr. ALDRICH. Will it be too much trouble to ask the Senator to put that into the record of the Senate?

Mr. BLACKBURN. To put what?

Mr. ALDRICH. To put those statements into the record of the Senate.

Mr. BLACKBURN. I would be very glad to do it, but I would have to get them from the records of the court. The report filed by the Committee on Claims in the Senate shows the Senator where they are. The report which I have in my hand recites the statements of all these gentlemen—Senator Stevenson, General Bristow, Virgil McKnight, the oldest and leading banker of the city of Louisville, and many others of similar character and standing, and this claimant was entitled to—

Mr. ALDRICH. As to his respectability.

Mr. BLACKBURN. Yes; as to his personal integrity, his high character, and all that. It is testified to in the record of the court by all these witnesses, and he was entitled to everything they said on his behalf.

The only objection I can see that can be fairly urged against the payment of this claim would be that there are many other claims equally as just and meritorious as this one which have not been favorably acted upon. I can not see how any other objection can fairly be urged against the passage of this bill. The Senator from Wyoming has stated the facts as developed in the record, and he stated them truthfully and candidly.

This case presents, then, this state of facts: Here was a citizen of Kentucky who had, at the outbreak of the war, a large amount of debts due him in the seceding rebellious States. He went there to collect those debts. I am not traveling outside of the record, nor am I perverting the testimony at all. He went there to engage in no business except to collect the debts that were due him before the outbreak of the war. In the prosecution of that effort he found it impossible to collect his debts in money, but the debt-

ors advised him of their readiness and willingness to discharge their obligations if he would take it in cotton, which they owned, at an agreed price; which he did. Thus he succeeded in his mission. I repeat it was not a commercial or a business venture. It was simply an effort to collect what was due him from parties who were unable to pay in cash, but who were able to pay in the product of their labor and their farms.

He collected his debts in the shape of cotton. The record shows that the Federal Government came into possession of his cotton. Even the technical requirements of the law have been complied with, and the proof was furnished to the satisfaction of the Federal Government that his identical cotton was sold and the proceeds, amounting to a hundred and twenty-eight thousand dollars—I speak in round numbers—were covered into the Federal Treasury, where they are to-day. No man nor government has ever asserted an adverse title to that money. The fact that this is the identical \$128,000 which the Senator—

Mr. WARREN. Will the Senator from Kentucky permit me?

Mr. BLACKBURN. Certainly.

Mr. WARREN. I am just now informed by the Senator from Oregon [Mr. FULTON] that during this debate he has visited the Supreme Court, examined the original opinion, and found it as I have said, and I am therefore assured again that the Supreme Court finding is exactly as I stated it, the abridged Wallace notwithstanding. Must I, a layman, instruct the lawyers of the Senate concerning the law? It seems there are times when I must.

Mr. BLACKBURN. Mr. President, resuming, there is no claimant to this amount of money except the one represented in this report and by this bill. It is denied by no one that the \$128,000 in round numbers which this bill proposes to appropriate to pay off this claim is the identical \$128,000 which the Government received as the proceeds of the sale of his cotton, and no adverse claim has been presented by anybody in this world.

Now, this bill has passed the House. It has been here, as the Senator from Wisconsin has told you, for many years. When he was the very efficient and able chairman of the Committee on Claims it was here. He did not at that time approve of the payment of this money. He has stated that fact to the Senate and stated it correctly.

The bill has been for all these years under the searchlight of the two Committees of Claims of the two Houses of Congress. It has at last passed the House. The severest scrutiny possible to which you may subject any measure this bill has endured, and here is the result—the Committee on Claims unanimously reporting in favor of the passage of this House bill. The question of loyalty was settled. The question of ownership was settled. Every bar that could be pleaded was interposed, and this is the result.

Now, I appeal to the Senate. If the Senate shall refuse to pass this House bill, thereby insisting upon the Government holding still longer the \$128,000 which it is conceded the Government holds to-day as a trustee for the benefit of the owner, and there is but one claimant to the property, and there has been but one, I submit that it would be a declaration of a purpose of confiscation of private property. There is not a test to which this claimant has not been subjected in the courts of our country. He has gone through the Court of Claims, and he has gone through the court of last resort—the Supreme Court of the United States—and the result summed up in a single sentence is that his money lies in the vaults of the Treasury unclaimed by anybody, and when I say "unclaimed by anybody," I mean to include the Government of the United States, for it has no shadow of claim. Under these conditions it does seem to me that this bill should pass.

Mr. SPOONER. Mr. President, I can not give my concurrence to the proposition so often advanced here by the Senator from Wyoming [Mr. WARREN] and repeated by the Senator from Kentucky [Mr. BLACKBURN], that the Senate should pass this bill because the House has passed it.

Mr. BLACKBURN. I did not say that.

Mr. SPOONER. Practically that. This bill, the Senator said, was unanimously reported by the committee in the House—I assume that his statement is an accurate one—and that it was passed by the House. Of course, we know that. But the question is whether it shall be passed by the Senate. It never has been the rule of legislation that either House blindly passes a measure because it has passed another, and it never ought to become the rule.

Each House is confronted with its own obligation of duty and its own responsibility to the public, just as each and every member of each House is; and every measure which is presented to the Senate, as every measure which is presented to the House, should have the benefit of independent investigation and debate, and it should be, when it passes, the result of the intelligent judgment of Congress.

Mr. President, the vice of the statement so often reiterated by the Senator from Wyoming [Mr. WARREN], whose absence I regret—

Mr. WARREN. I am not very far off.

Mr. SPOONER. Whose presence delights me, and the Senator from Kentucky [Mr. BLACKBURN], that the \$128,000 in the Treasury is the property of Warren Mitchell, and therefore his legal representatives are entitled to it, is this: There is not the slightest foundation in law or in fact, whatever conclusion the Congress might reach on general considerations, for that statement. The truth is that the pendency of this bill in the Congress is an appeal from a unanimous decision of the Supreme Court of the United States.

The Supreme Court of the United States decided in a case between the United States and Warren Mitchell, *res adjudicata*, a matter of eternal verity from the standpoint of the law, that Warren Mitchell was a citizen of Kentucky. He claimed, until an examination of the Confederate archives disclosed to the contrary, that he was a loyal citizen of Kentucky. He left Kentucky, being a member of the firm of Mitchell, Armstrong & Co., shortly after the proclamation of nonintercourse instead of before it, as I recollect the fact.

Mr. WARREN. I can say that his pass from General Anderson antedated the nonintercourse act, and I think his departure South also antedated the proclamation of the President putting into effect the nonintercourse act.

Mr. SPOONER. I care nothing about that. The Senator refers to leaving—

Mr. HALE. Mr. President—

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

Mr. SPOONER. Certainly.

Mr. HALE. This is a very important matter, and the Senator's statements are most important. I think the Senate ought to hear them. I suggest the lack of a quorum.

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

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

Aldrich,	Frye,	Long,	Platt, Conn.
Alger,	Fulton,	McComas,	Platt, N. Y.
Bacon,	Gallinger,	McCreary,	Quarles,
Bard,	Gamble,	McCumber,	Scott,
Bate,	Gorman,	McLaurin,	Simmons,
Berry,	Hale,	Martin,	Spooner,
Blackburn,	Hansbrough,	Mitchell,	Stone,
Burnham,	Heyburn,	Money,	Teller,
Burrows,	Kean,	Morgan,	Warren,
Daniel,	Kearns,	Nelson,	Wetmore.
Dietrich,	Kittredge,	Penrose,	
Dryden,	Latimer,	Perkins,	
Fairbanks,	Lodge,	Pettus,	

The PRESIDENT *pro tempore*. Forty-nine Senators have responded to their names. There is a quorum present.

Mr. SPOONER. Mr. President, it is a matter of no consequence when Mr. Mitchell received the pass which enabled him to go across the line, or when he carried the pass in his pocket across the line.

That pass, although it was not offered in evidence, had the effect of necessity to prohibit him—and it was issued upon that condition, as all such permits were—from violating the nonintercourse act and from giving, of course, aid and comfort to the enemy.

Now, there is a wide distinction between this case and the cotton claims that are pending here.

Most of those claims, indeed all of them, so far as I know, are claims for the proceeds of cotton seized from individual owners who lived within the limits of the Confederacy, who were citizens of the Confederacy, and many of whom of course were loyal to the Confederacy, and therefore disloyal to the United States.

The Supreme Court of the United States did hold, as the Senator from Wyoming said, that the amnesty act as to such claims was an act of oblivion equal in measure to a pardon, and that disloyalty could not be, therefore, asserted by the Government against a claim by the individual owner who had been disloyal and who had been amnestied for the proceeds of cotton which had been captured or seized by the Government and sold and the proceeds deposited in the Treasury.

The court having held that to be a trust fund, not the property of the United States, what stands now between those claimants and that fund in the Treasury, if there be such, is the statute of limitations. In none of those cases has any question been raised, so far as I remember, as to the validity of the claim which is asserted. The ownership of the property claimed, of the cotton, the proceeds of which are claimed, of course must be proven.

But in this case the difficulty is that under the decision of the Supreme Court of the United States, which the Senate is asked to reverse, Warren Mitchell was not the owner of that cotton, and therefore he is not the owner of the proceeds of the sale of that cotton in the Treasury of the United States.

Mr. WARREN. If the Senator will permit me, will he state who does own the proceeds of the cotton?

Mr. SPOONER. Mr. President, that is another question. This property, as I recollect it, was seized at Savannah; and if Warren Mitchell did not become the owner of it, it may be that some other citizen of that State is the owner of it and would be entitled to the proceeds. That is an additional reason why this money should not be paid to the representatives of Warren Mitchell.

Mr. WARREN. If the Senator will permit me, the papers from the Treasury Department show there is no question as to that, and the court does not raise that question at all. The court admits the taking of the cotton, the amount of the proceeds, and rules against Mitchell upon the ground, as the Senator has stated, of the nonintercourse act.

Mr. SPOONER. That I need not question.

Mr. WARREN. The cotton certainly belonged to Mitchell and certainly was claimed by nobody else.

Mr. SPOONER. The Senator made a very capable statement of this case from his standpoint, as good and thorough as a layman could be expected to make; yes, better than the ordinary layman; but the Senator begs the question. The nonintercourse act being violated, Mitchell acquired no title in law to the cotton.

Mr. TELLER. Who had the title?

Mr. SPOONER. I think the United States probably had the title. At any rate, the court held that Mitchell did not have it, because he was a citizen of Kentucky trading across the lines in violation of the nonintercourse act.

Mr. WARREN. No; not trading across the line.

Mr. SPOONER. Yes.

Mr. WARREN. He made no attempt to trade across the line.

Mr. SPOONER. Yes, he did.

Mr. WARREN. He went across with his pass and did not cross the line to acquire the cotton there, and the United States came down and took it.

Mr. SPOONER. He could not go across with his pass without going across, and what he went across was the line which divided the forces of the United States from the forces of the Confederacy.

Mr. TELLER. He had a permit.

Mr. SPOONER. Yes; he had a permit to go across, but he did not have a permit to go across and trade with the enemy.

Mr. ALDRICH. Which he did.

Mr. SPOONER. And with the purpose of sending within the Union lines the cotton which was purchased of the enemy.

Mr. WARREN. There is no proof of that.

Mr. SPOONER. I think there is proof of it.

Mr. SCOTT. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. SPOONER. Certainly.

Mr. SCOTT. Does the Senator from Wisconsin hold, then, that the cotton belongs to the United States or does it belong to some person other than the United States?

Mr. SPOONER. It belongs to the United States certainly as against Warren Mitchell, and that is all that is involved in this discussion. The whole question raised in the Court of Claims and upon which that court evenly divided and carried to the Supreme Court of the United States was the question of Warren Mitchell's ownership of this cotton, and therefore the validity of his claim to the proceeds of the cotton sold to the Government.

That question turned on the question whether he had lost his residence in the State of Kentucky and had become a resident within the Confederate lines, a citizen of the Confederacy. If he had gone South, as his partner Armstrong did, when the war broke out, to cast in his fortunes with the Confederacy and aided it to his uttermost, his acquisition of this cotton would not have been a violation of the nonintercourse act, and this impeachment, absolutely irrefragable in law, of his ownership could not have existed.

His attitude, then, would have been the same as the attitude of some of the constituents of my friend the Senator from Alabama [Mr. MORGAN], who, in their acquisition of cotton, did not violate the nonintercourse act, and whose offense of disloyalty was obliterated, under the decision of the Supreme Court, by the amnesty. But that is not this case. Does the Senator from Wyoming contend that a contract made in violation of the nonintercourse act is valid as against the United States?

Mr. WARREN. The Senator has very kindly admitted that I made a very fair statement for a layman. Sometimes a lawyer makes a fair statement from a business point of view, but as a business man doing business with his brother business men it is natural to look at the equities of the case.

If this man went South to defraud anybody, to be disloyal to his country, to take advantage of anybody, there would be no equity. If he went South to save and collect the debts due him where he had previously given credit and thus obtain means with which to pay his debts where he owed them, then in equity, as a noncom-

batant and as a loyal citizen, and it does not matter whether he was or was not loyal, he should not have his property confiscated.

Mr. PLATT of Connecticut. Does the Senator think he entered into the butchering business, supplying—

Mr. SPOONER. I will get to that. There is no question of confiscating his property. The question I put to the distinguished Senator from Wyoming is whether, having acquired the property in violation of the nonintercourse act, he had any property in it in law.

Mr. WARREN. Mr. President, if Warren Mitchell had stayed, after he bought that cotton, south of the line and had claimed that that was his residence, and it was a mere matter of a statement or choice for him where he selected and designated, there would have been no question about his receiving the money for the cotton.

Mr. SPOONER. This claim has been pushed and pushed. It was once rejected by the Senate, three times adversely reported by the Committee on Claims, once by Senator Angus Cameron, once by Senator Jackson, of Tennessee, afterwards an associate justice of the Supreme Court of the United States, one of the ablest jurists who ever sat upon that bench, and one of the most faithful men who ever served in this Chamber.

Mr. WARREN. It was also reported favorably—

Mr. SPOONER. I was going to say that.

Mr. WARREN. By former Senator Gray, who is also a distinguished member of the United States circuit court, and by other distinguished Senators.

Mr. SPOONER. I was going to say that. Once there was a minority report signed by Senator Hoar, Senator Dolph, and myself.

One of the last reports I made before I left the Senate was a minority report, and an elaborate one, the result of very careful investigation, in which Senator Hoar concurred.

I assert, without fear of successful contradiction anywhere, Mr. President, that so far as the law is concerned, as settled by the Supreme Court of the United States, Warren Mitchell had no title whatever to this cotton, no matter who else may have.

It was contraband of war. He had acquired it in violation of the nonintercourse act, and it was seized at Savannah. Senators say that he went South simply to collect some debts. I ask the attention of the Senator—

The PRESIDENT pro tempore. The Senator will please suspend while the Chair lays before the Senate the unfinished business.

The SECRETARY. A 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.

Mr. McCUMBER. I understand that the bill which has been before the Senate can not be passed without considerable more debate.

Mr. SPOONER. The Senator from North Dakota is correctly informed.

Mr. McCUMBER. So I suppose we may as well go on with the unfinished business.

Mr. SPOONER. Mr. President, my speech is to be continued at our next session at which this subject comes up.

Mr. WARREN. I have no wish to displace the appropriation bill, if I had the power. It has been perfectly apparent from the first that the time until 2 o'clock would be consumed in the debate. Of course, the hour of 2 o'clock having arrived, the bill must be laid aside for the present.

MINERAL LANDS.

The bill (H. R. 13293) to amend section 2327 of the Revised Statutes of the United States, relating to lands, was read the first time by its title.

Mr. HEYBURN. I ask that that bill may be taken up for present consideration and passed. The Senate has passed a bill similar in almost every respect to that bill, and if the House bill is passed by the Senate I will withdraw the Senate bill.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent for the present consideration of the bill. It will be read.

The bill was read the second time at length, as follows:

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 or shall be 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 monu-

ments 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."

There being no objection, 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.

Mr. HEYBURN. I move that the House of Representatives be requested to return to the Senate the bill (S. 3596) to amend section 2327 of the Revised Statutes of the United States, concerning mineral lands.

The motion was agreed to.

ADDITIONAL JUDGES IN INDIAN TERRITORY.

The 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, was read twice by its title.

Mr. PLATT of Connecticut. On last Monday the Senate passed a bill on the same subject, and at the same time the House passed a bill. The House bill has come over here and our bill has gone to the House. I ask that the bill be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT of Connecticut. I move to strike out all after the enacting clause of the House bill and to substitute for it the bill which we passed in the Senate.

The PRESIDENT pro tempore. The Senator from Connecticut moves to strike out all after the enacting clause of the House bill and to substitute the bill as it passed the Senate.

The SECRETARY. Strike out all after the enacting clause of the House bill and insert the following:

That there shall be appointed by the President, by and with the advice and consent of the Senate, four additional judges of the United States court in the Indian Territory, one for the northern district, one for the western district, one for the central district, and one for the southern district. And said judges shall have all the authority, exercise all the powers, perform like duties, and receive the same salary as other judges of said court, and shall each serve for a term of two years from date of appointment, and shall be members of the court of appeals for the Indian Territory: *Provided*, That none of said judges shall have power to appoint clerks of courts, United States commissioners, or United States constables.

Mr. TELLER. Before that is done, I move an amendment to the bill if I am in order to move it now. I do not know whether I should wait until the substitute is adopted and then amend the amendment, or whether I should move to amend the bill as amended.

The PRESIDENT pro tempore. It would be entirely in order to amend the amendment.

Mr. TELLER. Then I move to add as an additional section the following:

That an additional recording district in the Indian Territory is hereby established, with a United States court at Wapanucka. The boundaries of said recording district shall be fixed by the judge of the central district of Indian Territory, who shall also have authority to appoint a commissioner and constable for said district.

Mr. PLATT of Connecticut. I hope the Senate will not assent to this amendment. I will state the difference between the House bill and the Senate bill. The Senate bill is for the appointment of four judges in the Indian Territory, who shall serve two years and who shall be members of the court of appeals. That is all there is of the Senate bill. The House bill provides for the appointment of three judges in the Indian Territory to serve four years, who shall not be members of the court of appeals, and they have added a provision for the making of five or six new recording districts there.

Now, the Senator from Colorado proposes to provide for the making of a new recording district, and wants to attach it as an amendment to the substituted Senate bill. I think it will embarrass us very much when we come into conference if we have added a recording district here. I do not think myself there ought to be any legislation on that subject, and if the conferees find that the Senate has provided for one recording district we can not very well say that the House bill should not be adopted in that respect. I do not think we ought to act on the subject of recording districts upon this bill. Now, that is all I desire to say about it.

Mr. TELLER. The question whether there are to be recording districts or not will not be the main question in controversy between the two Houses. It will be as to the judges. The House has put in a provision for recording districts. They ought to have put in another for which I think there has been a good deal more demand than for those they put in. The matter will be in conference as to whether there shall be any new recording dis-

tricts. If we put in this provision, it can be treated with the others and no harm can possibly come by our saying, "If you are going to make any recording districts, you should make this one." The population and everything else demands that if they make any they should make this district. If we fail to put it in now, there will be no opportunity to get it in during the present session. The committee of conference will have the matter before it. If the other body objects, they can drop it out. There can no harm come by putting it in, I am sure.

Mr. HALE. Mr. President, I rise to a question of order. What is the regular order?

The PRESIDENT pro tempore. The pension appropriation bill.

Mr. HALE. I will not shut off the Senators if the matter up can be got out of the way, but I do not consent that the regular order, an appropriation bill, shall be long suspended. I will withhold the call for a few moments.

Mr. TELLER. Can the bill be objected to now?

Mr. HALE. It is up only by unanimous consent.

Mr. TELLER. I think the Senator from Connecticut ought to consent to this amendment. I do not think that he should take up the bill now and cut us out of an opportunity to have the amendment considered.

Mr. PLATT of Connecticut. If that claim is made, of course I will not take the time of the Senate to obstruct or endanger the bill by further discussion.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

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

The bill was read the third time, and passed.

Mr. PLATT of Connecticut. I move that the House of Representatives be requested to return the bill (S. 4316) providing for the appointment of additional judges in the Indian Territory.

The motion was agreed to.

TIMBER AND STONE ACT.

Mr. COCKRELL. Will the Senator from North Dakota permit me to have two bills stricken from the Calendar, so as to dispose of them?

Mr. McCUMBER. I yield for that purpose.

Mr. COCKRELL. I move that the bill (S. 2860) to further amend an act to amend an act approved January 21, 1903, entitled "An act to amend an act entitled 'An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory,' approved June 6, 1900," be indefinitely postponed.

The motion was agreed to.

PIPE LINES IN INDIAN TERRITORY.

Mr. COCKRELL. I move that the bill (S. 2302) to amend section 3 of the act entitled "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, 1902, and for other purposes," be indefinitely postponed.

The motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. HALE. I demand the regular order.

The PRESIDENT pro tempore. The pension appropriation bill is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6578) 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, which had been reported from the Committee on Pensions with an amendment.

The amendment of the Committee on Pensions was, on page 2, line 2, to increase the appropriation for army and navy pensions from \$136,800,000 to \$137,010,600.

Mr. GORMAN. Mr. President, I should like to ask the Senator from North Dakota as to the amendment of the committee on page 2. Why has an increase been made there over the bill as it came from the House of Representatives to the Senate? I should like the Senator to explain that.

Mr. McCUMBER. I will do that, Mr. President. On account of Order No. 78 made by the Commissioner of Pensions, on account of the general demand for a service pension, and on account of the prominence that has been given to the Pension Bureau in the debate in this body during the last two or three weeks, it seems to me appropriate when bringing this bill before the Senate for consideration to discuss the bill very briefly, and also the order which has been many times referred to in the Senate Chamber.

Mr. President, this bill as it passed the House of Representatives recommended the following items of appropriation:

Title of expenditure.	Recommended for 1905.
Payment of pensions.....	\$136,800,000
Fees of examining surgeons.....	800,000
Salaries of agents.....	72,000
Clerk hire at agencies.....	430,000
Stationery and other necessary expenses.....	35,000
Rent.....	10,600
Examination of pension agencies.....	2,500
Total.....	138,150,100

The Pension Committee has favorably reported Senate bill No. 671, to increase the pensions of those who have lost both eyes or have become totally blind from causes occurring in the naval or military service of the United States. That bill has since become a law. The total number of persons affected by that particular act are 600, and the necessary amount to raise their pensions from \$72 per month, that they are now receiving, to \$100 per month, the amount provided in the bill, will be \$201,600. That would make a total recommended by the committee at the time the report was made and the bill was reported to the Senate of \$138,351,700. That addition is the amendment to which the Senator from Maryland [Mr. GORMAN] has referred. It simply adds that amount, as that bill was not taken into consideration when the estimates were made upon which the House based their appropriation.

This sum of \$138,351,700 is, of course, exclusive of the sums paid for the support of the Pension Bureau and the Soldiers' Homes. The number of pensioners upon the roll on July 1, 1903, including all of the wars and including widows and minor children, dependent parents, etc., was 996,545. The average value of each pension under the general law is \$176.16. The average value of each pension under the act of June 27, 1890, is \$108.82.

Mr. President, measured by the pensions granted by any other nation of the world, these pensions may be considered extremely liberal; but measured by any other war of modern history, we believe that justice demands liberality in favor of the survivors of the war of the rebellion.

It is true that not only by successive laws, but also by the orders of the Department, the pensions under the old law have gradually been raised for many disabilities; also the amount that is being allowed from day to day at the present time is greater than the amount that was allowed under the same law for the same disabilities ten, fifteen, or twenty-five years ago. But there are reasons for this, Mr. President. No other war in the history of this nation, in my humble opinion, has ever called for such courage, such self-sacrifice, such patriotic devotion on the part of soldiers as was exhibited by the soldiers of the war of the rebellion.

In the Revolutionary struggle our forefathers were called upon to do battle, not against another colony which had grown up under like conditions, but against a country which, in a certain sense and to a certain degree and extent, had become foreign to them. A century and a half, Mr. President, of life, separated by 3,000 miles of sea, without that communication which to-day brings all the nations together in neighborly fellowship, had developed on this side of the Atlantic Ocean practically a separate nation.

No such condition, Mr. President, confronted the veterans of the civil war. The soldiers of one State were summoned to do battle against the people of an adjoining State, against those of the same blood, against those of the same history, the same character, the same fighting qualities—men endeared to each other, Mr. President, by the memory of the wars wherein they had fought side by side and had won great victories by land and sea. Therefore it was not a slight demand when the northern soldier was called to a death struggle with the brave armies of the South.

Mr. President, the world at large has never, I believe, fully appreciated the deep devotion to the cause of the Union of our soldiers. When the soldiers of the civil war were summoned they knew they were called upon to fight not an inferior race, not even a different nation, but brothers of their own blood, men of their own fighting tenacity and character. They knew that they were called upon to meet an army as well armed, as well provided, as well commanded as were they themselves. They knew, Mr. President, that the chances of victory or defeat were nearly equally balanced. In the very beginning of the conflict they knew that the advantage must be necessarily with their opponents. The forts and the arsenals were in their hands; the skilled generals for the most part were on their side; the climatic conditions were favorable to the defenders and were unfavorable to the northern soldiers. They also knew that all along the line they must be the aggressors, and that aggression meant multiplied and disproportionate danger. It required patriotism and love of coun-

try and a conviction of right to face those conditions. They were not ordinary conditions.

Let us take, for example, the conditions in the State of Kentucky alone, where 80,000 men from that State joined the armies of the Confederacy and about 80,000 men from the same State joined the armies of the North. Those men, therefore, were required to fight, not against a foreign foe, not against an invader, but son against son and parent against his children.

This was a condition, I say, that appealed especially to patriotism and love of country. Well might the northern men have said, "These are of our own blood; these are our brothers; let them go out of the Union." There was a case entirely different from where a foreign force is upon our own soil. The case is entirely different from that where our armies are sent abroad to face their enemies. The case was one that called, as I say, for national patriotism; and the love of country was so deep in the hearts of all the American soldiers of the North that they laid aside all other sentiments.

Therefore, Mr. President, if the country is paying liberal pensions, it is paying also for a patriotism and for a duty performed toward itself that has never been exhibited in the history of any country or in any civil war.

The nation has not been ungrateful, Mr. President, for the sacrifices of that war. If our debt of gratitude has been great beyond measure, so, too, have we responded beyond measure to the patriotic impulses of the American people to pay so far as in our power we could pay that debt, by caring for every soldier, for his widow, and his children, whether the distress results from service, hardship, exposure, wounds, from the natural ills of life, from declining vigor, or from financial destitution. Under our liberal pension laws all alike may call upon the nation for assistance and protection, and the country regards it as a sacred duty, Mr. President, to respond to that call.

In no other country and to the soldiers of no other war has the generosity of an appreciative people been bestowed with such lavish hand as upon the soldiers of the Union; and if we point to the enormous sum of nearly \$3,000,000,000 paid for pensions since 1861, we do it with a sense of pride and not of regret. We feel that it reflects the character of a people who are grateful to their benefactors, who have never forgotten and who will never forget their protectors.

While, on the whole, Mr. President, the pension laws have operated in the past with as little impartiality or injustice as could be expected, as the added years—nearly forty since the close of that war—have sapped the strength and vigor of those engaged in the conflict it has become more difficult to prove the service origin of any disability. It is becoming more and more apparent that our pension laws may be properly revised to meet present conditions. The many enactments out of harmony with each other, and not always so clearly expressed as to leave no doubt of their meaning, emphasize the propriety of a revision of our pension legislation.

In the year 1890 the number of cases of destitution in the ranks of the Army which had fought the civil war had become so marked that the act of June 27, 1890, was enacted, which allowed a pension of not to exceed \$12 per month to every soldier who served ninety days and who was honorably discharged and suffering from permanent disability incapacitating him for manual labor and sufficient to render him unable to earn a support.

This was done, Mr. President, without any reference to the service origin of his disability. It was granted to his widow and to his children under 16 years of age. About three-fifths of all of our pensioners on the roll are receiving their pensions under this act.

The fourteen years which have elapsed since that act of 1890 added to the lives of these men, many of whom were at an advanced age even at that time, have increased the cases of destitution to such an extent as to render \$12 per month inadequate to shield these defenders of the country from want. The result has been a greatly increased number of applications for private pension bills. The growth of this character of legislation in the last six years, Mr. President, is something of a prophecy of its continued growth for the next few years; and I desire to call the attention of the Senate to the encroachment of the Pensions Committee upon the Bureau of Pensions in granting the great number of invalid pensions, and possibly to suggest a remedy.

The number of pension bills reported favorably and enacted by special legislation from 1898 to 1903, inclusive, is as follows: 1898, 394; 1899, 300; 1900, 684; 1901, 707; 1902, 1,114; 1903, 1,057.

So far in any one session before the present session we have not passed the 1,150 limit. The number of pension bills reported favorably in both Houses during the present session up to the present time is 1,832, an increase of about one-third over that of any previous session. I think over 1,500 have already passed both Houses.

All of this suggests, Mr. President, at least to me, that we are

reaching that period when a general service-pension bill should be considered by Congress.

I deem it proper at this time, Mr. President, to present in a very brief form a statement which will at a glance enlighten any Senator as to the present condition of our service pension. I have quoted copiously from the report of the Commissioner of Pensions, and yet I place it in such form that he who runs may read and understand at a glance the present status of our pension laws and the conditions in the Pension Bureau.

The number of pensioners, June 30, 1893:

Soldiers and sailors	729,356
Widows and dependents	267,189

Total

996,545

Under the act of June 27, 1890:

Soldiers and sailors	443,721
Widows and dependents	162,241

Total

605,962

This leaves for all soldiers, sailors, widows, and dependents under all other wars, 390,583.

Civil-war invalids	703,546
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Widows of civil-war invalids	248,390
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Total

951,936

There has been a loss to the rolls during the year, by death, remarriage, limitation, failure to claim, and other causes, 47,388.

There has been a net gain as follows:

By act of the Bureau of Pensions	44,256
By special act of Congress	231

Total

44,487

This seeming discrepancy, Mr. President, between the gain by special act (231) and the number of special acts (1,057) is explained by the fact that all the special acts, except these 231, were for increase of pensions and not for original pensions.

It is estimated that the death rate of pensioners for the ensuing year will be about 45,000 and the loss from other causes 6,000, or a total of 51,000.

Let us consider a moment what we have paid out for pensions. The total paid out for pensions for the year ending June 30, 1903, was \$137,757,652; the cost of maintaining the Bureau of Pensions, \$3,791,179; or a total of \$141,548,832.

The average annual value of each pension was \$133.49; the average annual value under the general law, \$176.16; the average annual value under the law of 1890, \$108.82; the average annual value, war with Spain, \$137.25. More than one-half of the pensions paid out are at the rate of \$10 and under.

The cost of the pension system since the beginning of the Government up to June 30, 1903, amounts to \$3,134,271,254.87. The total amount paid out for pensions since 1866 is \$2,942,178,145.93. This is exclusive, as I have stated, of Soldiers' Homes.

The cost of pension per capita of population in 1903 was \$1.75. The aggregate wealth of the United States in 1903 was placed at \$107,200,000,000. Then the cost of the pension per thousand dollars in 1903 was \$1.32. The cost of pensions per thousand in 1893 was \$2.24, or a decrease of almost \$1 per thousand in ten years—nearly one-half.

I especially call the attention of Senators to the fact that while our pension appropriations may have increased the population and wealth of the country has so increased during that time that the amount per capita is much less, and the amount per each thousand dollars of wealth is only a little more than half what it was ten years ago.

Here is a matter of importance to consider. The total number of cases pending before the Pension Bureau, including minors and dependents and the war with Spain, was, on July 1, 1903, 120,729. That number has been reduced very materially, and this fact enters into consideration in the call of an extra two and a half million dollars to be added to the present pension appropriation.

The number of Spanish-war pensioners of all classes on June 30, 1903, was 12,862.

A word about the unknown army. It is estimated that this army numbers from two hundred to two hundred and twenty-five thousand. It is now applying for pensions at the rate of over 14,000 per annum.

The number of soldiers of the civil war was 2,213,363.

I referred, Mr. President, a moment ago to the fact that we were nearing a period when we should consider the matter of a general service-pension, not only because of the forty years which have elapsed since the civil war, but for the other causes which I mentioned. A brief statement, therefore, of the precedents for service pensions in other wars would be appropriate here.

First, of the Revolutionary war. I want to take up now the acts that were passed and applied to soldiers of that war and to the subsequent wars. The following acts were passed:

The act of March 13, 1818—thirty-five years after the termination of the Revolutionary war—was the first act. The beneficiary under this act must have been in indigent circumstances and in need of assistance.

Second, the act of May 1, 1820. This was known as the "alarm act," and required pensioners to schedule property, and in some cases, where the property was shown to amount to \$150, the claimant was dropped from the rolls.

The third act was that of May 15, 1828, forty-five years after the termination of the Revolutionary war. This act applied only to those who served to the end of the war. So up to this time we had not had a complete service pension.

The fourth act was that of June 7, 1832, forty-nine years after the close of the war. Under this act pensions were granted to those who had served not less than six months. This was practically the first general service-pension act of the Revolution.

The next act was that of July 4, 1836, fifty-three years after the war. This act granted pensions to Revolutionary war widows who were married before the close of the war.

It may be therefore said that the first general service-pension bill for Revolutionary soldiers was enacted forty-nine years after the close of that war.

Now as to the war of 1812. The first act was that of February 14, 1871—fifty-six years after the close of the war. This act required sixty days' service.

The next act was that of March 9, 1878, or sixty-three years after the war. This act reduced the period of service to fourteen days.

War with Mexico: The act of January 29, 1887—thirty-nine years after the close of the war—was the first service act. That act required sixty days' service and that the claimant should be 62 years of age or that he should be disabled or dependent.

Indian wars: On July 27, 1892—fifty years and over after the wars mentioned—service pensions were granted. Mr. President, to those who served thirty days in the Black Hawk, the Creek, the Cherokee, and the Seminole wars, and on July 27, 1893, the benefits of this act were extended to soldiers of other Indian wars.

Recapitulating, these service pensions were granted for service in the several wars and after the close of such wars as follows: Revolution, forty-nine years thereafter; war of 1812, fifty-six years thereafter; war with Mexico, thirty-nine years thereafter; Indian wars, fifty years and upward thereafter; average limitation, forty-eight years after the close of the war.

As indicating the life of the pensioners for any particular war it may not be uninteresting, Mr. President, to make record of the fact, very little known generally through the country, that we are now carrying upon our rolls two widows of Revolutionary war soldiers, two daughters of soldiers of that war, and, from information obtained from the secretary of the Association of the Daughters of the American Revolution, I find that there are 293 real daughters of soldiers of the Revolution who are members of that order.

It is fair to say that there are about an equal number of sons of veterans of the Revolutionary war. This would make of survivors, then, about 600 sons and daughters of real soldiers of the American Revolution.

Widows and daughters, of course, are carried on the pension rolls a great deal longer than survivors of the wars. It is perhaps a little strange to note that there is but one survivor of the war of 1812 upon the pension list; but there are 1,115 widows of soldiers of that war.

Mr. President, I think this presents as briefly as I can present it the matter of the present condition in the Pension Bureau. I however desire at this time to consider very briefly some suggestions relative to order No. 78, which has received so much attention in the Senate. I wish to call attention, in the first instance, to two general laws under which nearly all of the pensions are granted. The first is section 4692 of the Revised Statutes, which provides:

SEC. 4692. Every person specified in the several classes enumerated in the following section, who has been since the 4th day of March, 1861, or who is hereafter disabled under the conditions therein stated shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States and be entitled to receive, for a total disability or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the relative pension is expressly provided, an amount proportionate to that provided for total disability.

Now, this is what is known as the general law. I wish to call attention to the similarity between this law and the law of 1890. It provides:

All persons who served ninety days, etc., and who are now or may hereafter be suffering from any mental or physical disability or disabilities of a

permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States and be entitled to receive a pension not exceeding \$12 per month and not less than \$6 per month, proportionate to the degree of inability to earn a support.

Now, the first point of similarity to which I wish to call attention, and I direct attention to it because I desire to apply rule 78 to both cases, is the very important fact that a pension is granted only for physical disability. Whether under the general law or under the law of 1890, the question is whether the claimant is suffering physical disability. It makes no difference what his mental qualifications are. The question of the physical disability is considered as bearing only upon his ability to perform manual labor. So under either of these laws the real question is whether the claimant is disabled to perform manual labor. The law which I first quoted, the general law, provides that these facts shall be established according to such forms and regulations as may be provided in pursuance of law.

The law of 1890 provides that the claimant shall receive a pension upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide. So, whether under one law or the other, the proof must be made according to regulations which are provided by the Secretary of the Interior. Under the general law relief will be granted in sums ranging from \$8 to \$30. Under the law of 1890 the relief will be granted in sums ranging from \$6 to \$12, and in either instance it will be granted upon due proof under such rules and regulations as may be provided.

Several other sections of the law fix the amount that will be allowed for specific disabilities. Under the provisions of section 492 the Department has fixed rates independent of those that are fixed by law, covering some 51 different classes. I wish to ask Senators upon the other side of the Chamber who claim that order No. 78, of March 15, is an infringement of the right of the Congress of the United States to pass laws and an assumption upon the part of the Bureau not only to pass the laws, but to grant the pensions thereunder, whether or not if that be true, it has not existed for from thirty to forty years; and if it be true, why it is that in this year 1904, just before a general election, just before a Presidential campaign, it is suddenly found that this act on the part of the Bureau is a law, and not a mere rule, and that the Bureau is usurping the power of Congress.

Let me call attention to just a few of the amounts that have been fixed by the Bureau under the general law. You will notice, in the first instance, that the law simply grants a pension for disability. It does not decide what the disability is. It leaves the Pension Bureau to determine the amount of the disability and what shall be allowed therefor; and in pursuance of that the Bureau has fixed a number of rates. They were introduced the other day by the Senator from New Hampshire [Mr. GALLINGER], but what I especially wish to call attention to is the fact that these same items have been changed by a rule of the Commissioner from three to five times since they were first adopted.

Taking as a basis ankylosis of shoulder, elbow, knee, ankle, and wrist, thus:

Ankylosis of shoulder carries	\$12
Ankylosis of elbow	10
Ankylosis of knee	10
Ankylosis of ankle	8
Ankylosis of wrist	8
Loss of thumb	8
Loss of thumb and little finger	10
Loss of thumb and index finger	12
Loss of sight of one eye	12
Loss of one eye	17
Slight deafness of both ears	6
Severe of one ear and slight of the other	10
Nearly total deafness of one ear and slight of the other	15

These rates have been fixed by the Bureau and not by any law. There is no law fixing these several amounts. They are determined arbitrarily by a rule which has been in force ever since 1861. They are presumptions of disability fixed by a rule and based upon common experience. Let us take the one instance of the amount that is allowed for the loss of an eye. That was raised, in the first instance, from \$4 to \$8, and then from \$8 to \$12, and from \$12, where there is deformity, to \$17. Where did you get the law for that? Where did you get the law to make it \$8 or to make it \$12, and if it was legal to declare that that was a disability for which a pension of \$4 a month should be allowed by the Bureau, under what authority would the Commissioner of Pensions change that rule, make a new rule, and change it from \$4 to \$8 for the same disability? I repeat, it is under the general law which gives him the authority to determine by rules and regulations the amount that shall be allowed in any specific case.

In 1893, at the time when the Lochren order was carried into effect, which fixed the maximum rate of \$12 per month which should be granted when a claimant had reached the age of 75 years,

there were very few soldiers who had reached the age of 62. The average age at that time was 53. While he fixed 65 years of age as evidence of such a degree of disability as would decrease the earning capacity of the average man one-half and would give him a rate of \$6, he did not at that time have a sufficient number of those cases before him to justify that rule as establishing the particular age which should govern all future cases.

Since that time a majority have passed beyond 62 years of age, or more than one-half of them have passed beyond that age. More than a thousand of those applications are considered every day. After considering such applications for three hundred days in the year, is it surprising that the Commissioner of Pensions should arrive at the conclusion that 65 years of age is too high a term to be fixed as a basis for a decrease of one-half the physical ability to earn a support? Is it not natural that he should find that, and is not his conclusion correct?

Let us see how this matter is considered before the Bureau of Pensions. An application comes before that Bureau. There are, say, a thousand of them considered before that Bureau at one time by three or four hundred clerks. It goes to one clerk. He finds that the claimant is 65 years of age. He finds that he has a certain number of disabilities, or that his neighbors testify that he is unable to perform manual labor. He passes it at \$6. It goes up one degree higher. It is taken then by a reviewer. He passes upon it, and he places it at \$8. Another reviewer places it at \$10. It goes finally to the last one, and he reduces it down to \$6. Now, there will be, of course, a divergence running all the way from \$6 up to \$10, but in 99 per cent of the cases, we will say, it is found that when a man has reached the age of 62 years his ability to perform manual labor is decreased one-half.

Mr. MALLORY. Will the Senator from North Dakota permit me?

Mr. McCUMBER. With the greatest pleasure.

Mr. MALLORY. As I understand it, every one of these applicants under the act of 1890 bases his application on the fact that he is disabled from performing manual labor.

Mr. McCUMBER. That is absolutely true in both cases under both laws.

Mr. MALLORY. I am speaking now with reference to the act of 1890.

Mr. McCUMBER. That is correct; that is a part of the law.

Mr. MALLORY. If that is true, I do not understand how the Senator can reach the conclusion that because the Pension Office has a great number of such cases, all claiming to be disabled, to examine during a year or two years or three years, the Pension Office can reach as an average the conclusion that 62 years of age is a criterion whereby you can determine that a man is to a certain degree—that is, one-half or one-quarter—disabled.

Every one of those applicants comes before the Pension Office with the *prima facie* showing on his part, so far as he can, that he is disabled. It is not like taking a body of healthy men and striking an average as to their disability. It is taking a body of men who claim to be disabled and who probably are more or less disabled. Therefore I do not exactly see how the Senator can claim, as has been claimed here by others, that the Pension Office has a better opportunity for deciding on this point than we have in our common observation of the workings of life.

Mr. McCUMBER. It is simply because the Pension Office officers are taking evidence daily upon that specific disability, a disability which will decrease the amount of manual labor a man can perform, and if they find by the testimony in 99 cases out of 100 that a man 62 years of age is disabled one-half, they can take that as a criterion, as a presumption from experience, from facts which have been investigated for thirty or forty years, that when a man who has been a soldier has reached the age of 62 years he is disabled one-half simply because nearly all the cases so indicate.

Allow me to go a step further. He finds it by the same reasoning that the Senator himself would find from actual observation, that when any man has reached the age of 80 he is unable to perform any manual service at all whereby he may earn a living.

Mr. MALLORY. I do not know that the Senator has answered the point I endeavored to make. The point I make is that the Pension Office is not in a position to determine the question, because the only men whom it examines are men who themselves claim to be disabled. It does not examine men who are not disabled or who, at least, claim not to be disabled or who are in a normal condition. The men whom the Pension Office examines are generally in an abnormal condition.

Mr. McCUMBER. If we have 800,000 of those cases, it seems to me there are enough on whom to base a general opinion. There were over a million Union soldiers in the war of the rebellion, and there are about 700,000 of them living at the present time. That seems to me to be enough of an army for the Pension Commissioner to form a correct opinion as to what age will limit the ability to perform manual service. It seems to me the oppor-

tunities are very good, and they are opportunities that no Senator can have, because the Commissioner has the cases constantly before him. We could not do it any more than we could form an opinion on any disease as well as could a physician who is engaged daily in considering that disease.

Mr. SPOONER. Will the Senator from North Dakota permit me for a moment?

Mr. McCUMBER. With pleasure.

Mr. SPOONER. The Senator's phrase, "performing manual service," is not nearly so strong as the law. The law speaks of a disability from earning support by manual labor. That makes a difference.

Mr. McCUMBER. That is what I meant. It is the same thing. If they are unable to perform any service of that character, of course they necessarily could not earn a living.

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

Mr. McCUMBER. Certainly.

Mr. McLAURIN. Is this a presumption of law or a presumption of fact, as the Senator understands?

Mr. McCUMBER. It certainly can only be a presumption of fact.

Mr. McLAURIN. Is it not a rule of law that presumptions of fact are to be drawn by the trier of the question of fact and not by him who lays down the rule of law?

Mr. McCUMBER. Yes, certainly; but what is the fact? The fact to be determined is whether a person who is an applicant is incapable of performing manual labor, and if so, to what degree? The presumption of that will follow from another fact, and that fact may be either his age or any other disability. It is a fact which follows as a presumption from a previously established fact.

Now, what may be the authority of the Commissioner under this law, which states that the proof may be made under rules and regulations? What may the rules and regulations cover? First, they may cover the manner, and, secondly, they may cover the sufficiency of the evidence. Under a rule you determine how the evidence may be introduced, in what form it will be received; and under these regulations you determine or may determine the sufficiency of evidence, or the amount of evidence, that will be required to prove a given fact.

Let us take the case as it exists in the Bureau to-day. For instance, the Senator might claim that when a person has proved by his testimony alone that he was wounded in a certain battle it would be sufficient. But the Department requires him to go further. The Department has heretofore required other evidence than that of the claimant. It has required the corroborating testimony of two comrades in many cases. This was all under the regulations of the Department.

Mr. McLAURIN. Will the Senator allow me to read from section 43 of 1 Greenleaf on Evidence, Lewis's edition? In speaking of presumptions of fact he says:

They differ from presumptions of law in this essential respect, that while those—

That is, presumptions of law—

are reduced to fixed rules, and constitute a branch of the particular system of jurisprudence to which they belong, these—

Presumptions of fact—

merely natural presumptions are derived wholly and directly from the circumstances of the particular case—

Mr. McCUMBER. Certainly.

Mr. McLAURIN (reading)—

by means of the common experience of mankind without the aid or control of any rules of law whatever.

Mr. McCUMBER. Sure.

Mr. McLAURIN. Then it is to be left in each individual case to the trier.

Mr. McCUMBER. That is just exactly what I have been claiming.

Mr. McLAURIN. I did not so understand.

Mr. McCUMBER. That is just exactly the proposition that I made, and I certainly do not go back on it. I said that under this we can establish not only the manner of introducing the evidence, but the sufficiency of the evidence. Now, how may any fact be proven? Not alone by a statement directly bearing upon it, but by other facts and circumstances from which the particular fact will be deduced. That is the method adopted in this Bureau.

Let us suppose, now, that the Government takes all the testimony in a given case together. The claimant is not there, and for that reason alone it is absolutely necessary, I repeat, to have some kind of a rule that will apply in every case. Let us take the age of 62. If you leave it to a dozen or fifteen or twenty clerks, unless they followed some known rule established in all cases, they would be entirely at a loss. There would be no such thing as uniformity. There would be a greater amount granted in one

case than would be allowed in another. If you make a rule that consumption shall be rated at a certain degree, you will have to apply that rule in every one of the cases. If you make a rule that the loss of a thumb in one case shall be rated at one-fourth, then the loss of thumbs in every case must be rated at one-fourth. Otherwise you would have as many different ratings as you would have different claimants.

Now, a rule is necessary because the claimant is not present. When a man is present, you may not need to ask his age. You may not need to ask anything concerning his physical powers. You may tell by his voice. You may tell by his demeanor. You may tell by the vigor and elasticity of his step just about what his physical condition is. But he is not present before the Bureau. He can not be seen. These conditions can not be explained in writing or by any document that may be furnished by the examining physician, but they can be fixed by a general rule, and under the general rule you may know what the disability is and its proper rating.

Suppose you do not consider age at all. What would the result be? The Senator can see in a moment that one of the fundamental facts necessary to establish not only uniformity, but to determine the degree of disability, would be left out. While under the law you are to take into consideration every disability, according to the statement of the Senator you would not be allowed to take the disability of age into consideration. If, on the other hand, you say that it may be taken into consideration in a special case, for what purposes will it be taken into consideration?

Mr. McLAURIN. My contention is that this is executive legislation, and I believe all those who deny the right of the Secretary of the Interior to make this order contend that it is executive legislation, and that the Secretary of the Interior has no legal authority so to legislate. Does the Senator contend that the Secretary of the Interior could have fixed 53 years instead of 62 as the limit when the physical disability would attach?

Mr. McCUMBER. No.

Mr. McLAURIN. Why not?

Mr. McCUMBER. I assume that the Commissioner is a man of intelligence, of reason, one who will weigh the facts which are before him, and will therefore take into consideration what is reasonable and not what is unreasonable. The law must vest a certain amount of discretion in the mind of every Commissioner of Pensions.

The law itself can not fix rates for every man. It must leave the disability to be determined by rules, by regulations, by experience, by the common knowledge of humanity applied to the conditions as they exist.

Mr. McLAURIN. Will the Senator allow me, after premising, to ask another question?

Mr. McCUMBER. Certainly.

Mr. McLAURIN. The Senator must admit that all men's reasoning does not lead to the same conclusion. For instance, I believe the order of Judge Lochren is taken as an exemplar by Senators who contend for the legality of this order. Therefore they must defend that order, because if it is not such an order as ought to be followed, then it ought not to be cited as an exemplar for the action of the Secretary of the Interior in this case. Judge Lochren thought 75 years the age of disability; Mr. Ware thought 62 years. Now, supposing that the reasoning of the Secretary of the Interior and his judgment upon the facts should have led him to the conclusion that 53 years was the age at which disability would attach. It must be conceded that a man is not as able to work at manual labor at the age of 53 years as at the age of 21, and it has been argued that because he is not as capable of doing manual labor at 62 as at 21 it justifies this order.

Now, suppose this had led the Secretary of the Interior to the conclusion that 53 years was the age at which the disability obtained. Would he then have had the right to make this order?

Mr. McCUMBER. I assume that he has a right to make the order. If you give him the right to act upon the subject-matter at all, under rules and regulations he would have the right to make the order, though it might be an unreasonable order. Of course he might have a right to make an order that if the claimant was 25 years of age he was disabled from manual labor. That order would not stand, because it would not appeal to reason, simply because sensible men would not follow it.

Mr. McLAURIN. There would be only nine years between 53 and 62. Now, if he had a right to make the order fixing disability at 53 years, that in 1900, when the act was last amended, would have taken in every man who was 18 years of age at the conclusion of the war. So when the Congress of the United States did not see proper to say that every man would be considered disabled, then according to the Republican Senators the Secretary of the Interior had a right to supplement the legislation of Congress and to enact by order. Every soldier who was in the war at any time was to be considered disabled unless the Government proved him able.

Mr. McCUMBER. The mortuary tables show that the death rate for 62 years and up is much more rapid than it is from 53 up to 62.

I now place the matter directly to the Senator so that he can test this question. If the Senator claims that this is a law, or an attempt to make a law by the Commissioner of Pensions, he can test that matter very quickly.

The Commissioner of Pensions has no authority to make a law, and if he usurps the authority of Congress and assumes to make a law and pays out money under that law, you can reach him by an injunction. I am pretty sure that if a client would come to any Senator, as an attorney, and ask his legal advice as to whether he could sustain an injunction against the Commissioner of Pensions enjoining him from paying out any money under this order No. 78, there is not a Senator here who would advise that client that he could sustain it. If you claim that it is legally wrong, then certainly you would have to claim that you could sustain an injunction for that purpose.

I speak of the reasonableness of this order. We can not go beyond certain ages to draw certain reasonable conclusions. The Senator will remember in Holy Writ where Solomon at one time determined to which of two women a certain babe belonged. He ordered that the child should be cut in two in the presence of the two women. He knew then by their demeanor as a presumption of fact which was the real mother and which was not. Now, there was no extrinsic fact outside of the fact which every man knows and feels and comprehends. Let us suppose that the Senator himself was sitting upon the golden throne of Solomon and two women were claiming to be the mother of a babe; that one woman was 25 years of age and the other woman was 80 years of age, to which one would he award the babe without any other fact to guide his decision?

Mr. McLAURIN. Mr. President—

Mr. McCUMBER. Would he award it to the younger? Not because he could fix a time when it would be impossible that the child might be a babe of the older, but because there is a reasonable time known to everyone, and experience and observation teach us about what that age is, and so near that we can formulate a reasonable judgment upon it.

Now, that is just what is done by the Commissioner of Pensions. With all these cases before him he is able to determine to a reasonable certainty just what effect 62 years of age has upon the physical ability of any man who served in the Army of the United States. I will listen to the Senator now.

Mr. McLAURIN. Mr. President, I merely wanted to answer the question the Senator propounded. I would do the very best I could to ascertain to which one the child belonged, but I would not undertake to lay down any rule to guide anybody else in determining a fact of that kind. I would leave them to judge presumptions of fact, just as is laid down in the law books for each trier to judge according to his own experience as to the facts when they come before him.

Mr. McCUMBER. Suppose you had no other facts?

Mr. McLAURIN. The conclusion reached by the courts and put down in the law books as a principle of law is that presumptions of law are laid down by the court, by those who give rules, but the presumptions of fact are left in every instance to the trier—for instance, to the jury, if it is tried by a jury; to the chancellor, if it is tried by a chancellor; to the commissioner, if it is tried by a commissioner.

Whoever tries the question of fact must in that particular case apply presumptions of fact arising from his knowledge and his experience; but if he were sitting as a judge submitting the trial of a question of fact to somebody else he would not have any authority to lay down any rule governing it. So says Mr. Greenleaf in the section from which I read. In the case put by the Senator the trier would consider the age, just as the age of 62 years ought to be considered by the trier of the disability of the applicant for a pension, without any dictation to his judgment by any authority except the law. But by this legislative order the trier is not permitted to consider the extent of disability produced by sixty-two years, as the law says he shall, but the order concludes that arbitrarily.

Mr. McCUMBER. Just as the Senator says, it would be tried by a jury, it would be tried by a court commissioner if referred to a court commissioner, and it would be tried by the Commissioner of Pensions if referred to the Commissioner of Pensions.

But what I insist is that the jury would take into consideration the evidential fact of age. The commissioner would take that into consideration. The Commissioner of Pensions must be human and must take the same thing into consideration.

Now, if you admit that it is to be regarded as an evidential fact, it must be regarded as a fact for some purpose. For what purpose? For the purpose of determining disability. If you admit that it is for the purpose of determining disability, then you must admit that it must be given some value; and if it is given some value,

what value shall be given to it? Experience has determined that the value should be one-half of the ability to perform manual labor. That is all there is to it.

Mr. McLAURIN. Mr. President, doubtless every trier of the question of the disability of the applicant would take into consideration in connection with all other testimony the age of the applicant.

Mr. McCUMBER. That is just what I was going to say.

Mr. McLAURIN. Wait a moment. He would take that into consideration if it was shown in evidence in connection with other evidence of his disability. But the objection to this law enacted by the Secretary of the Interior is that it does not propose to take the age of the applicant into consideration in connection with evidence of other disability, but proposes to fix that as establishing absolutely in every case the disability of the applicant.

Mr. MALLORY. The fact that he is one-half disabled.

Mr. McLAURIN. Yes; one-half disabled. It must be a presumption of fact, then. The Commissioner or the Secretary of the Interior has no right to lay down presumptions of fact. He has no right to fix a rule of law, because the making of the law pertains to Congress. The legislative power is in Congress, and it can not be delegated to the Secretary of the Interior. It can not be delegated to courts; it can not be delegated to any other authority. But the presumption of fact is for the trier of the question in each particular case. You can not lay down any rule of presumptions of fact. They depend for their worth upon the case in hand and before the trier of the particular case, whether it is a jury or any other trier.

Mr. McCUMBER. Then the position of the Senator will be that when the Commissioner of Pensions makes an order that the loss of one eye diminishes the ability one-half to perform manual labor he is not justified in so doing, and he would also hold the position that the loss of both eyes as constituting a disability to perform any manual labor was not justified.

Now, Mr. President, the Commissioner has a right to take that into consideration in connection with others.

Mr. McLAURIN rose.

Mr. McCUMBER. Just a moment, if the Senator please. I will make this matter perfectly clear before I get through.

The Senator has contended, and contended incorrectly, that this was the only evidence that would be considered. It is not true. It is not the case. The Commissioner of Pensions simply provides that it shall be considered as an evidential fact.

Mr. SPOONER. Rebuttable.

Mr. McCUMBER. Yes, rebuttable; and if the contrary does not appear he will accord a certain presumption to that age, just the same as he allows a presumption of amount of disability from the loss of a thumb. All these things are taken into consideration. The Senator forgets that there is another portion of the law which the Commissioner can not refuse to consider, and it is this:

And in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown be rated, etc.

Can the Senator contend that with that law upon the statute books the Commissioner of Pensions can simply pay no attention to it—that he can disregard it? On the contrary, he must take into consideration all disabilities, whether they be from affection of lungs or heart or otherwise. But he also takes into consideration this other evidential fact and gives that evidential fact a certain value, so that the value may be the same in every case and before every clerk of the Department.

We know that the very foundation of the right of a pension under this law is disability, partial or complete, to perform manual labor. We must not forget that foundation. Any disease or failure of the vital organs affecting the physical ability must be considered. If it is found that the heart is weak, a presumption of fact arises from that finding. If it is found that the lungs are partially destroyed, a presumption of fact arises from that finding. If it be established that the stomach is impaired, a presumption of disability follows from that.

Now, a certain value is given to every one of those; and yet the Senator would say old age, which affects every one of these vital organs, which tends to destroy and weaken every one of them, shall not be taken into consideration. Mr. President, it should be taken into consideration.

Again, I put to the opposite side of the Chamber this proposition: If they maintain that this rule is an encroachment upon the authority of Congress and that it is in effect making a departmental law, then I submit that the Department can not make a law; it can pay nothing under that law, and any person can enjoin the payment of money under it.

But I do not believe there is a Senator here who is so firm in his position and attitude that he believes under this rule any action could be maintained to enjoin the Commissioner of Pensions from making payments thereunder. If he does the opportunity is open, and no doubt Congress and the Pension Bureau also would be desirous to learn the limit of their authority.

Mr. ELKINS and Mr. SCOTT addressed the Chair.

Mr. McCUMBER. I have not concluded, but I will yield the floor, so far as making any remarks are concerned, to the Senator from West Virginia, who desires to bring up some matter this afternoon that is quite urgent.

Mr. ELKINS. I ask unanimous consent that the pension appropriation bill be laid aside temporarily, and that the Senate proceed to the consideration of House bill 14754, the emergency river and harbor bill.

Mr. SCOTT. I had hoped that the Senator from North Dakota would yield to me a moment, I being a member of the Pension Committee, before yielding to my colleague, that I might say a word on the matter of pensions, but, of course, if he has yielded to the senior Senator from West Virginia, I must submit.

Mr. McCUMBER. I will yield to whoever the Chair recognizes first. I have no choice in the matter of yielding.

Mr. ALGER. Mr. President—

The PRESIDENT pro tempore. The Chair recognizes any Senator who rises and addresses the Chair and has an appropriation bill in charge.

RIVER AND HARBOR IMPROVEMENTS.

Mr. ELKINS. I ask that the present order of business be laid aside temporarily, and that the Senate proceed to the consideration of House bill 14754.

The PRESIDENT pro tempore. The Senator from West Virginia asks that the pension appropriation bill be laid aside temporarily and that the Senate proceed to the consideration of House bill 14754. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14754) providing for the restoration or maintenance of channels or of river and harbor improvements, and for other purposes; which had been reported from the Committee on Commerce with amendments.

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

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

The Secretary proceeded to read the bill. The first amendment of the Committee on Commerce was, on page 1, line 3, after the word "That," to strike out "the sum of \$3,000,000 be, and the same is" and insert:

In view of the fact that no general river and harbor bill is to be enacted during the present session, and in view of the necessity of temporary provision for the preservation of existing work, the following sums be, and the same are.

So as to read:

That, in view of the fact that no general river and harbor bill is to be enacted during the present session, and in view of the necessity of temporary provision for the preservation of existing work, the following sums be, and the same are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the following purposes and under the limitations herein set forth, to wit, etc.

Mr. GORMAN. I should like to have the Senator in charge of the bill give some explanation as to why it is that this extraordinary provision should be inserted in the bill:

In view of the fact that no general river and harbor bill is to be enacted during the present session, and in view of the necessity of temporary provision, etc.

I ask the Senator from West Virginia why it is that no general river and harbor bill can be considered at this session? We were a few moments ago considering a bill appropriating \$138,000,000, and we find another on our desks, the general deficiency appropriation bill, which appropriates \$3,000,000 or \$4,000,000 more on account of pensions and various other things. Why is it that we can not consider and deal with the question of the improvement of the great harbors of the country?

Mr. ELKINS. Mr. President, this is a House bill. It came to the Senate from the House appropriating \$3,000,000 for certain purposes recited in the act. The Committee on Commerce, to which the bill was referred, agreed with the House bill with a few additional amendments providing for surveys. It did not feel authorized to bring in a general river and harbor bill, especially after the action of the House. It did not think it could pass. That is the reason why the Committee on Commerce limited itself to the bill almost as it came from the House.

Mr. GORMAN. I do not quite understand the Senator from West Virginia. The Senator from West Virginia, I understand, simply says the only reason is because the bill comes here in a form appropriating \$3,000,000 to be expended in the discretion of the Department. Do I understand him to say that that is the only reason why this bill can not be amended in the Senate?

Mr. ELKINS. I said further it was the judgment of the committee, in the condition of the public business and having regard

to appropriations heretofore made and the condition of the Treasury, that we were not authorized to go further than the action of the House, except the few amendments which the Committee on Commerce adopted.

Mr. GORMAN. Do I understand the Senator to say that the condition of the Treasury would not warrant an appropriation for the great improvements that are so absolutely necessary?

Mr. ELKINS. I do not know whether it would warrant it or not. I will say to the Senator from Maryland that I would be very glad to have a general river and harbor bill at this session if we could have it, but speaking for myself, I found that we could not, and we thought we would take the present measure as it came from the House with the amendments I referred to.

Mr. GORMAN. The Senator, I trust, will make it a little clearer to me why we could not have a river and harbor bill. I should like to know the reason why we can not have it. Why is it?

Mr. ELKINS. This is an emergency bill simply to keep in repair improvements already made and to maintain existing improvements. There is sufficient money, we know, to carry on the work to this extent.

Mr. GORMAN. What works? I should like to understand it. For instance, I should like to inquire of the Senator from West Virginia—

Mr. ELKINS. The bill as it came to the Senate is one "providing for the restoration or maintenance of channels, or of river and harbor improvements, and for other purposes." It relates to existing improvements. No new work is undertaken here.

Mr. ALDRICH. If the Senator will permit me, I suppose it was not the intention of the committee—the bill using this language—to prevent the Senator from Maryland from offering an amendment to the bill increasing an appropriation here proposed, or making a new one, as he sees fit.

Mr. ELKINS. Not at all.

Mr. GORMAN. I should like to ask my friend from Rhode Island whether he will be prepared to vote for any amendment looking to the improvement of New York Harbor?

Mr. ALDRICH. Probably not.

Mr. GORMAN. I understand perfectly, then, the situation. The Senator from West Virginia is not inclined to give a positive answer, but it is the determination on the part of our friends on the other side of the Chamber, as it has been intimated elsewhere by a distinguished gentleman, that we are to pursue unto the end of this session the policy that has been inaugurated, I assume, as a party matter.

It is decided that we shall place in the hands of an executive officer a given amount of money to be expended at his discretion, limited only to expenditures on improvements heretofore authorized, and in no case, as the bill came to us, shall a greater sum than \$50,000 be expended on any one improvement; and, as proposed to be amended by the Senate Committee on Commerce, no greater sum than \$100,000 shall be expended on any one improvement.

It is true, I believe, that on one or two occasions in an emergency, at the end of a Congress, when we had no time for the consideration of a river and harbor bill, a gross amount has been appropriated, to be expended under the direction of the Secretary of War.

If there were now an emergency, if there were a question of time, if Congress were about to expire by limitation of the Constitution, I could understand that it might be well to give such discretion as to a limited amount. But the Senator from Rhode Island [Mr. ALDRICH] was good enough to inform me—for I take it that is what this action means—that there is no intention on the part of the majority to consider, to give a day, or a week, if so much time should be necessary, to the great improvements in all the harbors in the United States. We have reached a point where party necessity, I take it, Mr. President, and party policy require that this Congress shall adjourn without giving these matters of internal improvement consideration.

Mr. ALDRICH. Will the Senator from Maryland permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Rhode Island?

Mr. GORMAN. Certainly.

Mr. ALDRICH. I beg to assure the Senator from Maryland that this Congress will stay here as long as he is desirous that it shall stay here to deal with this matter or any other matter of public necessity. If he desires to go into an extension or an enlargement of the appropriations for rivers and harbors, I have no doubt the Senate will give respectful consideration to his views, whether it takes one day, one week, one month, or a year to do so.

Mr. GORMAN. Of course, Mr. President, the Senate is always very kind to every Senator in giving him all the time he desires; but, after all, the Senator from Rhode Island can not escape responsibility by such a reply.

Mr. ALDRICH. There is no disposition to escape responsibility. The Representatives of the people, who originate bills of

this character, have sent us a bill here appropriating \$3,000,000 for the preservation of existing works on rivers and harbors, and the Committee on Commerce, as I understand, by the unanimous vote of that committee, have recommended a concurrence, with minor amendments, in that policy. I assume that that is the wish not only of the House of Representatives, but of the Senate. If the Senator from Maryland has any other proposition to make or if he desires to change this policy, of course he has a right to try to do so; and if his judgment is concurred in by a majority of the Senate, it will stand.

Mr. GORMAN. Well, Mr. President, without the cooperation of my friend from Rhode Island I have no idea of the possibility of getting a majority of the Senate to agree with me. That distinguished Senator, I know, speaks by authority of the majority of the Senate on matters of policy.

Mr. ALDRICH. I am afraid not; but, in any event, the Senator from Maryland knows as well as I that any member of the Senate or anyone else who undertakes to prevent liberal appropriations for rivers and harbors is certainly doomed to defeat, and very properly so, because the sentiment of the country and the sentiment of this body is always in favor of liberal appropriations for river and harbor improvements.

Mr. GORMAN. Yes; I have no doubt that is true, and I have no doubt that the business interests of the country and the people of the country are very anxious for proper appropriations on this account. I have no doubt of the necessity for such appropriations, and I have no doubt that that policy is favored by the Committee on Commerce, of which you, sir [Mr. FRYE in the chair], are the honored chairman. I have said on many occasions, in this Chamber and out of this Chamber, that the country is more indebted to you than to any other man for the broad and liberal policy which has increased the commerce of the country to a greater degree than has been done by any other appropriation that is made by the Government. You inaugurated the system which has proved of great economy and which is far-reaching in its importance of providing for the great improvements in the harbors and rivers of the country by contracts binding Congress to appropriate a sufficient amount to complete such improvements. That has been the work, sir, of you and your committee.

But for the decree coming from a source all powerful in your party you could have and you would have taken this matter up, deliberated upon it, and prepared a bill to continue these improvements. I have no doubt that the chairman of the Committee on Commerce and the committee itself would have taken up the improvements at New York, at Baltimore, at Galveston, at Charleston, as well as at the interior ports on the Lakes and the ports on the Pacific, and made ample provision for them.

It is known to all men, and perfectly so to the members of that committee, that with the enlargement of the ships that are being used in commerce there is scarcely a port upon the Atlantic or on the Pacific that is in condition to accommodate the traffic.

So when the Senator from Rhode Island suggests that I should frame a bill or offer amendments he knows perfectly well that that is not feasible in our system of legislation, and that it would not be wise even if it were permissible.

I believe that all of these appropriations should have, as the rule of the Senate provides, careful scrutiny, after the estimates are made by the executive branch of the Government, by an honorable committee of this body and then be reported.

But, sir, from the explanation I have received from the Senator from Rhode Island [Mr. ALDRICH] and the frank statement of the distinguished Senator from West Virginia [Mr. ELKINS], I suppose we are compelled to accept the situation and to permit this bill to go through as it is, placing in the hands of an executive officer \$3,000,000, to be expended without any limitation, except as to the amount of \$50,000 as provided by the House or \$100,000 as the Senate committee recommends, on one particular work, and that is only to preserve improvements heretofore made.

In addition to the amount contained in the great bill which we have just passed for continuing work under the contract system, with \$700,000,000 practically to be provided for and appropriated at this session of Congress for other work; \$100,000,000 for the Army, \$100,000,000 for the Navy, and \$140,000,000 for pensions, making practically \$350,000,000 on account of expenditures growing out of the maintenance of the Army and the Navy, including pensions—such expenditures being largely increased on account of the new possessions of ours—we are to have liberal appropriations for every other object except this one which looks to the increase of the commerce of the country.

That having been determined upon, as I am now informed, and it being the policy to hurry away, with no intention to consider these matters so vital to our commerce, there is nothing, Mr. President, that can be done on this side, as suggested by the Senator from Rhode Island, except to enter a protest against a policy of this narrow character.

I would not offer amendments to the bill if that could properly be done, but under the rules it can not be. If the Senator from

Rhode Island intends to convey the impression that he would be glad to see it done—if he will say to me that he and other Senators on that side will vote for a motion to recommit this bill to the Committee on Commerce with instructions to bring in a regular river and harbor bill—I shall be very glad to unite with him; but I know it is useless to even make such a suggestion.

Mr. President, I suppose the decree has gone forth that only \$3,000,000 shall be expended this year under the provisions of this bill for these great improvements, and that the country must be satisfied with the hundreds of millions of dollars expended for other purposes while we are to have only this meager appropriation for the benefit of the commerce of the country.

Mr. ELKINS. I will state for the satisfaction of the Senator from Maryland [Mr. GORMAN] that under advices from the War Department this \$3,000,000 is considered to be sufficient to maintain the existing works, to keep them in good order and preservation, and that it is about as much money as can be economically expended until we make the regular appropriations for two years, which will come at the next session of Congress, when it is believed that a regular river and harbor bill will be passed.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment of the committee, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, on page 2, line 7, after the word "improvements," to insert "\$3,000,000;" so as to read:

For the restoration or maintenance of channels, or of river and harbor improvements, established or made by the Government, where the usual depth of such channels or customary use of such improvement has become, or may be, impaired and there is no sufficient fund available for such restoration or maintenance, with a view to preserve in their normal condition of efficiency existing channels and improvements, \$3,000,000, etc.

The amendment was agreed to.

The next amendment was, in section 1, on page 2, line 17, before the word "thousand," to strike out "fifty" and insert "one hundred;" and in line 18, after the word "navigation," to insert "or to protect and preserve any existing Government work done on any river or harbor;" so as to make the proviso read:

Provided further, That no single channel or improvement shall be allotted a sum greater than \$100,000, nor any portion of the said appropriation, unless the same is necessary in the interest of navigation or to protect and preserve any existing Government work done on any river or harbor.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert as a new section the following:

SEC. 3. That for preliminary examinations and surveys, \$100,000: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some other act or resolution shall be made.

Mr. ELKINS. I move to strike out the word "That," at the beginning of section 3, and to make the letter "f," in the word "for," a capital letter.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 3, after line 7, to insert the following:

SEC. 4. That the Secretary of War is authorized to make such modification of the project for the improvement of New Haven Harbor, New Haven, Conn., adopted in the river and harbor act of March 3, 1899, and extended in the river and harbor act of June 13, 1902, so as to make the channel in Quinnipiac River from Tomlinson Bridge to Ferry Street Bridge 30 feet: *Provided*, That the cost of completing the project as fixed by the said act of March 3, 1899, shall not be increased by reason of such modification.

That the Secretary of War is authorized to make such modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn., adopted in the river and harbor act of March 3, 1899, as in his judgment the commercial interests of the harbor require: *Provided*, That the cost of completing the project as fixed by the said act shall not be increased by reason of such modification.

The amendment was agreed to.

The next amendment was, in section 4, on page 4, after line 2, to insert:

That the unexpended balance of the amount authorized for improving Providence River and Narragansett Bay, Rhode Island, by the river and harbor act of June 3, 1896, is hereby made available for the project contained in House Document No. 103, Fifty-sixth Congress, first session, which was approved in the river and harbor act of June 13, 1902.

The amendment was agreed to.

The next amendment was, in section 4, page 4, after the amendment last adopted, to insert:

That the Secretary of War is hereby authorized, in his discretion, to utilize the unexpended balance of the appropriation made in accordance with the report submitted in House Document No. 76, Fifty-sixth Congress, second session, and contained in the act approved June 13, 1902, in dredging and otherwise improving the mouth of the Puyallup River, in the Tacoma Harbor, State of Washington, in a manner calculated to meet the demands of commerce within the limits of said unexpended balance, which is, inasmuch as an emergency exists, hereby made immediately available.

That the unexpended balance of the appropriation made by the river and harbor act of June 13, 1902, for improving Pagan River, Virginia, may, in the discretion of the Secretary of War, be expended in improving the said river

by excavating a channel having an available width of not less than 40 feet and such depth as may be obtained without exceeding the said balance.

That the appropriation of \$20,000 for improving Norfolk Harbor, Virginia, and its approaches, continuing improvement made by act approved June 13, 1902, shall, in the discretion of the Secretary of War, be expended in accordance with the report submitted in House Document No. 74, Fifty-eighth Congress, second session.

That in order to repair the damage caused by the flood of 1903, and to restore and continue the progress of improvement in the levee system of the Mississippi River interrupted by that flood, the Secretary of War may, as recommended by the Mississippi River Commission, make contracts for \$1,000,000 worth of levee work upon the Mississippi River between Cairo and the Head of the Passes, to be executed during the fiscal year ending June 30, 1905, but to be paid for out of the appropriation for that stretch of the river, authorized by the river and harbor act of 1902, for the fiscal year ending June 30, 1906, when the appropriation for the last-named fiscal year shall become available.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to insert as a new section the following:

SEC. 5. That no appropriations heretofore or hereafter made for improving harbors and deepening channels shall be used for the construction of Government dredges for use on the Great Lakes unless there shall be a specific appropriation for that purpose, designating the kind of dredge to be constructed and the place for use: *Provided*, however, That this provision shall not apply to the dredge now being constructed for use in Lake Michigan.

Mr. GORMAN. In my judgment, section 5, which limits the Department to an expenditure on account of these dredges to specific appropriations, is a very wise provision; but I should like to have inserted after the words "Great Lakes" the words "and on the North Atlantic coast," so as to embrace both.

Mr. ELKINS. What is the amendment proposed by the Senator?

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, line 20, after the words "Great Lakes," it is proposed to insert "and on the North Atlantic coast;" so as to read:

SEC. 5. That no appropriations heretofore or hereafter made for improving harbors and deepening channels shall be used for the construction of Government dredges for use on the Great Lakes and on the North Atlantic coast, unless there shall be a specific appropriation for that purpose, designating the kind of dredge to be constructed and the place for use, etc.

Mr. MALLORY. I do not know that there is any distinct point on the map to indicate exactly where the North Atlantic ends. I am opposed to such a provision applying to the South Atlantic or to the Gulf; but if the Senator will limit the amendment more definitely, I shall not object to it.

Mr. GORMAN. Very well: I will modify the amendment so as to read "and on the Atlantic coast north of Cape Henry."

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

The SECRETARY. On page 5, line 20, after the words "Great Lakes," it is proposed to insert "and on the Atlantic coast north of Cape Henry."

The amendment to the amendment was agreed to.

Mr. BARD. I move to further amend section 5 by adding at the end of line 24 the words "or in San Pedro Harbor, California."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, section 5, at the end of the section, it is proposed to insert the words "or in San Pedro Harbor, California."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 5, after line 24, to insert the following:

SEC. 6. That the Secretary of War is hereby directed to cause preliminary examinations or surveys to be made at the localities named in this section as hereinafter provided. In all cases, unless a survey or estimate is herein expressly directed, a preliminary examination shall first be made, which shall embrace information concerning the commercial importance, present and prospective, of the river or harbor mentioned, and a report as to the advisability of its improvement. Whenever such preliminary examination has been made, in case such improvement is not deemed advisable, no survey thereof or estimate thereof shall be made without the direction of Congress; but in case the report shall be to the effect that such river or harbor is worthy of improvement, the Secretary of War is hereby directed, at his discretion, to cause surveys to be made and the cost of improving such river or harbor to be estimated and to be reported to Congress: *Provided*, That in all cases preliminary examinations, as well as surveys, provided for in this act shall be examined and reviewed by the board provided for in section 3 of the act approved June 13, 1902, to wit:

Mr. ELKINS. I desire to offer an amendment to that amendment. On page 6, lines 3 and 4, I move to strike out the words "unless a survey or estimate is herein expressly directed."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 6, section 6, line 3, after the word "cases," it is proposed to strike out "unless a survey or estimate is herein expressly directed;" so as to read:

SEC. 6. That the Secretary of War is hereby directed to cause preliminary examinations or surveys to be made at the localities named in this section as hereinafter provided. In all cases a preliminary examination shall first be made, which shall embrace information concerning the commercial importance, present and prospective, of the river or harbor mentioned, and a report as to the advisability of its improvement, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 6, page 6, after line 20, to insert:

CALIFORNIA.

Oakland Harbor, with a view to obtaining a channel 500 feet wide and 25 feet deep from San Francisco Bay to Chestnut street, Oakland; thence 300 feet wide and 25 feet deep to Fallon street; thence 300 feet wide and 17 feet deep to the tidal basin; thence 300 feet wide and 12 feet deep around the tidal basin.

The amendment was agreed to.

The next amendment was, in section 6, page 7, after line 3, to insert:

DELAWARE.

Wilmington Harbor, Delaware (including the Christiana and Brandywine rivers), with the view to their improvement and to insure the permanency of the channel in the Christiana River to the depth of at least 21 feet.

The amendment was agreed to.

The next amendment was, in section 6, page 7, after line 8, to insert:

From the St. Jones River, at Dover, to a point on Little River, and thence to Delaware Bay, with a view to constructing a canal between the said river and the deepening and widening of Little River, so as to provide a channel suitable for the needs of commerce from Dover to Delaware Bay.

The amendment was agreed to.

The next amendment was, in section 6, page 7, after line 8, to insert:

FLORIDA.

The entrance of Alaqu Bayou on Choctawhatchee Bay, with a view of securing a depth of 6 feet of water across the bar.

Caloosahatchee River from Punta Rassa to Fort Myers, with a view of securing a practicable channel from Fort Myers to the sea of not less than 15 feet.

Harbor of Fernandina, with a view to establishing a harbor line and providing a harbor of uniform and adequate depth for ocean-going vessels.

Harbor of St. Petersburg, on Tampa Bay, with a view to securing an adequate basin at said point for loading and unloading ocean-going vessels, with a channel 200 feet in width and 24 feet in depth from said basin to the main ship channel in Tampa Bay.

The amendment was agreed to.

The next amendment was, in section 6, page 7, after line 23, to insert:

GEORGIA.

The outer bar and inner harbor of Brunswick, with a view to obtaining a channel of ample width to accommodate the commerce of said port, and extending from the wharves in said inner harbor, through said outer bar to the ocean, and of the following depths at mean high tide, to wit, 27 feet, 23 feet, 29 feet, and 30 feet, respectively, with a separate estimate of the cost of obtaining a channel at each of said depths; and the Secretary of War is hereby further directed to report whether or not in his opinion it is advisable, if these increased depths, or any one or more of them, shall be obtained, that the present channel across said outer bar should be straightened.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

IDAHO.

Salmon River, between Salmon, Idaho, and the mouth of said river, with a view to removing obstructions.

The amendment was agreed to.

The next amendment was, in section 6, page 8, after line 14, to insert:

ILLINOIS.

Ohio River at Metropolis, Ill., with the view of improving the harbor at that place and removing any obstruction to navigation in the river at that point.

The next amendment was, in section 6, page 8, after line 18, to insert:

LOUISIANA.

Mermeteau River, from its headwaters at the junction of Bayous Des Cannes and Nezpieque (including those portions of Lake Arthur, Grand Lake, and White Lake lying directly across its course) to a point in the Gulf of Mexico beyond the bar at its mouth, with a view of ascertaining the cost of securing a permanent channel to a depth of at least 20 feet.

The amendment was agreed to.

The next amendment was, in section 6, on page 8, after the amendment last adopted, to insert:

MAINE.

Portland Harbor, to include Fore River above Portland Bridge and the entrance to Back Cove, with a view to widening and deepening the channels at those localities.

New Meadows River, with a view to its improvement from the head of navigation to deep water in Casco Bay.

Penobscot River, from Crosby Narrows to the Bangor Bridge, with a view to widening the channel.

South Branch of the Penobscot River near Frankfort, with a view to widening and deepening the channel.

The amendment was agreed to.

The next amendment was, in section 6, page 9, after line 4, to insert:

MASSACHUSETTS.

Plymouth Harbor, Massachusetts, the channel leading toward Kingston and Duxbury.

The amendment was agreed to.

The next amendment was, in section 6, on page 9, after the amendment last adopted, to insert:

NEW JERSEY.

From the present channel north of Corner Stake light in an easterly direction and north of Shooters Island to Kill von Kull, with a view to providing

a 16-foot channel of suitable width and straightening and increasing the width of waterway at Shooters Island.

The reef at Bergen Point light, with a view to its removal; and the channel between Kill von Kull and Elizabethport, with a view to straightening the same and deepening it to 16 feet.

Harbor of Cold Spring Inlet, Cape May County.

For a ship canal extending from a point in the city of Newark, below the junction of the Pennsylvania and Lehigh Valley railroads, through the Newark Meadows and Newark Bay, to New York Bay, said ship canal to have a width of 300 feet and a depth of 35 feet.

The amendment was agreed to.

The next amendment was, in section 6, page 9, after line 20, to insert:

NEW JERSEY AND PENNSYLVANIA.

Delaware River, between Trenton, N. J., and Philadelphia, Pa., with a view to deepening the channel to 17 feet.

The amendment was agreed to.

The next amendment was, in section 6, at the top of page 10, to insert:

NEW YORK.

Lloyds Harbor, with a view to obtaining a depth of 12 feet and otherwise improving the channel between Huntington Bay and Cold Spring Harbor, Long Island, New York, so as to meet the demands of commerce.

The amendment was agreed to.

The next amendment was, in section 6, page 10, after line 5, to insert:

NORTH CAROLINA.

Shallotte River, from the bar at the mouth of said river to the town of Shallotte, with a view of dredging, cleaning out, and widening the channel.

North East River, North Carolina, from Wilmington to Hallsville, with a view to removing snags, stumps, and logs and overhanging trees and maintaining the natural channel of the river, removing sand bars and securing the depth in said river from Wilmington to Hallsville of 4½ feet at low water at all times in the year.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I desire to offer an amendment.

Mr. BERRY. I suggest to the Senator that if his amendment is not to one already pending it would be better for him to wait. Are the committee amendments disposed of, Mr. President?

The PRESIDENT pro tempore. They are not.

Mr. BERRY. I think we should dispose of the committee amendments first, and unless the Senator's amendment is to an amendment of the committee I suggest that he defer offering it until the committee amendments are acted on.

Mr. SIMMONS. It is not an amendment to an amendment. I will wait, as suggested by the Senator from Arkansas.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 6, page 10, after line 15, to insert:

OREGON.

Youngs Bay and that portion of the Columbia River between Tongue Point and Fort Stevens, commonly known and designated as the "Astoria Harbor," with a view to widening and deepening the channels and permanently improving said harbor.

The amendment was agreed to.

The next amendment was, in section 6, under the subhead "Oregon," page 10, after line 21, to insert:

Cosco Bay, with a view to securing a depth of not less than 25 feet at mean low tide at the harbor entrance, and a navigable channel of not less than 20 feet at mean low tide from the harbor entrance to the industries at the head of Cosco Bay; and with the view of ascertaining the feasibility of providing a mean low-water depth at the harbor entrance of 30 feet, and a 25-foot mean low-tide channel from the harbor entrance to the head of Cosco Bay.

The amendment was agreed to.

The next amendment was, after the amendment just adopted, to insert:

Tillamook bar, with a view of ascertaining the cost of securing channels across said bar of 13 and 18 feet in depth, respectively.

The amendment was agreed to.

The next amendment was, in section 6, page 10, after line 21, to insert:

RHODE ISLAND.

Harbor at Newport, with a view to extending the area of light-draft anchorage in the southern part of said harbor.

Pawtuxet Cove, Narragansett Bay, with a view to obtaining a channel 5,000 feet in length from the head of the cove, 100 feet in width, and with a mean depth of 8 feet at low water.

The amendment was agreed to.

The next amendment was, in section 6, page 11, after line 3, to insert:

SOUTH CAROLINA.

Great Peedee River, between the Atlantic Coast Line Railroad bridge, in Marion County, and the city of Cheraw, with a view to improving the navigation of that part of said river by cutting across several bends or loops, thereby shortening and deepening the channel at those points.

Wateree River, from its mouth in Santee River to Camden, with a view to obtaining a channel of sufficient depth and width to render it navigable by any and all boats which can navigate Santee River as far up as the mouth of the Wateree.

The amendment was agreed to.

The next amendment was, in section 6, page 11, after line 14, to insert:

TEXAS.

The channel from Aransas Pass through what is known as Turtle Cove to Corpus Christi Bay.

The amendment was agreed to.

The next amendment was, in section 6, page 11, after line 17, to insert:

VIRGINIA.

The channel from deep water in Hampton Roads to the Norfolk Navy-Yard, with a view to widening and straightening the same and increasing the depth thereof to 30 and 35 feet, respectively.

The amendment was agreed to.

The next amendment was, in section 6, page 11, after line 22, to insert:

WASHINGTON.

Everett Harbor, Columbia River between Wenatchee and Kettle Falls, with a view to providing aids to navigation for flat-bottomed stern-wheel river steamboats.

Star Rock, Bellingham Bay, with a view to removing the same in accordance with recommendations heretofore made.

Harbor of South Bend, Willapa Harbor.

Chehalis River, between Aberdeen and Montesano.

The amendment was agreed to.

The next amendment was, in section 6, page 12, after line 7, to insert:

WEST VIRGINIA.

Deckers Creek, and the confluence of said creek with the Monongahela River, with the view of restoring, improving, and deepening the harbor destroyed by flood, formerly used for the accommodation of traffic at Morgantown.

The amendment was agreed to.

The next amendment was, in section 6, page 12, after line 12, to insert:

WISCONSIN.

Harbor at Oconto, in the State of Wisconsin, with a view to obtaining a depth of 18 feet and ascertaining the necessity for providing an interior basin outside the river channel to be used for a harbor.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PLATT of Connecticut. On page 3, section 4, there is an omission. There was contained in the bill which passed the Senate, after the word "feet," in line 15, the words—

deep and of such increased width as may be desirable and practicable.

I ask that those words may be inserted. The amendment was put in as it was in the original bill in the Senate, but those words were suggested by the engineers of the War Department, and when the bill passed were in it.

The amendment was agreed to.

Mr. SIMMONS. I offer the amendment I send to the desk.

The SECRETARY. On page 10, after line 15, before the subhead "Oregon," it is proposed to insert:

That the Secretary of War is hereby directed to cause a preliminary examination and survey to be made of the Meherrin River, North Carolina, between the town of Murfreesboro and the mouth of said river, with a view of removing the obstructions to navigation therein and of securing a depth of water 9 feet and of the necessary width, and to report the same on or before December, 1904, with the cost thereof.

Mr. ELKINS. I think it would be best to omit when the report shall be made.

Mr. SIMMONS. I have no objection to that.

Mr. ELKINS. I would suggest that the general heading applies, and that the first words of the amendment are unnecessary.

Mr. SIMMONS. I have no objection to their omission, just so there is a provision for a survey.

The PRESIDENT pro tempore. The Senator can strike out the first two lines, "That the Secretary of War is hereby directed to cause a preliminary examination and survey to be made," and commence "Meherrin River, North Carolina."

Mr. ELKINS. And leave out the date when the report shall be made?

The PRESIDENT pro tempore. Yes; that will be stricken out. The question is on agreeing to the amendment offered by the Senator from North Carolina as amended.

The amendment as amended was agreed to.

Mr. GORMAN. I ask unanimous consent to offer an amendment to an amendment.

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

The SECRETARY. On page 5, at the end of line 24, it is proposed to insert:

Or any other dredge now being constructed for the Government.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LATIMER. I desire to offer an amendment on page 11, line 14, after the words "Wateree River," to insert "also Congaree River from its mouth to the city of Columbia."

The amendment was agreed to.

Mr. SIMMONS. Mr. President—

Mr. ELKINS. I hope the Senator from North Carolina will not offer any more amendments. We have tried to divide this among the States evenly. We do not want to load down the bill with amendments.

Mr. SIMMONS. I hope the Senator will permit me to offer another amendment, and then I will stop.

Mr. ELKINS. I think the Senator's State has been treated with fairness and consideration.

Mr. SIMMONS. There are only three surveys authorized for North Carolina—

Mr. ELKINS. I make the point of order upon the amendment.

Mr. SIMMONS. I have not yet offered the amendment. I desire to offer the amendment which I send to the desk.

The SECRETARY. After the word "channel," in line 9, page 10, it is proposed to insert:

Pamlico and Tar rivers, with a view of securing an uninterrupted channel below the town of Washington of a depth of 10 feet at mean low water and 200 feet wide, and to determine whether there should be a change from the location of the channel for a distance of from 1 to 5 miles immediately below the town of Washington; also with a view of securing a channel in Tar River above the town of Washington and below the town of Greenville, inclusive, of a depth of 5 feet and a width of 100 feet, and to make report of such examination and survey with the estimated cost of such improvement.

Mr. ELKINS. I suggest to the Senator to strike out one of those amendments and leave one in—the one he wants most. I wish he would make a selection.

Mr. SIMMONS. It is very hard to make a choice between them, as they are both so meritorious. I did not go before the committee, because the committee acted so expeditiously that I did not know they were considering the bill until they were through with it.

Mr. ELKINS. Notices were given to Senators, and it was intended that every Senator should have one.

Mr. SIMMONS. I was one of the unfortunate Senators who did not get a notice. This is a small matter.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. BACON. I wish to amend the bill on page 8, at the conclusion of the provision in reference to Georgia.

I ask to be allowed to put in the RECORD a table of figures which shows the increases which have been made by the various ports of the United States in their commerce. I call attention to the fact that the increase in the port of Savannah was \$35,000,000, and that there was but one Atlantic seaport which increased more than the city of Savannah, and that was the city of New York. The city of New York and the city of Galveston are the only two Atlantic and Gulf ports which exceeded Savannah in the amount of increase. I trust that it may be allowed to go in and also a short article on the subject.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Georgia.

The matter referred to is as follows:

[From the New York Sun.]

MONEY WELL SPENT—A STRIKING EXHIBIT—THIRTY-FIVE MILLIONS OF DOLLARS INCREASE IN EXPORTS IN TEN YEARS AT THE PORT OF SAVANNAH, GA.—OUR COMMERCE BY PORTS—COMPARISON SHOWING THE ASTONISHING GROWTH OF SOUTHERN BUSINESS.

TO THE EDITOR OF THE SUN.

SIR: Comparing our exports of 1893 with those of 1903, by principal ports of shipment, we have the following, in round millions of dollars:

Ports.	Exports, 1903.	Increase over 1893.
New York.....	\$518,000,000	\$158,000,000
New Orleans.....	149,000,000	64,000,000
Galveston.....	144,000,000	109,000,000
Boston.....	86,000,000	3,000,000
Baltimore.....	84,000,000	10,000,000
Philadelphia.....	73,000,000	30,000,000
Savannah.....	58,000,000	35,000,000
San Francisco.....	32,000,000	4,000,000
Puget Sound.....	27,000,000	23,000,000
Detroit.....	22,000,000	15,000,000
Buffalo.....	21,000,000	18,000,000
Newport News.....	20,000,000	10,000,000
Mobile.....	15,000,000	12,000,000
Pensacola.....	15,000,000	12,000,000
Port Huron.....	11,000,000	4,000,000
Niagara.....	11,000,000	8,000,000
Portland, Me.....	14,000,000	12,000,000
Wilmington, N. C.....	20,000,000	13,000,000
Charleston, S. C.....	3,000,000	28,000,000
Norfolk.....	8,000,000	2,000,000

^aDecrease.

[From Savannah Morning News, March 29, 1904.]

A GRATIFYING PORT EXHIBIT.

In another column we publish some figures of exports by principal ports of shipment during the year 1903, showing increases and decreases as compared with the figures of 1893. The figures are from a report of the United States Department of Commerce and Labor, and are official. They show that at the port of Savannah the increase in the ten-year period amounted to the very handsome sum of \$35,000,000. With the exception of New York, no other Atlantic port shows so large an increase. New York, New Orleans, and Galveston alone, of all American ports, show larger increases than Savannah. This is, indeed, a most gratifying exhibit.

In connection with this comparison of figures it is not out of place to direct attention to the fact that while there are ports where a great deal of money has been spent by the Government to secure deeper water, none has been spent at any port that can show greater results for the outlay than Savannah. In some places the expenditures have been followed by no marked improvements in rivers and harbors, and in other places the Government's work has produced good results in so far as deeper water is concerned, but no increase

in the volume of commerce has followed. But what has been expended on the improvements for Savannah has given all that the engineers' estimates called for, and the figures of the Department of Commerce and Labor show that a large increase in the business of the port has followed. The forecast of greater commerce to result from river and harbor improvements has been fulfilled.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia [Mr. BACON] will be stated.

The SECRETARY. On page 8, after line 11, it is proposed to insert:

Savannah River and harbor, with the view of obtaining a channel of 30 feet at mean low water from the upper wharves of the city to the sea.

The amendment was agreed to.

Mr. BARD. To relieve the bill of unnecessary matter, I wish to withdraw the amendment I proposed.

The PRESIDENT pro tempore. What amendment is that?

Mr. BARD. On page 5, line 24.

The PRESIDENT pro tempore. The Senator withdraws the words "or in San Pedro Harbor, California."

Mr. BERRY. On page 6, just before the word "California," in line 21, I move to insert "Arkansas and Missouri" and then the matter I send to the desk.

The SECRETARY. On page 6, after line 20, insert:

ARKANSAS AND MISSOURI.

That part of the St. Francis River between the Missouri and Arkansas State line and its mouth, with a view of widening, deepening, and cleaning out the channel and permanently improving the same for the purposes of commerce, and to submit a plan and estimate for such improvements.

Mr. BERRY. It is a survey simply.

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.

PENSION APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed 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.

Mr. McCUMBER. Mr. President, I have here an estimate which has been prepared by the Commissioner of Pensions, showing the surviving soldiers of the civil war on July 1, 1904, etc. I ask that it may be inserted as a part of my remarks.

The PRESIDENT pro tempore. The Chair hears no objection.

The estimate referred to is as follows:

Surviving soldiers of the civil war, July 1, 1904.

Years of age.	Number of each age.	Continuous death rate.	Number of deaths in one year.
55 and under.....	25,000	1.80	0.450
57.....	22,000	2.02	.444
58.....	34,000	2.16	.734
59.....	49,000	2.31	1.132
60.....	59,000	2.47	1.457
61.....	66,000	2.65	1.749
62.....	62,000	2.85	1.767
63.....	60,000	3.07	1.842
64.....	58,000	3.31	1.920
65.....	55,000	3.57	1.964
66.....	52,000	3.86	2.007
67.....	49,000	4.18	2.048
68.....	46,000	4.53	2.084
69.....	42,000	4.90	2.058
70.....	38,000	5.32	2.022
71.....	33,000	5.78	1.907
72.....	28,000	6.28	1.758
73.....	22,000	6.82	1.500
74.....	16,000	7.41	1.186
75 and up.....	54,000	11.50	6.210
Average.....			36.239 4.17

Mr. McCUMBER. Mr. President, the committee has reported an amendment calling for \$4,000,000 in addition to what was reported before, and that those \$4,000,000 may be available for the present fiscal year ending June 30, 1904. I wish to give a little explanation concerning this amendment. It is estimated that by reason of Order No. 78, between this time and the 1st of July, 1904, there will be required an additional sum to pay the claims that are now being considered, and upon which but little additional proof will be required, of \$1,500,000. An estimate has been made of this, and it will be required this year, for the reason that nearly every claimant who has reached the age of 62 years and who has been granted a pension of less than \$6 will individually make a reapplication, and in fact since the order of March 15 they have been making a great number of applications.

The Commissioner of Pensions is disposing of those cases very rapidly, and in order not to be behind in the payments he requires the additional sum of \$1,500,000.

In addition to that, there have been passed in previous years and in recent years a number of what may be called special pension acts, covering certain classes of claimants. These could not be estimated for at the time the bills were passed. They were passed at divers times from 1893 to 1903, inclusive. The previous estimates have been found to be low, and therefore there will be a deficiency for the year ending June 30, 1904, in the Pension Bureau, of an estimated amount of \$2,500,000, and therefore this amendment, which has been reported by the Committee on Pensions, is asked to be inserted in the bill. The amendment provides as follows:

For paying any deficiency which may arise during the fiscal year ending June 30, 1904, by reason of recent pension legislation, the sum of \$4,000,000, which sum shall become immediately available.

This is necessitated by reason of the following laws, which I think should be made note of so that Senators may understand why this extra amount is required. Otherwise, it might be assumed that it was required on account of the new pension order.

These laws are, first, pensions to those who heretofore served in the Confederate army or deserted from the Union Army, but afterwards served in the Union Army. There were but few of the Confederates who afterwards served in the Union Army until 1898, when we had our war with Spain. Therefore, since that time there have been placed upon the pension rolls a large number of these soldiers, and this requires an amount which was not estimated for.

The second is the adding of certain organizations to the pension rolls, as, for instance, those who served in a number of Indian wars. This law was passed in 1902, and includes several Indian wars.

Third, the increasing of pensions for total deafness. This was increased to a considerable extent this year.

Fourth, the restoration of widows, dependent mothers or dependent sisters, and those who had remarried and who had become widows afterwards.

Fifth, the increase of pensions to those who lost limbs in the service of the United States. That was increased from seventy-two to one hundred dollars a month.

Sixth, the increase of pensions to Mexican-war survivors, which passed last year, when the amount was raised from eight to twelve dollars per month.

Seventh, a very large number of special acts bearing higher rates of pensions.

In addition to the foregoing, the Bureau is doing much more work than usual, and the result is a great many more rejections and a great many more additions and certificates. This increase in the amount of work in the Bureau accomplishes the finishing of a large amount of delayed and accumulated business.

So it is thought it will be necessary to provide two and a half million dollars more this year in the appropriation bill which may be immediately available. Also one million and a half on account of the extra number of applications which followed as a result of this order. I will now yield to the Senator from West Virginia.

Mr. SCOTT. Mr. President—

Mr. HALE. Before the Senator from West Virginia proceeds, I wish to ask the Senator from North Dakota a question. Does the bill which the Senator reports, through any appropriation carrying out order 78 apply to the time between now and July 1, the beginning of the next fiscal year?

Mr. McCUMBER. Yes; \$1,500,000 is required by reason of the order and the extra number of cases by those who have reached 62 years of age, who have made new application, and whose applications will be passed upon and pensions allowed thereunder undoubtedly before the 1st of July.

Mr. HALE. The reason I ask is that in the House bill providing for deficiencies, this \$1,500,000 has been inserted and has been reported by the committee of the Senate as a part of the bill. But if the Senator has included that in this bill, which should strictly be a bill for the next year and not covering deficiencies, I will make no question with him. It does not belong in this bill; but if it passes, then of course I shall move to strike that item out of the deficiency bill. Regular appropriation bills carry the estimates of appropriations for the fiscal year beginning with July 1.

The business of a deficiency bill is to provide items for the rest of the year up to the beginning of the next fiscal year. I shall make no question with the Senator because he has put a deficiency item in this year's bill, if he has the language sufficient, and I shall not ask to pass a duplicate bill.

Mr. McCUMBER. I call the attention of the Senator to the fact that the amount of the deficiency will be about \$4,000,000 for all these cases, and the deficiency bill calls for only \$1,500,000. Now, it is just as necessary to have the \$2,500,000 on account of the recent laws as it is to have the \$1,500,000.

It seems to me more appropriate that we should keep these pension appropriations upon the pension bill, and the amendment simply provides for \$4,000,000 and does not designate the purpose

in detail, although, of course, the report shows what it is for, except as I have stated, "for paying any deficiency which may arise during the fiscal year ending June 30, 1904, by reason of recent pension legislation, the sum of \$4,000,000, which sum shall become immediately available."

Mr. HALE. I did not know. I will withdraw what I said. But that process, carried out, would entirely abolish the deficiency appropriations. The deficiency bill is a bill that of itself, not for one Department, but for pensions, for the Navy and the Army, and every branch of the Government, takes into consideration the question whether the appropriations for the past are sufficient to run the rest of the year. If the Senator takes the ground that on an annual appropriation bill covering a fiscal year he should put in everything that is a deficiency, that is the end of the scrutiny that deficiency appropriations now receive. If the Senator does that, I shall certainly make a point of order that the amendment is not in order on this bill.

Mr. McCUMBER. It does not make the slightest difference to me whether this is allowed upon the pension bill or whether the amount is put in the deficiency bill. I supposed it would receive the same consideration upon the pension bill as upon the deficiency bill, and from the fact that the deficiency bill as reported by the House covered only one item, when there were expenses that related to many items and which increased the sum, I thought it best to do one of two things, either to consider the whole upon the pension bill or else to ask the Senator in charge of the deficiency bill to amend that bill so as to provide for \$4,000,000 instead of \$1,500,000.

Mr. HALE. If the Senator had examined the deficiency bill he would have seen that that is just what it does provide for—the whole \$4,000,000 of which a million and a half is to carry out order 78. While I have no question of priority or jealousy, I can not consent, and I do not suppose the Senate will consent, that the whole system shall be changed, and that in an appropriation bill for the fiscal year beginning July 1, 1904, the Senator should put on items which are strictly deficiencies, and which are provided for in a deficiency bill that has been originated in the popular branch and sent over to us. They have put on the \$4,000,000. It is on the deficiency bill as reported to the Senate. And under these circumstances I think the Senator had better strike that item out of his bill.

Mr. McCUMBER. If the Senator desires to raise the point of order, and if the matter is taken care of in the deficiency bill, I certainly shall not have the slightest objection to its being stricken out.

Mr. HALE. It is taken care of. The provision in the deficiency bill is for \$4,000,000.

Mr. McCUMBER. I understood it was only \$1,500,000.

Mr. HALE. No, it is for \$4,000,000. The Commissioner of Pensions went before the House committee on the deficiency bill—I am not speaking for the committee here, but it is due to the House—and they put in the \$4,000,000 altogether, including the one million and a half. It is in the bill already reported.

Mr. McCUMBER. I wish to ask in this connection whether it is a matter upon which a point of order could be raised that you are in a general appropriation bill making some of the money appropriated immediately available.

Mr. HALE. That is another thing.

Mr. McCUMBER. That is all there is in this.

Mr. HALE. You make it available, but you have items which are not in themselves annual appropriations, but which are deficiencies, and which have always been considered as deficiencies and are considered by the House of Representatives as deficiencies and are in the bill.

Mr. McCUMBER. I can see that they could be placed upon the deficiency bill, but I can not see any real objection to their being upon this bill.

Mr. HALE. Then there would be no deficiency bill as to this service.

Mr. McCUMBER. Certainly.

Mr. HALE. That is not the habit or the practice. It is not the basis upon which appropriation bills are run. The House of Representatives does not make up its bill in that way. It sends this bill in. It did not put this item on the pension bill.

Mr. McCUMBER. I will say to the Senator I am not trying to make a new rule at all. I am perfectly willing, if the Senator considers that a point of order will lie upon the amendment, that he shall make the point of order.

Mr. HALE. Well, I make the point of order.

The PRESIDENT pro tempore. The Chair observes but one amendment to the bill.

Mr. McCUMBER. It is an amendment which has been reported, if the Chair please.

The PRESIDENT pro tempore. It has not been offered.

Mr. McCUMBER. It has not been heretofore offered, but is offered at this time.

Mr. HALE. The Senator, then, can settle the whole matter by not offering it, or I can make the point of order when he offers it.

Mr. McCUMBER. I will offer the amendment which has been reported and allow the Senator to make the point of order.

Mr. HALE. I make the point of order that it is a deficiency not to be provided for in the regular appropriation bill.

Mr. GORMAN. Let it be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. In line 3, page 2, after the word "dollars," insert:

For paying any deficiency which may arise during the fiscal year ending June 30, 1904, by reason of recent pension legislation, the sum of \$4,000,000 which sum shall become immediately available.

Mr. HALE. It is even stronger than I supposed. It states that it is a deficiency.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. SCOTT. Mr. President, I desire to detain the Senate for only a moment to make a few observations on the bill and on the question that has been raised before the Senate.

I am very sorry indeed that the chairman of our committee felt it necessary to defend the action of the Department in granting pensions under the recent order of the Pension Bureau. My position is that every soldier who served his country from the year 1861 to 1865—and there was not one boy who was not needed—and who served, it may be, for only thirty days, it may be four years, and received an honorable discharge, is entitled to a pension under the understanding with this Government when the soldiers were called into service.

I speak of my friend here, the Senator from Minnesota [Mr. NELSON], who carried a knapsack like some of the rest of us, who did not wear epaulettes and a sword dangling by his side for honor. We went to the defense of our country because we believed it was our duty. The Senator here was wounded and imprisoned. He served his country for \$13 a month. Does any Senator on the floor of the Senate believe that he went into the service of his country to get \$13 a month?

No, Mr. President, the country said to him when he enlisted, "We will take care of you, your widow, and your orphan;" and it is the duty of the American people to-day to care for the widows and orphans of the men who enlisted in the service of their country in 1861 to 1865.

Mr. President, we all know the inducements that were held out when we were told in mass conventions and meetings—the young men 18, 19, and 20 years of age, my friend here being 19 when he enlisted—that this Government would care for the soldier and care for his mother and care for his widow—if it might be that he had a wife—and his children. It is our duty to-day to do that which the Government then promised.

It does not make a particle of difference whether the deficiency is \$4,000,000 or \$400,000,000; I am for the soldier and his widow and his orphans that they shall be cared for.

Who saved this country? Just such men as my friend here from Minnesota and my friend the Senator from Rhode Island [Mr. ALDRICH], who put their knapsacks on their backs and placed muskets on their shoulders and went to the front to defend their country. Those are the men—others like them—who are entitled to-day to the sympathy and the care of this great country of ours.

Mr. President, if my vote would carry it, every soldier to-day who can show that he had an honorable discharge would get \$25 a month pension, whether he was a poor man, a rich man, or whether his widow or his orphan children were in need or not.

Mr. President, these pension laws of ours are a delusion and a snare. Nothing but red-tapism stands or has stood between the just claim of the soldiers of the Union and granting to them and to their widows and orphans their just rights.

It is all nonsense to say that the Government of the United States took into its service a man who was a wreck, who was an invalid at the time he enlisted. Every one of us was examined, as I can appeal to my friend from Minnesota here. We went through a rigid examination. Why should we be compelled to prove that we were healthy and strong and in good physical condition when we enlisted? If we were not, why were we accepted?

Mr. President, I tell you upon this subject I have no patience with this paring process. I say to my friends on the floor of the Senate that to the men who volunteered, to the men who carried knapsacks, to the men who had hardtack in their haversacks and a piece of salt meat, this country is to-day under obligation for the saving of our Union and our position as a power in the world's history.

Mr. President, I think that the pension laws to-day should be revised. As I stated in my remarks when I set out, I believe that every man who served his country, it does not matter whether for five days, five months, or five years, is entitled to a pension. The Scriptures tell us that the man who entered into the vine-

yard at the last hour is entitled to just as much pay as the man who went in and bore the heat and burden of the day.

I have no patience, Mr. President, with those who are continually talking about 62 years of age, 68 years of age, 70 years of age, or any other age. Any man who served his country faithfully and was honorably discharged should be entitled to a pension, and neither the Senate nor the House of Representatives should hesitate to appropriate a sufficient amount of money so that every one of them shall receive a pension.

Now, another consideration enters into this matter. As a member of the Committee on Pensions we are often confronted with the fact that some widow owns a house and lot, and consequently she is not entitled to a pension. The house she lives in is a home, to be sure, but it does not secure to her a maintenance or an income. And yet under the ruling of the Pension Bureau she is refused a pension. That is all wrong, Mr. President.

I do hope that the Senate will be generous and liberal in the construction of the laws and in appropriating money to the payment of pensions.

Mr. President, when the orators stood before us in the little country village, in the red schoolhouse, they told us what glory there was in front of us and what we were expected to do in defense of our country and what great heroes we would be if we enlisted. We went up and signed our names, and we were examined and mustered into the service of the United States. We know what it cost us to bid good-by to the old mother. We know what it cost many of us to say good-by to the little sweetheart.

I say we should not be disappointed. We expected this great country of ours to provide for us and those whom we left dependent. I thank God that I do not need personally anything from the Government of the United States, but I feel from the fullness of my heart that every man who served his country should be properly cared for, and that his widow and orphans should be properly cared for.

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

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

The bill was read the third time, and passed.

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. 2034) directing the issue of a duplicate of a lost check, drawn by Arthur J. Pritchard, pay director of the United States Navy, in favor of the Davis Coal and Coke Company;

A bill (S. 2385) providing for holding regular terms of the circuit and district courts of the United States at Great Falls, Mont.;

A bill (S. 2842) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893;

A bill (S. 3292) amendatory of an act entitled "An act to provide a permanent census office," approved March 6, 1902; and

A bill (S. 5259) 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.

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

A bill (H. R. 14533) to change and fix the time for holding the district and circuit courts for the northern division of the eastern district of Tennessee;

A bill (H. R. 15010) to amend section 6 of "An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line, and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township," approved July 1, 1902;

A bill (H. R. 15195) authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River at Lexington, Mo.; and

A bill (H. R. 15228) establishing a regular term of the United States circuit and district courts at East St. Louis, Ill.

The message further announced that the House had agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4769) validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print in two volumes, instead of one, a comprehensive index of Government publications, 1881 to 1903.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print and bind 12,000 copies of the proceedings attending the unveiling of the statue of Gen. William T. Sherman.

The message also announced that the House had passed a concurrent resolution to print and bind in one volume, in cloth, 17,000 copies of the three separate memorial addresses on Abraham Lincoln, James A. Garfield, and William McKinley; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further 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. 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. 10670) making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes; 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 Bigstone Gap, Va.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 15054, the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider 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; which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. Mr. President—

Mr. HALE. I wish to announce that to-morrow morning, after the routine morning business, I shall ask the Senate to continue the consideration of this bill.

UNRESERVED LANDS IN NEBRASKA.

Mr. DIETRICH. I am authorized by the Committee on Public Lands, to whom was referred the bill (H. R. 14826) to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska, to report it with amendments, and I ask for its immediate consideration.

Mr. PLATT of Connecticut. Let the bill be read for information.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Public Lands was, in section 1, page 2, line 18, after the word "irrigate," to strike out "by means of water conducted from natural streams by gravity" and to insert "under the national irrigation law or by private enterprise;" and in line 23, after the word "aforesaid," to strike out "through operations under the national irrigation law or by private enterprise;" so as to make the section read:

That from and after sixty days after the approval of this act entries made under the homestead laws in the State of Nebraska west and north of the following line, to wit, beginning at a point on the boundary line between the States of South Dakota and Nebraska where the first guide meridian west of the sixth principal meridian strikes said boundary; thence running south along said guide meridian to its intersection with the fourth standard parallel north of the base line between the States of Nebraska and Kansas; thence west along said fourth standard parallel to its intersection with the second guide meridian west of the sixth principal meridian; thence south along said second guide meridian to its intersection with the third standard parallel north of the said base line; thence west along said third standard parallel to its intersection with the range line between ranges 25 and 26 west of the sixth principal meridian; thence south along said line to its intersection with the second standard parallel north of the said base line; thence west on said standard parallel to its intersection with the range line between ranges 30 and 31 west; thence south along said line to its intersection with the boundary line between the States of Nebraska and Kansas, shall not exceed in area 640 acres, and shall be as nearly compact in form as possible, and in no event over 2 miles in extreme length: *Provided*, That there shall be excluded from the provisions of this act such lands within the territory herein described as in the opinion of the Secretary of the Interior it may be reasonably practicable to irrigate under the national irrigation law or by private enterprise; and that said Secretary shall, prior to the date above mentioned, designate and exclude from entry under this act the lands, particularly along the North Platte River, which in his opinion it may be possible to irrigate as aforesaid, and shall thereafter, from time to time, open to entry under this act any of the lands so excluded, which, upon further investigation, he may conclude can not be practically irrigated in the manner aforesaid.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 13, after the word "entered," to insert "but final entry shall not be allowed

of such additional land until five years after first entering same;" so as to make the section read:

SEC. 2. That entrymen under the homestead laws of the United States within the territory above described who own and occupy the lands heretofore entered by them may, under the provisions of this act and subject to its conditions, enter other lands contiguous to their said homestead entry, which shall not, with the land so already entered, owned, and occupied, exceed in the aggregate 640 acres; and residence upon the original homestead shall be accepted as equivalent to residence upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering same.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 22, after the word "Provided," to strike out:

That a former homestead entry shall not be a bar to the entry under the provisions of this act of a tract which, together with the former entry, shall not exceed 640 acres.

And insert:

That the former homestead entryman within the area above described who yet owns and occupies such former entry shall not by reason of such former entry be barred from an entry under the provisions of this act of a tract which, together with the former entry, shall not exceed 640 acres.

So as to make the section read:

SEC. 3. That the fees and commissions on all entries under this act shall be uniformly the same as those charged under the present law for a maximum entry at the minimum price. That the commutation provisions of the homestead law shall not apply to entries under this act, and at the time of making final proof the entryman must prove affirmatively that he has placed upon the lands entered permanent improvements of the value of not less than \$1.25 per acre for each acre included in his entry: *Provided*, That a former homestead entryman within the area above described who yet owns and occupies such former entry shall not by reason of such former entry be barred from an entry under the provisions of this act of a tract which, together with the former entry, shall not exceed 640 acres.

The amendment was agreed to.

Mr. TELLER. Is there a report with the bill? I do not know what it is. I never heard of it before.

The PRESIDENT pro tempore. There is no report.

Mr. DIETRICH. I will state that the bill was recommended unanimously by the Public Lands Committee in the House; it passed the House unanimously, and it has been favorably reported by the Public Lands Committee of the Senate. It is a bill which applies alone to the arid lands of Nebraska. We still have in Nebraska about 9,000,000 acres of land, mostly sand hills, where it is impossible for a family to make a living upon 160 acres. The object of the bill is simply to increase the homestead privilege in that portion of the State to 640 acres. I assure the Senate that any 40 acres in the eastern part of the State have more value than any 640 acres still remaining unappropriated.

Mr. CLARK of Wyoming. I wish to ask a question for information. Is the bill as reported by the committee, with the amendments, the same bill that passed the House yesterday?

Mr. DIETRICH. It is the same bill.

Mr. CLARK of Wyoming. Exactly the same?

Mr. DIETRICH. The amendments have been made to conform—

Mr. CLARK of Wyoming. I have not had time or opportunity to examine it. Then, if we pass the bill with the amendments, as reported, it would simply be concurring in the action of the House?

Mr. DIETRICH. We are concurring in the action of the House with the exception of the amendments.

Mr. CLARK of Wyoming. I should like to ask the Senator what will be the effect of the amendments? I could not catch them, there was so much noise in the Chamber. The bill has not been printed as proposed to be amended.

Mr. DIETRICH. The amendments that have been added require that persons must live upon the land five years before they can secure title, and they must also place permanent improvements thereon to the extent of a dollar and a quarter an acre.

Mr. CLARK of Wyoming. That provision was in the bill as passed by the House.

Mr. DIETRICH. Yes; but not the proviso that they must live five years upon the land.

Mr. TELLER. I wish to know whether the bill applies to any section except Nebraska?

Mr. DIETRICH. It applies to no section except Nebraska, and, as described in the bill, only to a portion of Nebraska, the extreme western part.

Mr. TELLER. I dislike to interfere with a bill of this kind, local in its character.

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.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 22, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 21, 1904.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) William T. Tarrant to be a lieutenant in the Navy from the 18th day of March, 1904, vice Lieut. William R. Shoemaker, promoted.

Lieut. (Junior Grade) Walter B. Tardy to be a lieutenant in the Navy from the 2d day of April, 1904, vice Lieut. Isaac K. Seymour, promoted.

Asst. Surg. Samuel S. Rodman to be a passed assistant surgeon in the Navy from the 14th day of December, 1903, having completed three years' service in his present grade.

POSTMASTERS.

ARKANSAS.

William Miller to be postmaster at Dermott, in the county of Chicot and State of Arkansas. Office became Presidential April 1, 1904.

James E. Wickersham to be postmaster at Yellville, in the county of Marion and State of Arkansas. Office became Presidential April 1, 1904.

F. W. Youmans to be postmaster at Lewisville, in the county of Lafayette and State of Arkansas, in place of Mary J. Smith, resigned.

FLORIDA.

Harry C. Budge to be postmaster at Miami, in the county of Dade and State of Florida, in place of Harry C. Budge. Incumbent's commission expires May 4, 1904.

Roy S. Hanna to be postmaster at St. Petersburg, in the county of Hillsboro and State of Florida, in place of Roy S. Hanna. Incumbent's commission expired March 23, 1904.

GEORGIA.

Harry S. Edwards to be postmaster at Macon, in the county of Bibb and State of Georgia, in place of Harry S. Edwards. Incumbent's commission expires May 9, 1904.

ILLINOIS.

John Murvin to be postmaster at Louisville, in the county of Clay and State of Illinois. Office became Presidential January 1, 1904.

INDIANA.

Henry Wood to be postmaster at Loogootee, in the county of Martin and State of Indiana, in place of Henry Wood. Incumbent's commission expires May 4, 1904.

IOWA.

Ezra Bradford to be postmaster at Wellman, in the county of Washington and State of Iowa. Office became Presidential April 1, 1904.

KANSAS.

W. H. Smith to be postmaster at Colby, in the county of Thomas and State of Kansas, in place of Robert M. McGonigal. Incumbent's commission expired January 27, 1903.

MASSACHUSETTS.

Frank E. Nichols to be postmaster at Warren, in the county of Worcester and State of Massachusetts, in place of Frank E. Nichols. Incumbent's commission expires April 27, 1904.

MICHIGAN.

Henry S. Wickware to be postmaster at Cass City, in the county of Tuscola and State of Michigan, in place of Henry S. Wickware. Incumbent's commission expires April 27, 1904.

NEBRASKA.

James H. Overman to be postmaster at Stella, in the county of Richardson and State of Nebraska. Office became Presidential January 1, 1904.

Jessie W. Phillips to be postmaster at Table Rock, in the county of Pawnee and State of Nebraska, in place of Jessie W. Phillips. Incumbent's commission expired December 19, 1903.

NEW MEXICO.

Frank A. Hill to be postmaster at Raton, in the county of Colfax and Territory of New Mexico, in place of Thomas W. Collier, deceased.

NEW YORK.

Edward A. Cowles to be postmaster at Patchogue, in the county of Suffolk and State of New York, in place of Edward A. Cowles. Incumbent's commission expires May 4, 1904.

Anna V. T. Smith to be postmaster at Bronxville, in the county of Westchester and State of New York, in place of Anna V. T. Smith. Incumbent's commission expires May 4, 1904.

Oliver H. Tuthill to be postmaster at Rockville Center, in the county of Nassau and State of New York, in place of Oliver H. Tuthill. Incumbent's commission expires May 2, 1904.

OHIO.

Louis A. Koons to be postmaster at Massillon, in the county of Stark and State of Ohio, in place of Louis A. Koons. Incumbent's commission expires June 5, 1904.

OREGON.

William H. Leitner to be postmaster at Huntington, in the county of Baker and State of Oregon, in place of William H. Leitner. Incumbent's commission expired March 13, 1904.

PENNSYLVANIA.

Henry D. Ruth to be postmaster at Lansdale, in the county of Montgomery and State of Pennsylvania, in place of Henry D. Ruth. Incumbent's commission expired April 16, 1904.

Samuel A. Smith to be postmaster at Indiana, in the county of Indiana and State of Pennsylvania, in place of Samuel A. Smith. Incumbent's commission expires April 27, 1904.

Daniel Williams to be postmaster at Sharon, in the county of Mercer and State of Pennsylvania, in place of Daniel Williams. Incumbent's commission expires May 9, 1904.

SOUTH DAKOTA.

Joseph Kubler to be postmaster at Custer, in the county of Cu-ter and State of South Dakota, in place of Joseph Kubler. Incumbent's commission expires May 4, 1904.

TENNESSEE.

Edwin C. Alexander to be postmaster at Elizabethton, in the county of Carter and State of Tennessee, in place of Senorita V. Alexander. Incumbent's commission expires May 7, 1904.

Gus Cate to be postmaster at Cleveland, in the county of Bradley and State of Tennessee, in place of James K. P. Marshall. Incumbent's commission expired March 31, 1904.

George B. Henegar to be postmaster at McMinnville, in the county of Warren and State of Tennessee, in place of Asa H. Faulkner. Incumbent's commission expired February 20, 1904.

TEXAS.

J. B. Campbell to be postmaster at Alvarado, in the county of Johnson and State of Texas, in place of George W. Cotter. Incumbent's commission expired January 10, 1903.

James I. Carter to be postmaster at Arlington, in the county of Tarrant and State of Texas, in place of James I. Carter. Incumbent's commission expired March 31, 1904.

Owen Ford to be postmaster at San Marcos, in the county of Hays and State of Texas, in place of Owen Ford. Incumbent's commission expired January 10, 1903.

Charles C. Littleton to be postmaster at Weatherford, in the county of Parker and State of Texas, in place of William F. Wieland, deceased.

Marion D. Townley to be postmaster at Valley Mills, in the county of Bosque and State of Texas. Office became Presidential April 1, 1904.

WASHINGTON.

George W. France to be postmaster at Hoquiam, in the county of Chehalis and State of Washington, in place of George W. France. Incumbent's commission expired December 14, 1903.

John O. Wilson to be postmaster at Cosmopolis, in the county of Chehalis and State of Washington. Office became Presidential October 1, 1903.

WEST VIRGINIA.

Albert G. Holt to be postmaster at Kenova, in the county of Wayne and State of West Virginia. Office became Presidential January 1, 1904.

WISCONSIN.

Murdick W. McAskill to be postmaster at Glidden, in the county of Ashland and State of Wisconsin. Office became Presidential April 1, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 21, 1904.

PROMOTIONS IN THE NAVY.

Lieut. Chester M. Knepper to be a lieutenant-commander in the Navy from the 1st day of January, 1904.

Ensign Walter M. Hunt to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904.

POSTMASTERS.

ILLINOIS.

Archibald W. Fletcher to be postmaster at Highland Park, in the county of Lake and State of Illinois.

John Grierson to be postmaster at Morrison, in the county of Whiteside and State of Illinois.

John F. Mains to be postmaster at Stronghurst, in the county of Henderson and State of Illinois.

Sealy B. Moody to be postmaster at Lagrange, in the county of Cook and State of Illinois.

Elmer E. Smith to be postmaster at Clayton, in the county of Adams and State of Illinois.

INDIANA.

Hugh S. Espey to be postmaster at Rising Sun, in the county of Ohio and State of Indiana.

John A. Hall to be postmaster at Cicero, in the county of Hamilton and State of Indiana.

Hamlin Smith to be postmaster at Brownstown, in the county of Jackson and State of Indiana.

TEXAS.

Frankie Houssels to be postmaster at Childress, in the county of Childress and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 21, 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, corrected, and approved.

AFFECTING MANNER OF IMPORTATION.

Mr. GROSVENOR. Mr. Speaker, I call up the privileged bill (S. 2816) to amend section 3095 of the Revised Statutes of the United States, relating to manner of importation, which I shall send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 3095 of the Revised Statutes is hereby amended so as to read as follows:

"Sec. 3095. Except in the districts on the northern, northwestern, and western boundaries of the United States, adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port in any other manner than by sea, nor in any vessel of less than 50 net register tons, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such vessels and of the merchandise imported therein, laden or unladen in any other manner."

Sec. 2. This act shall take effect one month after its passage.

Mr. SMITH of Kentucky. Mr. Speaker, I would like to hear some explanation of the bill.

Mr. GROSVENOR. Mr. Speaker, the present law regulating the importation of goods into the northwestern sections of our country was passed prior to the creation of the Puget Sound district. The language in the law at present is "except into the districts hereinbefore described," and that description, therefore, did not cover the Puget Sound district. The creation of the Puget Sound district brings about this strange condition of facts, that the law is different, or rather, there is no law at all regulating this question in the matter of importations into that district. The Treasury Department asks that we make the present law conform to the present conditions of the districts in the Northwest.

Mr. SMITH of Kentucky. The bill comes from the Committee on Ways and Means?

Mr. GROSVENOR. It comes with a unanimous report from the Committee on Ways and Means, and is recommended by the Treasury.

Mr. LIND. Mr. Speaker, does it affect the imports from abroad?

Mr. GROSVENOR. Certainly not, because they can not do that. This is a simple change in the language of the present law. It strikes out the words "hereinbefore described" and puts it in the form as read by the Clerk.

Mr. LIND. It does not affect the bonding privilege?

Mr. GROSVENOR. Not at all. It simply conforms the law to the new condition of the districts.

Mr. PAYNE. It makes it the same as it is with Canada and Mexico.

Mr. GROSVENOR. It makes the law exactly as it is with Canada and Mexico; it makes a uniform operation throughout that whole section of the country.

The SPEAKER. The question is on the third reading of the Senate bill.

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

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

UNANIMOUS CONSENTS.

The SPEAKER. The Chair desires to state to the House that he has memoranda from many Members asking for the passage of court and bridge bills and bills that probably would not be ob-

jected to if the House would take the time to ascertain what they are. It is the desire of many Members that these requests shall be submitted to the House for unanimous consent. Of course each Member has the right, as gentlemen understand, to object to the consideration of any bill, or the consideration of all bills can be cut off by demand for the regular order. If such is the pleasure of the House, the Chair will devote one to two hours this morning in laying these matters before the House for unanimous consent, after having made this statement.

The Chair recognizes the gentleman from Missouri [Mr. HAMLIN].

BRIDGE OVER MISSOURI RIVER AT LEXINGTON, MO.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15195, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

A bill (H. R. 15195) authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River at Lexington, Mo.

The SPEAKER. Is there objection to the present consideration of the bill of which the Clerk has reported the title?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, with committee amendments thereto, in full.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

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

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

On motion of Mr. HAMLIN, a motion to reconsider the last vote was laid on the table.

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. 10018. An act 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;

H. R. 11518. An act 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 Bigstone Gap, Va.; and

H. R. 10670. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 11676. An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10101. An act for the cession of 120 acres of land to the Beecher Island Battle Memorial Association.

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

S. 5597. An act to amend an act entitled "An act providing for public printing and binding and the distribution of public documents;" and

S. 5475. An act granting a pension to Mary M. Rice.

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. 5597. An act to amend an act entitled "An act providing for public printing and binding and the distribution of public documents"—to the Committee on Printing.

S. 5475. An act granting a pension to Mary M. Rice—to the Committee on Invalid Pensions.

INDIANS ON SHOSHONE RESERVATION, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 13481) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. JONES of Virginia. Reserving the right to object, I should like to hear the bill read.

The SPEAKER. The Chair will explain that his only reason for asking for objection before the reading of the bill was that when a bill is lengthy it may be well that the objection, if any, should be stated before time has been spent in the reading. The Chair can see the propriety in a case of this kind of asking for the reading of the bill before the question of unanimous consent is determined.

Mr. MONDELL. I ask unanimous consent that the reading of the preamble of the bill be dispensed with.

There was no objection.

The Clerk read the residue of the bill; which, in its entirety, is as follows:

Whereas Messrs. Joseph H. Brigham and Charles H. Merillat, two members of a commission consisting of Messrs. John D. Woodruff, Joseph H. Brigham, and Charles H. Merillat, did on the 2d day of October, 1891, conclude an agreement with the Shoshone and Arapahoe tribes of Indians residing on the Shoshone Indian Reservation in the State of Wyoming, which said agreement is in words and figures as follows, to wit:

Articles of agreement made and entered into at Fort Washakie, in the State of Wyoming, on the 2d day of October, 1891, by and between John D. Woodruff, Charles H. Merillat, and Joseph H. Brigham, commissioners on the part of the United States, and the Shoshone and Arapahoe tribes of Indians in the State of Wyoming.

ARTICLE I.

For the consideration hereinafter named the said Shoshone and Arapahoe tribes of Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, subject to certain conditions hereinafter named respecting the right of individual Indians to retain allotments heretofore taken on the ceded part of the reservation, all their right, title, and interest of every kind and character in and to the lands and the water-rights appertaining thereunto, embraced in the following-described tract of country in the State of Wyoming:

All that portion of the Shoshone Reservation lying north and east of the following described lines, to wit: Beginning in the mid-channel of the Big Wind River at a point where the river crosses the western boundary of the reservation; thence in a southeasterly direction, following the mid-channel of the Big Wind River to a point known as the Wood Flat Crossing; thence in a line due east to the eastern boundary of the reservation; then, beginning where the line run due east from Wood Flat Crossing intersects the Big Wind River; thence in a line due south to the southern boundary of the reservation.

ARTICLE II.

In consideration for the lands ceded, sold, relinquished, and conveyed, as aforesaid, the United States stipulates and agrees to pay to the Shoshone and Arapahoe tribes of Indians the sum of \$600,000 to bear interest until paid at the rate of 5 per cent per annum, and to be expended for the benefit of the Indians in the manner hereinafter described.

ARTICLE III.

Of the said \$600,000, \$170,000 is hereby set apart as a cattle fund, the interest on which, at 5 per cent per annum, shall be annually expended, under the direction of the Secretary of the Interior, in the purchase, maintenance, and support of a herd of cattle, to be held in common for the benefit of said Shoshone and Arapahoe tribes of Indians. The Indian agent shall select an appropriate and legal brand for the cattle, and it shall be his duty to see that all the cattle delivered at the agency for the Shoshone and Arapahoe Indians are suitably branded before being turned on the range. The Indian agent shall have full jurisdiction over the management of said herd of cattle. It shall be his duty to employ all necessary help and he shall have power to discharge said help at any time.

The range management of the herd shall be intrusted to the Indian or half-breed member of either of the tribes whom the Indian agent shall select as the person best qualified for the purpose: *Provided, however,* That if it be deemed advisable at any time for the proper care of said cattle the agent shall have power to employ a well-qualified white man as foreman. The employees under this foreman shall be selected from the Indian and half-breed members of the tribes. The foreman and herders shall furnish their own ponies, and shall receive a reasonable compensation, to be fixed by the agent and paid out of the money available each year for the running expenses of the cattle herd. The Indian agent alone shall have power to sell cattle from said Indian herd, under the following restrictions: No cattle bearing said Indian brand shall be sold or transferred in the State of Wyoming except for immediate slaughter. All cattle so sold or transferred shall be delivered by the Indian agent at some agreed-upon corral, and no claim or title of any individual, company, or corporation to any of said brand of cattle running upon the open range can be acquired or shall be recognized. The Indian agent, however, shall have power to ship beef cattle to eastern markets for sale whenever in his opinion such shipment would be to the advantage of the Indians. All sales of cattle shall be for cash, and the proceeds shall be turned into what shall be known as the Shoshone and Arapahoe cattle fund, and held by the agent for pro rata distribution to the Indians whenever said fund reaches an amount equal to \$2 per capita.

Any unauthorized person found in possession of cattle from the Indian herd shall be liable to prosecution under the laws of the United States, and on conviction may be fined not exceeding \$1,000 or imprisonment for not exceeding three years in the discretion of the court. The penalties provided for defacement of the Government brand on cattle shall apply to cases of defacement of the brand selected for cattle belonging to the Indian herd. Each year it shall be the duty of the Indian agent to make and forward to the Secretary of the Interior a careful estimate of the running expenses of the herd for the coming season, and the amount so estimated shall be reserved from the annual fund and the balance used, in the discretion of the Secretary of the Interior, in the purchase of stock cattle.

ARTICLE IV.

The further amount of \$80,000 is hereby set apart as an irrigation fund, the interest on which, at 5 per cent per annum, or so much thereof as may be necessary, shall be annually expended, under the direction of the Secretary of the Interior, in building dams, constructing ditches and canals for irrigation within the diminished reservation, and in the maintenance, enlargement, repair, and management of such system of irrigation as may be established: *Provided,* That in the employment of persons for work, Indians, members of the Shoshone and Arapahoe tribes, shall be employed whenever practicable, and shall be paid the average wages paid to white laborers for the same service rendered.

ARTICLE V.

The further amount of \$250,000 is hereby set apart as a general welfare and improvement fund, the interest of which, at 5 per cent per annum, shall be annually expended, under the direction of the Secretary of the Interior, for the civilization, industrial education, comfort, and improvement of the Indians, the money to be expended in the purchase of such articles and for such purposes as the Indians may request, and the Secretary of the Interior approve: *Provided, however,* That a reasonable amount of money may be expended each year in the erection, repair, and maintenance of bridges needed on the reservation, and in conducting an experimental farm on the reservation for the benefit of the Indians.

ARTICLE VI.

The further amount of \$50,000 is hereby set apart as a school fund, the interest on which at 5 per cent per annum shall be annually expended, under the direction of the Secretary of the Interior, for the benefit of the industrial school on the reservation. The Commissioner of Indian Affairs shall designate some person to have under his or her charge the management and care of all property, of every kind and character, purchased under this article.

ARTICLE VII.

The funds provided for in the four preceding articles shall each run eight years or until the expiration of the present treaty with the Shoshones, and the future disposition of the funds shall then be subject to agreement between the United States and the Indians.

ARTICLE VIII.

The amount of \$50,000 is hereby appropriated, to be immediately available, and shall be distributed per capita, in cash, among the Indians belonging on the reservation within sixty days after the ratification of this treaty.

ARTICLE IX.

It is further stipulated and agreed that the United States shall pay \$100 each quarter to Washakie, the head chief of the Shoshones, this payment to continue during Washakie's lifetime.

ARTICLE X.

Five sections of land in proximity to the site selected for the new Government industrial school building is hereby reserved to the United States, and set apart to be used for the purpose of instructing the Indians in the knowledge of agriculture and stock raising, and for such other uses of an educational character as the Government may deem for the welfare of the Indians. The five sections of land shall be surveyed and set apart as Indian school lands at as early a date as the Secretary of the Interior may find practicable. No Indian or other person shall, from the date of signing this treaty on the part of the commissioners representing the United States, be permitted to settle upon any of the lands which, in the opinion of the Indian agent, are likely to be embraced within the five sections hereby reserved to the United States.

ARTICLE XI.

Any individual Indian or member of the Shoshone or Arapahoe tribes of Indians who has, under existing laws or treaty stipulations, selected a tract of land which falls within the ceded portion of the reservation, shall be entitled to have the same allotted to him or her under the terms of the act of February 28, 1891, upon application at the local land office for the district in which the lands are located within one year after the ratification of this agreement.

The list of names submitted by the Shoshones of Indians who have made locations, with the water rights appertaining to said locations, is as follows: Mrs. Agnes Lanigan and two children, Mrs. Louisa Boyd and seven children, Peter Robinson, William Brazil, Mrs. Stanger and children, John Enos and children, Louis Enos and children, George Enos and children, John Seminole, John Casouse and children, Poinyogo and children, Mrs. Belle Kinnear and children, Emily Creighton and children, Mrs. Harris and children, Bob O'Neill, Mrs. Aragon and children, Mrs. George Wesaw, and Mrs. J. J. Atkins.

ARTICLE XII.

Nothing in this agreement shall be construed to deprive the Indians of any annuities or benefits to which they are now entitled under existing treaty stipulations. It is further stipulated and agreed that the United States shall maintain a garrison within the limits of such diminished reservation until after full investigation the Government shall determine that a removal of such garrison will not endanger the peace which now prevails between the two tribes located on the reservation, and also until such time as the Indians shall be adjudged to be qualified to protect their interests against the encroachments of unscrupulous persons of all classes.

ARTICLE XIII.

All public highways shall be kept open for travel, and passage along them shall be free and unobstructed.

ARTICLE XIV.

Persons whose cattle break into the properly inclosed farms, fields, or gardens of any Indian shall be liable for the damages sustained thereby, and the Secretary of the Interior may make suitable regulations for the carrying out of this provision.

ARTICLE XV.

The State of Wyoming shall have jurisdiction on this diminished reservation over all persons other than Indians, and the property of such persons, except that of the agents and employees of the Government used in the course of such agency or employment.

ARTICLE XVI.

The lands, except mineral lands, ceded, sold, relinquished, and conveyed to the United States by this agreement shall, upon proclamation by the President of the United States, be opened to settlement under the homestead and town-site laws only: *Provided, however,* That 1 section of land, embracing within its limits the Owl Creek Hot Springs, on the Big Horn River, about 3 miles below the canyon where the Wind River passes through the Owl Creek Mountains, be, and the same is hereby, reserved from settlement and entry and forever dedicated to the public. The Secretary of the Interior may lease this section of land and the springs for the maintenance of a hotel or hotels and bath houses, but ample facilities shall always be maintained by which the free use of a part of the baths may be enjoyed by the public and by the Indians: *And provided further,* That a half section of land shall also be, and the same is hereby, reserved around each other spring having medicinal properties, and may be leased under the same restrictions as are provided in the case of the Owl Creek Hot Springs.

ARTICLE XVII.

The boundaries of the diminished reservation, not already sufficiently marked by natural boundaries, shall be surveyed as soon as practicable, and definitely marked by suitable permanent monuments.

ARTICLE XVIII.

This agreement shall not be binding upon either party until ratified by the Congress of the United States.
Done at Fort Washakie, in the State of Wyoming, on the 2d day of October, A. D. 1891.

JOSEPH H. BRIGHAM,
CHARLES H. MERRILLAT,
Commissioners.

WASHAKIE (his x mark). [SEAL.]
BLACK COAL (his x mark). [SEAL.]
(And 281 others.)

I certify that at the request of the Indians I read the foregoing treaty to them in joint council, and that it was explained to the interpreters paragraph by paragraph.

JAMES K. MOORE.

We certify that the foregoing treaty was fully explained in joint council to the Indians of the Shoshone and Arapahoe tribes, that they fully understand the nature of the treaty, and agree to the same.

HENRY REED,
Arapahoe Interpreter.
NORKOK (his x mark),
Shoshone Interpreter.

Witnesses:

J. J. ATKINES.
JOHN FESHER.

I certify that the foregoing names, though in some cases duplicate, in every instance represent different individuals.

JOHN C. BURNETT,
Special Interpreter.

Witnesses:

J. K. MOORE.
R. H. MAY,
Captain Eighth Infantry.
V. W. WELTY,
United States Agency Physician.
L. A. HOUSTEIN.
E. A. GUSTIN.
S. R. STAGNER.
J. J. ATKINS.

Therefore,

Be it enacted, etc., That the said agreement be, and the same is hereby, accepted, ratified, and confirmed as modified and amended, so as to read as follows:

ARTICLE I. That the said Shoshone and Arapahoe Indians of the Wind River Reservation in Wyoming do hereby cede, grant, and relinquish to the United States all right, title, and interest which they may have to all the lands embraced within the said reservation except the lands within and bounded by the following-described lines: Beginning in the midchannel of the Big Wind River at a point where said stream crosses the western boundary of the said reservation; thence in a southeasterly direction following the midchannel of the Big Wind River to its conjunction with the Big Popo-Agie, near the northeast corner of township 1 south, range 4 east; thence up the midchannel of the said Big Popo-Agie River in a southwesterly direction to the mouth of the North Fork of the said Big Popo-Agie River; thence up the midchannel of the said North Fork of the Big Popo-Agie to its intersection with the southern boundary of the said reservation, near the southwest corner of section 21, township 2 south, range 4 west; thence due west along the said southern boundary of the said reservation to the southwest corner of the same; thence north along the western boundary of the said reservation to the place of beginning.

ART. II. That in consideration for the lands 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 homestead, town-site, coal, and mineral land laws, or by sale for cash as hereinafter provided at the following prices per acre: All lands entered under the homestead law within two years after the same shall be opened for entry shall be paid for at the rate of \$1.50 per acre, after the expiration of which period all lands entered under the homestead law shall be paid for at the rate of \$1.25 per acre, and lands sold as hereafter provided for cash, within ten years after the opening of the ceded lands for settlement, shall in no event be sold for less than \$1 per acre; lands disposed of under the town-site, coal, and mineral land laws shall be paid for at the prices provided for by law, and the United States agrees to pay the said Indians the proceeds derived from the sales of said lands, and also to pay the said Indians the sum of \$1.25 per acre for sections 16 and 36 or an equivalent of 2 sections in each township of the ceded lands, the amounts so realized to be paid to and expended for the Indians in the manner hereinafter provided.

ART. III. That at least \$170,000 of the moneys derived from land sales shall be expended, under the direction of the Secretary of the Interior, in the purchase of live stock for the said Indians and for instructing and training them in stock raising, such live stock to be managed and disposed of as the Secretary of the Interior may direct.

ART. IV. That the sum of \$100,000, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of the Interior, for the construction and extension of an irrigation system within the diminished reservation for the irrigation of the lands of the said Indians: *Provided,* That in the employment of persons for the construction, enlargement, repair, and management of such irrigation system members of the said Shoshone or Arapahoe tribes shall be employed wherever practicable.

ART. V. That all of the moneys received in payment for the lands hereby ceded and relinquished, not set aside or required for the various specific purposes and uses herein provided for, shall constitute a general welfare and improvement fund, the interest on which at 4 per cent per annum shall be annually expended under the direction of the Secretary of the Interior for the benefit of the said Indians; the same to be expended for such purposes and in the purchase of such articles as the Indians in council may decide upon and the Secretary of the Interior shall approve: *Provided, however,* That a reasonable amount of the principal of said fund may be expended each year for the erection, repair, and maintenance of bridges needed on the reservation, in conducting an experimental farm on the reservation for the benefit of the Indians, or for such other purpose or purposes for the comfort, benefit, improvement, or education of said Indians as the Indians in council may direct and the Secretary of the Interior shall approve.

ART. VI. The sum of \$50,000 shall be set aside as a school fund, the principal and interest on which at 4 per cent per annum shall be expended under the direction of the Secretary of the Interior for the erection of school buildings and maintenance of day and industrial schools on the reservation, which schools shall be under the supervision and control of the Secretary of the Interior.

ART. VII. The funds hereinbefore referred to shall, for the period of ten years after the opening of the lands herein ceded to settlement, be used in the manner and for the purposes herein provided, and the future disposition

of the said funds shall then be the subject of agreement between the United States and the said Indians.

ART. VIII. The sum of \$85,000 shall be paid to the Indians of the Wind River or Shoshone Reservation, and shall be distributed among them per capita in cash within sixty days after the opening of the ceded lands to settlement.

ART. IX. Article 9 is hereby annulled.

ART. X. The Secretary of the Interior may, in his discretion, reserve, for the benefit of the said Indians, lands in the vicinity of the Wind River School on said reservation and elsewhere, not to exceed 5 sections in all: such lands to be reserved for the purpose of instructing the Indians in the knowledge of agriculture and stock raising, or in such other branches of an educational character as may be deemed beneficial to the Indians, and may instruct the allotting agent on said reservation to reserve lands for such purposes.

ART. XI. Any individual Indian, a member of the Shoshone or Arapahoe tribes, who has, under existing laws or treaty stipulations, selected a tract of land within the ceded portion of said reservation shall be entitled to have the same allotted and confirmed to him or her; and any Indian who has made or received an allotment of land within the ceded territory shall have the right to surrender such allotment and select other lands within the diminished reserve in lieu thereof at any time before the ceded lands shall be opened for entry.

ART. XII. Nothing in this agreement shall be construed to deprive the Indians of any annuities or benefits to which they may be entitled under existing treaty stipulations.

ART. XIII. All public highways now used and traveled on the diminished reserve shall be kept open for travel, and passage along them shall be free and unobstructed.

ART. XIV. Article XIV is hereby annulled.

ART. XV. Article XV is hereby annulled.

ARTICLE XVI. The lands ceded, sold, relinquished, and conveyed to the United States by this agreement shall, upon proclamation of the President, be opened to settlement under the homestead, town-site, mineral, and coal land laws; and all lands except coal and mineral lands remaining undisposed of six years after the said ceded lands shall be opened for entry shall be sold by the Secretary of the Interior to the highest bidder at not less than \$1 per acre, and all lands except mineral and coal lands remaining unsold ten years after the opening of said lands to entry shall be sold for the best price obtainable.

SEC. 2. That the lands ceded to the United States under the said agreement, except sections 16 and 36 in each township, which shall be disposed of for the benefit of the common schools of Wyoming in accordance with the laws of said State, shall be disposed of under the provisions of the homestead, town-site, coal, and mineral land laws of the United States, and shall be opened to settlement and entry by proclamation of the President of the United States not later than June 1, 1905, 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, and enter said lands, except as prescribed in said proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry, and the rights of honorably discharged Union soldiers and sailors of the late civil and of the Spanish wars, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States as amended by the act of March 1, 1901, shall not be abridged.

All homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to settlement shall pay \$1.50 per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of \$1.25 per acre shall be paid, payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and 25 cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid. Upon all entries the usual fees and commissions shall be paid as provided for in homestead entries on lands the price of which is \$1.25 per acre.

Lands entered under the town-site and coal and mineral land laws shall be paid for in amount and manner as provided by said laws; and in case any entryman fails to make the payments herein provided for, or any of them, all rights of the said entryman to the lands covered by his entry shall cease, and any payments therefor made shall be forfeited, and the entry shall be held for cancellation and canceled; that nothing in this act shall prevent homestead settlers from commuting their entries under section 2301 of the Revised Statutes of the United States by paying for the land entered the price fixed herein; that all lands except mineral and coal lands herein ceded remaining undisposed of at the expiration of six years from the opening of said lands to entry shall be sold to the highest bidder for cash at not less than \$1 per acre under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold ten years after the said lands shall have been opened to settlement may be sold to the highest bidder for cash without regard to the above minimum limit of price.

SEC. 3. That the proceeds received from the sale of the said lands in conformity with this act shall be paid into the Treasury of the United States and paid to the said Shoshone and Arapahoe Indians or expended on their account only as provided in Articles III, IV, V, and VI of said agreement as herein amended.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$120,000, or so much thereof as may be necessary, to pay, at the rate of \$1.25 per acre, for sections 16 and 36 of each township within the ceded territory granted to the State of Wyoming, as provided in section 2 of this act. And the sum of \$35,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the survey and field and office examination of the unsurveyed portion of the ceded lands, and the survey and marking of the out boundaries of the diminished reservation where the same is not a natural water boundary.

SEC. 5. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said land or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

The amendments reported by the Committee on Indian Affairs were read, as follows:

On page 12, line 6, of the bill, strike out the word "which" and insert in lieu thereof the words "this two year."

After the word "law," in line 7, page 12 of the bill, insert "within four years therefrom."

On the same page, in lines 8, 9, 10, and 11, strike out the words "lands sold as hereafter provided for cash within ten years after the opening of the ceded lands for settlement shall in no event be sold for less than \$1 per acre" and insert in lieu thereof the following:

"All lands, except coal and mineral lands remaining undisposed of six years after the said ceded lands shall be open for entry, shall be sold by the Secre-

tary of the Interior to the highest bidder, at not less than \$1 per acre, and all lands, except coal and mineral lands, remaining unsold ten years after the opening of said lands to entry, shall be sold by the Secretary of the Interior for the best price obtainable."

On page 14 of the bill, after the word "Reservation," in line 21, insert the words "from the proceeds of the sale of said lands;" and on said page, in line 23, after the word "settlement," insert the words "or as soon thereafter as such sum shall be available."

On page 15, line 10, after the word "has," insert the words "or shall have;" and on the same page, in line 11, after the word "stipulations," insert the words "prior to the opening of the ceded portion of said reservation."

On page 16, strike out all of lines 1 to 11, inclusive, and insert the following in lieu thereof:

"ART. XVI. Article XVI is hereby annulled.

"ART. XVII. Article XVII is hereby annulled.

"ART. XVIII. Article XVIII is hereby annulled."

On page 16, line 20, strike out the words "not later than" and insert in lieu thereof the word "on;" and at the end of line 20, same page, insert "and for entry on that date or as soon thereafter as surveyed."

On page 17, line 11, strike out the word "settlement" and insert in lieu thereof the word "entry."

On page 18, line 15, strike out the word "settlement" and insert the word "entry" in lieu thereof.

On page 19, line 8, after the word "appropriated," insert the words "the same to be reimbursed from the proceeds of the sale of said lands;" and at the end of the bill insert a new section, to be known as section 6, as follows:

"SEC. 6. That this amended agreement with the Shoshone and Arapahoe tribes of Indians in the State of Wyoming shall be in force and take effect when a majority of the adult males of the said tribes shall have agreed to the same."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FITZGERALD. Reserving the right to object, I wish to ask the gentleman from Wyoming [Mr. MONDELL] whether this bill does not provide that it shall not take effect until its provisions are ratified by the Indians to be affected.

Mr. MONDELL. One of the committee amendments provides that the amended treaty shall not be in force until ratified by the Indians.

Mr. FINLEY. I will ask the gentleman from Wyoming whether the appropriations contained in this bill are made in order to carry out the provisions of the enabling act admitting Wyoming into the Union.

Mr. MONDELL. The appropriations are for surveys; and per capita payments are to be made, which are reimbursable.

Mr. FINLEY. Then, as I understand, no appropriation is made directly from the Treasury.

Mr. MONDELL. No, sir.

Mr. FINLEY. I should like a word of explanation with reference to the school lands.

Mr. MONDELL. The bill originally provided for the purchase of the school lands at \$1.25 an acre. As the bill now stands, that provision is made; but I propose to offer an amendment striking out all the provisions with regard to school lands. That will leave the State with the right under her constitution to take lieu lands; but the Government does not pay for those lands.

Mr. FINLEY. Is that because the enabling act admitting the State of Wyoming into the Union does not provide that sections 16 and 36 be set apart?

Mr. MONDELL. No; the enabling act authorizes the State to take lieu lands. While the bill originally provided that the State should take lands on the reservation, the amendment which will be offered strikes out those provisions and makes no provision at all with regard to school lands, leaving the State authorized under the enabling act to take lieu lands.

Mr. STEPHENS of Texas. It is perhaps proper that I should state that the amendment referred to has been authorized by the Committee on Indian Affairs. The bill was reported unanimously from that committee, with the understanding that the amendment should be offered on the floor.

Mr. MONDELL. That is the situation.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

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

The Clerk read as follows:

Amend by striking out all of page 12 after the word "lands," in line 22.

After the word "dollars," in line 11, page 13, insert "of the moneys derived from land sales."

On page 14, line 13, after the word "dollars," insert "of the moneys derived from land sales."

On page 17, after the word "agreement," in line 1, strike out the following: "Except sections 16 and 36 in each township, which shall be disposed of for the benefit of the common schools of Wyoming in accordance with the laws of said State."

On page 19 of the bill, line 14, strike out the following words: "one hundred and twenty" and insert in lieu thereof "eighty-five."

On page 19, beginning on line 15, strike out the following: "Or so much thereof as may be necessary, to pay, at the rate of \$1.25 per acre, for sections 16 and 36 of each township within the ceded territory granted to the State of Wyoming, as provided in section 2 of this act," and in lieu thereof insert the following: "To make the per capita payment provided in article 8, section 1, of this act, the same to be reimbursed from the first moneys received from the sale of the lands herein ceded and relinquished."

Page 20, after the word "described," on line 5, strike out the words "except sections 16 and 36, or the equivalent in each township."

The amendment of Mr. MONDELL was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The preamble was then agreed to.

The bill was passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ALABAMA RIVER, MONTGOMERY, ALA.

Mr. WILEY of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2842) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893.

The bill was read as follows:

Be it enacted, etc., That the said Montgomery Bridge Company shall have authority to construct said bridge mentioned in said act across the Alabama River, under and subject to the limitations and restrictions mentioned in said act, and in the amendment thereto approved March 3, 1897, if the actual construction of the bridge therein authorized shall be commenced within one year from the approval of this act and completed within three years from same date.

The SPEAKER. Is there objection?

Mr. MADDOX. Mr. Speaker, reserving the right to object, I should like to hear something about that bill.

Mr. WILEY of Alabama. I will state to the gentleman from Georgia that this is simply an extension of the time allowed for the construction of a bridge across the Alabama River near Montgomery.

Mr. MADDOX. What is it, a railroad bridge?

Mr. WILEY of Alabama. A bridge for equestrians and pedestrians.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

On motion of Mr. WILEY of Alabama, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURTS AT EAST ST. LOUIS, ILL.

Mr. RODENBERG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15228) establishing a regular term of the United States circuit and district courts at East St. Louis, Ill.

The bill was read, as follows:

Be it enacted, etc., That hereafter and until otherwise provided by law there shall be held annually on the first Monday in November a term of the circuit and district courts of the United States for the southern district of Illinois at the city of East St. Louis, in said district, said term to be in addition to the terms now required by law to be held at the cities of Springfield, Cairo, Quincy, and Danville, in said district.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy to reside in said city of East St. Louis, unless he shall reside there himself, and also maintain an office at that place of holding court.

SEC. 3. That the judge of the United States circuit or district court for said district may, by order, from time to time appoint and hold additional special terms of said court in said district, for the disposal of the unfinished business thereof, whenever the interest of the public and the condition of the docket shall so require: *Provided, however,* That suitable rooms and accommodations are furnished for holding said courts free of expense to the Government of the United States until such time as a Federal building shall be erected in said city of East St. Louis.

The SPEAKER. Is there objection?

There was no objection.

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

On motion of Mr. RODENBERG, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS RED RIVER, SHREVEPORT, LA.

Mr. BREAIZEALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14588) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.

The Clerk read the bill as proposed to be amended, as follows:

Be it enacted, etc., That the act of Congress approved April 30, 1902, 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 act has expired by limitation, be, and is hereby, revived and reenacted.

SEC. 2. That section 10 of said act is hereby amended to read as follows:

"SEC. 10. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from April 30, 1904."

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill to revive and amend an act entitled 'An act to authorize the Shreve-

port Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.'"

On motion of Mr. BREAIZEALE, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES COURTS AT GREAT FALLS, MONT.

Mr. DIXON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2385) providing for holding regular terms of the circuit and district courts of the United States at Great Falls, Mont.

The bill was read, as follows:

Be it enacted, etc., That hereafter, and until otherwise provided by law, regular terms of the circuit and districts courts of the United States for the district of Montana shall be held at Great Falls, Mont., on the first Monday in May and on the first Monday in October in each year, and causes civil and criminal may be transferred by the court or judge thereof from Helena or Butte to Great Falls or from Great Falls to Butte or Helena, in said district, when the convenience of parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. DIXON, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS CUMBERLAND RIVER, CARTHAGE, TENN.

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5259) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn."

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901, be, and the same is hereby, revived and declared to be in full force and effect, and that section 5 of said act is hereby amended so as to read as follows: "That this act shall be null and void if said bridge is not commenced within one year and completed within three years from the 1st day of April, 1904."

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. FITZPATRICK, a motion to reconsider the last vote was laid on the table.

On motion of Mr. FITZPATRICK, the corresponding House bill (H. R. 15087) was ordered to lie on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14416. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 9256. An act granting an increase of pension to Enoch Stahler;

H. R. 13850. An act granting an increase of pension to Mary Heaney;

H. R. 9331. An act to extend the time for completion of the East Washington Heights Traction Railroad Company;

H. R. 8692. An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes;

H. R. 1851. An act granting an increase of pension to David T. Towles; and

H. R. 8925. An act granting an increase of pension to John Weaver.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 13298. An act to amend section 2327 of the Revised Statutes of the United States relating to lands;

H. R. 13300. An act granting certain rights and privileges to the commissioners of waterworks in the city of Erie, Pa.; and

H. R. 2009. An act for the relief of the estate of Sven J. Johnson. The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 10046) granting an increase of pension to Thomas J. Campton, the beneficiary of said bill having died.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4316) providing for the appointment of additional judges in the Indian Territory.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3596) to amend section 2327 of the Revised Statutes of the United States, concerning mineral lands.

BRIDGE ACROSS CALUMET RIVER NEAR HAMMOND, IND.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 15010) to amend section 6 of "An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township," approved July 1, 1902.

Be it enacted, etc., That section 6 of "An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township," approved July 1, 1902, be, and the same is hereby, amended so as to read as follows:

"Sec. 6. That this act shall be null and void if actual construction of the bridges herein authorized be not completed within three years from the 1st day of July, 1902."

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. CRUMPACKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CHOCTAWHATCHEE RIVER BETWEEN HOUSTON AND DALE COUNTIES, ALA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 14590.

The bill was read, as follows:

A bill (H. R. 14590) to authorize the courts of county commissioners of Houston and Dale counties, Ala., to construct a bridge across the Choctawhatchee River between Houston and Dale counties, Ala.

Be it enacted, etc., That the courts of county commissioners of Houston and Dale counties, in the State of Alabama, be, and are hereby, authorized to construct, maintain, and operate a bridge across the Choctawhatchee River, a navigable stream, 40 feet above low-water mark, at or near Trawicks Landing, between said counties of Houston and Dale in said State.

Sec. 2. That said bridge shall be located and built under and subject to such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the said courts of county commissioners shall submit for his examination designs and drawings of the bridge and maps of the location, and until the said plans and location are approved by him the bridge shall not be commenced or built; and should any changes be made in said bridge, before or after completion, such changes shall be likewise subject to the approval of the Secretary of War.

Sec. 3. That the said bridge shall be so kept and managed as to offer reasonable and proper means for the passage of vessels and other craft through or under the same; and for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, at the expense of the owners thereof, such lights or other signals as the Light-House Board may prescribe. And any changes in said bridge which the Secretary of War may at any time deem necessary, and order in the interests of navigation, shall be made by the owners thereof at their own expense.

Sec. 4. That this act shall be null and void if actual construction of the said bridge be not commenced in one year and completed in three years from the date hereof.

Sec. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7, page 1, strike out the words "a navigable stream, 40 feet above low-water mark."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee 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. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESURVEY IN CERTAIN TOWNSHIPS IN ROUTT AND RIO BLANCO COUNTIES, COLO.

Mr. HOGG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2382.

The bill was read, as follows:

A bill (S. 2382) providing for the resurvey of certain townships in Routt and Rio Blanco counties, in the State of Colorado.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in Routt and Rio Blanco counties, in the State of Colorado, embraced in and consisting of townships 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and fractional township 12 north, of ranges 32, 33, 34, 35, 36, 37, 38, 39, 40, 101, 102, 103, and fractional range 104 west, including a retracement of the base line and resurvey of the first and second correction lines north, through ranges 32 to 104 west, inclusive, and the eleventh auxiliary guide meridian west, the twelfth guide meridian west, and the twelfth auxiliary guide meridian west, from the base line to the north boundary of Colorado through townships 1 to 12 north, all of the sixth principal base and meridian; and all rules and regulations of the Department of the Interior requiring petitions from all settlers of said townships asking for resurvey and agreement to abide by the result of the same so far as these lands are concerned are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands to the lands so occupied. And for the purpose of carrying out the provisions of this act, including office work and an examination of said resurveys in the field, there is hereby appropriated \$120,000 out of any moneys in the Treasury not otherwise appropriated.

The amendment recommended by the committee was read, as follows:

Strike out all of the act after the word "occupied" in line 12, page 2.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman from Colorado a question with reference to this matter.

Mr. HOGG. Certainly.

Mr. STEPHENS of Texas. I desire to ask whether the Secretary of the Interior may not now have these surveys made without a special act of Congress?

Mr. HOGG. No; the law relating to this requires data of certain residents, and they can not do it as to all of them. The condition there is one of a great deal of danger to those occupying the lands. The survey made twenty years ago was very inaccurate and has resulted in a good deal of trouble between the settlers, and it is liable to produce a great deal more if it is not corrected. A railroad is going through there now, which is causing the country to be settled up very rapidly and makes this all the more important.

Mr. STEPHENS of Texas. I am not opposed to the bill, but I wanted to know whether it required a special act.

Mr. HOGG. It requires a petition of the residents.

Mr. STEPHENS of Texas. I had occasion recently to make an inquiry into a similar matter in Oklahoma and New Mexico.

Mr. HOGG. I will say to the gentleman that the bill is recommended by the Department.

Mr. STEPHENS of Texas. Understand, I have no objection. I simply wanted to make an inquiry as to whether or not the Secretary can now have this work done.

Mr. HOGG. No. That law, if you will examine it, provides otherwise.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HOGG, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE NAVIGABLE WATERS OF ST. ANDREWS BAY.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15165.

The bill was read, as follows:

Be it enacted, etc., That the Birmingham, Columbus and St. Andrews Railroad Company, a corporation duly created and existing, is hereby authorized to build and maintain a railroad bridge across the navigable waters of St. Andrews Bay, in Washington County, Fla., at or near a point on the north arm of said bay known as Gipsy Point, on North Bay, the said bridge to be so constructed as not to interfere with the navigation of said navigable waters.

Sec. 2. That any bridge constructed under this act shall be built and located under and subject to such regulations for the security of the navigation of said navigable waters as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving, for the space of at least one-half mile above and one-half mile below the proposed location, the topography of the banks of the bay, the shore lines at high and low water, and the direction and strength of the current and the soundings accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction or after its completion such change shall be subject to the approval of the Secretary of War.

Sec. 3. That the bridge constructed under this act shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for a postal telegraph across said bridge; and said structure shall be so kept and managed at all times as to afford reasonable and proper means for the passage of vessels through or under said bridge; and for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, at the expense of the owners thereof, such lights and other signals as may be prescribed by the Light-House Board;

and the said bridge shall be changed or altered at the cost and expense of the owners thereof from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

SEC. 4. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the approval of this act.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read, as follows:

On page 1, in line 8, strike out the word "Gipsy" and insert in lieu thereof the word "Grassy."

On page 2, in line 24, after the word "bridge," add the following: "and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies."

After section 3 add section 4, as follows:

"SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and the approaches thereto, upon payment of a reasonable compensation for such use, or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest."

Renumber section 4 to section 5 and section 5 to section 6.

The amendments were 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. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

TIME FOR HOLDING UNITED STATES COURTS IN TENNESSEE.

Mr. GIBSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 14533) to change and fix the time for holding the district and circuit courts for the northern division of the eastern district of Tennessee.

Be it enacted, etc., That the term of the circuit and district courts of the United States for the northern division of the eastern district of Tennessee, held at Knoxville, Tenn., shall commence on the first Monday in March of each year instead of the second Monday in March, as is now provided by law; and said term shall continue as long as the presiding judge may deem it necessary.

SEC. 2. That no action, suit, proceeding, information, indictment, recognition, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the term of said courts, but the same shall be deemed to be returnable to, pending, and triable at the term herein provided for.

SEC. 3. That all laws and parts of laws conflicting with this act be, and are hereby repealed.

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 accordingly read the third time, and passed.

On motion of Mr. GIBSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SELECTION OF CERTAIN LANDS IN MISSISSIPPI.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4474) to authorize the governor of the State of Mississippi to select certain lands in part satisfaction of its grant for university purposes.

Be it enacted, etc., That the governor of the State of Mississippi be, and he is hereby, authorized, in part satisfaction of the grant heretofore made to said State by act of Congress approved June 20, 1894, entitled "An act to supply a deficiency in the grant of public lands to the State of Mississippi for the use of the State university," to select, under the provisions of said act, the lands formerly reserved for naval purposes, situated on Back Bay, west of the city of Biloxi, in the State of Mississippi, which were restored to disposition under the town-site laws under the act of Congress approved March 2, 1895, entitled "An act to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in States of Alabama and Mississippi not needed for naval purposes," and so much of the second proviso of said act of March 2, 1895, as may prevent such selection is hereby repealed.

The amendment recommended by the committee was read, as follows:

Add at the end of the bill the following:

"Provided, That this act shall not invalidate or impair in any way the rights of bona fide settlers on the said land."

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to have the gentleman give some explanation of this bill.

Mr. CANDLER. This bill is unanimously reported by the Committee on the Public Lands, and I have called it up at the request of my colleague, Mr. McLAIN, who introduced the bill. The lands involved were in 1832 reserved for naval purposes by virtue of section 3 of the act of March 3, 1827.

Mr. SULZER. Let me ask the gentleman right there: Does this public land belong to the Government of the United States or to the State of Mississippi?

Mr. CANDLER. Well, I will tell you in just a moment, if you will just wait. It was restored to the public domain under the act of March 2, 1895, authorizing the Secretary of the Navy to

certify such lands as were not needed for naval purposes for restoration to the public domain. Under that act it was certified by him and restored to the public domain, but was reserved by a proviso in the act for disposition under the town-site law. Under act of Congress of June 20, 1894, the governor of the State of Mississippi was authorized to select certain agricultural lands for the university of the State.

Under that act, he, on March 5, 1895, selected some lands and included in his selections these lands, but as they were reserved under the town-site law it was held by the Department they were not agricultural lands and therefore were not subject to selection under this act by the governor of the State in accordance with the terms prescribed therein. As a matter of fact—

Mr. SULZER. Let me ask the gentleman how many acres are there?

Mr. CANDLER. Three hundred and seventy-seven acres. As a matter of fact these lands are agricultural lands and should never have been reserved under the town-site law, and this is simply for the purpose of giving the governor of the State of Mississippi the right to select these lands along with the other agricultural lands selected by him, it being the same character of land as the other selections made.

Mr. SULZER. I want to ask the gentleman if this land is near the Tombigbee River?

Mr. CANDLER. It is not near the Tombigbee River; if it was it would be much more valuable. Being near the Tombigbee adds beauty, charm, and value to anything which is so fortunately situated, for it is a most beautiful river, and when improved by the Government, which it will be, it will be one of the greatest commercial waterways in this magnificent country of ours, and this Congress is being unjust to the Government and the country at large in delaying the improvement of this river. But it is coming, for it is right, and right is mighty and will prevail. [Applause.]

Mr. SULZER. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. CANDLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BULL RUN FOREST RESERVE, OREG.

Mr. WILLIAMSON. Mr. Speaker, I desire unanimous consent to call up the bill S. 3036.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 3036) for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon.

Be it enacted, etc., That from and after the date of the passage of this act it shall be unlawful for any person or persons, except forest rangers and other persons employed by the United States to protect the forest, and Federal and State officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, to enter, for the purpose of grazing stock, upon any part of the reserve known as the Bull Run Forest Reserve, in the Cascade Mountains, in the State of Oregon, which reserve was established by proclamation of the President of the United States in 1892, as provided by section 24 of an act of Congress entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, and which reserve includes within its area the water supply of the city of Portland, State of Oregon; and any person or persons, save those hereinbefore excepted, who shall engage in grazing stock, or who shall permit stock of any kind to graze within said Bull Run Forest Reserve, or who shall enter upon said forest reserve, or be found therein or in any part thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof in the district court of the United States for the district of Oregon shall be fined not less than \$100 nor more than \$1,000, in the discretion of the court. And the Secretary of the Interior is hereby authorized and directed to enforce the provisions of this act by all proper means at his command, and to exclude from said forest reserve stock of all kinds and all persons, save as hereinbefore excepted.

The amendment recommended by the committee was read, as follows:

Strike out all between the word "shall," in line 8, on page 2, and the word "shall," in line 9, on page 2, and insert in lieu thereof the words "knowingly trespass thereon."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMSON. Mr. Speaker, I desire to submit a slight amendment.

The SPEAKER. Is it an amendment to the committee amendment or an additional amendment?

Mr. WILLIAMSON. It is an amendment to another portion of the bill.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment recommended by the committee was agreed to.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Oregon.

The Clerk read as follows:

Strike out, in lines 12, 13, and 14, on page 2, the words "not less than one hundred dollars nor more than one thousand" and insert in lieu thereof the words "not to exceed five hundred."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. WILLIAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXAMINATION AS A WITNESS OF THE HUSBAND OR WIFE OF THE DEFENDANT IN CRIMINAL CASES.

Mr. SMITH of Iowa. 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 Iowa asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10142) authorizing the examination as a witness of the husband or wife of the defendant in criminal cases.

Be it enacted, etc., That in the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors, in the United States courts, Territorial courts, and courts-martial, and courts of inquiry, in any State or Territory, including the District of Columbia, the wife or husband of the party so charged shall, at the request of the party charged, but not otherwise, be a competent witness. And the failure to make such request shall not create any presumption against the party so charged, and such failure shall not be referred to by counsel or the court during any proceedings.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I object.

SELECTION OF LANDS BY THE ABSENTEE WYANDOTTE INDIANS.

Mr. BOWERSOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2268) to authorize the Absentee Wyandotte Indians to select certain lands and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That each living adult Absentee Wyandotte Indian whose name appears upon a census roll of Absentee Wyandotte Indians made by Special Agent Joel T. Olive, as approved by the Secretary of the Interior December 7, 1896, may select in person, under such rules and regulations as the Secretary of the Interior may prescribe, from the public domain, 80 acres of agricultural land wherever there may be such lands subject to entry; and the heirs of any deceased Absentee Wyandotte Indian so enrolled may in like manner select a like quantity of land in the name of their deceased ancestor, and the natural or legal guardian of any minor Absentee Wyandotte so enrolled may in like manner select 80 acres of agricultural land for his ward, and when lands shall have been so selected by any person entitled to make such selection and such selection is approved by the Secretary of the Interior, he shall cause a patent to issue in the name of the enrolled Absentee Wyandotte by or for whom such selection has been made, which patent shall contain the condition that the lands covered thereby shall not be aliened without the consent of the Secretary of the Interior: *Provided,* That as soon as any such selection has been made and approved the pro rata share of the Indian by or for whom such selection was made in the funds provided in the acts of August 15, 1894, and March 2, 1895, shall thereby become relinquished to the United States and shall be covered into the Treasury as proceeds of the sales of public lands: *And provided further,* That the Secretary of the Interior may add to the said census roll the names of such persons, not exceeding seventeen in number, as he may find properly to have been entitled to enrollment by said special agent, Joel T. Olive.

The following committee amendments were read:

In line 8, page 1, after the word "the" at the end of said line, add the word "surveyed."

In line 9, page 1, after the word "public," add the word "nonmineral."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

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

On motion of Mr. BOWERSOCK, a motion to reconsider the last vote was laid on the table.

HOMESTEAD SETTLEMENTS OF ROUND VALLEY INDIAN RESERVATION, CAL.

Mr. BELL of California. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 15011) to open to homestead settlement and entry the relinquished and undisposed-of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes.

The SPEAKER. Is there objection?

Mr. LIVERNASH. Mr. Speaker, I object.

EXAMINATION AS WITNESS OF HUSBAND OR WIFE OF DEFENDANT IN CRIMINAL CASES.

Mr. SMITH of Iowa. Mr. Speaker, I again ask unanimous consent for the present consideration of the bill (H. R. 10142) authorizing the examination as a witness of husband or wife of a defendant in criminal cases, which was objected to a few moments ago by the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I will state that I am willing to withdraw my objection, provided a full statement of the purposes of the bill be made. My objection was based upon the ground that here was a bill relating to practice in Federal courts and not a bill of personal or private nature. If a full statement is made of the bill, I have no objection to it.

Mr. BREAZEALE. Mr. Speaker, I shall reserve the right to object until I hear the statement.

Mr. SMITH of Iowa. Mr. Speaker, I will make a brief statement, with the permission of the Chair. In 1878 a statute was passed changing the common law and allowing a defendant in criminal cases to testify in his own behalf. In the Graves case (150 U.S.) it was held that this law did not authorize the defendant to call the husband or wife of the defendant, as the case might be, as witness for the defense. Under this system we have the strange condition that the person who is principally interested is now a competent witness, but the person who is indirectly interested is not a competent witness. In practically every State in this Union the husband or wife of the defendant is a competent witness in behalf of a defendant, and this bill simply provides that the husband or wife of a defendant in a criminal case may be called by the defendant, but not by the State.

The SPEAKER. Is there objection?

Mr. BREAZEALE. Mr. Speaker, I dislike very much to do so, but I have some very strong objections to the general policy of such a bill, and I must object.

The SPEAKER. Objection is made.

LIFE-SAVING STATION AT EAGLE HARBOR, KEWEENAW POINT, MICHIGAN.

Mr. YOUNG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12044) to authorize the establishment of a life-saving station at or near Eagle Harbor, Keweenaw Point, Michigan, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan, in such locality as the General Superintendent of the Life-Saving Service may recommend.

Sec. 2. That the character of the equipments and appliances of the station, the number of men constituting its crew, and the portion of the year during which it shall be maintained shall be determined by the General Superintendent of the Life-Saving Service.

The following committee amendment was read:

Strike out all of section 2.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the amendment.

The question was taken, and the amendment was agreed to.

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

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

On motion of Mr. YOUNG, a motion to reconsider the last vote was laid on the table.

DAM ACROSS MISSOURI RIVER.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11972) to authorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River, which I send to the desk and ask to have read.

The Clerk read the bill as amended by the committee, in the nature of a substitute, as follows:

Be it enacted, etc., That the consent of the Government is hereby given to the Ox Bow Power Company, of South Dakota, its successors or assigns, to construct across the Missouri River, from lot 3, in section 26, township 14 north, range 3 west, of the Montana meridian, to the opposite bank of the same river, to be approved by the Secretary of War, a dam, causeway, and the appurtenances thereof, for water power and other purposes: *Provided,* That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of construction, and when so approved no change shall be made in said plans without the prior approval of the Chief of Engineers and the Secretary of War: *Provided further,* That the said company shall construct and maintain, in connection with said dam, a suitable boom and log sluice; that suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained at said dam by said corporation, its successors or assigns; and shall obtain and convey to the United States, whenever requested to do so by the Secretary of War, clear title to such land as in his judgment may be required for constructions and approaches to said dam for transferring boats and freight around the same, and shall grant to the United States a free use of water power for operating such construction work; and to insure compliance with these conditions the said company shall execute and deliver to the Secretary of War a proper bond in such amount as may be fixed by him: *And provided further,* That the said company shall be liable for any damage to private property

resulting from the construction and operation of said dam and appurtenant works, either by overflow or otherwise, and proceedings to recover compensation for such damage may be instituted either in the State or Federal courts.

SEC. 2. That this act shall be null and void unless the structures herein authorized shall be commenced within one year and completed within three years from the date of approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The question was taken; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE NEWARK BAY.

Mr. BENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13472) to bridge the Newark Bay, which I will send to the desk and ask to have read, and also send with it certain amendments proposed by my colleague the gentleman from New Jersey [Mr. PARKER], to which I have agreed as a condition precedent for his withdrawal of opposition to the present consideration of the bill.

The Clerk read the bill as amended by the committee, in the nature of a substitute, as follows:

Be it enacted, etc., That the boards of chosen freeholders of the counties of Hudson and Union, in the State of New Jersey, or the legally constituted authorities of the city of Bayonne and the city of Elizabeth, as has been or may be determined by the legislature of the State of New Jersey, and when authorized by said legislature and subject to any limitations or conditions imposed by said legislature, shall be, and they are hereby, authorized to locate, build, maintain, equip, and operate a bridge across Newark Bay, in the State of New Jersey, between the city of Elizabeth, in the county of Union, and the city of Bayonne, in the county of Hudson, in such manner and position that the portion of the bridge herein authorized shall, between the pier-head lines established or to be established by the Secretary of War, be distant at least 2,000 feet from any other bridge: *Provided*, That the bridge herein authorized shall be built for a distance of at least 3,000 feet over the deep-water portion of Newark Bay, to be designated by the Secretary of War, upon permanent stone piers to be placed at least 150 feet apart, which piers shall be in line with the current and except at the draw shall not be more than 10 feet wide at right angles with the current, and said bridge shall contain a draw or draws with two openings of at least 100 feet each in the clear, said draw or draws to be constructed at right angles to the channel in said bay, and said bridge shall be located and built in such manner and under such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the parties proposing to build said bridge shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plans of said bridge during the progress of its construction such changes shall be subject to the approval of the Secretary of War: *Provided also*, That the draw or draws of said bridge shall be promptly opened, upon reasonable signal, for the passage of vessels and boats; and the owners of said bridge shall maintain thereon, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe.

SEC. 2. That if at any time hereafter the interests of navigation shall require that the said bridge be lengthened or raised or the clear width of the openings of the draw, or draws, in said bridge be increased, or the nature or method of operating said draw, or draws, be changed, the Secretary of War after hearing may order such increase of length or height or such other changes as he finds necessary, which shall be made by the owners of said bridge at their expense: *Provided*, That no greater headroom over the waters of said bay shall be required in said bridge or width of openings (measured at right angles to the current) at the draw, or draws, than is required in any other bridge crossing Newark Bay.

SEC. 3. That the said bridge shall be a public highway and no railroad shall be laid thereon except passenger street railroads constructed and operated so as not to interfere with ordinary road travel under regulations established by the Secretary of War. All rates of toll charged upon said bridge shall be subject to the approval of the Secretary of War, and after twenty years from the approval of this act no tolls for ordinary road travel shall be charged.

SEC. 4. That all street railroad companies desiring the use of said bridge shall have equal rights and privileges relative to the passage of cars over same and over the approaches thereto upon payment of a reasonable compensation for such use, and in case the owners of said bridge and any street railroad company desiring such use shall fail to agree upon the sums to be paid or the conditions to be observed, all matters at issue shall be decided by the Secretary of War upon hearing the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to telegraph and telephone companies: *Provided*, That nothing herein contained shall prevent the said counties of Union and Hudson from lawfully building, maintaining, and operating a street passenger railway on said bridge, under regulations approved by the Secretary of War, to the exclusion of all other street railways.

SEC. 5. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for such transportation over the railroad and public highways leading to said bridge, and the United States shall have the right of way for a postal telegraph across said bridge.

SEC. 6. If the persons authorized by said legislature to build said bridge shall make proper agreement therefor with the Central Railroad Company of New Jersey for the rebuilding of their railroad bridge in such manner as to fulfill the conditions of this act and to afford the highway facilities herein provided for, either above, below, or alongside of said Central Railroad, then, upon the filing of a copy of such agreement with the Secretary of War, the

construction of such highway on said bridge of said railroad company is authorized hereby instead of on a separate bridge, the construction and operation whereof shall be subject to the conditions herein provided for such separate bridge, and in such case no separate bridge shall be constructed.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the approval of this act.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following amendments proposed by Mr. BENNY were read:

1. Amend section 1, page 3, lines 10 to 14, by striking out the words "or the legally constituted authorities of the city of Bayonne and the city of Elizabeth, as has been or may be determined by the legislature of the State of New Jersey, and when authorized by said legislature," and insert in lieu thereof the words "when authorized by the legislature of said State."

2. In section 1, page 3, lines 24 and 25, and page 4, line 1, strike out the words "a distance of at least 3,000 feet over the deep-water portion of Newark Bay, to" and insert in lieu thereof the words "such distance over Newark Bay as will."

3. On page 4, lines 7 and 8, strike out the words "at least 100 feet each in the clear" and insert in lieu thereof the words "such width in the clear as shall be prescribed by the Secretary of War."

4. In section 2, page 5, lines 10, 11, and 12, strike out the words "or width of openings (measured at right angles to the current) at the draw or draws than is" and insert in lieu thereof the words "than is or shall be."

5. In section 4, page 6, line 9, after the word "Hudson," insert the words "themselves without assignment or permit to others by lease, sale, or otherwise."

Mr. PARKER. Mr. Speaker, I reserve the right to object. I shall make no objection if the amendments just read be adopted.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNY, a motion to reconsider the vote by which the bill was passed was laid on the table.

REISSUE OF A LOST CHECK.

Mr. DAYTON. I ask unanimous consent for the present consideration of the bill (S. 2034) directing the issue of a duplicate of a lost check, drawn by Arthur J. Pritchard, pay director of the United States Navy, in favor of the Davis Coal and Coke Company.

The bill was read, as follows:

Whereas it appears that Arthur J. Pritchard, pay director of the United States Navy, did, on the 20th day of October, 1902, issue a check, No. 33341, upon the assistant treasurer of the United States at Baltimore, Md., in favor of the Davis Coal and Coke Company, of West Virginia, for the sum of \$2,725.79, in payment for coal delivered to the bureaus of yards and docks and construction and repair, United States Navy-Yard, at Brooklyn, N. Y.; and

Whereas the said check was duly received at the offices of the said Davis Coal and Coke Company, No. 1 Broadway, New York, on October 27, 1902, and the same was forwarded immediately upon receipt to Arthur Lee, treasurer of the said Davis Coal and Coke Company, at Elkins, W. Va.; and

Whereas the said Arthur Lee, treasurer of the said Davis Coal and Coke Company, does not acknowledge the receipt of said check at the office of the said company at Elkins, W. Va., and which said check is alleged to have been lost in transmission through the United States mails, and the said check not having been presented to the said assistant treasurer of the United States at Baltimore, Md., for payment; and

Whereas the provisions of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, apply only to checks drawn for \$2,500 or less: Therefore,

Be it enacted, etc., That said Arthur J. Pritchard, pay director of the United States Navy, be, and he is hereby, instructed to issue a duplicate of said original check to the Davis Coal and Coke Company, or, in case said Pritchard shall cease to be in the service of the United States, then the amount shall be paid under the provisions of section 3646 of the Revised Statutes of the United States and the regulations issued in pursuance thereof by the Secretary of the Treasury.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. DAYTON, a motion to reconsider the last vote was laid on the table.

MATERIALS AND LABOR ON PUBLIC WORKS.

Mr. THOMAS of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13626) to amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works."

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," approved August 13, 1894, is hereby amended so as to read as follows:

"That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States.

"If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro

rata among said interveners. If no suit should be brought by the United States, then the person or persons supplying the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the Department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States in the circuit court of the United States in the district in which said contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later: *And provided further*, That where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract, and not later.

"If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability."

The following amendments, reported by the Committee on the Judiciary, were read:

After the words "United States," in line 16 of the bill, insert the words "within six months from the completion and final settlement of said contract."

And at the end of line 25, page 3, after the word "liability," add the following:

"*Provided further*, That in all suits instituted under the provisions of this act such personal notice of the pendency of such suits informing them of their right to intervene as the court may order shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the State or town where the contract is being performed, for at least three successive weeks, the last publication to be at least three months before the time limited therefor."

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. LACEY. Just one question: As I caught the reading of the bill, it provides that suit shall not be brought in any court except a court of the United States. Is that correct?

Mr. THOMAS of Iowa. I believe that is the provision.

Mr. LACEY. That changes existing law as to the right of the creditor.

Mr. THOMAS of Iowa. Under the existing law a suit upon a bond given in a case of this kind can not be brought in any court except a court of the United States. This provides that such a suit may be brought in the United States circuit court.

Mr. LACEY. I have in mind a case where there has been a default in payment of the amount due upon a contract on a public building. This case has arisen in Iowa. All the bondsmen live in Chicago. Where would that suit have to be brought under this bill?

Mr. THOMAS of Iowa. In a United States court.

Mr. LACEY. Could it be brought in the district in Iowa against the parties in Chicago?

Mr. SMITH of Kentucky. As I understand, under this bill, the suit must be brought in the district where the work is being done.

Mr. PERKINS. Reserving the right to object, allow me to ask, where does this bill come from?

Mr. THOMAS of Iowa. It is a Treasury Department bill. It was prepared by the Attorney-General, at the request of the Treasury Department, to meet existing conditions, as I am advised.

Mr. PERKINS. Has it ever been submitted to the Attorney-General's office?

Mr. ALEXANDER. I understand it was prepared by the Attorney-General.

Mr. PERKINS. Was it prepared in the Attorney-General's office or prepared by the Solicitor of the Treasury?

Mr. THOMAS of Iowa. The bill was introduced by the gentleman from Wisconsin [Mr. JENKINS], and, as I understand, the bill was actually prepared by the Attorney-General, embodying recommendations of the Treasury Department.

Mr. ALEXANDER. And prepared by the Attorney-General?

Mr. PALMER. A very good lawyer appeared before the committee and explained the case. He satisfied the committee that the bill is all right and is needed to protect the interests of the United States under conditions that practically exist. I do not remember the name of the gentleman who appeared before our committee, but certainly he was a good lawyer and knew what he was talking about.

Mr. SHERLEY. Allow me to ask whether the bill contains any provision looking to the protection of the subcontractor?

Mr. THOMAS of Iowa. Oh, yes. It gives to the Government a superiority of lien, and then further provides that the Government may bring suit on the bond to recover its claim, and in that suit the subcontractors may intervene.

If the Government should fail to bring suit, any contractor may bring suit; and in that suit all subcontractors must be notified, and in the suit may have all their rights adjudicated.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. THOMAS of Iowa, a motion to reconsider the last vote was laid on the table.

SMELTER ON COLVILLE INDIAN RESERVATION.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11586) to permit the construction of a smelter on the Colville Indian Reservation, and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. BAKER. Mr. Speaker, I object.

Mr. OVERSTREET. If the gentleman will withhold his objection until I can explain—the bill is unanimously recommended by the Committee on Indian Affairs.

The SPEAKER. Is there objection?

Mr. BAKER. Mr. Speaker, I object.

AMERICAN CITIZENS ABROAD.

Mr. HITT. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution No. 113 as amended.

The resolution as amended was read, as follows:

Resolved, That the President be requested to renew negotiations with the governments of countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries, without regard to race, creed, or religious faith.

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the Committee on Foreign Affairs was agreed to.

The resolution as amended was agreed to.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

GRANT OF CERTAIN LANDS TO OHIO.

Mr. KYLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11444) to grant certain lands to the State of Ohio.

The bill was read, as follows:

Whereas the State of Ohio in the years 1828 to 1844, inclusive, constructed the Miami and Erie Canal; and

Whereas the State of Ohio, for the purpose of supplying the said canal with water, built and constructed certain artificial lakes or reservoirs known as the Mercer County Reservoir, in Mercer and Auglaize counties, and the Loramie Reservoir, in Auglaize and Shelby counties, the former being completed and flooded with water about the year 1842, and the latter about the year 1844; and

Whereas the said State of Ohio in the building, constructing, and flooding of said reservoirs reserved and appropriated, along with other lands, the following-described lands in township 6 south, range 3 east, in Mercer County, Ohio, to wit: The southeast quarter of the southeast quarter of section 2, township 6 south, range 3 east, 40 acres; the south half of the southwest quarter of section 3, township 6 south, range 3 east, 80 acres; the east half of the northeast quarter of section 8, township 6 south, range 3 east, 80 acres; the southwest quarter of the northeast quarter of section 8, township 6 south, range 3 east, 40 acres; the northwest quarter of section 8, township 6 south, range 3 east, 160 acres; the southwest quarter of section 8, township 6 south, range 3 east, 160 acres; the northeast quarter of section 9, township 6 south, range 3 east, 160 acres; the southeast quarter of section 9, township 6 south, range 3 east, 160 acres; the northwest quarter of section 9, township 6 south, range 3 east, 160 acres; the east half of the southwest quarter of section 9, township 6 south, range 3 east, 80 acres; the southwest quarter of section 10, township 6 south, range 3 east, 160 acres; the northeast quarter of section 11, township 6 south, range 3 east, 160 acres; the southeast quarter of section 11, township 6 south, range 3 east, 160 acres; the east half of the southwest quarter of section 11, township 6 south, range 3 east, 80 acres; the northwest quarter of section 17, township 6 south, range 3 east, 160 acres; the east half of the southwest quarter of section 17, township 6 south, range 3 east, 80 acres; also the whole of section 7, township 6 south, range 4 east, in Auglaize County, Ohio, 694 acres; also the north half of the southwest quarter of section 27, township 7 south, range 5 east, in Shelby County, Ohio, 80 acres; and containing in all 2,694 acres, more or less; and

Whereas the said reservoirs in said Mercer, Auglaize, and Shelby counties, in said State, between the years 1842 and 1844, became and were a part of the public works of the State of Ohio, and were necessary for the maintenance and operation of the said Miami and Erie Canal; and

Whereas the State of Ohio has, ever since said years 1842 and 1844, maintained said reservoirs as feeders for the said Miami and Erie Canal, and are a part of the public works of the State of Ohio, and now maintains and uses said reservoirs as feeders for said canal and as a part of the public works of the said State; and

Whereas the State of Ohio has flooded the lands above described and used the same as a part of the public works of the State since the years 1842 and 1844; and

Whereas it is still necessary for the State of Ohio to maintain said reservoirs as a part of the public works of the State and to use and flood the lands above described; and

Whereas it has recently come to the knowledge of the authorities of the State of Ohio that the title to the land above described is in the United States and not in the said State of Ohio: Therefore,

Be it enacted, etc., That all the land above described is granted unto the State of Ohio.

The SPEAKER. Is there objection?
There was no objection.

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

On motion of Mr. KYLE, a motion to reconsider the last vote was laid on the table.

WESTERN ALASKA CONSTRUCTION COMPANY.

Mr. BRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5088) to aid the Western Alaska Construction Company.

The bill was read.

The SPEAKER. Is there objection?

Mr. ROBINSON of Indiana. Mr. Speaker, reserving the right to object, I will ask the gentleman if he proposes to allow some time for the discussion of the matter? I desire to be recognized in opposition to the bill for at least a brief time; and unless we can make that arrangement I shall have to interpose an objection.

Mr. BRICK. Does the gentleman from Indiana object?

Mr. ROBINSON of Indiana. No; I say if the gentleman will make an arrangement—

The SPEAKER. The bill will have to be laid aside for the present. The Senate bill is not at the Clerk's desk.

ROAD DISTRICTS IN ALASKA.

Mr. BRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18014) to authorize the appointment of road overseers and to create road districts in the district of Alaska, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That it shall be the duty of the commissioner in each precinct in the district of Alaska, on the first Monday in the month of April in each year, to appoint a road overseer for the precinct in which he resides, and create a road district in the inhabited part of said precinct, which said district shall not include incorporated cities and towns.

To fill all vacancies in the office of road overseer in his precinct.

To cause a record to be made defining the boundaries of said road district

TERM OF OFFICE AND QUALIFICATION OF ROAD OVERSEERS.

All road overseers shall hold office for one year and until their successors are appointed and qualified.

Every person appointed to the office of road overseer of any road district shall reside in the road district to which he has been appointed, and shall, within thirty days after he shall have been notified of his appointment, take and subscribe to an oath of office obligating himself to the faithful performance of the duties of his office, and shall forthwith cause such oath to be filed in the office of the commissioner of his precinct, and in case any such road overseer shall become nonresident of his road district, his office shall at once become vacant.

Each road overseer shall, before entering upon the duties of his office, execute a bond to the United States in a sum not less than double the amount of money which will probably come into his hands at any time during his term of office, with two or more sureties, the amount and sufficiency of the bond to be approved by the commissioner of the precinct, conditioned for the faithful discharge of the duties of his office, which bond shall be by him forthwith filed in the office of the commissioner and ex officio recorder. The approval of such bond shall be indorsed thereon by the commissioner.

DUTIES OF ROAD OVERSEER.

The duties of road overseer shall be such as may be prescribed by law.

Each road overseer shall keep an accurate account of all money received by virtue of his office and the manner in which the same has been disbursed, and to whom, and shall, on the last Saturday of March in each year, exhibit such account, together with his vouchers, to the commissioner for adjustment and settlement. Such account shall be in writing, verified by affidavit of the overseer that the same is in all respects a full and true account of all money received by him during the full term for which he should make settlement and the amounts expended and the manner in which they were expended.

If any person appointed to the office of road overseer, unless unable from disease or other infirmity to discharge the duties of such office, shall refuse or neglect to serve therein, he shall be liable to a fine of \$25; but no person so appointed who shall have served for a term next preceding such appointment shall be liable to such fine for refusing to serve if he shall have given notice in writing of refusal to the commissioner within twenty days after having been notified of his appointment.

Every road overseer who shall, after the expiration of his term of office, neglect or refuse to deliver on demand to his successor in office, after such successor shall have been duly qualified according to law, all moneys, records, books, papers, or other property appertaining to such office shall be liable to a fine of not less than fifty nor more than five hundred dollars.

Road overseers of the different precincts are authorized, and it is made their duty, to warn out all male persons between 18 and 50 years of age who have resided thirty days in the district of Alaska, who are capable of performing labor on roads or trails, and who are not a precinct charge, to perform two days' work of eight hours each in constructing, locating, or repairing public roads or trails, under the direction of the road overseer within whose precinct they may respectively reside, or furnish a substitute to do the same, or pay the sum of \$4 per day for two days' labor, and said road overseer shall receipt for the same and shall expend it in repairs on the public roads and trails within his precinct; and any moneys so received and not expended shall be paid over to his successor in office, who shall expend the same as above provided.

The overseer of roads and trails in each precinct shall give notice to persons residing in his precinct liable to or charged with a road or trail tax of the time and place and the kind of work expected to be performed on the road or trail, and may direct what implements such persons shall bring with which to perform such work.

Whenever it shall happen, in consequence of sickness or absence from home, or any other cause, that the two days' work aforesaid shall not be performed within the time specified in this act, the overseer shall be authorized to require the performance of such work at any time prior to the 1st day of October then next ensuing; and in case any person shall neglect or refuse to do the two days' work, or furnish a substitute, or pay in money the price of two days' labor, as provided in this act, he shall be deemed guilty of a misdemeanor and shall be fined in the sum of \$10 for each day refusing so to work upon conviction before any justice of the peace of the precinct.

If any person shall appear at the proper time and place as directed by the overseer and neglect or refuse to do a reasonable day's work according to his ability, he shall be liable the same as if he had neglected or refused to appear, or furnish a substitute, or pay the sum of money as provided herein.

Under the direction of the overseer, and at his discretion, the above road tax may be performed by an able-bodied man, and a two-horse team with wagon, or a dog team consisting of not less than five dogs and a sleigh, or a reindeer team of not less than two reindeer and sleigh or cart.

It shall be the duty of each road overseer to receipt to each person who performs labor on the public roads and trails of his precinct under the provisions of this act for the amount of labor so performed, and no person shall be compelled to pay road tax except in one precinct in the district of Alaska during one calendar year.

Each road overseer shall, on or before the 1st day of April in each year, report to the commissioner of the precinct the names of all persons subject to the two days' road tax for the preceding year, the names of those who have worked out said tax, the names of those who have paid the said tax in money, and the names of those delinquent, and also all moneys received by him from all sources, and how expended, and the account of said road overseer of the work performed by himself, which report shall be approved by said commissioner before any final settlement shall be made with such road overseer.

Each and every road overseer who shall neglect or refuse to perform the several duties enjoined upon him by this act, or who shall, under any pretense whatsoever, give or sign a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the signing or giving of such receipts or certificates, shall forfeit for every such offense not less than five nor more than fifty dollars, to be recovered by an action before any justice of the peace within the precinct where such overseer may reside, and it is hereby made the duty of every United States attorney or assistant to prosecute all offenses against the provisions of this act not otherwise provided for.

PER DIEM.

Road overseers shall be allowed \$4 per day for all services required by this act and actually performed in their respective precincts, to be retained out of money paid said road overseers from persons paying money or fines in lieu of two days' labor, upon the certified statement of the overseers, approved by the commissioner of the precinct: *Provided*, That no overseer shall receive pay for more than ten days in any one year, and not until he has made the return as provided in the preceding section, in duplicate, one copy to be retained by the commissioner and one copy filed with the clerk of the district court in the division in which the said precinct is situated.

Any oath required to be taken by said overseer, acknowledgment of bond, or the filing or recording of any paper or plat authorized by this act shall be free of cost to said overseer.

Upon application of road overseers it shall be the duty of the clerk of the district court to furnish copies of this act and blank forms of notices warning persons to perform road work, receipts for road work, bond, and oath, and for overseer's report to commissioner, the expense of which shall be paid out of the fund for paying the incidental expenses of the court, and raised from local licenses.

The Attorney-General of the United States is hereby directed to furnish clerks of the district court in the different judicial divisions of Alaska a sufficient number of copies of this act and other road and trail laws that may now be upon the statutes relating to roads and trails in the district of Alaska for use of road overseers in each judicial division.

During the reading,

The SPEAKER said: There are three more pages of this bill. Is there objection to its consideration?

Mr. SMITH of Kentucky. Reserving the right to object, I should like to ask the gentleman from Indiana what salaries to these commissioners are carried in this bill?

Mr. BRICK. The commissioners are to get no salaries. There is no appropriation out of the Treasury of the United States in this bill. It is all carried on within the Territory of Alaska at their own expense.

Mr. SMITH of Kentucky. What pay do the commissioners get?

Mr. BRICK. They work without pay.

Mr. SMITH of Kentucky. Without pay either from the Territory or the United States?

Mr. BRICK. Yes.

Mr. SMITH of Kentucky. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk resumed and concluded the reading of the bill.

The amendments recommended by the committee were read, as follows:

On page 4, line 10, after the word "in," insert the word "locating."

In line 11 strike out "locating."

In line 16, between the words "in" and "repairs," insert the words "locating, construction, or."

On page 5, line 20, between the words "by" and "an," insert "one day's work together with."

In line 21 strike out "and."

On page 8, line 2, strike out the following: "and raised from local licenses."

The amendments were 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. BRICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. SULZER. Mr. Speaker, I call for the regular order.

The SPEAKER. There is a short bill in regard to which action was not taken.

Mr. SULZER. I reserve the demand for the regular order.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5088) to aid the Western Alaskan Construction Company.

The SPEAKER. Without objection, the bill will be considered as read a third time and passed.

Mr. ROBINSON of Indiana. Mr. Speaker, the bill was considered a few minutes ago. Consent was not given to consideration, but we were trying to make an arrangement with the gentleman for a division of time for its discussion. I suggested that I would reserve the right to object and would interpose an objection unless that arrangement could be made.

Mr. BRICK. I ask unanimous consent that the gentleman may have two minutes' debate on the bill.

Mr. ROBINSON of Indiana. The bill has not gone through the usual process. The Senate bill has not been read. How much time did the gentleman say he would give me?

Mr. BRICK. Two minutes.

Mr. ROBINSON of Indiana. I think the bill has not been reported to the House.

The SPEAKER. The regular order is demanded, and if it takes any considerable time—

Mr. ROBINSON of Indiana. I only want ten minutes.

Mr. SULZER. Mr. Speaker, I insist on the regular order.

DEVELOPMENT OF AMERICAN MERCHANT MARINE.

Mr. DALZELL. Well, Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution No. 282.

Resolved, That at any time during the remainder of this session the bill (H. R. 7056) creating a commission to consider and recommend legislation for the development of the American merchant marine, and for other purposes, may be considered in the House as in Committee of the Whole.

Mr. DALZELL. Mr. Speaker, House bill 7056 was reported by the Committee on Merchant Marine and Fisheries. Its title is "A bill creating a commission to consider and recommend legislation for the development of the American merchant marine, and for other purposes." The bill is very short. It provides for the appointment of a commission, consisting of five members of the Senate and five Members of the House of Representatives, to investigate and report to Congress on the first day of its next session what legislation is desirable for the development of the American merchant marine and American commerce.

Mr. GILBERT. Is there anything said about the political affiliation of the commission?

Mr. DALZELL. Two members of the Senate and two Members of the House of Representatives shall be members of the minority party. That is the whole scope of the bill. It simply appoints a commission to investigate and report.

Now, the purpose of this rule is to do two things. First, to make this bill in order for consideration; and, second, to make it in order for consideration in the House instead of in Committee of the Whole. That is the whole purpose of the rule. I do not know whether there is any gentleman who wants time on the other side or not.

Mr. SMITH of Kentucky. I would like to suggest to the gentleman from Pennsylvania that it would be agreeable to this side of the House, instead of taking up the time on the rule, to add that to the time for general discussion.

Mr. DALZELL. The gentleman understands there is no limit of debate in the rule.

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

Mr. DALZELL. I yield.

Mr. GROSVENOR. I can state to the gentleman from Kentucky that a full agreement has been made with the minority members of the committee with which they are satisfied in regard to the limit of debate.

Mr. SMITH of Kentucky. All right.

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

The question was taken, and the previous question was ordered.

Mr. BAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAKER. I understand under the rules of the House when the previous question is ordered forty minutes is set apart for debate.

The SPEAKER. There has been debate, however, before the previous question was moved, and there is no debate afterwards.

Mr. BAKER. Well, I am opposed to this rule, whether anyone else is or not.

Mr. DALZELL. Oh, let us have the regular order, Mr. Speaker.

The SPEAKER. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution.

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

Mr. DE ARMOND and Mr. BAKER. Division, Mr. Speaker. Accordingly the House divided; and there were—ayes 145, noes 101.

Mr. ROBINSON of Indiana. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 103, answered "present" 15, not voting 120, as follows:

YEAS—138.

Adams, Pa.	Dixon,	Jackson, Md.	Payne,
Alexander,	Douglas,	Jackson, Ohio	Porter,
Ames,	Draper,	Jones, Wash.	Powers, Mo.
Babcock,	Dresser,	Kennedy,	Powers, Mass.
Bartholdt,	Driscoll,	Ketcham,	Prince,
Bates,	Dunwell,	Kyle,	Reeder,
Bingham,	Esch,	Lacey,	Rodenberg,
Birdsall,	Evans,	Lafean,	Scott,
Bishop,	Flack,	Landis, Chas. B.	Shiras,
Bonyng,	French,	Landis, Frederick	Slemp,
Bowersock,	Gaines, W. Va.	Lanning,	Smith, Ill.
Bradley,	Gardner, Mass.	Lawrence,	Smith, Iowa
Brandegge,	Gibson,	Lilley,	Smith, Samuel W.
Brick,	Gillet, N. Y.	Littlefield,	Smith, Pa.
Brown, Pa.	Gillet, Cal.	Livernash,	Spalding,
Brown, Wis.	Goebel,	Longworth,	Sperry,
Brownlow,	Graff,	Lovering,	Steenerson,
Buckman,	Greene,	McCreary, Pa.	Sterling,
Burke,	Grosvenor,	McLachlan,	Stevens, Minn.
Butler, Pa.	Hamilton,	McMorrin,	Sulloway,
Calderhead,	Haskins,	Mahon,	Tawney,
Campbell,	Haugen,	Mann,	Thomas, Iowa
Conner,	Hedge,	Marsh,	Townsend,
Cooper, Pa.	Henry, Conn.	Marshall,	Van Voorhis,
Cousins,	Hepburn,	Miller,	Vreeland,
Cromer,	Hermann,	Morgan,	Wachter,
Crumpacker,	Hill, Conn.	Mudd,	Wadsworth,
Currier,	Hinshaw,	Needham,	Wanger,
Curtis,	Hitt,	Norris,	Weems,
Cushman,	Hogg,	Olmsted,	Wiley, N. J.
Dalzell,	Howell, Utah	Otis,	Wright,
Daniels,	Huff,	Otjen,	Wynn,
Davis, Minn.	Hughes, W. Va.	Oversstreet,	Young,
Deemer,	Palmer,	Parker,	
	Humphrey, Wash.	Parker,	

NAYS—108.

Adamson,	Emerich,	Kitchin, Wm. W.	Robertson, La.
Badger,	Field,	Kline,	Robinson, Ark.
Baker,	Finley,	Klutts,	Robinson, Ind.
Bankhead,	Fitzgerald,	Lamb,	Rucker,
Bartlett,	Flood,	Legare,	Russell,
Bassett,	Gaines, Tenn.	Lever,	Ryan,
Beall, Tex.	Garner,	Lewis,	Shackelford,
Bell, Cal.	Gilbert,	Lind,	Sheppard,
Benny,	Goldfogle,	Lindsay,	Sherley,
Bowie,	Gregg,	Little,	Shober,
Brantley,	Gudger,	Livingston,	Shull,
Breazeale,	Hamlin,	Lloyd,	Sims,
Brundidge,	Hardwick,	Lucking,	Slayden,
Burleson,	Harrison,	McAndrews,	Smith, Ky.
Burnett,	Henry, Tex.	Macon,	Snook,
Candler,	Hill, Miss.	Maddox,	Southall,
Cassingham,	Hitchcock,	Maynard,	Spight,
Clark,	Hopkins,	Moon, Tenn.	Stanley,
Clayton,	Howard,	Padgett,	Stephens, Tex.
Cochran, Mo.	Hughes, N. J.	Page,	Sulzer,
Cockran, N. Y.	Humphreys, Miss.	Patterson, Tenn.	Swanson,
Cowherd,	James,	Pierce,	Talbot,
Crowley,	Johnson,	Pujo,	Thomas, N. C.
De Armond,	Jones, Va.	Raney,	Van Duzer,
Denny,	Kehoe,	Randell, Tex.	Wallace,
Dinsmore,	Keliber,	Ransdell, La.	Wiley, Ala.
Dougherty,	Kitchin, Claude	Rixey,	Williams, Ill.

ANSWERED "PRESENT"—15.

Allen,	Gardner, Mich.	Meyer, La.	Richardson, Ala.
Bede,	Hay,	Miers, Ind.	Ruppert,
Cassel,	Jenkins,	Patterson, Pa.	Zenor.
Dovenor,	Lamar, Fla.	Pou,	

NOT VOTING—120.

Acheson,	Foster, Vt.	Loudenslager,	Small,
Adams, Wis.	Fowler,	McCall,	Smith, Wm. Alden
Aiken,	Fuller,	McCarthy,	Smith, N. Y.
Beidler,	Garber,	McClary, Minn.	Smith, Tex.
Benton,	Gardner, N. J.	McDermott,	Snapp,
Bowers,	Gillespie,	McLain,	Southard,
Brooks,	Gillet, Mass.	McNary,	Southwick,
Broussard,	Glass,	Mahoney,	Sparkman,
Burgess,	Gooch,	Martin,	Stafford,
Burkett,	Goulden,	Metcalf,	Sullivan, Mass.
Burleigh,	Granger,	Minor,	Sullivan, N. Y.
Burton,	Griffith,	Mondell,	Tate,
Butler, Mo.	Griggs,	Moon, Pa.	Taylor,
Byrd,	Hearst,	Morrell,	Thayer,
Caldwell,	Hemenway,	Murdoch,	Tirrell,
Capron,	Hildebrandt,	Nevin,	Trimble,
Castor,	Holliday,	Patterson, N. C.	Underwood,
Connell,	Houston,	Pearre,	Vandiver,
Cooper, Tex.	Howell, N. J.	Perkins,	Volstead,
Cooper, Wis.	Hull,	Pinkney,	Wade,
Darragh,	Hunt,	Reid,	Warner,
Davey, La.	Hunter,	Rhea,	Warnock,
Davidson,	Kinkaid,	Richardson, Tenn.	Watson,
Davis, Fla.	Knapp,	Rider,	Webb,
Dayton,	Knopf,	Robb,	Weisse,
Dickerman,	Lamar, Mo.	Roberts,	Williams, Miss.
Fitzpatrick,	Lester,	Scarborough,	Williamson,
Fordney,	Littauer,	Scudder,	Wilson, Ill.
Foss,	Lorimer,	Sherman,	Wilson, N. Y.
Foster, Ill.	Loud,	Sibley,	Woodyard.

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.
Mr. HUNTER with Mr. RHEA.
Mr. CASSEL with Mr. GOOCH.
Mr. CHARLES B. LANDIS with Mr. TATE.
Until further notice:

Mr. LOUD with Mr. GOULDEN.
Mr. DAVIDSON with Mr. SPARKMAN.
Mr. FULLER with Mr. BYRD.
Mr. WARNER with Mr. LESTER.
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. KNOPF with Mr. WEISSE.
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.
Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.
Mr. BEIDLER with Mr. WILLIAMS of Mississippi.

For this day:

Mr. HULL with Mr. HAY.
Mr. CAPRON with Mr. GRANGER.
Mr. BURTON with Mr. BROUSSARD.
Mr. WOODYARD with Mr. REID.
Mr. WILSON of Illinois with Mr. GLASS.
Mr. ADAMS of Wisconsin with Mr. BOWERS.
Mr. METCALF with Mr. WEBB.
Mr. WILLIAMSON with Mr. FITZPATRICK.
Mr. SOUTHWICK with Mr. WILSON of New York.
Mr. SOUTHARD with Mr. SCARBOROUGH.
Mr. SMITH of New York with Mr. RIDER.
Mr. MURDOCK with Mr. PINCKNEY.
Mr. MONDELL with Mr. PATTERSON of North Carolina.
Mr. McCLEARY of Minnesota with Mr. McLAIN.
Mr. KNAPP with Mr. RICHARDSON of Tennessee.
Mr. HOWELL of New Jersey with Mr. HEARST.
Mr. HEMENWAY with Mr. UNDERWOOD.
Mr. GILLET of Massachusetts with Mr. GARBER.
Mr. GARDNER of New Jersey with Mr. COOPER of Texas.
Mr. COOPER of Wisconsin with Mr. CALDWELL.
Mr. MORRELL with Mr. SMITH of Texas.
Mr. JENKINS with Mr. SULLIVAN of New York.
Mr. FOWLER with Mr. AIKEN.
Mr. MOON of Pennsylvania with Mr. VANDIVER.
Mr. CASTOR with Mr. GILLESPIE.
Mr. PEARRE with Mr. GRIGGS.

For the balance of the session:

Mr. SIBLEY with Mr. DAVEY of Louisiana.
Mr. SNAPP with Mr. FOSTER of Illinois.

For this vote:

Mr. BURKETT with Mr. BENTON.
Mr. HILDEBRANT with Mr. LAMAR of Missouri.
Mr. LITTAUER with Mr. McDERMOTT.
Mr. FOSS with Mr. HOUSTON.

Until April 21:

Mr. ROBERTS with Mr. THAYER.

For the remainder of the week:

Mr. TIRRELL with Mr. SULLIVAN of Massachusetts.
April 13 to April 25:

Mr. BURLEIGH with Mr. HUNT.

From April 20 until further notice:

Mr. MINOR with Mr. LAMAR of Florida.

The result of the vote was announced as above recorded.

Mr. GROSVENOR. Mr. Speaker, I now call up the bill covered by the rule which has just been passed and ask to have it read.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created, to be called "The Merchant Marine Commission," to be composed as follows: The Secretary of the Navy, the Postmaster-General, the Secretary of Commerce and Labor, the chairman of the Committee on Commerce of the Senate, the chairman of the Committee on the Merchant Marine and Fisheries of the House of Representatives, three Members of the Senate, to be appointed by the presiding officer thereof, and three Members of the House of Representatives, to be appointed by the Speaker: *Provided,* That at least two of the said Members of the Senate and two of the said Members of the House of Representatives shall be members of the minority party.

SEC. 2. That it shall be the duty of this commission to investigate and to report to the Congress at its next session what legislation is desirable for the development of the American merchant marine and American commerce, and incidentally for a national ocean mail service of adequate auxiliary naval cruisers and naval reserves.

SEC. 3. That the commission shall give reasonable time for hearings, if

deemed necessary, and if necessary it may appoint a subcommission or sub-commissions of its own members to make investigation in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths and affirmations. All necessary expenses, including clerks, stenographers, messengers, rent for place of meeting, and printing and stationery, shall be paid from any money in the Treasury not otherwise appropriated; however, not to exceed \$50,000 for expenditures under this section.

SEC. 4. That any vacancies occurring in the commission by reason of death, disability, or from any other cause, shall be filled by appointment by the officer and in the same manner as was the member whose retirement from the commission creates the vacancy.

The amendments were read, as follows:

On page 1, beginning with line 5, strike out all of lines 5, 6, 7, 8, 9, 10, and 11, and the word "Speaker," in line 1, page 2, and insert the following:

"Five members of the Senate of the United States and five Members of the House of Representatives of the United States, to be appointed by the presiding officer of each House of Congress, respectively: *Provided,*"

In line 9, page 2, strike out the word "at" and insert "on the first day of."

In lines 12 and 13, page 2, strike out "and incidentally for a national ocean mail service of adequate auxiliary naval cruisers and naval reserves."

In line 24, page 2, strike out the word "fifty" and insert the word "twenty."

In line 1, page 3, after the word "section," insert "to be paid upon vouchers to be approved by the chairman of the commission."

So that the bill as amended will read as follows:

Be it enacted, etc., That a commission is hereby created, to be called "The Merchant Marine Commission," to be composed as follows: Five members of the Senate of the United States and five Members of the House of Representatives of the United States, to be appointed by the presiding officer of each House of Congress, respectively: *Provided,* That at least two of the said members of the Senate and two of the said Members of the House of Representatives shall be members of the minority party.

SEC. 2. That it shall be the duty of this commission to investigate and to report to the Congress on the first day of its next session what legislation is desirable for the development of the American merchant marine and American commerce.

SEC. 3. That the commission shall give reasonable time for hearings, if deemed necessary, and if necessary it may appoint a subcommission or sub-commissions of its own members to make investigations in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths and affirmations. All necessary expenses, including clerks, stenographers, messengers, rent for place of meeting, and printing and stationery, shall be paid from any money in the Treasury not otherwise appropriated; however, not to exceed \$30,000 for expenditures under this section, to be paid upon vouchers to be approved by the chairman of the commission.

SEC. 4. That any vacancies occurring in the commission, by reason of death, disability, or from any other cause, shall be filled by appointment by the officer and in the same manner as was the member whose retirement from the commission creates the vacancy.

Mr. GROSVENOR. Mr. Speaker, it is not the purpose to proceed further with the bill at this time, and I therefore withdraw the bill under the order of the House and reserve the balance of my time.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] reserves the balance of his time.

CONFERENCE REPORTS.

Mr. BABCOCK. Mr. Speaker, I submit the following conference reports, to be printed under the rule.

The SPEAKER. They will be printed.

The conference reports and statements are as follows:

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9331) to extend the time for completion of the East Washington Heights Traction Railroad 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 from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all the matter inserted by said amendment and insert in lieu thereof the following: "That failure to complete any portion of the routes as provided in the charter of said company within the time herein limited shall operate to repeal the authority to build such portion and shall not repeal the charter of said company; and that any connecting company may lease or purchase the portion of said routes which is completed within the said eighteen months;" and the Senate agree to the same.

J. W. BABCOCK,

S. W. SMITH,

ADOLPH MEYER,

Managers on the part of the House.

J. H. GALLINGER,

H. C. HANSBROUGH,

THOMAS S. MARTIN,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

The Senate amended the House bill by giving the company eighteen months in which to complete the road. As passed by the House they were given one year. The Senate also struck out

the penalty clause and provided that the failure to build any portion of the route within the time specified should repeal their right to build such portion.

The House recedes from the first amendment of the Senate, and also recedes from the second amendment with an amendment giving the company authority to sell or lease the portions of the route completed within the time specified to any connecting company.

APPREHENSION AND DETENTION OF INSANE PERSONS IN DISTRICT OF COLUMBIA.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8692) to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. W. BABCOCK,
S. W. SMITH,
ADOLPH MEYER,

Managers on the part of the House.

J. H. GALLINGER,
H. C. HANSBROUGH,
THOMAS S. MARTIN,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

The Senate amended the House bill in one slight particular, providing additional service upon all of the children of lawful age. The result of the conference report is that the Senate recedes and leaves the bill in exactly the same language as passed by the House.

CONNECTING EUCLID PLACE WITH ERIE STREET.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2134) to connect Euclid place with Erie street, having met, after full and free conference have been unable to agree.

J. W. BABCOCK,
S. W. SMITH,

Managers on the part of the House.

J. H. GALLINGER,
S. R. MALLORY,

Managers on the part of the Senate.

GOVERNMENT OF CANAL ZONE AT PANAMA, ETC.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes, which I will send to the desk and ask to have read.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill, of which the Clerk will report the title.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Iowa how much time for debate he expects to allow on this matter and how much consideration?

Mr. HEPBURN. I think probably an hour of debate would be sufficient. It is reported with a unanimous report.

Mr. UNDERWOOD. An hour on a side?

Mr. HEPBURN. Half an hour on a side.

Mr. UNDERWOOD. Has it been considered by the Committee on Interstate and Foreign Commerce?

Mr. HEPBURN. Oh, yes.

Mr. UNDERWOOD. And favorably reported?

Mr. HEPBURN. Oh, yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. Mr. Speaker, I ask that the reading of the Senate bill, which the committee propose to strike out, be dispensed with and that the substitute proposed by the committee be read.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the territory acquired by the United States from the Republic of Panama by the terms of the treaty ratified on the 26th day of February, 1904, be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing

government of the said territory, or granted by the terms of said treaty to the United States, shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct for the government of said territory and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

Mr. HEPBURN. I yield to the gentleman from Georgia [Mr. ADAMSON] such time as he may desire.

Mr. ADAMSON. Mr. Speaker, under the terms of the act of Congress authorizing the President to acquire from the Republic of Colombia a strip of land in perpetuity for the construction of a canal to unite the two oceans, and also authorizing the President to acquire from the Panama Canal Company certain rights, concessions, and property, the President has negotiated a treaty with the new Republic of Panama, and the first power conferred upon the President has been exercised and its purpose accomplished. The strip has been gotten away from Colombia and has come to us. We have acquired it; there is no doubt about that.

The property of the canal company has been negotiated for, and at some time in the not distant future it is expected that we shall come into possession of that. A commission has been appointed, in accordance with the terms of the act of Congress, to proceed with the construction of the canal. That commission is studying conditions in Panama and ascertaining just what those conditions are and just what is to be done.

We have had considerable information from previous investigation and have examined the members of the present and preceding commissions upon the subject of the necessity for immediate legislation.

It will be borne in mind, Mr. Speaker, that our primary and main object in that country is to construct a canal. It was not the primary idea of any of the promoters of the grandest scheme of all the ages to go down there to exploit on the Isthmus our notions of government, practical or theoretical, but to proceed with the construction of a canal.

It is of course expected that, as the work proceeds, the formative period being over, the atmosphere being cleared, our rights and possessions all being clearly ascertained, the necessities of all the problems understood, population pouring into the zone, it will be necessary to legislate specifically as to the government of the people there. But at present we do not know enough about what will be there nor what the necessities will be. There is no population there except such as is incident to the canal project itself—from 2,000 to 5,000.

For some time there will be only those employed by the canal company or by the United States Government, or such as are there trading and prospecting. In view of all these facts, it is not deemed essential at this time to take up the subject of civil government of that zone.

Furthermore, Mr. Speaker, it is believed that when Congress once takes up this subject and legislates upon it, it will part with it forever, practically.

Theoretically we could take up the legislation and amend or repeal it; but when Congress has acted, when the commissioners have gone to work, when the system has been adopted and put into operation, it will be difficult to induce Congress to take up the subject again for the purpose of making changes, and we shall be prone to say, "Let well enough alone; we will stand pat on what has been done."

So we think, under all the circumstances, it is better that we reenact the legislation of 1803—the magnificent precedent set by the immortal Jefferson for the temporary government of Louisiana—until Congress may have time to take its bearings, to understand the situation, reflect upon and study the conditions and necessities, and legislate wisely and knowingly.

The committee therefore has unanimously agreed that for all purposes from now until the next session of Congress the bill which we have reported as a substitute for the Senate bill will be all sufficient to authorize the President, through such persons as he may choose, by whatever means he shall direct, to accept the property mentioned in the authorizing act of Congress heretofore passed, conveyed by the treaty with Panama and purchased from the Panama Company, and proceed to ascertain conditions and do the initial work toward the construction of the canal.

It is not believed that work of much consequence will be done within a year. It is not believed there will be any necessity for this legislation within a year.

It is not necessary, therefore, Mr. Speaker, that we should now in the hurry and confusion of an adjournment, enact hastily a system of legislation which we shall be loath to take up and amend in the future, even if such legislation shall have proved itself ill advised and improper. It would be better to await the next session of Congress and then knowingly do what is necessary. [Applause.]

I yield back to the gentleman the time at my command.

Mr. HEPBURN. I yield to the gentleman from Minnesota [Mr. STEVENS] five minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, the gentleman from Georgia [Mr. ADAMSON] has stated so clearly and so thoroughly the reasons why the Committee on Interstate and Foreign Commerce reported the amendment to the Senate bill that it needs no further discussion by me. The committee had hearings on this general subject for several days. They received the views of different members of the Panama Canal Commission and other gentlemen interested and experienced in that great work.

They had the views of Secretary Taft, and had before them for consideration several bills embodying many wise provisions for the government of that canal strip. But when it came to enact legislation into concrete form and make it applicable to present conditions we realized the situation as forcibly and clearly outlined by the gentleman from Georgia [Mr. ADAMSON]; that the United States Government had not really begun that work; that there was on the ground a small and fluctuating population with whose customs and necessities we were not sufficiently acquainted for purposes of legislation, and that conditions will change so rapidly within the next year or two that we are now not informed as to what would be necessary when the actual stress of government will come; that we needed to retain in our own hands and under our own control the government of that great project, and we could best do that important thing by having as little government as possible during the next few months.

We realized, too, that some act was necessary now; that the old canal act originally authorizing the construction of the Panama Canal did not seem quite to give authority for the present control of that strip, and since something was necessary to be done, we thought that the least that could be done would be the better for the present. So we went back to the old original act of President Jefferson, thinking that if the great territory of the Louisiana purchase was wisely and well governed under that act for a time, it certainly could be trusted to control the little Panama strip until we meet next December. We carefully examined the several sections of the several bills before us relating to this general subject and found that every essential power necessary for safe temporary government was contained in this simple paragraph. So the committee unanimously recommended the passage of the Senate bill as amended by the provisions of the old Jefferson Act.

I yield back the balance of my time.

Mr. HEPBURN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, this bill, as reported by the Interstate and Foreign Commerce Committee, is entitled to and receives my earnest and cordial support for more reasons than one. The first one is, as will be discovered, that the Interstate and Foreign Commerce Committee struck out everything of the Senate bill except the enacting clause.

I like that, Mr. Speaker, for the reason that we have been complaining, and justly I think, about the encroachments of the Senate upon the privileges and prerogatives of the House, and I am glad to say that on a suitable and proper opportunity the Interstate and Foreign Commerce Committee had the courage in the Fifty-eighth Congress to strike out all after the "enacting clause" of a Senate bill and to substitute therefor a different, a better, and a wiser bill. [Applause.]

Mr. Speaker, the Senate presented to us for consideration a bill that involved a great deal of intricacy, complicated governmental authority, and suggested various bureaus, departments, and other powers and authorities, all concentrated under the control of the Commissioners of the Panama Canal, giving them, as I think, a great deal more power over the liberties and rights of the people of that zone than Congress ought to allow them. The people that occupy that zone are heterogeneous, consisting of all nationalities. It is the part of wisdom as well as of justice to take time to consider the character of government we propose to establish. Again, Mr. Speaker, I am always ready to go back and adopt and reaffirm the policy established by our forefathers, by the great men of the Republic, in matters of the proper government of territories, or, as they are now called, "possessions," connected with the United States.

We have before us the example of the successful administration and the marvelous growth and development of the Louisiana purchase by Mr. Jefferson in 1803. The bill that the committee reports is word for word, without the dotting of an "i" or the crossing of a "t," that which Mr. Jefferson suggested and approved for the government of the territory of Louisiana while it was going through the primal state of organization. If the Panama zone—that we propose to substantially take charge of—can be brought to a result as successful as was the Louisiana purchase by Mr. Jefferson, then the Fifty-eighth Congress will receive credit and fame for its wise action in the regulation of the Panama zone—an honor and credit to our Republic. This bill will be found in the exact words of the second section of the act of Con-

gress approved October 31, 1803, during the session of the Eighth Congress.

All the contention and struggle that we had in this House and elsewhere about the Panama Canal and the ratification of the treaty with the Republic of Panama is now a thing of the past, and the question with us to-day is to adopt such a policy and such laws as will best govern and control the people of that zone. What better can we do than to leave it in the hands of the President of the United States, until the expiration of this Congress, to designate the persons to continue to exercise the authority now conferred on them by the existing government? We do not know what the laws are governing those people sufficient to make changes or create new laws.

What we need is time to investigate, find out the nature, temperament, habits, and customs of that mixed population, and legislate in behalf of their real interests, and to promote their civilization. Again, Mr. Speaker, this bill places that responsibility, if you please, in the hands of the President of the United States. I am generally opposed to placing too much power in the hands of one man, but under the provisions of this bill the country can in part look to the President for proper and honest government. The result of it will be that the persons clothed with authority in the Panama zone will discharge their duties and faithfully and honestly discharge the obligations of their very important trust.

Mr. GILBERT. Why not do the same thing with the Philippines?

Mr. RICHARDSON of Alabama. Indeed, as suggested to me by the gentleman from Kentucky [Mr. GILBERT], the same wise principle could be applied to the Philippine Islands with a great deal more success, I think, than has been achieved heretofore in that government.

Mr. Speaker, I think the solution of the proper and fair government in the Panama Canal zone is admirably reached in this bill. It has the sanction of the great apostle of Democracy, Thomas Jefferson, and for that reason, as well as others, I give my most cordial and hearty support to it. [Applause.]

Mr. HEPBURN. I yield to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, on account of the limited time given on the agriculture bill I did not then ask for time, as I had no desire to impede the progress of the appropriation bills. I will now avail myself of the opportunity and the latitude given Members in discussing the various bills and offer a few observations along the line of agriculture.

In the few years which I have had the honor of being a Member of this House I have enjoyed the good fortune of serving on the Committee on Agriculture. If not the greatest, it is certainly one of the greatest and most important committees of this House—not from a political standpoint, but that it concerns more people than any other committee. First, it directly affects 5,700,341 families engaged in agricultural pursuits; in general, all the people of the nation. Our interests are in common. What would our cities, towns, and villages be without the agricultural interests? What would our railroads be? Our farms certainly furnish the bulk of the freight traffic. What would our manufacturers be without them?

What would our export trade be without our farms and farmers? Sixty and ninety-eight one-hundredths per cent to 83½ per cent of our exports for the last one hundred and four years came from the farm. We exported 3,543,043,022 pounds of cotton last year, valued at \$316,180,429, being nearly \$1,000,000 per day. The first eight months of this fiscal year we exported 13,394,563 barrels of flour, valued at \$53,037,418; 40,784,299 bushels of wheat, valued at \$33,053,949; 173,064,186 pounds of bacon, valued at \$16,914,013, and 135,513,538 pounds of ham, valued at \$15,833,620. We exported in 1902, 234,772,515 bushels of wheat and 28,028,638 bushels of corn. Our industrious tillers of the soil furnished for the fiscal year ending June 30, 1901, for export—

Corn and corn meal	\$84,593,415
Wheat and flour	106,231,063
Total breadstuffs	275,594,618
Cattle and beef products	81,792,299
Hogs and hog products	120,193,908
Tobacco and manufactures of tobacco	28,172,818
Cotton and manufactures of cotton	333,945,861
Total domestic agricultural products	943,811,020

Being nearly \$3,000,000 for every working day in the year.

The balance of trade in our favor for the last fiscal year was \$394,422,492. Without our domestic agricultural export trade the balance of trade would have been against us to the extent of \$478,900,440, this amount being ten times as great as the gold coinage and sixteen times the silver coinage in 1902. Our domestic agricultural exports for the last fifty years were in the aggregate \$23,957,997,735, being more than one-quarter the total wealth of the United States. What would our supply of money be with-

out the income from the farms? It is contended that the large increase in our money circulation is due to the balance of trade in our favor.

It is clear that when a nation, as well as an individual, sells more than it buys, its wealth is increased. This balance of trade represents cash. Balance of trade is generally settled in cash. Of course it may be applied in various ways—for instance, in the payment of foreign debts or interest on debts. A large amount of this money goes to foreign countries in payment of ocean freight, but whether or not these balances are settled in gold or applied otherwise, it represents so much wealth; and if the balance of trade were not in our favor, we would, of course, have to meet these obligations, and instead of money coming in, money would constantly be going out, and thus drain our supply of gold.

But this discussion is leading me into politics. "It is another story," as Kipling says. It was not my intention to make a political speech at this time. Politics are not discussed nor do politics enter into consideration in dealing with matters which come before the Committee on Agriculture. The one object sought is to promote the best interests of this country, and politics are left to other committees and you who are experts along this line. Nor are we limited to any certain locality. We know of no North, South, East, or West. Our entire attention is given to a tract of land containing 3,025,600 square miles, bounded on the east by the Atlantic Ocean, on the west by the Pacific, on the north by the Great Lakes, and on the south by the Gulf, together with Alaska, Hawaii, and a few insular possessions recently added.

Any one part receives the same consideration as the other, regardless of political affiliations; and it is my purpose to give a brief outline of the work and the results accomplished by this great Department under the management of one of America's foremost, competent, conscientious, and practical agriculturists, one whose ability is recognized not only by those from whence he came, but all over this land—and I might add that his popularity has even swept beyond our border lines into various parts of the world—assisted by his able corps of scientists, recognized as the greatest scientists on earth. But I am not here to eulogize Secretary Wilson or any of these men. They have established reputations which speak for themselves, and nothing that I could say would extend their popularity, high standing, and reputations which they so justly deserve.

My efforts will be to disabuse the minds of the people who may entertain any idea that the agricultural interests of this country are insignificant and small as compared with other interests; also those who may entertain the idea that their interests have been overlooked by Congress. I will endeavor to show—and hope to prove it before I get through by census reports and other public documents—that the agricultural interests of this country are not only the greatest but the most important to the American people. It is not only the greatest and most important interest of this land, but those engaged in agriculture are the most happy, contented, patriotic, enlightened, law-abiding, and most prosperous people on God's footstool. And I hope also to be able to show that Congress has accomplished something in their interests, and that Members of Congress have performed functions other than sending out a few packages of those much-abused and ridiculed garden and flower seed—the seed that is designated as "the seed that never grows."

We appropriated \$290,000 this year for the purchase and distribution of valuable seed. This is less than \$800 for each Congressional district, or it is about \$1 for every \$2,500 of the total appropriation, or \$1 for every \$490 appropriated for pensions, or \$1 for every \$595 appropriated for the Post-Office Department, or \$1 for every \$270 for the Army, or \$1 for every \$280 for the Navy, or \$1 for every \$92 appropriated for rivers and harbors last Congress, or \$1 for every \$75 we appropriated for rural free-delivery service this Congress.

Whether or not this is a wise appropriation I do not now care to discuss, except to say that great care is exercised by the Department in securing the best seed, and so far as I know very few complaints are made as to the quality. It has been said that this money is being appropriated for political purposes. No Member has such gross misconception of the intelligence and susceptibility of his constituents as to entertain even a thought of gaining political prestige by sending any voter a package of seed. The money is appropriated, the seed purchased and apportioned among the Members, and under the law it is a Member's duty to distribute them in his district. To do anything less than that would be neglect of duty. So far as I am concerned they have been sent to such names as I have been able to procure, regardless of political affiliations.

We appropriate annually one and one-quarter millions for the Weather Bureau. Nobody questions the value of this service, which has been extended not only into every locality of this country, but across the ocean, giving valuable information not

only to our people at home, but to the seafaring people, informing them in advance what kind of weather they will likely have in crossing the ocean, especially for the first few days. The forecasts are being wired to all parts of the country morning and evening. In many cases these forecasts are wired to the postmasters, and thus extended over the lines of the rural-delivery service.

We have in the Agricultural Department the only thoroughly organized meteorological bureau in the world. We are not only accomplishing great work in this Department, but the Department is furnishing the service of a number of scientists to lecture in colleges and universities. Up to seven years ago there was not a lecturer on meteorology anywhere in this country. To-day hundreds of students are being instructed along this line, and it is of great value. This bureau has recently succeeded in establishing wireless telegraphy service between San Francisco and Farallone Islands.

The Department has met with great success in hybridizing grains, grasses, and legumes in the various localities. The leguminous plants are of great importance, and under our system of agriculture we can not get along without them. In our State we keep up the soil by growing clover, and are now beginning to appreciate the great value of alfalfa, and great credit is due the Bureau of Plant Industry. In its investigations it has discovered a nitrogen-fixing bacteria (the method of artificially inoculating soil devoid of the proper organism), thus solving the bacteria-nitrogen problem; and the Department is distributing the bacteria to all parts of the United States, at a nominal cost to the Government, in small packages of absorbent which contain millions of the tubercle-forming organisms.

By reviving these dry germs in a pail of water a small package not larger than an yeast cake may be multiplied sufficiently to inoculate an acre of land, and the amount of material thus obtained is limited only by the quantity of water used in increasing the germs; and the bacteria may be introduced into the soil either by soaking the seed in the fluid, then drying the seed and sowing, by spraying or by mixing the culture with earth and then distributing the earth over the field. By so inoculating the soil wherever leguminous plants fail to produce these tubercles, and where the soil is so poor that the legumes will not grow or where the soil lacks the proper organism, the land, where the life has been taken out of it by the removal of crops and exhausted of nitrogen, is restored to a high state of production. This bacteria and nitrogen is substituted for nitrate of soda, one of the most expensive fertilizers in use.

The Bureau of Plant Industry is co-operative with more than forty State institutions. We are training young men. More than 500 are pursuing studies along special lines, under the direction of the Department, which might be properly styled a post-graduate institution for agricultural colleges. Our scientists are attaining such a high degree of learning that they are in demand in all parts of the world.

The Bureau of Animal Industry inspected during the year 1903 292,888 imported animals and 494,000 exported. It inspected and cleared 634 ships during the last year, inspecting about half a million carcasses microscopically, also inspecting 1,620,000 cattle going out of the Texas fever district. Under its supervision 66,000 cars were disinfected. For sheep scab, it inspected 16,500,000 sheep. It had dipped, under its supervision, 2,167,000 sheep. Out of this number 394,000 were dipped twice. It inspected 37,183,000 carcasses in the slaughterhouses at the time of slaughter, which required a close inspection of all carcasses, to ascertain whether they were healthy or not. As the result of that inspection 114,198 carcasses were condemned. More than 59,000,000 live animals were inspected in stock yards.

Much credit is due this Bureau for its efforts in stamping out the foot-and-mouth disease, contagious diseases of sheep, and cattle scab, as well as many other successful efforts along this line.

The Bureau of Soils has surveyed 133 areas, of an average size of 453 square miles, in forty-two States, 60,232 square miles, or 38,516,320 acres, by twenty soil-survey parties, at an average cost per mile of \$3.10. Ten thousand samples of soil have been collected. I am pleased to say that counties in my district have been surveyed, and the reports and maps are looked forward to with much interest. I trust that other counties will be reached in the near future, as I know much good will come from these surveys. Through the comparison and examination of the texture and appearance of soils and climate, we discover and determine what to sow and grow to the best advantage.

Much credit is due this Bureau for the discovery and successful experiments carried on, demonstrating that the Sumatra tobacco can be grown under cover in Connecticut and other States, and the Cuba tobacco can be grown in Texas and other States in the open air profitably. I am reliably informed that the cost of growing Sumatra and Cuba tobacco under cover does not exceed \$350 per acre for shade; the cloth is good for two years; posts and frame

for ten years. The average cost per year of growing this tobacco, including cover, fertilizing (\$50 per acre), seed, sheds, labor, and marketing, does not exceed \$500 per acre, an acre producing 800 to 900 pounds, selling at \$1 to \$1.50 per pound.

In the Division of Publication year before last, 750 publications were edited, and last year 938 publications were issued, such as bulletins, horse book, soil publications, maps, etc., containing in all over 23,000 pages, furnishing a medium through which the people get the benefit of valuable information, and thus disseminating knowledge gathered by the Department of Agriculture, which expends for this purpose over \$400,000 per annum outside of the \$300,000 for the yearbook under the order of Congress.

Much has been accomplished in the Bureau of Forestry, and great credit is due it for the extensive and valuable work in the investigation and study of the problems of forestry, including the preservation and reproduction of forests, the strength, quality, supply, and enemies of woods. There are a number of other divisions and bureaus in the Department, such as the Bureau of Entomology, the Bureau of Statistics, the Division of Biology, Director of Experiment Stations, and others worthy of mention but which time prevents referring to in detail. However, I wish to say something about the Bureau of Chemistry, and a few words as to the Bureau of Good Roads Inquiry.

We are now confronted with a gigantic proposition—the good-roads bill. More than 100 very excellent gentlemen, representing the national good-roads convention which was held in St. Louis last April, appeared before the Agriculture Committee, and not only asked, but demanded, national assistance in the construction of roads.

Let me read to you from the hearings what some of their spokesmen had to say on the subject. First, Mr. Harper, from my State:

Page 4: We are here not only representing them and petitioning you for this aid, but we are here in the capacity of demanding it. That is a harsh term to use. It may incur opposition, but we use it in this sense, gentlemen, and not in an offensive manner—we use it in the sense that we have the right to demand something that is absolutely and exclusively our own.

Down in the vaults of the Treasury there lies idle to-day \$260,000,000. Whose money is it, gentlemen? Does it belong to the people known as the Federal Government?

Page 5: We come here to ask for it, and we want to be perfectly frank and free in confessing that we want to get our hands into the United States Treasury and we want to keep them there until we empty that Treasury and turn this money out to the people and let the people use it.

In the matter of progress, we have progressed at a rate that almost makes us dizzy when we turn and look upon it in every respect; but when we look back and see what we have done, we, the common representatives of this country, have to confess that the door has hardly been opened, the threshold hardly stepped across.

Page 6: We do say that for the first time in the history of the Federal Government the farmers of this country are knocking at the portals of the American Congress.

Mr. H. L. Runnel, of Arkansas, page 10:

Now, my friends, I know that my time is short, but I want to say, as a representative of the people, representing all that is best in government, that it behooves you to have your ear to the ground. This is simply the beginning of a wave that is going to sweep over this country like a vast tidal wave. Nine-tenths of the Representatives sitting in the halls of Congress have agricultural constituencies. A few districts in the cities send Representatives, but the great mass of men who sit here in the Capitol as the representatives of the people have agricultural constituencies, and I tell you beware of that constituency if you want to hold your place.

It is also claimed that the farmers pay 60 per cent of the taxes under the present system of raising revenue, and that they get in return only 5 per cent; that in the last fourteen years the balance of trade brought about by the products of the farm has been \$4,866,000,000; that the adverse balance of all other products has been \$865,000,000; that the farmers of the country paid off that eight hundred and sixty-five million, and placed to the credit of the nation three billion nine hundred and forty millions in the last fourteen years; and therefore they are entitled to recognition by Federal aid in building roads, which are of great importance and value to the farming community. Another interest which should not be overlooked is the intense interest on the part of automobile and bicycle riders of this country.

I take it that nobody objects to good roads, and that everybody comprehends the convenience and value of roads such as are proposed. I for one believe in encouraging the building of good roads, but it would seem advisable on the part of Congress, before embarking upon such a gigantic undertaking as the building of these extensive and expensive roads, as a business proposition, to first ascertain the number of miles of roads to be built and the probable cost. A practical farmer or business man, before going into any enterprise, first considers whether it is going to be a paying investment, then he ascertains the cost, and next whether he has the money to carry out the undertaking.

As before stated, we are confronted with a gigantic proposition. It not only involves the expenditure of great sums of money, it involves great engineering problems, the problem of material, and how to provide for the money to carry out the enterprise. According to their views it involves our future. As you will see,

notice has been served on this Congress to get down and dig. We must build good roads or get out of Congress. We must act at once or get off the earth.

Mr. Runnel, of Arkansas, serves notice in these words:

Nine-tenths of the Representatives sitting in the halls of Congress have agricultural constituencies. A few districts in the cities send Representatives, but the great mass of men who sit here in the Capitol as the Representatives of the people have agricultural constituencies, and I tell you beware of that constituency if you want to hold your place.

I do not care to discuss the remarks of the gentleman from Arkansas. I fear he does not fully comprehend the intelligence of the American farmer. They are intelligent men of business capacity, and when they do or want things done they want things done right and in a business way; and so with good roads. I will confine my remarks to the facts and the real situation as I see it.

Take my own State, for instance. It is estimated by Mr. Harper, chairman of the committee, that we have 100,000 miles of road in Iowa. I am of the opinion that we have considerable more miles of road than this. According to the estimates of Mr. Dodge (2 miles of road to every square mile of land), we have in the United States 6,051,600 miles of road.

It is estimated that it will cost from \$2,000 to \$20,000 per mile to build good roads in Iowa, or an average of from \$5,000 to \$8,000 per mile. If the cost will not exceed \$5,000 per mile, \$500,000,000 is all that would be required, but I fear it would take a great deal more. We will compromise on \$6,500 per mile, a total of \$650,000,000. This amount is greater than the assessed valuation of all property, real and personal, of my State. The laws of our State provide that all property shall be assessed at 25 per cent of its valuation. If property has been thus assessed, the money required to build good roads in my State is in excess of one-quarter of the valuation of all our property, including moneys and credits, railroads, real and personal property.

It is about \$290 for every man, woman, and child, or \$20 per acre for every acre of land in the State. If it is decided to make good roads of all of our roads in the United States, then thirty and one-quarter billion dollars is required, or, in other words, if we appropriate an amount equal to the appropriation for the last fiscal year, or \$750,000,000 per year, for forty years we will have nearly sufficient money to build all these roads, provided they can be built at \$5,000 per mile; but New Jersey has built 1,000 miles of road which cost \$5,500 a mile on the average. In Ohio the cost averages from two to twenty thousand per mile, and I fear the cost would be much greater than \$5,000 per mile.

It is proposed by some to appropriate \$24,000,000, or eight million per year for the next three years, and this money to be distributed among the several States according to their population. Iowa would get about \$700,000, or \$235,000 per year. The \$235,000, at \$5,000 per mile, would build 47 miles of road, not quite one-half mile for each of the ninety-nine counties in the State. At this rate it would take two thousand one hundred and twenty-seven years to complete our roads, and there is much in the statement of Mr. Scarlett, who appeared before our committee.

I read to you from page 23 of the hearings:

My only objection to the Brownlow bill is that it only appropriates \$24,000,000. What is the use of going out against this giant question with a popgun? Why not go at it with a 16-inch gun in the beginning?

Mr. BOWIE. What would that 16-inch gun in the beginning cost?

Mr. SCARRITT. Seven hundred million dollars.

If Mr. Scarritt's suggestion of appropriating \$700,000,000 per year is to be carried out, these good roads could be built in about forty-three years, or 1 mile out of every 43 would be built each year.

If this enormous sum is needed to build good roads, how are we going to raise the money? Will you borrow it? Will you increase the tax? Will you cut down or cut off certain appropriations entirely? If so, which amount do you propose to reduce or cut off? Will you cut off the \$5,978,160 appropriated last session of Congress for agriculture? No. Will you cut off the \$77,888,752.83 appropriated for the Army or the \$7,188,416.22 for fortifications? Will you include the \$81,876,791.43 for the Navy? Will you cut off the \$139,843,600 appropriated for pensions for the 996,545 pensioners? If you do you have only \$312,775,720.48, which is less than one-half the amount required for a single year. If you continue along this line up to the \$700,000,000 mark, you only have \$53,058,506.02 left, not one-third enough to run the Post-Office Department.

Upon investigation I find that the last fifteen Congresses, covering a period of thirty years, have appropriated for—

Pensions.....	\$3,000,905,615.60
Army.....	1,099,138,538.37
Navy.....	914,719,802.83
Fortifications.....	89,395,659.71
Rivers and harbors.....	322,749,860.81
Agriculture.....	58,923,745.06
Total.....	5,435,833,222.38

For diplomatic and consular, District of Columbia, Indian, legislative, Military Academy, post-office, sundry civil, deficiency, miscellaneous, permanent annual appropriations, etc., \$7,570,123,028.05, or a grand total of \$13,055,956,050.43.

The amount required is nearly six times as great as the total amount expended for pensions, army, navy, fortifications, rivers and harbors, and agriculture, and more than twice as much as a grand total of all the money appropriated for the last thirty years.

It is more than thirty-three times as great as our present interest-bearing debt, which is \$914,541,410. It is twelve times as great as the total money in circulation April 1, 1904, which was \$2,516,639,223, or \$30.87 per capita. It is eleven times as great as the general stock of money in the United States April 1, 1904, which was \$2,793,311,428. It is nearly \$400 for every man, woman, and child in the United States. It is equal to nearly one-third of the wealth of the United States, which is \$94,300,000,000. It is nearly fourteen times the value of all the cattle, horses, sheep, mules, and swine in the United States. It is almost equal to the total value of imports since 1790, a period of 113 years, which was \$34,279,263,510.

If it costs \$6,500 per mile to build these roads, the amount required is greater than the total value of our exports for the same period, which was \$37,863,335,440. It would be about ten times the amount of the balance of trade in our favor for one hundred and thirteen years, which was \$3,584,071,930, to build roads such as has been suggested.

It has been suggested by some that only part of the roads should be built, that the main traveled roads leading into towns and cities should be made first class, and that the intersecting roads and those in the more remote rural districts should be left to take care of themselves, or, as has been stated by somebody, "left sticking in the mud."

It hardly seems right to take the money which it is claimed belongs to all the people and appropriate it for the benefit of those who are fortunate enough to have their farms joining these proposed good roads, and I fancy that the farmers receiving no benefits would protest against being taxed five or ten dollars per acre for the benefit of others. It is proposed that the States, counties, or communities shall pay one-half of the cost, and that they are to receive this money upon certain conditions; and unless those conditions are complied with—that is, to furnish one-half the money, etc.—the aid will not be granted.

I take it that the cities, towns, and villages, and more densely populated communities, might consent to tax themselves and accept of this money; but what becomes of the rural districts and those for whom this plea is made if they decline to be taxed and to comply with these conditions? Some will remain, as stated, in the mud; others will continue to build and maintain good roads as they are doing to-day at a cost of less than 5 cents an acre per year. One thing to be taken into consideration is that it is claimed that the clay, gravel, and sand roads, which we have in many parts of this country, are far superior nine months out of the year to the kind of roads it is proposed to build. They are certainly as good in the winter when the ground is frozen or covered with snow; they are certainly superior to the macadamized roads when smooth and dry; they are less wearing on horses and vehicles. Everyone knows that a horse or vehicle in the city with paved streets will not last one-half as long as on the country roads.

The question as it presents itself to me is, Had we not better ascertain first if this legislation is really for, and desired by, the people whom it is claimed it is in the interest of; whether they are ready to entertain any such undertaking before we go headlong into a gigantic proposition of this kind?

In this connection I wish to read to you from page 3892, CONGRESSIONAL RECORD, of March 25:

MR. POT. I turned to page 1848 of the RECORD of last Congress, and I find there, in the list of trusts published by the gentleman from Maine [MR. LITTLEFIELD], a corporation known as the "automobile trust," with a capital of \$5,000,000.

Upon further investigation I find that this automobile trust has been flooding the whole country with "literature" in the interest of good roads. Now, I would not charge our friends on the other side with legislating in the interest of the trusts. They have never been known to do anything like that. They have never been known to accept any money from the trusts in order to carry elections. They would not think of doing anything like that. But it appears as a remarkable coincidence that here is a trust which is endeavoring to induce the people to build fine roads so it can sell machines, and here is the Republican party forcing the people, no matter how poor they may be, to do the very thing the trust wants. MR. CHAIRMAN. It looks as if we have discovered the colored gentleman in the wood pile. [Laughter.]

The above would indicate that possibly the manufacturers of automobiles are more interested than are the farmers.

I also read to you from page 11 of the hearings:

No man will for a moment contend that the amount of \$24,000,000 is going to build many roads in the United States. I looked into it, and the statement made by Senator LATIMER that the State of California would get \$400,000, which would not build a piece of good road a thousand miles long—just enough to demonstrate what is to be done. It seems to me that the thing has been magnified somewhat by the speakers who have preceded me, but, from

my standpoint, the people of the United States are not going to ask Congress to build the roads for them, but simply use their scientific departments to show them how they themselves shall build good roads; and whether the amount named in the various bills is the right amount, that is for you gentlemen to determine.

Also, page 18 from the hearings, statement of Mr. Wright, of New York:

Now, I want to say in behalf of the State of New York that we do not need that aid, but we do not want to stand in the way of our sister States.

They need not be so particular about the expense; it is simply a method by which other States have been in the habit of looking to Washington for aid, which we in New York do not think proper; but just as soon as you get one road, then you have settled the whole problem. You can get them just as fast as necessary; it comes naturally.

Also, page 12 of the hearings:

There is but one voice, it should be done, and the question for you gentlemen to decide is how it is to be done.

MR. GRAFF. Has your committee indorsed any particular bill which is before Congress?

MR. BOOTH. No; not at all.

Pennsylvania appropriated \$6,500,000 the last session of the legislature to be disbursed in the next five years. Mr. Worrell, of Philadelphia, chairman of the National Association of the League of American Wheelmen, made the statement before the committee that they had secured an appropriation, but were going to use but little of it; that only 16 out of the 1,500 townships had taken advantage of the law. In view of these statements and facts, the present condition of the Treasury, the limited knowledge we have on the subject, had we not better continue as we have for a few years to use our scientific department to demonstrate how to build and to carry on experiments in building roads? We have maintained in the Agricultural Department for a few years a division known as the "Public-Road Inquiry," under the direction and able management of Mr. Dodge, which has devoted its time entirely to the work, and has given its aid in the way of superintending and instructing in building good roads where assistance was needed and desired.

Our chemists have devoted much time in analyzing road materials with a view of determining what material can be used to the best advantage; and I have strong hopes that in time a process will be developed whereby the natural materials may be utilized, and will take the place of rock, cement, and other materials used at the present time; and will make it possible to build these roads at a much less cost, rather than to adopt a policy of the United States building these expensive roads, and especially at this time, when we are confronted with a deficit, as has been pointed out by the chairman of the Appropriations Committee. Only a few days ago he stated that we had \$221,000,000 in the Treasury, \$131,000,000 of which had already been authorized, leaving a net balance of only \$90,000,000, which is smaller than it has been for a number of years. Had we not better continue the policy of instruction and the dissemination of knowledge and information through our chemists and through this bureau of good-roads inquiry so that the people may have the benefit of this valuable knowledge and information? I believe it as much the duty of the Federal Government to aid in the construction of roads as it is in improving rivers and harbors; and believe that good roads are a national necessity, and that they contribute largely to our general welfare.

The farmers pay a large portion of our taxes. I am not prepared to say how much, but probably one-half. It is claimed they get nothing in return. Some one estimated that only 5 per cent of the Government money goes back to the rural districts. I do not agree with that statement. We will appropriate this year \$20,180,000 for rural free-delivery service. A large portion of the \$170,000,000 appropriated for the Post-Office Department is distributed in the rural districts. So with a large part of the money appropriated for rivers and harbors. The \$5,978,160 appropriated for agriculture is largely in their interests. A large portion of the \$140,000,000 appropriated for pensions is distributed all over the country. We have as many pensioners in the country as in the cities.

A large number of clerks in Washington come from the rural districts. The Military and Naval Academies are instructing young men from all parts of the country at Government expense. It can hardly be claimed that the diplomatic and consular service is more in the interest of one locality or class than another. So I assume that a much larger percentage of money is paid back to the rural district than the 5 per cent claimed.

We lead the world in nearly all the arts, yet we are behind nearly all other countries in good roads. France has built 23,000 miles of national highways; England, Switzerland, Norway, and many other countries in Europe have built national highways.

The question of good roads is of great importance, and one which should receive earnest and favorable consideration by Congress. I for one favor the encouragement of building good roads. But with the limited information we have on the subject, and

in view of the good work being done by the Agricultural Department through the Bureau of Chemistry and the Division of Public-Roads Inquiries, and the liberal appropriations made for the continuance of this work, and in view of the many urgent demands on and the present condition of our Treasury, in view of the fact that no service-pension bill, no public-building bill, no river and harbor bill can be passed this Congress because of the present financial condition of this Government, and until it is clear to everybody that if we are to undertake the building of roads such as has been suggested we will either borrow the money or increase taxation, which means not only higher internal taxes, but higher duties on imports as well; in view of this situation, it seems to me we are not justified in committing this Government to such a gigantic undertaking at this time.

Some days ago, in offering some observations, among other things I referred to the rural free-delivery service and compared the salary paid the rural carriers to that paid clerks here in Washington. This statement seems to have attracted some attention from the press; and as an introduction to this subject, I wish to read extracts from an editorial from the Detroit Free Press under date of March 21, 1904. After calling attention to my defective vision and my failure to see things in quite the same light as others, and having the temerity to break away and express my mind on this matter, it says:

[From the Detroit Free Press, March 21, 1904.]

ANOTHER NEAR-SIGHTED CONGRESSMAN.

One of the latest to walk into the line light is Representative GILBERT N. HAUGEN, of Iowa, who, in the course of a speech on the need of an investigation of the Post-Office Department, in which he advocated going still farther and investigating all branches of the Government service, said:

"I am one of those who believe that there is something radically wrong about the present adjustment of salaries. I can see no justice in paying a rural mail carrier only \$600 per annum, who travels 25 miles or more every day of the week, rainstorm or sunshine, good or bad roads, furnishing his own horses and vehicle, equipping himself with subsistence, feed for his horses, while for services here in Washington decrepit and superannuated clerks are furnished a warm room in the winter, a cool room with electric fan in the summer, soft-cushioned chairs, and are paid \$1,000 or more per annum for doing practically nothing; and if he is detailed for duty outside of Washington, or sent abroad on some duty or pretext of duty, he is allowed from \$3 to \$7 per day for subsistence and his traveling expenses.

"If the statement repeatedly made on the floor of the House is true, and it can not be disputed, it comes from high authority—from Members who have had occasion to investigate the matter—that we have more than 20 per cent of dead wood in the Departments, it is high time, gentlemen, that some action should be taken to bring about some reform, and that the \$750,000,000 appropriated annually might be expended more judiciously and advantageously."

After quoting the above from my speech, I am kindly advised to consult an oculist or to take a course in practical politics, etc. It comments on my suggestions in this language:

The daring of his suggestion that a rural mail carrier merits the same consideration as a clerk who occupies a sumptuous office entitles him to the scorn of his colleagues. What object would there be in creating political positions if the incumbents were required to work, and what inducements would there be to accept such appointments? The very thought of such a condition of affairs is repugnant. And as for the dead timber, what would become of it if Mr. HAUGEN's advice was followed and it was cast out? The prospect of such an army separated from the comfortable berths they now occupy presents little to commend it to the Congressmen from whose constituency the incumbents are recruited.

If the gentleman from Iowa ever hopes to make himself popular in Washington he should content himself with taking up a line of campaign in which his colleagues are not so deeply interested, and in which the Treasury would not be so greatly benefited.

This, of course, is sarcasm and reflects on the Republican party and the Republican Members of this House. It is to be inferred that the Republican party and Republican Members are responsible for the appointment and favor the retention of this dead wood. This waste expenditure can not be charged to the Republican Administration, as we all know a majority of the people employed by the Government are Democrats and were appointed under the Cleveland Administration under the spoils system and covered by the civil-service blanket by Mr. Cleveland before going out of office. They were there when the Republican party came into control, and are there to stay unless Congress acts.

It has been suggested that this is a small matter; that it means a saving of only fifteen or twenty million dollars out of the \$750,000,000 appropriated annually, and why not go after bigger game? My reply is that we must start somewhere—start at this point and continue all along the line until you have reached every item of the appropriation bill; reduce the items, make them what they ought to be, and you will save millions and millions of dollars per year to the Government and insure as liberal and equally as efficient and extensive service. I am not prepared to say just what amount can be saved, but Uncle Sam has on his pay roll more than one-quarter of a million of employees, and it is clear that the amount would be large.

The fact that there are other extravagant appropriations and that more money could be saved by paring down other items is no excuse why this subject should not receive earnest and

thoughtful consideration; and there is no justice in continuing in service an army of worthless clerks at a high salary. If 20 per cent of the expenditure for clerk hire can be saved, why not do it? Why not amend the civil-service rules and make it possible to appoint the very best clerks—men and women of ability, integrity, and energy, apportioning these appointments among the several States according to population?

Employ men and women from the farms, the towns, the cities, and villages, full of life, vigor, and patriotism. Do as was done in the Census Office. Everybody knows that the Census Office clerks performed their work well, and that on an average they did 50 per cent more work than the clerks in other Departments. They came from the schools, stores, banks, farms, cities, towns, villages, factories, shops, and mills, and pursued their duties with care and fidelity. These clerks were selected with care, and by those who were in position to know of their character, ability, and standing. They came from the best homes in the land, recommended by men of responsibility and who had knowledge of their fitness.

I repeat what I said March 11:

If under our present civil-service rules there is no way of discharging or getting rid of these men, it is high time that we enact laws and rules that will make it possible to appoint officials giving some consideration to integrity, experience, and capacity for performing that service, that the business of this Government can be conducted along business lines.

I have no quarrel with the Civil Service Commission, the Administration or any Department, or any clerk performing his duty. I believe that 80 per cent of the clerks are worthy and deserving, and many are entitled to a larger salary than they are receiving.

I claim no personal knowledge of the efficiency or inefficiency of the employees of the Government. My statement was based on statements made on the floor of this House by reliable men; and so far as I know these statements have not been contradicted. If true that we have 20 per cent of dead wood, it is unjust to appropriate money for this purpose. It is true that Congress does not appoint clerks, but it holds the purse strings; we do and can put limitations on appropriations. Congress can prescribe rules and regulations as to how money shall be expended. We can provide for a commission, giving that commission power to appoint and discharge employees. Congress can prescribe rules for the Civil Service Commission as to appointments and requirements and discharging employees.

This is not a partisan question. The question is, What is for the best of the service? It is not a question whether Republicans or Democrats are to be employed. The question is to appoint honest, energetic, patriotic, faithful, competent, and worthy clerks. In connection with this I also want to make some comments on an editorial in the Boston Herald, April 1, 1904:

NATIONAL EXPENDITURES.

One of our western contemporaries, the Des Moines Register and Leader, thinks that we were not quite fair to the Republicans in the comment we made on Congressman HAUGEN's speech, recently printed in the CONGRESSIONAL RECORD. Our readers may remember that in connection with this speech the Congressman published tables giving the actual appropriations made by each session of Congress from 1875 down to the present time.

That record showed, as a whole, that, with the Republicans in control, expenditures usually increased by leaps and bounds, and that when the Democrats were in control the gain in expenditures had been slight in comparison with that shown by Republican Congresses. Our western contemporary thinks that Congressman HAUGEN's table will not prove a very valuable campaign document for the Democrats. It admits that the great increase in the cost of Government in recent years has fallen to the sole responsibility of the Republican party, but it says: "There has been enough of a sprinkling of Democratic Congresses before to prove that even had the Democrats been in power there would have been no hesitation about keeping step with the demands of a billion-dollar country."

We were not contending that this was a campaign document, although it was a warning to the Republicans from a Congressman of their own party. We were merely stating facts, hewing to the line and letting the chips fall where they would. The record shows that the last four Congresses, from the Fifty-fourth to the Fifty-seventh, inclusive, all Republican, made appropriations which totaled almost as much as the entire appropriations made by the eight Congresses from the Forty-third to the Fiftieth, inclusive, in all but two of which the Democrats controlled the House. In the light of that showing, we will repeat the question: "What evidence has there been given in any direction that the present Administration considers for an instant the value of national economy and the need of more care in spending the people's money?"

In this connection you will pardon me for briefly referring to politics and the party which I have the honor of being a member. The Republican party has no apology to make. Its history since its birth in 1856 is the history of progress and prosperity. Its leaders have always had the welfare of the country at heart. It has never taken a backward step, but has always been the supporting pillar of the National Government. Its cardinal principles have been the maintenance of the Declaration of Independence, internal improvements, a tariff to protect our labor and industries and to pay Government expenses, the building up of our Navy, preserving purity in elections, for the diffusion of knowledge and happiness among all the people, for an honest

medium of exchange, the maintenance of a common standard of value, and an elastic currency. It has stood for honor, dignity, integrity, patriotism, progress, prosperity, happiness, law, and order.

Following these principles we have prospered; we have advanced along the lines of accumulating wealth, furnishing employment for our labor, as well as good prices for our products; and in everything that makes opportunities and advantages for our people. We have attained that remarkable degree of American prosperity which is the culmination of the prosperity of the people of the earth; but as we have advanced in population, progress, prosperity, intelligence, and happiness our expenses have also increased.

But, as stated, my speech of March 11, was not a political speech, and the tables were not printed for political purposes nor were any comparisons made between Administrations. The total appropriation by the Forty-ninth Congress, as shown by the table referred to, was \$746,343,495.51, and the total for the Fifty-seventh Congress was \$1,553,683,002.57. The appropriation for the Fifty-seventh Congress, being under Republican Administration, is twice as great as that of the Forty-ninth under Democratic Administration. In 1887, our population was 59,974,000, and in 1903, it was over 80,000,000, an increase of about 20,000,000. In 1883, our imports were \$723,953,114; our exports were \$695,954,507, an adverse balance of trade of \$28,002,607. In 1903, our imports were \$1,025,719,337, our exports \$1,420,141,679, with a balance of trade in our favor of \$394,422,442. The wealth of this country in 1890, was \$65,000,000,000, and in 1900, it was over \$94,000,000,000.

With this enormous increase of commerce, wealth, and population, and taking into consideration the fact that we were recently engaged in war and are now constructing the Panama Canal, it is natural that our appropriations should increase in proportion. I invite attention to a few of the increases. For the fiscal year ending June 30, 1887, under the Democratic Administration referred to, Congress appropriated \$654,715 for agriculture. For the fiscal year ending June 30, 1904, under Republican Administration, Congress appropriated \$5,978,160 for agriculture, an increase of more than 800 per cent. For the year 1887, Congress appropriated \$23,753,057.21 for the Army, and for 1904, \$77,888,752.83. In 1887, Congress appropriated \$16,489,907.20 for the Navy, and in 1904, \$81,876,791.43. For 1887, Congress appropriated \$54,365,863.25 for the Post-Office Department, and for 1904, \$153,511,549.75. For 1887, Congress appropriated \$82,075,200 for pensions, and for 1904, \$139,847,600.

The appropriation for rural free delivery was then \$10,000; this year we have appropriated \$20,180,000. These are indeed large increases, but I take it nobody will contend that either of these appropriations could be kept down to what they were fifteen or twenty years ago. While some of these appropriations have been large and could and should have been much less, yet on the whole they have been on fairly conservative lines. The large increase in the expenditures in the War and Navy Departments can hardly be charged up to the Republican party. One party must assume as much responsibility as the other.

One of the most inspiring and patriotic scenes ever witnessed in Congress was on that day when every Member of the House, regardless of sectional lines or political affiliations, voted to appropriate the \$50,000,000 to carry on the war with Spain, pledging the lives and material resources of this nation. Democrats not only voted to begin the war, to raise men and to equip armies, but they voted for the treaty which ended it; they voted for the \$20,000,000 to comply with a certain provision of the treaty; they voted and helped to maintain our honor and dignity, and to enforce American sovereignty.

We have not always agreed with all Democrats upon all questions relative to the war; we never believed in what has been advocated by those who were crying imperialism and militarism. We have never agreed with some who contend that to give aid and comfort to rebels in arms against the United States was maintaining the Declaration of Independence, nor have we contended that to put down a rebellion and maintain law and order in any part of the United States or any part of the territory of the United States without regard to the place or time when such territory was acquired, was imperialism; and that any use of the Army to maintain law and order, to protect life and property, however necessary, was militarism. Yet on the whole it was the bravery, loyalty, suffering, and united efforts of all the American people that caused this grand and beautiful flag to float forever over land and sea, representing the greatest and grandest country on earth.

Party lines are not drawn on appropriations. Appropriation bills generally come to the House with a unanimous report. This Congress has been in session five months, and during these five months five hours have not been consumed by discussion in opposition to appropriations, and I venture the assertion that as much time has been consumed in opposition to appropriations on this

side of the Chamber as on the other. Appropriations are generally viewed from a higher standpoint, and, so far as I know, every appropriation bill has been considered from as honest and patriotic standpoint by one side as the other, and with as profound a view of subserving the best interests of this Government.

No party, men, or man has a monopoly on honesty, sound judgment, profound wisdom, pure, noble, and lofty ideals and purposes. Men are not judged by their political affiliations, profession, or vocation; no party, no men, or set of men are infallible; we are all human; some err in judgment, some in lack of knowledge of public affairs; some are deceived; possibly some yield to undue influences; some are coerced and are susceptible to the influences and atmosphere which surround them; others may be inspired by impure motives; but on the whole members of legislative bodies are men of integrity, sound judgment, profound wisdom, permeated and dominated by noble and lofty ideals, with a firm determination to do justice and right, pursuing their duties with dignity and rectitude of purpose.

Nobody will criticize the increased appropriation for pensions. We all believe in a just recognition of the services of our sailors and soldiers. With few exceptions, we believe in liberal pension laws. I take it no objection can be raised to a large increase for agricultural purposes. We are agreed that this money has been wisely and economically expended and in the interest of a deserving class of people. We all favor the very best postal facilities, and so far as I know no objection has been raised to large appropriations for the Post-Office Department.

We are nearly all agreed as to the large increase for the rural free-delivery service; and in this connection I wish to say a word as to rural free-delivery service. First, I wish to express my appreciation and gratitude to the Post-Office Department for the generous and courteous consideration; for the prompt attention and friendly consideration given the petitioners in my district. The district has been given over 160 routes, four times the average number in Congressional districts, which I take it is due to good roads, population, and patronage, and the petitions coming within the requirements of the regulations. In fact, it is the garden spot of the greatest Commonwealth of all Commonwealths, populated by, I believe, the happiest, most contented, patriotic, intelligent, industrious, progressive, prosperous, and law-abiding people on earth.

We all agree that the post-office bill contained no item of greater importance than the \$20,180,000 for this service which is yet in its infancy. Four years ago not a single route was in operation in my district—very few in the United States—a service side-tracked, neglected, and abused under Democratic Administration. After these seven years of fostering, nourishing, and friendly encouragement by a Republican Administration it has grown from a \$10,000 appropriation to over \$20,000,000. During the last fiscal year 48,954,390 pieces were collected and 390,428,128 pieces of mail were delivered by Uncle Sam's 15,119 carriers; 8,339 routes were investigated, of which 6,653 were established and 1,714 were rejected. On June 30, 1903, there were 15,119 routes in operation, an average number of 40 for each of the 386 Congressional districts. On that day there were 11,700 petitions for routes awaiting investigation, and on April 1, 1904, there were 23,537 rural free-delivery routes in operation, or an average of 59 for each Congressional district.

With the liberal appropriation made for this service for the coming year, before the next fiscal year ends we will have in operation more than 30,000 routes, extending the service to the firesides of more than 3,000,000 homes. We hope in the near future to extend the service to every country home where it is practical and possible, a recognition justly due a deserving people, the bone and sinew of our great Republic, where love, loyalty, patriotism, virtue, and morality prevail, adding much to the blessings, advancement, advantages, happiness, comfort, and convenience of a people who have contributed so much to our progress, prosperity, stability, dignity, and peace, and who have always been found in the foremost ranks in our days of unpleasantness, gallantly marching on to victory in times of peace and war.

Nobody has done more to maintain or perpetuate this grand and splendid Government of ours; nobody has responded more cheerfully, freely, or heartily in times when our Government institutions were in danger than have the people from the farms. Nobody rendered more valiant, heroic, and patriotic service to this country than they did. Their many noble and loyal deeds entitle them to consideration. We all believe in the encouragement and upbuilding of our rural districts. We want to encourage our young men and women to remain on the farms, where they do and may enjoy a greater degree of blessings, true happiness, independence, advantages, and general content than in the cities.

It has been suggested that we have been free in appropriating money for the rural free-delivery service, and that the rural dis-

tricts are receiving more than their share as compared with the delivery in the cities. In this Congress we appropriated \$20,250,000 for free-delivery service already established, to pay letter carriers and substitutes; also for pay of carriers in new offices entitled to free delivery, \$110,000—total, \$20,360,000—while we appropriated for rural free-delivery service only \$20,180,000, which is \$180,000 less than the amount appropriated for city service. The urban population is only 28,411,698, or 37.3 per cent. The semi-urban is 8,208,480, or 10.8 per cent, while the rural is 39,528,398, or 51.9 per cent of total population.

Out of the total number of 29,073,233 persons engaged in gainful occupations in the United States in 1900, 81.7 per cent males and 18.3 per cent females, we find 10,381,765 engaged in agriculture, 90.6 per cent males and 9.4 per cent females; 1,258,538 professional service, 65.8 per cent males and 34.2 per cent females; 5,580,657 domestic and personal service, 62.5 per cent males and 37.5 per cent females; 4,766,964 trade and transportation, 89.4 per cent males and 10.6 per cent females; 7,085,309 manufacturing and mechanical pursuits, 81.5 per cent males and 18.5 per cent females.

Of the 35,849,516, or 47.5 per cent, of total population living in the 10,602 cities and towns in the United States, 19,757,618, or 25.9 per cent, live in 161 cities of 25,000 or more; 4,964,091, or 6.5 per cent, live in 356 cities of over 8,000 and less than 25,000; 2,937,327, or 3.9 per cent, live in 532 cities of over 4,000 and less than 8,000; 1,896,705, or 2.5 per cent, live in 604 cities of over 2,500 and less than 4,000; 3,304,700, or 4.3 per cent, live in 2,130 towns of over 1,000 and less than 2,500; 3,007,075, or 4 per cent, live in 6,819 towns of less than 1,000.

There are in the United States 5,739,657 farms, which produce crops valued at \$2,910,138,663, of which amount each of the crops listed contributes the amount set opposite it in the table.

Crop.	Acres.	Value.	Value per acre.	United States, 1900.
Corn.....	94,916,911	\$828,258,326	\$8.73	<i>Bushels.</i> 2,105,103,000
Hay and forage.....	61,691,166	484,256,846	7.85	.....
Cotton.....	24,275,101	370,708,746	15.27	.....
Wheat.....	52,588,574	389,945,320	7.03	522,230,000
Vegetables.....	5,753,191	242,170,148	42.09	.....
Oats.....	29,539,698	217,098,584	7.35	809,126,000
All fruits.....	.....	131,423,517	.....	.....
Truck (alone).....	.....	118,255,243	57.35	.....
Orchard fruits.....	.....	88,751,840	.....	.....
Tobacco.....	1,101,483	56,993,003	51.74	.....
Small fruits.....	.....	25,030,877	.....	.....
Rye.....	2,054,292	12,290,540	5.98	23,996,000
Subtropical fruits.....	.....	8,549,863	.....	.....

Corn crop in 1901.....	<i>Bushels.</i> 2,327,894,000
Wheat crop in 1902.....	3,124,422,000
Oats crop in 1902.....	3,561,041,000

According to the census report of 1900, of the 16,600,437 families in the United States, 5,700,341 families, or 34.3 per cent, are engaged in agricultural pursuits. Of this number, 3,644,669, or 64 per cent, own their own farms, 2,014,316 hire farms, 41,356 are unknown; 3,654,158, or 63.7 per cent, of farms are operated by owners, 59,213, or 1 per cent, are operated by managers, and

2,026,286, or 35.3 per cent, are operated by tenants. Of the total number of 5,739,657 farms in the United States, 5,537,731 have buildings.

Of the 16,006,437 private families in the United States, 7,218,755, or 45 per cent, own their homes; 4,739,914 are free and 2,180,229 are encumbered, 293,612 unknown; 8,246,747 live in hired homes, 540,935 unknown.

Our farm lands in the United States are valued at.....	\$13,114,492,056
Buildings.....	3,560,198,191

Total.....16,674,690,247

Live stock valued at.....	2,977,703,135
Total value of farm products in United States.....	4,739,118,732
Farm machinery and implements in United States.....	740,293,950

The value of the corn crop in United States alone is \$828,258,326, which is an amount nearly equal to the value of the total production of iron and steel in the United States, which is \$835,759,034. Seven hundred and forty-six thousand seven hundred and seven farms, valued at \$324,244,397, are farmed by negroes; 716,514 have buildings valued at \$71,903,315.

Iowa, with a population of 2,231,853, or 480,878 families, averaging 4.6 to a family, has 228,622 farms; 220,626 of this number have buildings; 147,305, or 64 per cent, are operated by owners; 1,581, or seven-tenths of 1 per cent, by managers, and 79,736, or 34.9 per cent, by tenants. Of the 223,525 families in Iowa engaged in farming, 146,844, or 65.7 per cent, families own their farms; 75,161, or 33.6 per cent, hire farms; 1,520, or seven-tenths of 1 per cent, unknown.

In Iowa, out of 476,710 families, 282,760, or 60 per cent, own their homes; 163,640 are free and 112,877 are encumbered, 6,243 unknown; 183,053 are hired, 10,897 unknown.

Of the total number of 789,404 persons, 10 years old and over, engaged in gainful occupations in Iowa in 1900, we find 371,604, or 47.1 per cent, engaged in agriculture; 117,177, or 14.9 per cent, engaged in domestic and personal service; 46,814, or 5.9 per cent, engaged in professional service; 129,006, or 16.3 per cent, engaged in trade and transportation; 124,803, or 15.8 per cent, engaged in manufacturing.

Iowa's products alone amounted to \$365,410,528. According to the census report of 1900, Iowa produced 383,453,190 bushels of corn, or 766,906 cars of 500 bushels each, or a train of cars 4,793 miles long, valued at \$97,297,707, on 9,804,076 acres, an average of 39.1 bushels per acre. Iowa produced 168,364,170 bushels of oats on 4,695,391 acres; also 22,769,440 bushels of wheat on 1,689,705 acres, 1,179,970 bushels of rye on 89,172 acres, 18,059,060 bushels of barley on 627,851 acres, and 1,413,380 bushels of flax on 136,433 acres.

In Iowa alone we have 1,423,648 dairy cows, valued at \$46,349,012. Total number of neat cattle, 5,367,630, valued at \$142,518,902. We have 1,392,573 horses, valued at \$77,720,577. We have 9,723,791 swine, valued at \$43,764,176. The total value of domestic animals is \$271,844,034. Our poultry is valued at \$6,535,464. We have bees valued at \$443,923. The value of poultry raised in 1899 was \$9,491,819. The cackling hen laid 99,621,920 dozens of eggs.

I will insert in the RECORD tables and comments, some compiled by Mr. Pepper, Statistician of the Agricultural Department, and some by myself, relative to agriculture, commerce, population, and other matters pertaining to this country.

Progress of the United States.

Years.	Area.	Population.		Wealth.		Statistics of farms.			
		Total.	Per square mile.	Total.	Per capita.	Number of farms.	Persons engaged in agriculture.	Value of farms and farm property.	Value of products.
	<i>Sq. miles.</i>			<i>Dollars.</i>	<i>Dollars.</i>		<i>Number.</i>	<i>Dollars.</i>	<i>Dollars.</i>
1850.....	2,980,959	23,191,876	7.78	7,135,780,000	307.69	1,449,073	.....	3,967,343,580	.....
1860.....	3,025,600	31,443,321	10.39	16,159,616,000	513.96	2,044,077	.....	7,980,493,060	.....
1870.....	3,025,600	38,558,371	12.74	36,068,518,000	779.83	2,659,385	5,322,471	8,944,857,749	1,958,030,927
1880.....	3,025,600	50,155,783	16.57	42,642,000,000	850.20	4,008,907	7,713,875	12,180,501,538	2,212,540,927
1890.....	3,025,600	62,622,250	20.70	65,037,091,000	1,038.57	4,564,641	8,565,926	16,082,267,689	2,460,107,454
1900.....	3,025,600	76,303,387	25.22	94,300,000,000	1,235.86	5,739,657	10,438,219	20,514,001,838	3,764,177,706

Year.	Farm animals.						Production of principal commodities.		
	Total value.	Cattle.	Horses.	Sheep.	Mules.	Swine.	Wool.	Wheat.	Corn.
	<i>Dollars.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Pounds.</i>	<i>Bushels.</i>	<i>Bushels.</i>
1850.....	544,180,516	17,778,907	4,336,719	21,773,220	559,331	30,354,213	52,516,959	100,485,944	592,071,104
1860.....	1,089,329,915	25,616,019	6,249,174	22,471,275	1,151,148	33,512,867	60,264,913	173,104,924	838,792,740
1870.....	1,822,327,377	25,484,100	8,248,800	40,853,000	1,179,500	26,751,400	162,000,000	235,884,700	1,094,255,000
1880.....	1,576,917,556	33,258,000	11,201,800	40,765,900	1,729,500	34,034,100	232,500,000	498,549,868	1,717,434,543
1890.....	2,418,766,028	52,801,907	14,213,837	44,336,072	2,331,027	51,602,780	276,000,000	399,262,000	1,489,970,000
1900.....	2,228,123,134	43,902,414	13,537,524	41,883,065	2,086,027	37,079,356	288,636,621	522,229,505	2,105,102,516

Progress of the United States—Continued.

Year.	Production of principal commodities.									Production of minerals.
	Cotton.	Sugar.	Gold.	Silver.	Coal.	Petroleum.	Pig iron.	Steel.	Copper.	
	Bales.	Tons.	Dollars.	Dollars.	Tons.	Gallons.	Tons.	Tons.	Tons.	Dollars.
1850.....	2,333,718	110,526	50,000,000	50,000	3,358,899	21,000,000	563,755	650	650	.....
1860.....	4,831,292	119,040	46,000,000	150,000	8,513,123	230,951,290	821,223	7,200	7,200	.....
1870.....	8,114,592	46,800	50,000,000	16,000,000	32,863,000	1,065,179	68,750	12,600	12,600	218,598,994
1880.....	5,761,252	92,802	36,000,000	39,200,000	63,822,830	1,104,017,168	8,835,191	1,247,835	27,000	369,319,000
1890.....	7,811,322	136,503	32,845,000	70,485,714	140,866,931	1,924,552,224	9,202,703	4,277,071	115,966	619,648,925
1900.....	9,436,416	149,191	79,171,000	74,533,495	240,788,238	2,661,233,568	13,789,242	10,188,329	270,588	1,063,620,548

Year.	Total manufacturing industries of the United States.				Manufactures of iron and steel.				
	Number of establishments.	Average number of employees.	Wages and salaries paid.	Value of products.	Number of establishments.	Wages paid.	Value of products.	Imports.	Exports.
1850.....	123,025	957,059	\$236,755,464	\$1,019,106,616	.....	.....	.....	\$20,145,067	\$1,911,320
1860.....	140,433	1,311,246	378,878,906	1,885,861,676	.....	.....	.....	26,158,235	5,703,024
1870.....	252,148	2,053,996	775,584,343	4,232,325,442	808	\$40,514,981	\$207,208,696	40,273,682	11,002,902
1880.....	253,852	2,732,595	947,953,795	5,369,579,191	1,005	55,476,785	296,557,685	71,266,699	12,605,576
1890.....	355,415	4,712,622	2,283,216,529	9,372,437,283	719	95,736,192	478,687,519	41,679,591	25,542,208
1900.....	512,734	5,719,137	2,735,430,848	13,039,279,566	725	134,739,004	835,759,034	20,478,728	121,913,548

Year.	Tin plate.		Manufactures of cotton.				
	Imports.	Production.	Number of establishments.	Wages paid.	Value of products.	Exports (domestic).	Imports.
1850.....	.....	.....	1,094	.....	\$61,809,184	\$4,734,424	\$20,108,719
1860.....	.....	.....	1,091	\$23,940,108	115,681,774	10,934,796	\$2,215,541
1870.....	150,932,268	.....	9,956	39,044,132	177,489,730	3,737,282	23,380,053
1880.....	279,902,880	.....	756	45,614,419	192,030,110	9,981,418	29,929,396
1890.....	680,060,925	.....	905	69,489,272	267,981,724	9,999,277	19,915,055
1900.....	147,963,804	677,993,600	1,065	94,039,951	339,200,320	24,003,087	41,296,239

Domestic exports of the United States, by great classes, and percentage which each forms of total.

Year ending June 30—	Domestic merchandise exported, grouped according to sources of production.											
	Agriculture.		Manufactures.		Mining.		Forest.		Fisheries.		Miscellaneous.	Total exports.
	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.
1800.....	25,590,534	80.37	2,493,755	7.83	.....	.....	2,228,863	7.00	1,098,511	3.45	429,240	1.35
1810.....	33,448,416	78.95	3,951,154	9.32	.....	.....	2,969,408	7.01	1,481,000	3.50	516,702	1.22
1820.....	41,603,749	80.50	3,945,793	7.63	.....	.....	3,822,785	7.40	2,251,000	4.36	60,313	.12
1830.....	46,977,332	80.27	6,641,016	11.35	.....	.....	2,661,358	4.54	1,725,270	2.95	519,938	.89
1840.....	92,548,067	82.88	11,149,621	9.98	.....	.....	3,868,694	3.47	3,198,370	2.87	895,809	.80
1850.....	108,605,713	80.51	17,580,456	13.03	167,090	0.12	4,590,747	3.49	2,824,818	2.10	1,131,409	.84
1851.....	145,903,778	81.68	22,700,096	12.71	864,115	.49	4,188,635	2.34	3,038,775	1.73	1,864,739	1.05
1852.....	124,875,887	80.28	21,327,247	13.77	906,371	.58	4,400,741	2.84	2,139,244	1.88	1,781,657	1.15
1853.....	154,239,296	81.23	24,721,500	13.02	1,130,626	.60	4,704,594	2.43	3,166,813	1.67	1,906,473	1.00
1854.....	170,716,858	79.28	27,634,864	12.93	1,711,847	.79	8,636,423	4.01	2,966,810	1.88	3,461,998	1.61
1855.....	145,423,788	75.45	29,854,884	15.49	2,370,435	1.23	8,879,743	4.61	3,380,431	1.75	2,842,944	1.47
1856.....	218,290,649	81.93	31,492,616	11.82	2,180,721	.81	7,474,064	2.80	3,308,348	1.25	3,691,653	1.39
1857.....	227,558,727	81.59	31,505,290	11.80	2,042,437	.73	10,411,894	3.73	3,704,523	1.33	3,683,852	1.32
1858.....	201,632,408	80.22	30,051,516	11.96	1,624,362	.64	10,579,417	4.21	3,484,283	1.39	3,980,047	1.58
1859.....	222,908,718	80.07	33,884,233	12.16	1,768,459	.63	11,396,163	4.09	4,416,696	1.60	4,016,821	1.45
1860.....	256,560,972	81.13	40,945,892	12.76	999,465	.31	10,299,959	3.28	4,156,480	1.31	3,879,655	1.23
1861.....	149,492,026	72.96	35,953,174	17.55	2,885,264	1.41	7,286,605	3.55	4,307,608	2.10	4,974,939	2.43
1862.....	135,143,078	74.24	25,948,374	14.26	4,254,469	2.34	6,565,599	3.61	3,922,817	2.15	6,190,533	3.40
1863.....	174,580,806	69.86	41,193,721	16.48	6,154,815	2.46	8,901,671	3.56	4,979,080	2.00	14,081,963	5.64
1864.....	147,735,862	67.90	40,594,587	18.49	6,480,576	2.96	10,106,386	4.60	4,290,819	1.95	10,323,411	4.70
1865.....	156,662,846	60.46	59,036,644	22.78	10,791,675	4.17	14,858,193	5.73	4,794,989	1.85	12,980,716	5.01
1866.....	392,770,437	81.78	49,511,306	10.53	9,940,327	2.12	13,454,440	2.88	3,390,865	.76	8,802,908	1.88
1867.....	289,981,616	75.17	60,895,391	15.79	5,103,946	1.32	15,636,599	4.06	3,655,565	.95	10,496,915	2.71
1868.....	276,254,779	74.55	59,541,972	16.07	5,175,008	1.39	16,579,791	4.48	3,710,000	1.00	9,293,588	2.51
1869.....	267,236,930	72.02	66,052,506	17.80	5,881,965	1.59	16,115,298	4.34	2,990,302	.81	12,768,148	3.44
1870.....	361,188,483	79.35	68,279,764	15.00	5,026,111	1.10	14,897,963	3.27	2,835,508	.62	2,980,512	.66
1871.....	368,466,011	77.07	83,886,461	17.55	5,363,418	1.12	13,338,692	2.79	2,976,701	.62	4,083,709	.85
1872.....	368,796,625	77.41	72,727,110	15.27	5,323,607	1.12	18,384,081	3.86	3,439,561	.72	7,750,494	1.62
1873.....	446,900,004	77.69	88,789,758	15.44	6,320,159	1.20	22,358,112	3.88	3,454,426	.60	6,804,558	1.19
1874.....	501,371,501	79.16	92,353,848	14.58	6,905,326	1.09	23,627,164	3.73	3,566,743	.57	5,515,786	.87
1875.....	430,306,560	76.95	92,678,814	16.57	6,469,181	1.15	19,165,907	3.43	4,874,660	.87	5,742,506	1.03
1876.....	459,113,515	76.67	101,637,548	17.08	7,122,989	1.20	18,076,668	3.04	5,806,445	.98	6,160,550	1.03
1877.....	459,734,148	72.63	133,933,549	21.16	8,770,769	1.39	19,943,290	3.14	5,737,879	.91	4,861,219	.77
1878.....	536,192,873	77.07	123,807,196	17.79	6,732,119	.97	17,750,396	2.55	6,434,182	.92	4,833,164	.70
1879.....	546,476,703	78.12	117,015,729	16.72	6,405,813	.92	16,396,943	2.34	6,232,968	.90	7,021,186	1.00
1880.....	635,961,091	83.25	102,856,015	12.48	5,893,232	.71	17,321,268	2.11	5,255,402	.64	6,689,345	.81
1881.....	730,394,943	82.63	114,233,219	12.92	7,401,232	.84	19,486,051	2.20	5,556,439	.63	6,554,013	.78
1882.....	552,219,819	75.31	134,794,846	18.38	8,175,692	1.11	25,590,264	3.50	6,197,752	.85	6,271,559	.85
1883.....	619,269,449	77.00	134,228,083	16.69	10,446,719	1.30	28,636,199	3.56	6,276,375	.78	5,966,807	.67
1884.....	536,315,318	73.98	136,372,887	18.81	15,022,255	2.07	26,222,959	3.62	5,614,111	.77	5,417,322	.75
1885.....	530,172,968	72.96	147,187,527	20.25	15,797,885	2.18	22,614,839	3.03	5,955,122	.82	5,554,607	.76
1886.....	484,954,595	72.82	136,541,978	20.50	13,654,298	2.05	20,961,708	3.15	5,138,806	.77	4,713,156	.71
1887.....	523,073,798	74.41	136,735,105	19.45	11,758,662	1.67	21,126,273	3.01	5,155,775	.73	5,173,310	.73
1888.....	500,840,086	73.23	130,300,087	19.05	17,993,895	2.63	23,991,092	3.51	5,518,552	.82	5,218,392	.76
1889.....	532,141,490	72.87	138,675,507	18.99	19,947,518	2.73	26,997,127	3.70	7,106,388	.97	5,414,579	.74
1890.....	629,820,898	74.51	151,102,376	17.87	22,297,755	2.64	29,473,084	3.49	7,458,385	.88	5,141,420	.61
1891.....	642,751,344	73.69	168,927,315	19.37	22,054,970	2.53	28,715,713	3.29	6,208,577	.71	6,612,964	.41
1892.....	799,328,232	78.69	158,510,937	15.61	20,692,835	2.04	27,957,423	2.75	5,403,587	.53	3,838,947	.88
1893.....	615,382,986	74.05	158,023,118	19.02	20,020,026	2.41	28,127,113	3.38	5,541,373	.67	3,936,164	.47
1894.....	628,363,038	72.28	183,728,808	21.14	20,449,598	2.35	28,000,629	3.22	4,261,920	.49	4,400,944	.52
1895.....	553,210,026	69.73	183,595,743	23.14	18,509,814	2.33	28,576,235	3.61	5,328,807	.67	4,171,974	.52
1896.....	569,879,297	66.02	228,571,178	26.48	20,045,654	2.32	33,718,204	3.91	6,850,392	.79	4,135,762	.48
1897.....	683,471,139	66.23	277,285,391	26.87	20,804,573	2.01	40,489,321	3.92	6,477,951	.63	3,479,228	.34
1898.....	853,683,570	70.54	290,697,354	24.02	19,410,707	1.60	37,900,171	3.13	5,435,483	.45	3,164,628	.26

Domestic exports of the United States, by great classes, and percentage which each forms of total—Continued.

Year ending June 30—	Domestic merchandise exported, grouped according to sources of production.											
	Agriculture.		Manufactures.		Mining.		Forest.		Fisheries.		Miscellaneous.	
	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.
1899	784,778,142	65.19	339,592,146	28.21	28,156,174	2.34	42,126,889	3.49	5,992,999	.50	3,286,872	.27
1900	835,858,123	60.98	433,851,756	31.65	37,848,742	2.76	52,218,112	3.81	6,326,620	.46	4,665,218	.34
1901	943,811,020	64.62	410,932,524	28.14	39,207,875	2.68	54,317,294	3.72	7,683,353	.53	4,510,740	.31
1902	851,465,622	62.83	403,641,401	29.77	39,216,112	2.90	48,188,661	3.55	7,705,065	.57	5,265,000	.38
1903	873,322,882	62.73	407,526,159	29.28	39,311,239	2.81	57,885,896	4.16	7,845,538	.56	6,429,588	.46

Historical table—Total value of imports and exports into and from the United States, 1790 to 1903.

Fiscal year.	Merchandise.			Specie.							
	Imports.	Exports.	Excess of imports in italics, of exports in bold-face type.	Imports.			Exports.			Excess of imports in italics, of exports in bold-face type.	
				Gold.	Silver.	Total.	Gold.	Silver.	Total.		
1790	\$28,000,000	\$20,205,156	\$7,794,844								
1791	29,200,000	19,012,041	10,187,959								
1792	31,500,000	20,753,098	10,746,902								
1793	31,100,000	26,109,572	4,990,428								
1794	34,600,000	33,043,725	1,556,275								
1795	69,756,268	47,989,872	21,766,396								
1796	81,428,164	58,574,625	22,853,539								
1797	75,379,406	51,294,710	24,084,696								
1798	68,551,700	61,327,411	7,224,289								
1799	79,089,148	78,665,522	423,626								
1800	91,252,768	70,971,780	20,280,988								
1801	111,363,511	93,020,513	18,342,998								
1802	76,333,323	71,937,144	4,396,179								
1803	64,686,666	55,800,033	8,886,633								
1804	85,000,000	77,639,074	7,360,926								
1805	120,600,000	95,566,021	25,033,979								
1806	129,410,000	101,536,963	27,873,037								
1807	138,509,000	108,343,150	30,165,850								
1808	56,990,000	22,430,980	34,559,020								
1809	59,400,000	52,203,233	7,196,767								
1810	85,400,000	66,757,970	18,642,030								
1811	53,400,000	61,316,832	7,916,832								
1812	77,030,000	38,527,236	38,502,764								
1813	22,005,000	27,856,017	5,851,017								
1814	12,965,000	6,927,441	6,037,559								
1815	113,041,274	52,557,753	60,483,521								
1816	147,103,000	81,920,052	65,182,948								
1817	99,250,000	87,671,569	11,578,431								
1818	121,750,000	93,281,133	28,468,867								
1819	87,125,000	70,142,521	16,982,479								
1820	74,450,000	69,691,669	4,758,331								
1821	54,520,834	54,596,323	75,489	\$8,064,890		\$8,064,890	\$10,478,059		\$10,478,059	\$2,413,169	
1822	79,871,695	61,350,101	18,521,594	3,369,846		3,369,846	10,810,180		10,810,180	7,440,334	
1823	72,481,371	68,326,043	4,155,328	5,097,896		5,097,896	6,372,987		6,372,987	1,275,091	
1824	72,169,172	68,972,105	3,197,067	8,373,970		8,373,970	7,014,552		7,014,552	1,359,418	
1825	90,189,310	90,738,393	549,023	\$529,277	\$5,621,488	6,150,765	\$315,672	\$3,481,383	3,797,055	2,646,290	
1826	78,093,511	72,890,789	5,202,722	678,740	6,202,226	6,880,966	1,066,088	3,648,475	4,714,563	2,177,403	
1827	71,332,938	74,309,947	2,977,009	1,110,448	7,040,682	8,151,130	1,872,489	6,142,391	8,014,880	139,250	
1828	81,020,083	64,021,210	16,998,873	808,220	6,081,521	7,489,741	1,635,084	6,008,302	8,243,476	753,735	
1829	67,088,915	67,434,651	345,736	816,666	6,586,946	7,403,612	1,573,253	3,350,762	4,924,015	2,179,592	
1830	62,720,956	71,670,735	8,949,779	821,146	7,334,818	8,155,964	1,422,684	756,109	2,178,773	5,977,191	
1831	95,885,179	72,295,652	23,589,527	932,029	6,373,916	7,305,945	2,979,529	6,035,402	9,014,931	1,708,986	
1832	95,121,762	81,520,003	13,601,759	716,886	5,190,813	5,907,704	2,049,406	3,606,934	5,656,340	251,161	
1833	101,047,943	87,528,732	13,519,211	611,852	6,458,516	7,070,368	889,505	1,722,196	2,611,701	4,158,667	
1834	108,009,700	102,280,215	5,729,485	3,766,172	14,145,460	17,911,632	690,180	1,386,578	2,076,758	15,334,874	
1835	136,764,295	115,215,802	21,548,493	2,325,196	10,806,251	13,131,447	1,355,280	5,122,495	6,477,775	6,653,673	
1836	176,579,154	124,338,704	52,240,450	7,231,862	6,189,019	13,420,881	647,455	3,676,881	4,324,336	9,076,545	
1837	130,472,803	111,443,127	19,029,676	2,431,814	8,084,600	10,516,414	3,213,735	2,782,514	5,976,249	4,540,165	
1838	95,970,288	104,978,570	9,008,282	11,674,883	6,072,233	17,747,116	1,213,204	2,294,842	3,508,046	14,239,070	
1839	156,496,956	112,251,673	44,245,283	1,164,580	4,490,596	5,655,176	4,800,668	3,976,075	8,776,743	3,181,567	
1840	98,258,706	123,668,932	25,410,226	3,085,157	5,797,650	8,882,813	3,708,373	4,713,641	8,421,014	465,799	
1841	122,957,544	111,817,471	11,140,073	1,289,449	3,719,184	4,988,633	3,539,869	6,444,463	10,084,332	5,045,690	
1842	95,075,071	90,877,995	5,802,924	757,234	3,323,722	4,080,956	2,304,756	2,508,783	4,813,539	726,522	
1843	42,433,464	82,825,689	40,392,225	17,066,437	5,253,898	22,320,335	407,687	1,113,104	1,520,791	20,799,544	
1844	102,604,606	105,745,832	3,141,226	1,613,304	4,217,125	5,830,429	1,366,521	4,087,988	5,454,514	876,215	
1845	113,184,322	106,040,111	7,144,211	818,850	3,251,392	4,070,242	3,055,425	5,551,070	8,606,495	4,536,253	
1846	117,914,065	109,583,248	8,330,817	910,413	2,867,319	3,777,732	2,653,199	1,852,069	3,905,268	127,636	
1847	122,424,949	156,741,598	34,317,249	21,574,931	2,546,358	24,121,289	1,037,921	869,109	1,907,034	22,216,265	
1848	148,638,644	138,190,515	10,448,129	3,408,755	2,951,529	6,360,284	11,071,197	4,770,419	15,841,616	9,481,332	
1849	141,206,199	140,351,172	855,027	4,068,647	2,582,593	6,651,240	1,972,233	3,432,415	5,404,648	1,246,593	
1850	173,509,526	144,375,726	29,133,800	1,776,706	2,852,086	4,628,792	4,580,627	2,962,367	7,542,994	2,894,202	
1851	210,771,429	188,915,259	21,856,170	3,569,090	1,884,413	5,453,503	22,829,913	6,635,839	29,472,752	24,019,249	
1852	207,440,398	166,984,231	40,456,167	3,658,059	1,846,985	5,505,045	40,073,979	2,600,156	42,674,135	37,169,091	
1853	263,777,265	208,489,282	55,287,983	2,427,856	1,774,026	4,201,882	25,442,858	2,044,017	27,486,875	23,255,493	
1854	297,803,794	237,043,764	60,760,030	3,081,964	3,726,623	6,768,587	40,470,260	737,040	41,207,304	34,522,917	
1855	257,808,708	218,909,503	38,899,205	1,092,802	2,567,010	3,659,812	55,109,215	1,138,128	56,247,343	52,587,531	
1856	310,432,310	281,219,423	29,212,887	990,905	3,217,327	4,207,632	45,000,977	744,508	45,745,485	41,537,853	
1857	348,428,342	296,323,780	52,104,562	6,654,636	5,807,163	12,461,799	65,232,653	3,904,269	69,136,922	56,675,123	
1858	263,338,654	272,011,274	8,672,620	11,590,063	7,708,428	19,278,496	50,092,804	2,630,343	52,633,147	33,358,651	
1859	331,333,341	292,902,051	38,431,290	2,125,397	5,309,392	7,434,789	61,108,053	2,773,358	63,881,411	56,452,622	
1860	353,616,119	333,576,057	20,040,062	2,508,786	6,041,349	8,550,135	58,446,039	8,100,200	66,546,239	57,996,104	
1861	289,310,542	219,553,833	69,756,709	42,291,930	4,047,681	46,339,611	27,423,973	2,867,107	29,791,080	16,548,331	
1862	189,356,677	190,670,501	1,313,824	13,907,011	2,508,041	16,415,052	35,439,903	1,447,737	36,887,640	20,472,588	
1863	243,335,815	203,964,447	39,371,368	5,530,538	4,053,567	9,584,105	62,162,838	1,963,773	64,131,611	54,572,506	
1864	316,447,283	158,857,988	157,589,295	11,776,769	1,938,843	13,715,612	100,661,634	4,734,907	105,396,541	92,250,929	
1865	238,745,580	166,029,303	72,716,277	6,498,228	3,311,844	9,810,072	58,381,033	9,262,193	67,643,226	57,833,154	
1866	434,812,066	348,539,522	86,272,544	8,196,261	2,503,891	10,700,052	71,197,309	14,846,762	86,044,071	75,843,979	
1867	395,761,066	294,506,141	101,254,925	17,024,866	5,045,609	22,070,475	39,026,627	21,841,745	60,868,372	38,797,897	
1868	367,436,440	281,952,899	85,483,541	8,737,443	5,450,925	14,188,368	72,398,344	21,387,758	93,786,102	79,596,734	
1869	417,506,379	283,117,697	134,388,682	14,132,563	5,675,308	19,807,876	36,030,438	21,134,882	57,165,320	37,330,504	
1870	435,953,408	332,771,768	103,181,640	12,056,950	14,332,229	26,419,179	33,655,962	24,519,704	58,155,666	31,739,438	
1871	520,223,694	442,820,173	77,403,566	6,883,561	14,386,463	21,270,024	66,098,208	31,735,780	98,441,988	77,121,964	
1872	626,585,077	444,177,588	182,407,489	8,717,458	5,026,231	13,743,689	49,458,760	30,328,774	79,877,539	66,133,544	
1873	642,138,210	522,479,922	119,658,288	8,782,447	12,798,490	21,480,937	44,856,713	39,751,859	84,608,574	63,127,633	
1874											

Historical table—Total value of imports and exports into and from the United States, 1790 to 1903—Continued

Fiscal year.	Merchandise.			Specie.						Excess of imports in italics, of exports in bold-face type.
	Imports.	Exports.	Excess of imports in italics, of exports in bold-face type.	Imports.			Exports.			
				Gold.	Silver.	Total.	Gold.	Silver.	Total.	
1879	\$445,777,775	\$710,439,441	\$264,661,666	\$5,024,948	\$14,671,062	\$20,296,000	\$4,587,614	\$20,408,827	\$24,997,441	\$4,701,441
1880	667,954,746	855,638,658	167,683,912	80,753,396	12,275,914	93,034,310	3,639,025	13,503,894	17,142,919	75,891,391
1881	642,664,028	902,377,346	259,712,718	100,031,259	10,544,238	110,575,497	2,535,132	16,841,715	19,376,847	91,163,650
1882	724,639,574	750,542,257	25,902,683	34,377,054	8,085,536	42,462,590	32,587,880	16,829,599	49,417,479	6,945,099
1883	723,180,914	823,839,492	100,658,498	17,734,149	10,755,242	28,489,391	11,600,888	20,219,445	31,820,333	3,330,942
1884	667,697,093	740,513,609	72,815,916	22,831,317	14,594,945	37,426,262	41,081,957	26,051,426	67,133,383	29,707,121
1885	577,527,329	742,189,755	164,662,426	26,691,696	16,550,627	43,242,323	8,477,892	33,763,633	42,231,525	1,010,798
1886	635,436,136	679,524,830	44,088,694	20,743,349	17,850,307	38,593,656	42,952,191	29,511,219	72,463,410	33,869,754
1887	602,319,768	716,183,211	23,863,443	42,910,601	17,260,191	60,170,792	9,701,187	26,266,504	35,977,691	24,173,101
1888	723,957,114	695,954,507	28,002,607	43,934,317	15,403,609	59,337,926	18,376,234	28,037,949	46,414,183	13,923,803
1889	745,131,652	742,401,375	2,730,277	10,284,858	18,678,215	28,963,073	59,952,285	30,689,248	90,641,533	67,678,460
1890	789,310,409	857,828,684	68,518,275	12,943,342	21,032,984	33,976,326	17,274,491	34,873,929	52,148,420	18,172,094
1891	844,916,196	884,480,810	39,564,614	18,232,567	18,026,880	36,259,447	86,392,654	22,590,988	108,983,642	72,694,195
1892	827,402,462	1,030,278,148	202,875,686	49,699,454	19,955,086	69,654,540	50,195,327	32,810,559	83,005,886	13,851,346
1893	866,400,922	847,665,194	18,735,728	21,174,881	23,193,252	44,368,133	108,680,844	40,737,319	149,418,163	105,650,539
1894	654,904,622	892,140,573	237,235,950	72,449,119	13,288,552	85,737,671	76,978,081	50,451,295	127,429,376	41,693,655
1895	731,909,965	807,538,165	75,628,200	36,384,780	20,211,179	56,595,959	66,468,481	47,235,286	113,703,767	57,167,823
1896	779,724,674	882,006,938	102,282,264	33,525,065	28,777,186	62,302,251	112,409,947	60,541,670	172,951,617	110,649,369
1897	764,730,412	1,050,993,556	286,263,144	35,014,780	30,533,227	115,548,007	40,361,580	61,946,638	102,308,218	13,239,792
1898	616,049,654	1,231,482,330	615,432,676	120,391,674	30,927,781	151,319,455	15,406,391	55,106,239	70,511,630	80,807,885
1899	697,148,489	1,227,023,302	529,874,813	88,954,003	30,675,056	119,629,059	37,522,086	56,319,055	93,841,141	25,783,513
1900	849,941,184	1,394,483,082	544,541,898	44,573,184	35,256,302	79,829,486	48,263,759	56,712,275	104,979,034	25,149,548
1901	823,172,165	1,487,704,991	664,592,826	66,051,187	36,886,521	102,937,708	53,185,177	64,285,180	117,470,357	15,032,649
1902	903,320,948	1,881,719,401	478,398,453	52,021,254	28,232,254	80,253,508	48,588,950	49,732,390	98,301,340	18,047,832
1903	1,025,719,237	1,420,141,679	394,422,442	44,982,027	24,163,491	69,145,518	47,090,595	44,250,259	91,340,854	22,195,336
Total	34,279,263,510	37,863,335,440	3,584,071,930			2,301,446,199		3,906,556,307		1,515,110,108

Area and population of the principal countries of the world and their total foreign commerce and commerce with the United States.

Countries.	Area in square miles.	Population.	Popula- tion per square mile.	Foreign commerce.				Commerce with the United States.	
				Year.	Imports.	Exports.	Excess of exports (+) or imports (-).	Exports from United States to—	Imports into United States from—
Argentina	1,135,840	4,794,000	4.23	1902	\$99,433,000	\$173,205,000	+ \$73,772,000	\$9,808,529	\$10,396,873
Australasia:									
Commonwealth	2,972,573	3,772,000	1.27	1901	208,504,000	241,795,000	+ 33,291,000	30,569,314	17,301,375
New Zealand	104,751	788,000	7.52	1901	57,512,000	62,687,000	+ 5,175,000		
Austria-Hungary	241,333	45,405,000	188.14	1902	349,283,000	387,526,000	+ 38,243,000	6,672,580	10,032,346
Austria	115,903	26,151,000	225.63						
Hungary	125,430	19,255,000	153.51						
Belgium	11,373	6,694,000	588.59	1902	439,282,000	358,464,000	- 80,818,000	43,515,112	17,912,084
Bolivia	703,604	1,816,000	2.58	1902	4,587,000	11,076,000	+ 6,489,000	76,926	1,731
Brazil	3,219,000	14,324,000	4.45	1902	113,691,000	179,112,000	+ 65,421,000	11,155,565	71,583,086
British colonies, n. e. s.	951,333	14,494,000	15.17	1901-2	429,161,000	293,543,000	- 135,618,000	54,754,488	22,756,631
Bulgaria	38,080	3,744,000	98.33	1902	13,751,000	20,011,000	+ 6,260,000		
Canada	3,048,710	5,457,000	1.79	1903	224,814,000	213,782,000	- 11,032,000	123,472,416	54,660,410
Central America:									
Costa Rica	23,000	313,000	13.61	1902	4,415,000	5,661,000	+ 1,246,000	1,697,043	3,291,545
Guatemala	46,774	1,647,000	35.21	1900	3,018,000	7,184,000	+ 4,166,000	1,128,418	2,190,145
Honduras	46,250	775,000	16.76	1902	1,672,000	2,357,000	+ 685,000	969,963	1,136,220
Nicaragua	49,200	500,000	10.16	1902	1,239,000	2,965,000	+ 1,726,000	1,800,686	1,858,729
San Salvador	7,225	1,007,000	139.38	1902	2,624,000	3,926,000	+ 1,302,000	868,329	553,459
Chile	279,901	3,051,000	10.90	1902	48,336,000	61,879,000	+ 13,543,000	3,753,222	7,155,839
China	1,532,420	407,253,000	265.76	1902	198,364,000	134,730,000	- 63,634,000	22,688,282	26,132,113
Colombia	504,773	4,000,000	7.92	1898	10,685,000	18,487,000	+ 7,802,000	2,923,404	3,140,043
Cuba	43,000	1,573,000	36.53	1903	53,826,000	77,849,000	+ 24,023,000	21,709,572	62,341,942
Denmark	15,390	2,465,000	160.48	1902	116,714,000	85,733,000	- 30,981,000	14,812,900	68,494
Ecuador	116,000	1,204,000	10.38	1901	7,361,000	7,944,000	+ 583,000	1,819,209	1,421,593
Egypt	383,900	9,794,000	25.36	1902	73,223,000	87,081,000	+ 13,858,000	687,577	10,854,628
Finland	144,255	2,744,000	19.02	1902	45,197,000	38,717,000	- 6,480,000		
France	207,054	38,962,000	188.17	1902	848,046,000	890,671,000	+ 42,625,000	70,497,327	87,895,253
Algeria	184,474	4,739,000	25.69	1902	64,228,000	60,804,000	- 3,424,000	386,753	461,102
Tunis	51,000	1,900,000	37.25	1901	12,483,000	7,551,000	- 4,932,000	49,113	8,019
French colonies, n. e. s.	3,375,602	26,427,000	7.83	1901	51,790,000	35,080,000	- 16,710,000	3,614,815	938,533
French East Indies	461,196	18,346,000	39.78	1901	39,810,000	35,292,000	- 4,518,000	174,264,495	111,999,904
German Empire	208,830	58,549,000	280.36	1902	1,340,178,000	1,113,313,000	- 226,865,000	30,949	11,702
German colonies	1,025,829	13,543,000	13.20	1901	8,969,000	4,497,000	- 4,472,000	969,919	1,229,144
Greece	25,014	2,434,000	97.31	1902	26,084,000	15,463,000	- 10,621,000	1,954,343	1,127,641
Haiti	10,204	1,284,000	126.81	1901	5,500,000	12,760,000	+ 7,260,000	4,868,683	51,831,665
India, British	1,768,642	294,361,000	166.62	1902-3	255,614,000	408,396,000	+ 152,782,000	33,135,512	33,612,864
Italy	110,646	32,475,000	293.50	1902	342,718,000	294,177,000	- 48,541,000	21,622,608	40,597,582
Japan	147,635	45,822,000	310.60	1902	135,117,000	127,326,000	- 7,791,000	42,227,786	61,802,902
Formosa	13,458	2,706,000	201.07	1902	5,080,000	6,881,000	+ 1,801,000	2,210,963	15,343,943
Mexico	767,090	13,545,000	17.65	1903	74,687,000	88,200,000	+ 13,513,000		
Netherlands	12,563	5,347,000	425.61	1902	867,308,000	732,975,000	- 134,333,000		
Dutch East Indies	736,400	35,736,000	48.53	1901	86,894,000	98,724,000	+ 11,830,000		
Norway	124,130	2,263,000	18.23	1902	78,869,000	45,147,000	- 33,722,000	14,815	3,890
Paraguay	97,722	636,000	6.51	1902	2,270,000	3,787,000	+ 1,517,000	2,148,610	3,416,178
Peru	713,859	4,610,000	6.46	1901	13,422,000	20,918,000	+ 7,496,000	2,915,807	3,229,813
Portugal	38,038	5,429,000	150.65	1902	60,459,000	31,888,000	- 28,571,000	138,635	65
Roumania	50,700	5,913,000	116.63	1902	54,686,000	72,340,000	+ 17,654,000	7,518,177	3,361,319
Russia	8,690,395	141,000,000	16.28	1901	305,614,000	392,215,000	+ 86,601,000	1,700,371	33,149
Santo Domingo	18,045	610,000	33.80	1901	2,387,000	5,224,000	+ 2,837,000		
Servia	18,630	2,536,000	136.12	1902	8,650,000	13,920,000	+ 5,270,000		
Siam	236,000	5,000,000	21.19	1902	16,515,000	22,065,000	+ 5,550,000	15,973,788	8,787,621
Spain	194,783	18,618,000	95.53	1902	175,499,000	154,164,000	- 21,335,000	9,550,137	4,193,307
Sweden	172,876	5,199,000	30.07	1902	124,033,000	105,154,000	- 18,879,000	203,357	19,894,767
Switzerland	15,978	3,356,000	210.07	1902	217,803,000	168,741,000	- 49,062,000	354,457	2,859,890
Turkey	1,115,046	24,932,000	22.38	1898-99	117,134,000	59,072,000	- 58,062,000	523,773,397	180,249,114
United Kingdom	121,371	41,961,000	345.73	1902	2,571,416,000	1,879,283,000	- 692,133,000		
United States	3,025,600	80,372,000	26.56	1903	1,025,719,000	1,392,231,000	+ 366,512,000		
Philippine Islands	115,000	7,590,000	66.00	1903	32,972,000	33,122,000	+ 150,000	4,088,909	11,372,534
Uruguay	72,210	959,000	13.28	1902	24,565,000	33,656,000	+ 9,091,000	1,549,812	2,540,089
Venezuela	596,940	2,445,000	4.12	1898	8,458,000	17,962,000	+ 9,504,000	2,736,726	6,609,919
Total	40,701,936	1,487,159,000			11,525,755,000	10,278,616,000	-1,247,140,000	1,357,903,553	1,006,259,545

Progress of the United States 1800-1903.

Year.	Public-debt statement.			Coinage.		Com- mer- cial ratio, silver to gold.	Money in circulation.							Per cap- ita.	
	Interest- bearing debt.	Annual interest charge.	Per cap- ita.	Gold coined.	Silver coined.		Gold.	Silver.	Gold cer- tificates.	Silver cer- tificates.	United States notes (green- backs).	National bank notes.	Miscella- neous currency.		Total money in circulation.
1800	\$32,976,294	\$3,402,601	\$0.64	\$317,760	\$224,296	15.68	\$16,000,000						\$10,500,000	\$26,500,000	\$5.00
1810	53,173,218	3,163,671	.44	501,435	638,774	15.77	27,000,000						28,000,000	55,000,000	7.59
1820	91,015,566	5,151,004	.53	1,319,090	501,681	15.62	22,300,000						44,800,000	67,100,000	6.94
1830	48,565,406	1,912,575	.15	643,105	2,495,400	15.82	20,344,295						61,000,000	87,344,295	6.79
1840	3,573,344	174,598	.01	1,675,483	1,728,703	15.62	79,336,918						106,908,572	186,245,490	10.91
1850	63,432,774	3,782,393	.16	31,981,739	1,866,100	15.70	147,395,456						131,366,526	278,761,982	12.02
1851	63,904,796	3,696,761	.15	62,614,493	774,397	15.46	175,083,354						155,165,251	330,248,605	13.76
1852	66,199,342	4,000,298	.16	56,846,188	999,410	15.59	189,367,864						171,673,000	361,040,864	14.56
1853	59,803,118	3,605,833	.14	39,377,909	9,077,571	15.33	214,057,107						188,181,000	402,238,107	15.70
1854	42,242,222	3,070,927	.12	25,915,963	8,619,270	15.33	220,892,033						204,689,207	425,581,240	16.10
1855	35,586,957	2,314,465	.08	29,387,968	3,501,245	15.38	231,068,024						186,952,223	418,020,247	15.34
1856	31,762,762	1,899,446	.07	33,857,769	5,142,240	15.38	230,068,675						195,747,950	425,816,625	15.16
1857	28,460,959	1,672,768	.06	32,214,040	5,478,760	15.27	242,289,886						214,778,822	457,068,708	15.81
1858	44,700,898	2,446,670	.08	22,938,414	8,495,370	15.38	253,601,684						155,208,344	408,810,028	13.74
1859	58,290,738	3,126,166	.10	14,780,570	3,284,450	15.19	245,680,724						193,306,818	438,987,542	14.35
1860	64,640,838	3,443,687	.11	23,473,654	2,259,330	15.29	228,304,775						207,102,477	435,407,252	13.85
1861	90,880,874	5,092,630	.16	83,365,530	3,783,740	15.50	246,400,000						202,005,767	448,405,767	13.98
1862	365,304,827	22,048,510	.67	20,875,998	1,252,517	15.35	25,000,000						236,832,079	334,697,744	10.23
1863	707,531,634	41,854,148	1.25	22,445,482	809,268	15.37	25,000,000						312,481,418	595,394,038	17.84
1864	1,359,930,764	73,853,487	2.32	20,081,415	609,917	15.37	25,000,000						415,115,990	689,641,478	19.67
1865	2,221,311,918	137,742,617	3.96	28,295,108	601,005	15.44	25,000,000						378,916,742	714,702,995	20.57
1866	2,332,331,208	140,068,196	4.12	31,435,945	982,409	15.43	25,000,000						327,792,305	673,488,244	18.99
1867	2,248,067,888	138,802,451	3.84	23,828,025	908,876	15.57	25,000,000						319,437,702	661,992,069	18.28
1868	2,202,088,728	128,459,598	3.48	19,371,388	1,074,343	15.59	25,000,000						328,571,065	680,103,661	18.39
1869	2,162,060,529	125,523,938	3.32	17,582,988	1,266,143	15.60	25,000,000						314,702,094	664,452,891	17.60
1870	2,046,455,722	118,784,960	3.08	23,198,788	1,878,256	15.57	25,000,000						324,962,638	675,212,794	17.50
1871	1,934,696,750	111,949,331	2.83	21,032,685	3,104,038	15.57	25,000,000						343,068,970	715,889,005	18.10
1872	1,814,794,100	103,988,463	2.56	21,812,645	2,504,489	15.63	25,000,000						346,168,680	738,909,549	18.19
1873	1,710,483,950	98,049,804	2.35	57,022,748	4,024,748	15.93	25,000,000						348,464,145	751,881,809	18.04
1874	1,738,960,750	98,796,005	2.31	35,254,690	6,851,777	16.16	25,000,000						371,421,452	776,083,031	18.13
1875	1,722,676,900	96,855,691	2.20	32,951,940	15,347,899	16.64	25,000,000						349,686,335	754,101,947	17.16
1876	1,710,685,450	96,104,269	2.11	46,579,453	24,503,908	17.75	\$25,000,000	\$21,055,128					331,447,378	727,609,888	16.12
1877	1,711,888,500	93,100,644	2.01	43,999,894	28,303,046	17.20	25,000,000	37,884,853					337,839,344	722,314,883	15.58
1878	1,794,735,650	94,654,473	1.99	49,736,032	31,518,850	17.92	25,000,000	55,127,573					\$7,080,320	729,132,634	15.32
1879	1,797,643,700	93,773,779	1.71	39,080,080	27,569,776	18.39	110,505,362	63,383,023	\$15,279,820				414,480,901	815,631,793	16.75
1880	1,723,963,700	79,633,981	1.59	62,308,279	27,411,694	18.05	225,695,779	68,622,345	7,963,930				5,789,569	973,882,228	19.41
1881	1,639,567,750	75,018,696	1.46	66,850,890	27,940,164	18.25	315,312,877	76,181,776	5,759,520				39,110,729	1,114,238,119	21.71
1882	1,468,810,400	57,360,111	1.09	65,887,685	27,973,132	18.20	358,251,325	78,783,769	5,099,020				54,506,000	1,174,290,419	22.37
1883	1,338,229,150	51,436,710	.96	29,241,990	24,069,968	18.64	344,653,495	82,125,749	59,807,370				72,620,636	1,230,305,696	22.91
1884	1,236,563,850	47,926,433	.87	23,991,757	28,534,896	18.61	340,624,203	86,351,008	71,146,640				96,427,011	1,243,925,909	22.65
1885	1,196,150,950	47,014,133	.84	27,773,013	28,962,176	19.41	341,668,411	82,789,890	126,729,730				101,530,946	1,292,568,615	23.02
1886	1,146,014,100	45,510,098	.79	28,945,542	28,086,710	20.78	358,219,575	86,842,613	76,044,375				88,116,225	1,252,700,525	21.82
1887	1,021,692,350	41,780,530	.71	23,972,893	35,191,081	21.10	376,481,104	132,598	91,225,437				112,118,017	1,317,539,143	22.45
1888	950,522,500	39,991,935	.63	31,380,808	33,025,606	22.00	391,114,033	105,889,710	121,094,650				79,657,908	1,372,170,679	22.88
1889	829,853,900	33,752,355	.59	21,413,931	35,496,683	22.10	376,481,104	132,598	117,130,257				155,565,316	1,380,361,649	22.53
1890	725,313,110	29,417,603	.47	20,467,183	39,202,908	19.75	374,253,823	110,311,831	130,830,859				237,556,237	1,429,251,270	22.82
1891	610,529,120	23,615,736	.37	22,222,002	27,518,857	23.72	408,568,824	120,111,165	140,939,120				326,393,207	1,497,440,707	23.42
1892	555,029,390	22,593,883	.35	34,787,223	12,641,078	26.49	408,568,824	120,111,166	141,063,619				326,393,207	1,501,547,187	24.56
1893	585,097,100	22,594,194	.35	55,997,020	8,802,797	32.56	495,976,730	111,075,619	66,339,849				326,393,207	1,501,547,187	24.56
1894	694,041,890	25,394,886	.38	79,546,190	89,200,351	31.60	479,637,961	112,339,057	48,381,903				319,622,941	1,501,547,187	24.56
1895	716,202,090	29,140,792	.42	59,616,358	5,098,010	30.59	454,905,064	112,321,355	42,198,119				330,653,191	1,501,547,187	24.56
1896	847,363,890	34,387,266	.49	47,053,060	23,089,899	34.20	517,539,688	111,556,690	37,285,339				357,849,312	1,501,547,187	24.56
1897	847,363,890	34,387,266	.49	76,028,485	18,487,297	35.09	657,950,463	122,539,886	35,811,589				390,128,510	1,501,547,187	24.56
1898	847,363,890	34,387,266	.49	77,985,757	23,034,038	34.36	679,738,050	130,547,250	32,655,919				402,136,617	1,501,547,187	24.56
1899	1,046,048,750	40,847,873	.54	111,344,220	26,061,520	33.33	610,806,472	142,050,334	200,733,019				408,465,574	1,501,547,187	24.56
1900	1,233,478,860	33,545,130	.44	90,272,943	36,345,321	34.68	629,790,765	146,156,537	247,036,359				429,446,557	1,501,547,187	24.56
1901	987,141,040	29,789,153	.38	101,735,188	30,838,461	34.68	629,790,765	146,156,537	247,036,359				429,446,557	1,501,547,187	24.56
1902	931,070,340	27,542,946	.35	47,184,933	30,028,167	39.15	632,394,289	154,468,577	306,399,009				446,557,662	1,501,547,187	24.56
1903	914,541,410	25,541,573	.32				617,260,739	165,117,934	377,258,559				454,733,013	1,501,547,187	24.42

Total population in United States..... 76,803,387
 Males..... 39,059,242
 Females..... 37,744,145
 Native born..... 65,843,302
 Foreign born..... 10,460,085

Native white:
 Males..... 28,803,188
 Females..... 27,607,551
 Total..... 56,410,739

Native white, native parents:
 Males..... 20,934,099
 Females..... 20,119,318
 Total..... 41,053,417

Native white, foreign parents:
 Males..... 7,869,089
 Females..... 7,488,233
 Total..... 15,357,322

Foreign white:
 Males..... 5,545,819
 Females..... 4,704,230
 Total..... 10,250,049

Colored:
 Males..... 4,710,235
 Females..... 4,602,364
 Total..... 9,312,599

Aggregate population 10 years of age or over in 1900, 57,949,824.
 Total number illiterate, 6,180,099, or 10.7 per cent.
 Total white, 51,250,918; number of illiterate, 3,200,746, or 6.2 per cent.
 Native white, 41,236,682; number of illiterate, 1,913,611, or 4.6 per cent.
 Native parents, 30,310,261; number of illiterate, 1,734,764, or 5.7 per cent.
 Foreign parents, 10,926,401; number of illiterate, 178,847, or 1.6 per cent.
 Foreign white, 10,014,256; number of illiterate, 1,287,135, or 12.9 per cent.
 Total colored, 6,096,906; number of illiterate, 2,979,323, or 48.5 per cent.

Persons of negro descent, 6,415,581; number of illiterate, 2,853,194, or 44.5 per cent.
 Chinese, 87,682; number of illiterate, 25,596, or 29 per cent.
 Japanese, 24,091; number of illiterate, 4,383, or 18.2 per cent.
 Indians, 171,552; number of illiterate, 96,347, or 56.2 per cent.

Of voting age in Iowa:
 Negroes..... 4,441
 Indians..... 91
 Chinese and Japanese..... 101

Colored males of voting age in:
 Iowa..... 4,633
 United States..... 2,293,676
 Negro

[Compiled by J. G. Pepper, Bureau of Statistics, Department of Agriculture.]

	Milk.				Butter.				Pounds of cheese made,
	Gallons pro- duced.	Gallons sold.	Gallons con- sumed.	Per cent sold.	Pounds made.	Pounds sold.	Pounds con- sumed.	Per cent sold.	
The United States.....	7,266,392,674	2,134,915,312	5,134,477,362	29.4	1,071,745,127	518,139,026	553,606,101	48.3	16,372,330
The State.....	535,872,240	214,338,442	321,533,798	40.0	61,789,238	33,266,012	28,522,576	53.8	306,428
The district.....	76,265,781	35,103,250	41,162,531	45.9	5,894,485	3,678,690	2,215,795	62.4	54,244
Allamakee.....	7,916,048	3,854,751	4,561,297	.....	620,519	313,303	307,216	.....	7,234
Cerro Gordo.....	5,765,199	1,533,863	4,181,336	.....	852,935	595,517	257,418	.....	1,591
Chickasaw.....	8,621,506	5,576,813	8,044,693	.....	450,747	358,729	92,018	.....	10,786
Clayton.....	10,234,538	7,046,638	3,187,850	.....	514,302	276,978	237,324	.....	7,646
Fayette.....	11,588,574	9,098,781	2,487,793	.....	287,716	131,473	156,243	.....	20,502
Floyd.....	6,481,972	1,319,900	5,142,072	.....	736,421	596,608	239,813	.....	5,848
Howard.....	5,712,370	1,509,610	4,202,760	.....	896,946	519,555	217,391	.....	.....
Mitchell.....	5,423,105	1,077,561	4,345,544	.....	290,264	72,169	218,095	.....	.....
Winnebago.....	9,271,628	1,995,354	7,276,274	.....	888,169	525,952	362,217	.....	382
Worth.....	5,252,841	2,539,929	2,712,912	.....	416,466	288,406	128,060	.....	255

Fourth Iowa Congressional district—Continued.

	Number of chickens.	Number of turkeys, geese, and ducks.	Value of one year's crop of poultry.	One year's crop of eggs, dozens.	Corn.			Bushels of barley.
					Acres.	Bushels.	Bushels per acre.	
The United States.....	233,598,085	17,083,588	\$136,891,877	1,293,819,188	94,916,911	2,666,440,279	28.1	119,634,877
The State.....	18,907,673	1,135,670	9,491,819	99,621,920	9,804,076	382,453,190	39.1	18,059,060
The district.....	1,952,829	109,744	852,213	10,371,840	704,073	27,647,090	39.2	2,669,360
Allamakee.....	185,730	6,744	65,932	974,800	50,639	2,106,680	-----	133,980
Cerro Gordo.....	189,660	12,563	95,960	919,370	99,235	3,758,310	-----	269,400
Chickasaw.....	173,870	11,726	82,046	901,320	62,191	2,394,660	-----	175,900
Clayton.....	286,467	14,887	132,123	1,710,150	82,599	3,607,270	-----	246,350
Fayette.....	268,094	14,239	125,765	1,315,680	96,879	3,631,610	-----	228,930
Floyd.....	188,599	10,323	82,734	1,005,690	84,952	3,242,900	-----	223,560
Howard.....	183,927	9,827	63,735	677,410	52,701	1,963,850	-----	212,280
Mitchell.....	151,886	8,407	62,234	759,380	55,519	2,253,830	-----	551,280
Winneshiek.....	268,534	12,273	85,412	1,508,920	80,928	3,151,750	-----	343,920
Worth.....	125,902	8,750	56,212	599,110	38,430	1,529,830	-----	223,760

	Oats.			Wheat.			Tons of timothy hay.	Tons of clover hay.
	Acres.	Bushels.	Bushels per acre.	Acres.	Bushels.	Bushels per acre.		
The United States.....	29,539,698	943,389,375	31.9	52,588,574	658,534,252	12.5	35,624,395	5,167,188
The State.....	4,695,591	168,364,170	35.8	1,689,705	22,769,440	13.5	3,823,159	229,528
The district.....	707,651	26,630,040	37.6	62,425	908,350	14.5	442,312	38,200
Allamakee.....	47,416	1,700,080	-----	7,575	117,200	-----	48,958	8,200
Cerro Gordo.....	90,745	3,525,620	-----	5,846	91,300	-----	33,373	1,930
Chickasaw.....	72,142	2,962,600	-----	2,599	41,450	-----	36,067	388
Clayton.....	72,032	2,782,010	-----	10,066	132,750	-----	59,450	6,708
Fayette.....	75,562	2,782,950	-----	3,988	59,080	-----	66,008	413
Floyd.....	78,446	3,207,600	-----	4,116	58,900	-----	31,140	881
Howard.....	67,397	2,512,300	-----	3,388	46,130	-----	47,186	1,159
Mitchell.....	62,893	2,425,660	-----	5,782	86,210	-----	42,200	1,749
Winneshiek.....	76,849	2,658,740	-----	10,553	155,560	-----	56,658	15,633
Worth.....	64,139	2,072,390	-----	8,532	119,710	-----	21,263	1,219

	Apples, bushels.	Grapes, pounds.	Strawberries, quarts.	Value of all small fruits.	Value of all orchard products.	Irish potatoes, bushels.	Value of forest products.	Tobacco, pounds.
The United States.....	175,397,626	1,301,013,407	257,437,523	\$25,030,877	\$83,751,840	273,328,207	\$109,989,868	868,163,275
The State.....	3,129,862	7,403,900	3,164,320	878,447	1,849,767	17,905,919	3,206,449	127,420
The district.....	95,637	134,000	493,290	93,382	55,695	2,233,836	679,294	102,410
Allamakee.....	10,439	25,900	33,200	8,562	6,109	189,666	118,250	6,000
Cerro Gordo.....	10,125	4,300	48,280	9,069	4,762	180,825	9,192	-----
Chickasaw.....	11,143	3,100	35,820	9,169	4,816	184,553	53,720	-----
Clayton.....	27,339	59,600	38,650	15,875	17,169	292,923	109,421	66,010
Fayette.....	16,587	9,000	64,500	14,573	10,869	251,625	117,392	3,610
Floyd.....	7,213	4,700	52,390	8,440	4,061	253,506	36,894	-----
Howard.....	2,770	800	42,750	4,863	1,755	170,968	26,613	-----
Mitchell.....	2,359	9,800	87,390	8,897	1,542	338,827	30,371	150
Winneshiek.....	5,990	15,500	82,940	11,006	3,669	228,642	110,037	26,640
Worth.....	1,702	1,500	7,400	2,928	1,243	142,801	17,354	-----

Foreign born in United States and Iowa in 1900, exclusive of Alaska and Hawaii.

	England.	Germany.	Ireland.	Denmark.	Norway.	Sweden.	Total.
United States.....	842,078	2,666,990	1,618,567	154,284	336,985	573,040	10,356,644
Iowa.....	21,027	123,162	28,321	17,102	25,634	29,875	305,920
Number of foreign parentage in Iowa.....	42,055	301,132	87,232	32,489	58,963	57,188	722,900
Counties in Fourth Congressional district of Iowa.							
Allamakee.....	93	1,351	626	14	950	153	3,511
Cerro Gordo.....	362	940	350	248	418	182	3,055
Chickasaw.....	164	1,405	345	29	242	15	2,701
Clayton.....	190	2,876	396	3	430	122	4,561
Fayette.....	372	1,755	387	67	399	111	3,952
Floyd.....	180	1,748	109	16	70	35	2,620
Howard.....	130	687	277	54	298	19	2,465
Mitchell.....	163	914	117	110	694	123	2,873
Winneshiek.....	110	789	283	25	2,839	65	5,153
Worth.....	45	383	33	142	1,729	112	2,697
Total.....	1,749	12,848	2,983	708	8,129	937	33,091

Total illiterate population 10 years of age or over.

County.	Aggregate.	Native parents.	Foreign parents.	Foreign white.	Colored.
Allamakee.....	675	63	110	502	-----
Cerro Gordo.....	270	18	31	215	6
Chickasaw.....	304	39	38	227	-----
Clayton.....	690	149	111	430	-----
Fayette.....	409	84	54	267	4
Floyd.....	258	56	30	172	-----
Howard.....	232	16	46	170	-----
Mitchell.....	176	21	26	129	3
Winneshiek.....	872	44	88	740	-----
Worth.....	365	6	23	324	2
Total.....	4,241	496	557	3,173	15

Farm homes in Fourth Congressional district of Iowa.

County.	Total number of families.	Number of homes.	Number free.	Encumbered.	Unknown.	Hired.	Unknown.	Total.
Allamakee	3,823	2,825	1,256	775	9	274	11	1,498
Cerro Gordo	4,800	1,910	506	689	12	697	6	2,399
Chickasaw	3,594	2,076	805	789	30	448	4	1,518
Clayton	5,902	3,801	1,432	1,166	26	635	22	2,601
Fayette	6,327	3,262	1,222	1,141	24	842	33	3,065
Floyd	3,993	1,971	639	608	19	702	8	2,022
Howard	2,978	1,685	563	694	16	434	8	1,233
Mitchell	3,233	1,061	704	558	3	387	9	1,572
Winnebago	4,955	2,920	1,421	995	18	476	10	2,095
Worth	2,134	1,449	527	527	9	381	5	685
Total	41,248	22,500	9,095	7,907	166	5,276	116	18,688

Other homes in Fourth Congressional district of Iowa.

County.	Free.	Encumbered.	Unknown.	Hired.	Unknown.
Allamakee	772	114	15	527	70
Cerro Gordo	918	437	17	971	56
Chickasaw	675	211	19	576	37
Clayton	1,274	226	34	972	95
Fayette	1,270	422	35	1,193	145
Floyd	672	254	8	741	47
Howard	523	193	88	450	39
Mitchell	763	227	15	518	49
Winnebago	995	226	28	618	153
Worth	299	90	10	227	59
Total	8,461	2,400	279	6,793	755

The ten counties comprising the Congressional district which I have the honor to represent have an area of 5,624 square miles, carved out of that magnificent and productive 55,475 square miles of land area in Iowa. This district has a population of 195,815. The land area exceeds the area of the State of Rhode Island and Delaware, and almost the combined area of Connecticut, Rhode Island, and Delaware. It has a greater population than either Arizona, Delaware, Idaho, New Mexico, or Hawaii, or four times as great as Nevada, twice that of Wyoming, three times that of Alaska, and nearly as great as the combined population of these three. Out of the 41,248 homes in my district, 22,500, or 54.8 per cent, are farm homes; 9,095, or 40.4 per cent, are free, and 7,907, or 35.1 per cent, are encumbered; 166 unknown, 5,276 hired, 116 unknown. Of the other 18,688 homes, 8,461, or 45.5 per cent, are free; 2,400, or 13.5 per cent, are encumbered, 279 unknown, 6,793 hired; unknown 755; 65.3 per cent of its population depends upon agriculture for their livelihood and follow their vocation on 23,026 farms, which average size is 152.3 acres, and of an average value of \$6,622. There are buildings on 98 per cent of them, and 206 contain 500 acres or more. Seventy-six of these farms are operated by landowners, thus assuring a contented, stable, and prosperous people. They contain 333,324 acres, 80.7 per cent, or 223,256 acres, of which are improved.

The total value of farm property in the district, including land and improvements, buildings, implements and machinery, and livestock, is \$175,490,487, at a very low valuation. The total today could be safely increased 25 per cent and yet fall short of actual values. These farms yield "products not fed to live stock," or, in other words, farm produce for sale, \$25,695,322 worth annually. Add to this \$10,014,369 "fed to live stock" and we have a total production for the district of \$35,709,691. In the production of this enormous amount the farmers, in addition to their own toil, expended the sum of \$1,923,920 for labor and used fertilizers to the amount of \$29,680. Taking the value of farm property for capital invested, we find that the value of products not fed to live stock shows a gross profit of 14.6 per cent. These farms were stocked with 518,320 head of neat cattle and 126,212 work animals. The farmers slaughtered for their own use \$773,070 worth of animals and sold "on the hoof" \$9,558,229 worth. The "better halves" of the farmers produced from their dairies \$4,198,226 worth of dairy products, of which amount they sold \$3,327,718 worth, or 79 per cent.

Among the many other things for which Iowa is noted is the Iowa cow. In one year she yielded 76,265,781 gallons of pure, rich milk. It is estimated that this milk would fill a basin 20 feet deep, 70 feet wide, and 1.37 miles long, in which could be floated the fleet with which Admiral Dewey captured Manila and still have room for some of the Spanish vessels captured. Five million eight hundred and ninety-four thousand four hundred and eighty-five pounds of butter was churned in this great farming district. Load this butter on the farmer's wagon and start it to market. If we give each team a ton of butter for a load, we will use 2,948 wagons. Allowing 30 feet for each team on the road, we will have a procession of butter-laden wagons 16.9 miles in length.

Nearly 2,000,000 chickens, in partnership with 109,744 turkeys, geese, and ducks, produced 10,371,840 dozens of eggs. If we crate these eggs and place them end to end, we will have a line of egg cases 120 miles in length.

Now, to return to the farmer: From 704,073 acres of the best land on earth he gathered 27,647,090 bushels of corn. As a side issue, he harvested 2,669,360 bushels of barley; he seeded 707,651 acres to oats and gathered 26,630,040 bushels; he sowed 62,425 acres of wheat, which yielded 908,350 bushels; his hay crop—timothy and clover—amounted to 480,572 tons.

Reduce it to carloads. Loading the principal crops of this district on freight cars, allowing 700 bushels for a load for corn, barley, and wheat, and 1,200 bushels of oats, we will have a train of loaded cars which, with the locomotives necessary to move it, would have a total length of 778 miles, divided as follows: Corn, 312 miles; barley, 31 miles; oats, 172 miles; wheat, 10 miles, and hay 253 miles, which would be but a fitting advertisement of the unparalleled fertility and productiveness of the Fourth Congressional district of Iowa.

In this connection I venture a word as to the antioleo legislation enacted by Congress nearly two years ago, and do so without any desire to reopen the exciting, protracted, and vigorous debates on that subject, both in the committee and House. I will not now discuss the merits or demerits of that legislation. But in view of the prophecies made by the opposition at that time, and the fear entertained of the terrible disaster and failure so sure to come from such legislation, I wish to call attention of this House and the country to the real results which followed.

The contention was that the 10-cent tax per pound would ruin not only the oleo interests, but that it would carry with it the cotton-seed industry; and that the Texas steer would be doomed to suffer the mortification and humiliation of being discriminated against in favor of the proud Jersey by such infamous and unjust legislation.

After a year and one-half of successful operation of this much-feared and detested legislation on the part of our friends who fought so nobly and well on the other side, we find that not only is oleo selling at higher prices, but the Texas steer and cotton-seed oil have been in greater demand, and commanding higher prices than ever before. The result has been most pleasing and gratifying not only to the dairy interests, but to every interest concerned, for and against.

After a careful perusal of the report of the Commissioner of Internal Revenue we find that 126,316,427 pounds of oleo were manufactured during the fiscal year ending July 1, 1903. Adding 722,237 pounds on hand July 1, 1901, makes a total of 127,038,664 pounds. Deducting 3,469,199 pounds which was exported, leaves 123,869,465 pounds for domestic consumption for that year, being the last year under the old law.

For the following fiscal year ending July 1, 1903, the first year's operation of this law, only 5,710,407 pounds of colored oleo and 67,573,689 pounds of uncolored oleo, a total of 73,284,096 pounds, were manufactured. Deducting 3,486,692 pounds exported, leaves 69,797,404 for domestic consumption, or 54,072,091 pounds less

than the previous year. For the first five months of the fiscal year ending July 1, 1903, under the old law, and when taxed at 2 cents per pound, 43,529,364 pounds were manufactured; and for the corresponding five months for the fiscal year ending July 1, 1903, the first five months under the operation of the present law, taxing colored oleo 10 cents and uncolored 1½ cents per pound, 1,374,930 of colored and 25,527,207 of uncolored, a total of 26,902,117 pounds of oleo, were manufactured, or 16,627,247 pounds less. For the first five months of the present fiscal year there were manufactured 1,425,810 pounds of colored and 20,474,748 of uncolored, a total of 21,900,558 pounds of oleo, making a further reduction of 5,200,059; or, in other words, the production of oleo for the first five months of the present fiscal year is about one-half of what it was in the corresponding five months of the last fiscal year under the old law.

The revenue collected has fallen from \$2,944,772.46 in 1902, to \$888,181.68 in 1903, including the tax on renovated butter. The licenses under the old law and under the new law were, in 1902, manufacturers, 35; wholesale dealers, 192; retail dealers, 10,821. In 1903, manufacturers, 31; wholesale dealers, 398; retail dealers, 26,157.

It will readily be seen that since this wholesale fraud, deception, and counterfeiting has been cut off, and since this oleo has been put on the market and sold on its merits, and sold for what it is, the manufacture and sale of oleo has been restricted to about one-half; and the market for 60,000,000 pounds of butter which the dairymen were robbed of annually by the sale of this counterfeit, sold in violation of State laws, thereby displacing 60,000,000 pounds of butter, has been restored to the producers of the pure and genuine article and the receipts of the dairy people have been increased nearly \$15,000,000.

If the theory holds good that supply and demand regulate prices, it is unnecessary to argue that the price of butter has advanced. It is fair to assume that this had something to do with the advance in price of butter.

Mr. HEPBURN. I yield five minutes to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, this bill for the government of the Panama Canal zone gives all powers—military, civil, and judicial—in the canal strip into the hands of the President. His power there, even though the effect of this act extends only through the life of the present Congress, will be complete and autocratic. This is one step farther toward a system of colonial government as despotic as that of imperial Rome.

What I do most deplore in our present mad expansion and acquisition of subject colonies is the gradual blunting of our appreciation of the privileges and sanctity of self-government. As a people we are becoming more and more accustomed to the idea of an emperor here at the Executive Mansion, who issues his fiat and governs whole races of subject people whom he has never seen and whose own wishes he rarely consults.

In view of the practical unanimity with which the committee has decided upon this measure, it seems almost fruitless to offer opposition to the bill. But I think it is fair to inquire why the committee has resorted to a measure like this after they have had an opportunity for two or three months to investigate and consider various forms of government and formulate some regular system of rules or government for the Panama Canal zone.

The Senate has passed the Kittredge bill. This is hybrid in its nature, because, although it starts out from an imperialistic standpoint, it incorporates what is practically the bill of rights, thereby taking away with its left hand what it has given with its right. Before the House committee there were several bills. The gentleman from Massachusetts [Mr. LOVERING], a member of the committee, introduced a bill which is as thoroughly imperialistic in its tendencies as it was possible to devise. Out of the nine sections of the Lovering bill the six most important of them prescribe that the matters with which they deal shall be "subject to the approval of the President" or "under the direction of the President." The commissioners were to do nothing of their own volition, except possibly to have boiled eggs for breakfast if they saw fit. [Laughter.]

The necessity for legislation upon this subject at this time is very apparent. By the terms of the treaty the Republic of Panama gave to the United States the exclusive and perpetual sovereignty over this zone. There is absolutely nothing in this treaty to show what is to be done with the inhabitants of the zone, as has been the custom in similar treaties in the past—for example, in the cession of Louisiana in 1803, of Florida in 1819, and of Alaska in 1867. Therefore we are in doubt as to what laws now exist and are in force in the zone.

Either the laws of Panama are applicable, under which circumstances the Republic of Panama may still be legislating for our zone, or else, with the transfer of sovereignty, the laws of Panama were ipso facto extinguished and no law at all obtains in the unhappy zone. In view of this uncertainty it was and is evidently

incumbent upon Congress to legislate immediately for the relief of the inhabitants of the zone and the protection of their property rights. Instead of doing this we are now invited by the committee to leave the whole matter open, confiding it to the discretion of the President.

I myself introduced a bill providing both for the construction of the canal and the government of the zone, and received the courtesy of a hearing before the committee. The purpose of my bill was to extend to the Panama Canal zone, in so far as they were applicable, the laws of the United States, the laws to which we are accustomed, and which we think the best in the world. I am conscious of the fact that it is necessary to have a strong right arm of government on the Panama Canal zone; but I fail to see in what respect the laws of the United States are weak or when they have failed to suppress disorder and to set up a stable form of government.

Now, Mr. Speaker, I am not losing sight of the main object of the acquisition of the Panama zone—we took it simply for the purpose of building a canal. I do not desire to delay in any way the completion of that great work by prolonged disquisitions in Congress upon theories of government. But that is not necessary; it is not now necessary for us to conceive out of our own brains a new and original form of government; that was done for us many years ago by the founders of our Republic. All that we now need to do is to extend over the people of the Panama zone the broadegis of the Constitution of the United States.

I am entirely conscious of the probability of the presence upon the zone of a congregation of turbulent and lawless peoples. Some of them will be imported from the negro population of Jamaica or from the class of Chinese coolies to labor upon the canal; others will flock thither from all quarters of the world—malefactors and jail birds, perhaps—hoping to have a finger in the \$400,000,000 pie we are about to open down there.

It is therefore unquestionably necessary to establish a strong government and strong laws in the zone, but I am unable to understand wherein our own form of government is lacking. I do not mean to contend that the people of the canal zone are now fit for entire self-government or for the suffrage, or that they are able to understand the full significance of the jury system; but we should endeavor to give them now and immediately the fullest and most complete share of liberty and consideration which is possible under an adjustment of our own laws to their present necessities, instead of turning them over body and soul, bag and baggage, into the hands of a dictator.

The precedent for the bill under consideration as given by the committee is that of President Jefferson's action in 1803 in the acquisition of the Louisiana territory, when he governed it in the first year of its annexation in the manner and under the law now proposed to be applied to the Panama zone. This is now advanced as a reason why Democrats should vote for this measure. Mr. Speaker, I submit that this is no precedent, because at the time of the taking over of the Louisiana territory the many disputes between the settlers along the Ohio River and all up and down the Mississippi and the Spaniards at the mouth of the Mississippi River presaged a war between our country and Spain unless there should be a transfer of that territory to the United States.

In view of that fact, it was necessary to establish a military form of government—a despotic form of government—for a short time at least, in the Louisiana territory. There was an actual state of war at the time of our acquisition of the Philippines and of Porto Rico and of Cuba, but I have heard nobody assert that there is a state of war on the Panama canal zone or any prospect of war, and therefore I see no reason for the adoption by the committee of this bill, which has the appearance of despotism run mad. We are going down there at peace with the Panama Republic and with all the world, to perform a peaceful mission which will be observed with admiration and applause by every civilized nation on earth.

Mr. Speaker, this bill gives the President greater authority than almost any sovereign in this world, and although there are at the present time only four or five thousand people residing upon this zone, how do we know but that when he has once acquired this power the President will desire to continue to administer this zone despotically and extend his power there indefinitely?

I think we should be exceedingly careful lest a precedent be furnished in the House of Representatives in this matter upon which the Executive will in future depend. I suppose the President believes that we should be gratified and flattered that he has actually paused to invite an expression of opinion from the House in this matter, instead of legislating himself from the White House without our assistance, as he is now accustomed to do. [Applause on the Democratic side.]

Another point to which I desire to call the attention of the House is that upon the eve of a Presidential election this will create a power in the President to appoint some six, seven, or eight hundred men to offices. General Davis, a member of the Canal

Commission, when he appeared before the House committee, took occasion to propose a budget and suggest a provisional form of government for the zone; and he made an estimate—quite a reasonable one, I may say—that there would be needed some 278 officials, at salaries ranging up to \$5,000, and some 800 of a minor class, showing from that point of view how truly this may be called an "Administration measure."

The sum of money thus to be dispensed in salaries, according to General Davis, amounts to about \$600,000 a year. This budget is very carefully and intelligently prepared by an officer who is entirely familiar with the government of tropical countries, and it is highly probable that his estimate of the amount of patronage which will thus be made over to the President is reasonably correct. Think of it—\$600,000 more worth of salaries in appointive offices! Truly a pleasing prospect, especially on the eve of a Presidential election! Many a would-be officeholder will smile with satisfaction and gleeful anticipation of the feast about to be spread before him.

Now, Mr. Speaker, before I close I would like to call the attention of the House to the fact that amendments to this bill should be made providing for an orderly and businesslike construction of the canal itself. My own bill on this subject (H. R. 13671) provides both for the government of the zone and the construction of the canal. The Spooner Act, under which the President is to construct the canal, will, without further legislation, give the new commission, consisting of seven men, the power and the opportunity to expend, without any regulation, without making any contract, without asking any bids or receiving any, the very greatest sum of money that this or any other Government has ever undertaken to expend for any public purpose.

It is understood that the President and the commission do not desire to be hampered in any way by Congress in this enormous undertaking. I should rather suppose that the commissioners themselves would demand legislation on this subject to protect them in their vast responsibility. Upon this very point my bill proposes strict regulations, taken from the rapid-transit act and the aqueduct act of the city of New York, which would provide an accurate and orderly method of procedure, affording certainty and security not alone to our Government and our people in this vast expenditure of money, but to contractors and business men intent upon undertaking the material part of this construction. This should be accomplished now and here, instead of leaving the immense and unlimited power in the President and the commission. Then, and then only, all persons who go down to that zone, whether as laborers or employers of labor, peddlers or storekeepers, travelers or commercial agents, would be certain that they might proceed upon their occupations and embark upon their business secure in the certainty and impartiality, inspired by the majesty, and confident in the justice of the laws of these United States. [Applause.]

Mr. HEPBURN. Mr. Speaker, while this is a very brief bill, we might reasonably have expected that the gentleman from New York would read it. If he had taken the trouble to read it, he would not have been disturbed by the fear of extension of autocratic power on the part of the President, for by limitation, clear and explicit, this act will expire with the end of this Congress. This is only a temporary measure, and was adopted because the committee did not have the information and could not acquire the information that would be necessary for the establishment of a permanent government.

The gentleman from New York favored the committee with a very elaborate bill for the government of that zone, and yet he did that without knowing where the zone is. Its boundaries have never been determined. It is to consist of a strip of country extending 6 miles on each side of the line of the canal. It is absolutely necessary to establish that line before we can know where our jurisdiction should extend. That has not yet been done.

No one of the commission knows where the canal is to be located. There are a few places, two or three places, where nature has fixed the line, but there may be a variation of 5 or 6 miles on the northern shore and 2 or 3 miles on the southern shore. Nobody yet knows. The gentleman gave us a very elaborate bill for the government of the people of that zone, and yet no one gave us any information, nor could we find even approximately how many people there are upon that zone. No one knows.

Mr. HARRISON. May I ask the gentleman a question?

Mr. HEPBURN. Yes.

Mr. HARRISON. Is it not true that Admiral Walker stated, and his suggestion was supported by that of General Davis, that there are to-day four or five thousand people in the zone now and that there will be subsequently from eighty to ninety thousand people?

Mr. HEPBURN. They stated that there were somewhere between 2,000 and 5,000 people, not including the cities. They do not know how many there are, and it was a mere guess upon their part how many of those people, are residents there or how many

of the 2,000 or 5,000 are simply transients, called there as laborers. Nobody knows, or at least nobody whom we were able to get before us could tell, and yet some of these gentlemen we called before us are members of that commission, and two of them at least were members of the old commission.

Now, no one knows just where our rights extend with reference to the cities of Colon and Panama. We have a mixed jurisdiction there. Sovereignty was not yielded to the United States over those cities. No one knew anything at all about the laws that they have now—their judicial system. We were not even able to get a copy of the Spanish law or Colombian law that is in force there. So far as we could discover there is but one copy of that law in the United States, at least that is in the English language.

Mr. GAINES of Tennessee. Will my friend permit an inquiry?

Mr. HEPBURN. I will yield for an inquiry; yes.

Mr. GAINES of Tennessee. My friend states that they know nothing of the laws of this zone.

Mr. HEPBURN. Certainly.

Mr. GAINES of Tennessee. And when we acquired it the existing laws continued, and do at this moment. Now, this law still continues the laws down there about which we know nothing. Is not that a great reason why we should legislate now?

Mr. HEPBURN. I do not think these laws will necessarily control there. This bill, if it becomes a law, authorizes the entire suspension of those laws.

Mr. GAINES of Tennessee. Upon acquiring this territory the laws remained as when we acquired it. How are you going to overcome it when our Constitution and laws do not go there now—when our laws do not follow the flag?

Mr. HEPBURN. What of that?

Mr. GAINES of Tennessee. We must go to work and move about and have our being on that zone under laws about which we know nothing.

Mr. HEPBURN. Let us see, Mr. Speaker, what that argument is and how exceedingly wise it is. The gentleman said we should legislate now because there are laws in existence there about which we know nothing.

Mr. GAINES of Tennessee. The gentleman said we do not know anything about those laws.

Mr. HEPBURN. No; do you?

Mr. GAINES of Tennessee. Then let us make some for it; let us make some laws we do know something about.

Mr. HEPBURN. Have you knowledge about the wants of those people? Have you any knowledge about the systems they have been accustomed to? Do you know anything about whether they are fit for jury duties, for instance? Do you know anything about it? Why, the gentleman from Tennessee is as ignorant as the rest of us, and yet his proposition is that we go to work and legislate upon a subject we have no possible knowledge of and can not at this time secure information about.

Mr. GAINES of Tennessee. Is it possible that we have no knowledge about the laws down there after we have expended a million dollars, as we have, in finding something out about it?

Mr. HEPBURN. We have not attempted by the expenditure of any sum to find out anything about the laws of that country.

Mr. GAINES of Tennessee. We have not made many laws down there, I grant.

Mr. HEPBURN. We have expended a million dollars for the purpose of discovering a canal route. Can not the gentleman differentiate between establishing a canal route and establishing a code? [Laughter.]

Mr. GAINES of Tennessee. We had a law down there that we helped to make, and the President rode roughshod over it, and I take it for granted that we had better not have any more.

Mr. HEPBURN. Mr. Speaker, I yielded to the gentleman for the purpose of asking me a question, and not for the purpose of abusing the Chief Executive of his Government.

Mr. GAINES of Tennessee. I did not mean to be personal or offensive to the gentleman from Iowa [Mr. HEPBURN], and he knows that.

Mr. HEPBURN. Oh, no; I know that.

Mr. GAINES of Tennessee. But, Mr. Speaker, I do not make any further apology. [Laughter on the Democratic side.]

Mr. HEPBURN. Mr. Speaker, that is simply a matter of taste on the part of the gentleman. If it is his idea of the best standards of American citizenship that a man should stand as a brawler, constantly railing against the Chief Executive of his Government, then that is a matter of taste in him.

Mr. GAINES of Tennessee. I always believe that a man should obey the law; it does not make any difference who he is.

The SPEAKER pro tempore. The gentleman should address the Chair.

Mr. HEPBURN. In this condition of want of information—and we are diligent in striving to acquire information—we sent for those persons who were supposed would have knowledge.

We called before us Admiral Walker, who is supposed to have spent many years of his life recently upon the Isthmus, who is supposed to have studied all of those questions.

We sent for an eminent educator, who is also a member of that commission, and who likewise has been receiving many thousands of dollars for familiarizing himself with the conditions existing there, but they were entirely unable to give us any light whatever, and I think they ought not to be criticised for that. They went there simply to examine into certain of the physical features of that country in connection with a great engineering work. They were not sent there to study economic questions, and therefore they did not do it. Another difficulty that presents itself was that of raising revenue for this territory, to be expended in its government. We were not able to learn whether there were any persons there who were in a condition to pay taxes.

We could not learn as to what amount of taxable property there was. We were not able to ascertain to the satisfaction of the committee as to just what our rights would be with reference to the customs duties in the two cities of Panama and Colon. We were not able to determine, and I think that no other gentleman in this House knows anything about the matter, as to what taxes might be levied, what the revenues from them would be, and therefore in this absence of knowledge we resorted to one of the great precedents of the country.

There was just such an emergency and situation as this in 1803 respecting the Louisiana country. It is not to be differentiated from this condition by the pretended excuse of the gentleman from New York [Mr. HARRISON]. No such conditions existed there as to justify this arbitrary, tyrannical exercise of power, if it was that. There was no military situation in 1803 in the Louisiana country whatever different from the situation that exists this day and has for the last year existed in the State of Panama. If there is any reason for the exercise of military power in either period, the stronger reason exists now for the exercise of military power and the strong arm of government here on the zone of the canal.

The people that came to us under the treaty of 1803 were civilized people, perhaps as fully enlightened as were any people upon this continent. They were closely compacted within the limits of a single city, a great seaport town. Even then New Orleans was noted throughout the world because of its commerce, and every reason that justified the act of the 31st of October, 1803, justifies the enactment of this law. I want to suggest, Mr. Speaker, that the Committee on Interstate and Foreign Commerce have not abandoned the hope that they may be able later on to bring to the attention of this House a bill of proper provisions for the government of that territory. In a short time there will return to this country at least a part of the commission charged with the construction of the canal.

They have gone there not alone for the purpose of commencing their labors with regard to this great work of construction, but they have gone there carrying in their minds the necessities for civil government, the expectation that civil government will be imposed upon them, the duty of studying the people, studying the laws and customs of the people, familiarizing themselves with the possibilities that always enter into all governments.

And when they have come to us, as they will in a few months, they will be able so to enlighten this subject that we hope, from the bill which the gentleman from New York has offered us, from that of the gentleman from Massachusetts [Mr. LOVERING], and from the Senate bill, we may be able to frame such a measure as will meet the approval of this House.

Mr. Speaker, if no other gentleman desires to speak, I will ask the previous question.

Mr. SHACKLEFORD. I shall be glad if my colleague on the committee will yield to me.

Mr. HEPBURN. How much time?

Mr. SHACKLEFORD. Five minutes.

Mr. HEPBURN. I am glad to yield to the gentleman.

Mr. SHACKLEFORD. Mr. Speaker, the object of the committee in reporting this bill was to do as little as possible at this time because of the dearth of information in regard to the needs of the canal strip. The bill which has been reported continues in force by its terms only until the end of the Fifty-eighth Congress. That leaves the matter entirely open for us to take it up at the next session.

I believe this bill is entitled to the support of the House.

Mr. HEPBURN. I now renew the call for the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. CURTIS). The first question is upon agreeing to the amendment reported by the House committee as a substitute for the Senate bill.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. HEPBURN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONVEYANCES OF NORTHERN PACIFIC RAILROAD, ETC.

Mr. LACEY. I call up the conference report on the bill (S. 4769) validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company. The conference report and the statement of the House conferees are published in this morning's RECORD.

The SPEAKER pro tempore (Mr. CURTIS). The Chair understands that the gentleman from Iowa asks unanimous consent that the statement of the House conferees be read in lieu of the conference report. The Chair hears no objection.

The statement was read.

Mr. LACEY. I move the adoption of the conference report.

The motion was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and assigned bills of the following titles:

April 12, 1904:

H. R. 5811. An act to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia;

H. R. 13674. An act to amend an act approved December 16, 1878, and to authorize the Secretary of the Interior to grant additional water rights to hotels and bath houses at Hot Springs, Ark., and for other purposes;

H. R. 10004. An act to authorize the Vulcan Coal Company, of Vulcan, W. Va., to bridge the Tug Fork of the Big Sandy River at Vulcan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky; and

H. R. 10669. An act to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia.

April 13, 1904:

H. J. Res. 126. Joint resolution providing for the extension of the time for the removal of the temporary dam and construction of locks in Bayou Lafourche, State of Louisiana;

H. R. 10135. An act to authorize the Williamson Coal Company (Incorporated) to bridge the Tug Fork of the Big Sandy River near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky;

H. R. 14044. An act to authorize the board of commissioners of Vigo County, Ind., to construct and maintain a wagon, foot, and trolley-car bridge across the Wabash River at the foot of Wabash avenue, in the city of Terre Haute, in said county and State;

H. R. 5055. An act granting an increase of pension to Woodson R. Daniel;

H. R. 5105. An act granting an increase of pension to Jacob P. Fishback;

H. R. 5107. An act granting an increase of pension to John W. Kling;

H. R. 5247. An act granting an increase of pension to Lora Milliken;

H. R. 5261. An act granting an increase of pension to Julia M. Oakley;

H. R. 5533. An act granting an increase of pension to Hugh L. Freeman;

H. R. 5681. An act granting an increase of pension to Phillip Whyrich;

H. R. 5846. An act granting an increase of pension to Carrie K. Baker;

H. R. 5856. An act granting an increase of pension to Nancy A. King;

H. R. 5888. An act granting an increase of pension to Mary Irene Rosenthal;

H. R. 5912. An act granting an increase of pension to Alexander S. Bowen;

H. R. 5953. An act granting an increase of pension to Marcel Gagnon;

H. R. 6002. An act granting an increase of pension to Alvin Gray;

H. R. 6425. An act granting an increase of pension to David Walker;

H. R. 6530. An act granting an increase of pension to Thomas Williams;

H. R. 6592. An act granting an increase of pension to Sarah C. Wilson;

H. R. 6858. An act granting an increase of pension to Nelson Hart;
 H. R. 6881. An act granting an increase of pension to Zachariah T. Bryant;
 H. R. 6940. An act granting an increase of pension to Susannah O. Wardrop;
 H. R. 6966. An act granting an increase of pension to Roxana S. Ker;
 H. R. 6978. An act granting an increase of pension to Simeon Billings;
 H. R. 6976. An act granting an increase of pension to Jane Wheeler;
 H. R. 7517. An act granting an increase of pension to Lemuel N. Bishop;
 H. R. 7773. An act granting an increase of pension to Samuel H. Thoroman;
 H. R. 7792. An act granting an increase of pension to Lazarus Minnich;
 H. R. 7986. An act granting an increase of pension to Stephen Bricker;
 H. R. 8099. An act granting an increase of pension to Stephen L. Richardson;
 H. R. 8120. An act granting an increase of pension to Delzon Allen;
 H. R. 8121. An act granting an increase of pension to Joseph M. Ellis;
 H. R. 8288. An act granting an increase of pension to Henry Herkes;
 H. R. 8481. An act granting an increase of pension to Maggie E. Carter;
 H. R. 9574. An act granting an increase of pension to John H. Lennon;
 H. R. 9599. An act granting an increase of pension to Grace P. Paddock;
 H. R. 9905. An act granting an increase of pension to Peter Sullivan;
 H. R. 11011. An act granting an increase of pension to John Linn;
 H. R. 11301. An act granting an increase of pension to Ellen Caroline Steele;
 H. R. 11999. An act granting an increase of pension to William Vincent;
 H. R. 12094. An act granting an increase of pension to James T. McKinstry;
 H. R. 12099. An act granting an increase of pension to Edwin M. Slayton;
 H. R. 12202. An act granting an increase of pension to John Baughman;
 H. R. 12342. An act granting an increase of pension to Lawrence H. Rousseau;
 H. R. 12363. An act granting an increase of pension to Charles H. Barnard;
 H. R. 12389. An act granting an increase of pension to Napoleon Paulus;
 H. R. 12452. An act granting an increase of pension to John A. McNeerney;
 H. R. 12498. An act granting an increase of pension to Sarah N. Maddox;
 H. R. 12544. An act granting an increase of pension to Edward Hayford;
 H. R. 12557. An act granting an increase of pension to George W. Gardiner;
 H. R. 12624. An act granting an increase of pension to Eva H. Wingate;
 H. R. 12680. An act granting an increase of pension to Hervey Polen;
 H. R. 13067. An act granting an increase of pension to Thomas W. Prentiss;
 H. R. 13117. An act granting an increase of pension to Lewis Sawyer;
 H. R. 13230. An act granting an increase of pension to Amos T. Richardson;
 H. R. 13263. An act granting an increase of pension to Caroline E. Pratt;
 H. R. 13283. An act granting an increase of pension to William York;
 H. R. 691. An act granting an increase of pension to Rebecca C. Shurlock;
 H. R. 2947. An act granting an increase of pension to William F. Thompson;
 H. R. 8011. An act granting an increase of pension to Phillip Duttonhaver; and
 H. R. 11711. An act granting an increase of pension to Jerome J. Hinds.
 April 15, 1904:
 H. R. 2010. An act for the relief of the heirs of John A. Dolan;

H. R. 6937. An act for the relief of the estate of Elizabeth S. Cushing; and
 H. R. 9135. An act for the relief of F. R. Lanson.
 April 16, 1904:
 H. R. 7474. An act granting an increase of pension to Fannie C. Morey; and
 H. R. 12460. An act granting a pension to Annie M. Powell.
 April 18, 1904:
 H. J. Res. 84. Joint resolution for the acceptance of a statue of Gen. Thaddeus Kosciuszko, to be presented to the United States by the Polish-American citizens;
 H. R. 13738. An act to authorize Frank P. Harman to bridge the Tug Fork of the Big Sandy River near Delorme, in Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky; and
 H. R. 14110. An act to authorize the donation of a certain unused and obsolete gun now at Chickamauga Park, Georgia, to Phil Kearny Post of the Grand Army of the Republic, at Nelsonville, Ohio.
 April 19, 1904:
 H. R. 1924. An act authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers;
 H. R. 9985. An act providing for the donation of lots A, B, K, and L, in block 39, in Fort Dalles military addition to The Dalles, Oreg., as shown on the plat of the city of The Dalles and surroundings, and filed in the local land office at The Dalles, Oreg., to the Oregon Historical Society; and
 H. R. 10007. An act to authorize the Commissioner of the General Land Office to transmit original papers to be used as evidence.
 April 20, 1904:
 H. R. 8505. An act for the relief of the estate of Cyrus D. Hotenstein, deceased; and
 H. R. 13350. An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.
 April 21, 1904:
 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.

AKRON, STERLING AND NORTHERN RAILROAD, ALASKA.

Mr. HAMILTON. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 114) to extend the time for the construction of the Akron, Sterling and Northern Railroad in Alaska.

The joint resolution was read, as follows:

Resolved, etc. That the time within which the Akron, Sterling and Northern Railroad Company is authorized to construct its line of railroad from the head of Valdez Bay, in the Territory of Alaska; thence extending up Lowe River 12 miles to Keystone Canyon; thence for a distance of 3 miles through said canyon, on the west side thereof; thence through Dutch Valley a distance of 4 miles; thence 13 miles along the benches on the west side of Lowe River drainage, through Thompson Pass, as definitely located by said company, be and the same is hereby, extended for two years from and after the passage of this resolution.

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

AMENDMENT OF CENSUS LAW.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that the Committee on the Census be discharged from the further consideration of the bill (S. 8392) amendatory of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, and that the bill be taken up for immediate consideration.

The bill was read, as follows:

Be it enacted, etc. That section 8 of the act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, be, and the same is hereby, amended so as to read as follows:

"Sec. 8. That there shall be a collection of the statistics of the births and deaths in registration areas for the year 1902, and annually thereafter, the date for which shall be obtained only from and restricted to such registration records of such States and municipalities as in the discretion of the Director possess records affording satisfactory data in necessary detail, the compensation for the transcription of which shall not exceed 4 cents for each birth or death reported; or a minimum compensation of \$25 may be allowed, in the discretion of the Director, in States or cities registering less than 500 deaths or 500 births during the preceding year."

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Reserving the right to object, I wish to inquire whether this is a unanimous report of the committee?

Mr. CRUMPACKER. The bill which I am asking to call up is a Senate bill. The House Committee on the Census reported unanimously a bill identical in terms with this, and that House bill is now pending on the Calendar.

Mr. WILLIAMS of Mississippi. Then this is substantially a unanimous report from the committee?

Mr. CRUMPACKER. It is.

Mr. WILLIAMS of Mississippi. Then I have no objection.

Mr. SMITH of Kentucky. As I understand, this bill simply provides that the Director of the Census may secure certain data from the county or municipal authorities in the States instead of having the data collected by employees of the Census Office.

Mr. CRUMPACKER. Yes; where the registration is required by law.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRUMPACKER. I ask unanimous consent that the word "date," in line 9, be changed to "data." There is a typographical error in printing the bill.

The SPEAKER. Does the gentleman want to amend, so as to send the bill back to the Senate?

Mr. CRUMPACKER. No; I do not want to do that.

The SPEAKER. If the gentleman amends the bill, it will have to go back.

Mr. CRUMPACKER. I do not want to put it in such an attitude as that. The officer will understand what it means, and therefore I will withdraw my request.

The Committee on Census was discharged from the further consideration of the bill.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the last vote was laid on the table.

On motion of Mr. CRUMPACKER, the corresponding House bill (H. R. 10652) was ordered to lie on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MEMPHIS, TENN.

Mr. MACON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2866) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved April 24, 1888.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILLIAMS of Mississippi. Mr. Speaker, reserving the right to object, I will ask, has this bill been unanimously indorsed by the committee?

Mr. MACON. Yes.

Mr. WILLIAMS of Mississippi. The minority members have voted for it?

Mr. MACON. Yes.

Mr. WILLIAMS of Mississippi. I have no objection.

The SPEAKER. The Chair hears no objection.

The bill as amended by the Committee on Interstate and Foreign Commerce was read, as follows:

Be it enacted, etc., That an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved April 24, 1888, be, and the same is hereby, amended to read as follows, namely:

"That the Kansas City and Memphis Railway and Bridge Company, a corporation created and organized under and by virtue of the laws of the State of Arkansas, its successors and assigns, be, and the same are hereby, authorized and empowered to erect, construct, and maintain a bridge over the Mississippi River from or near the town of Hopefield, in the State of Arkansas, to or near the taxing district of Shelby County, commonly known as the city of Memphis, in the State of Tennessee.

"Said bridge shall be constructed to provide for the passage of passenger and freight railway trains and wagons and vehicles of all kinds, for the transit of animals, and, at the option of the company by which it may be built, for foot passengers: *Provided*, That said bridge company shall charge and receive such reasonable rates of toll for the passage of railway trains of all kinds, for the passage of passengers traveling upon said railway trains, for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers crossing said bridge as may be approved from time to time by the Secretary of War: *Provided further*, That such reasonable rates of toll so approved by the Secretary of War shall not exceed the sum of 25 cents for each passenger over said bridge by passengers upon railway trains crossing the same."

SEC. 2. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MACON, a motion to reconsider the last vote was laid on the table.

GEN. WILLIAM T. SHERMAN.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 57.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in the form such as is customary in the case of eulogies 12,000 copies of the proceedings and accompanying documents, with suitable process plates to be bound therewith, upon the unveiling of the statue of Gen. William T. Sherman, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies, of which 200 copies shall be bound in full morocco, to be distributed under the direction of the chairman of the Joint Committee on the Library in such manner as in his judgment may be desirable.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

MEMORIAL ADDRESSES ON PRESIDENTS LINCOLN, GARFIELD, AND M'KINLEY.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution No. 35.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in one volume, in cloth, 17,000 copies of the three separate memorial addresses delivered before the two Houses of Congress, as follows: On February 12, 1866, by Hon. George Bancroft, on the life and character of Abraham Lincoln, late President of the United States; on February 27, 1882, by Hon. James G. Blaine, on the life and character of James A. Garfield, late President of the United States; on February 27, 1902, by Hon. John Hay, on the life and character of William McKinley, late President of the United States, 12,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the use of the Senate. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

COMPREHENSIVE INDEX OF GOVERNMENT PUBLICATIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 61.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to bind in two volumes instead of one the Comprehensive Index to Government Publications, 1881 to 1893, the preparation of which is authorized by joint resolution of March 3, 1897.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

ANNUAL REPORT OF DIRECTOR OF EXPERIMENT STATIONS, DEPARTMENT OF AGRICULTURE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 103) providing for printing annually the report of the Director of the Office of Experiment Stations, Department of Agriculture.

Resolved, etc., That there be printed 8,000 copies of the report of the Director of the Office of Experiment Stations, prepared under the supervision of the Secretary of Agriculture, on the work and expenditures of that office and of the agricultural experiment stations established in the several States and Territories under the act of Congress of March 2, 1887, for 1903, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture; and that annually hereafter a similar report shall be prepared and printed, the edition to be the same as for the report herein provided.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

REIMBURSING STATES FOR CERTAIN EXPENDITURES.

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 1343, with amendments.

The bill was 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.

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, 1906, be reopened, considered, audited, and settled anew by said officers of the Treasury Department in accordance with the provisions of said acts.

The amendment recommended by the committee was read, as follows:

Strike out all after the words "Sec. 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? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MAHON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker. What is the regular order?

The SPEAKER. Well, a report from the Committee on Accounts, or any privileged matter.

Mr. WILLIAMS of Mississippi. I call for the regular order, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi demands the regular order.

BALLOTS IN CASE OF BONYNGE V. SHAFROTH.

Mr. OLMSTED. Mr. Speaker, I call up for present consideration a privileged report from the Committee on Elections No. 2.

The Clerk read as follows:

House resolution No. 306.

Whereas in the contested-election case of Bonyng against Shafroth, from the First Congressional district of the State of Colorado, certain ballots and poll books purporting to have been cast and used, respectively, at the election held in said district on November 4, 1902, were, under stipulation of the parties to said contested-election case, submitted to the Committee on Elections No. 2 of the House of Representatives as part of the record in said case and for the purposes of examination and inspection by said committee; and

Whereas the said committee did, under authority of the House, employ Mr. D. N. Carvalho, as a handwriting expert, to make certain examinations of the handwriting on the said ballots and in the said poll books; and

Whereas the said expert did report to the said committee that approximately 6,000 of the ballots so submitted were written by a few persons and not by individual voters; and

Whereas the said poll books disclosed that the names of the alleged voters contained in many of the said poll books were written by some person or persons other than the election officers in the districts and precincts wherein it is alleged said poll books were used; and

Whereas the said examination of the said ballots and poll books and the record in the said case establish that gross frauds and crimes were committed at the said election; and

Whereas justice demands that those who were guilty of said frauds and crimes should be prosecuted and punished under the laws of the State of Colorado; and

Whereas the said ballots and poll books will be required in the prosecution of any of said parties; and

Whereas the said ballots and poll books are now in the possession of the Clerk of this House: Now, therefore, be it

Resolved, That the Clerk of the House be, and he hereby is, authorized and directed to transmit by express the said ballots and poll books, together with a certified copy of these resolutions, to Hon. H. A. Lindsley, the district attorney of the second judicial district of the State of Colorado, for such action in the premises as the facts and law may justify.

The amendment recommended by the committee was read, as follows:

Strike out all after the first paragraph of the preamble and insert the following:

"Whereas the examination of the said ballots and poll books by a subcommittee of said Elections Committee and by an expert in handwriting, employed under authority of a resolution of the House, established the fact that gross frauds and crimes were committed at and in relation to the said election and in connection with the said ballots and poll books; and

"Whereas the said ballots and poll books are now in possession of the Clerk of this House; and

"Whereas the House is informed that one of the judges of the second judicial district of Colorado has directed a grand jury to inquire into frauds committed at and in relation to said election, in the prosecution of which inquiry the presence of the said ballots and poll books may be necessary; and

"Whereas the said ballots and poll books are no longer necessary for the use of the said Elections Committee or of this House: Now, therefore, be it

Resolved, That the Clerk of the House be, and he hereby is, authorized and directed to hold the said ballots and poll books subject to the order of the district attorney of the second judicial district of Colorado, or any of the judges of the court of the said district, to promptly notify the said district attorney and judges that he does so hold the said ballots and poll books, and upon the receipt of a request by the said district attorney or any of the said judges to forward the said ballots and poll books by express in a sealed package or in sealed packages to the said district attorney or judges, as the case may be."

Mr. OLMSTED. Mr. Speaker, it requires but a word in explanation of this resolution. These ballots were brought here in the contested-election case of Bonyng v. Shafroth. Now, under proceedings in the criminal court in Colorado, their presence is required by the district attorney, who has sent a telegram to the Clerk of the House asking that he return these ballots to him. The Clerk feels that he is not at liberty to do so without authority of the House. Hence the resolution.

Mr. WILLIAMS of Mississippi. Mr. Speaker, there has been so much confusion and disorder that it is impossible to hear, and

I have not caught the drift or the extent of the bill. I hate to ask the gentleman to repeat what he has said.

Mr. OLMSTED. I will state very briefly that this is a resolution to permit the Clerk of the House to hold, subject to the order of the district attorney of the second judicial district of Colorado, certain ballots which by agreement of the parties to the contested-election case of Bonyng v. Shafroth were brought here for the use of the House and the committee.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman who is the proper legal custodian of these ballots after the House of Representatives have finished with them?

Mr. OLMSTED. I will state that, so far as the State of Colorado is concerned, I find upon an investigation, or the committee finds upon investigation of the law, that there is probably no officer there whose duty it is to care for or preserve these ballots more than one year after the election. Now, this period has expired. They are here in the custody of the Clerk of the House, and he has been called upon by the authorities of that judicial district, the judge of the court and the district attorney, whose telegram I hold in my hand, to send them to him: but the Clerk of the House has no authority to do so without this measure.

Mr. WILLIAMS of Mississippi. Mr. Speaker, in the first place, I raise the point of order that this is not a privileged question, and I want to state why, in my opinion, it is not privileged. The matter of election of a man to this House is privileged, and the charge of the ballot—

Mr. OLMSTED. I make the point of order that the gentleman's point of order, coming after debate, is too late.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. I reserved the point to find out what the bill was. No man can make a point of order until he knows what he is to make the point of order on.

Mr. OLMSTED. I did not know that the gentleman had reserved the point of order.

Mr. WILLIAMS of Mississippi. I make the point of order. I could not make it before until I knew what the bill was. Now, Mr. Speaker, my point of order is this—

The SPEAKER. The gentleman from Mississippi makes the point of order that this matter is not privileged, as the Chair gathers.

Mr. WILLIAMS of Mississippi. Mr. Speaker—

The SPEAKER. One moment. The Chair is trying to get at the question of facts. The gentleman from Pennsylvania was recognized, and he rose and made his report, and then proceeded, as the Chair recollects, to state the effect of the resolution, explaining the same. The gentleman did not ask for unanimous consent. He rose, the Chair supposed—without deciding or ruling as to whether it is privileged or not—the Chair supposed that it was privileged; but, without that question being raised, the gentleman proceeded to debate. So far as the Chair knows or heard, the gentleman's point of order was not reserved or made until after debate had been had. The Chair makes these remarks as to what his understanding of the situation is, so as to get at the question of facts, so that we can intelligently discuss, or the House can discuss, and consider the point of order.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, just as soon as I possibly could I asked the gentleman to explain what the bill was.

Mr. OLMSTED. Will the gentleman permit? At that time I had already made my explanation and concluded my remarks, and at the request of the gentleman I began to repeat them.

Mr. WILLIAMS of Mississippi. Mr. Speaker, as I understand the facts they are these: The title of the bill was read. The gentleman from Pennsylvania was proceeding to explain what the bill intended to do—not to debate the bill at all, but explaining what the bill was. Just as soon as I could I explained to the Chair that I had been unable to hear, in the confusion of the House, what the bill was.

The gentleman then proceeded to explain it so that I could understand. I then raised the point of order that this bill would require unanimous consent and was not a privileged bill. Now, then, the point to decide right now is not whether it was a privileged bill or not—I am prepared to argue that and to show that it is not a privileged bill—but the point right now is as to whether this matter has been debated. Now, I submit that in all fairness and ordinary common-sense intendment the bill has not been debated at all. The gentleman was undertaking to tell what the bill was so that the House might determine whether it required unanimous consent or not. Whether it is a matter of privilege is one thing, and whether it has been debated is a totally different thing.

The SPEAKER. The Chair will state to the gentleman from Mississippi he was paying attention the best he could to the gentleman from Pennsylvania and all others. He has, however, just inquired at the reporters' desk and is confirmed as to what took place as stated by the Chair—that is, the gentleman rose and reported the resolution; the Chair supposed it was the privileged

resolution, and the gentleman proceeded, after the same was reported, to make a statement touching it, and after he had made the statement the gentleman from Mississippi—

Mr. WILLIAMS of Mississippi. While he was making it.

The SPEAKER (continuing). The gentleman from Mississippi asked touching the bill, not reserving the point of order even at that time.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I could not reserve the point of order. I did not know whether this was a bridge bill or what it was.

Mr. OLMSTED. If I may be permitted, that is the reason why he should have reserved the point of order until he found out and if I may add—

Mr. HAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAY. If this is a privileged question and is now before the House as such, then a demand for the regular order would be overridden by a privileged question. In order to test the matter, I demand the regular order.

The SPEAKER. We are now upon the regular order, as the Chair understands it.

Mr. OLMSTED. Mr. Speaker, I do not believe the gentlemen would even make the point of order against this resolution, if they understood it.

Mr. HAY. As I understand it, the gentleman from Mississippi demanded the regular order, and the Chair permitted the gentleman to offer what he called a privileged resolution.

Mr. OLMSTED. Mr. Speaker, I did not ask for unanimous consent. I did not state any reason why there should be unanimous consent. I presented it as a privileged resolution. It was read, not by its title, but in its entirety. I debated it until I thought I had given sufficient reason for its passage and concluded my remarks, whereupon the gentleman from Mississippi asked me for a further explanation, and when I was making that further explanation he made his point of order. It is well settled that a point of order can not be entertained after debate has commenced.

Now, I think if gentlemen will indulge me just a moment they will not want to make the point of order in any event. There are no politics in this. The court which has directed the inquiry is composed entirely of Democratic judges. The district attorney who has telegraphed for these ballots is a Democrat, and this resolution simply proposes to put these ballots in the hands of our clerk subject to the call of that Democratic district attorney. Unless the gentlemen have some objection to the prosecution by Democratic officials of those who are supposed to be criminals or charged with crime, I can not see what objection there should be to this. It did not originate, I will say, in the committee at all. It originated in the courts of Colorado.

Mr. MADDOX. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. OLMSTED. Certainly.

Mr. MADDOX. Why did you not send these papers back to the parties from whom you got them?

Mr. OLMSTED. We have no authority to send them back; they are in the custody of the Clerk of the House, and we are now asking for that authority.

Mr. MADDOX. Why did you not get authority to send them back to the person from whom you got them instead of holding them here?

Mr. OLMSTED. That person is no longer authorized or required under the laws of the State to preserve them more than one year after the election which, occurred in 1902, and, therefore, if we sent them to him he would be entitled, if he chose, to destroy them, and their usefulness for any purpose would be gone.

Mr. TALBOTT. Well, is not anybody else authorized to receive them?

Mr. OLMSTED. The district attorney will be authorized if this resolution is passed.

Mr. TALBOTT. By Congress, but not by the laws of Colorado.

Mr. OLMSTED. Well, that is for the laws of Colorado and the courts of that State to determine.

Mr. MADDOX. Mr. Speaker, if the gentleman will permit me, if the law out there authorizes their destruction, why ought not they to be destroyed now?

Mr. OLMSTED. Because the judge of that court has requested them and the district attorney of that court has telegraphed for them, and that is the safe place to put them. What becomes of them then is beyond our interest or control.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am prepared to argue the question that this is not a matter of privilege, because it has passed the stage of privilege so far as the House of Representatives is concerned; but if the Chair rules from the Chair's understanding of what actually took place, as a matter of fact, that I was too late in making that point, my physical defects are such that I am prepared to believe that when the Chair makes an honest ruling of that sort the Chair heard better than I

did. I can only say that at the moment my attention was called to it I attempted to inform myself by inquiry, and as soon as I got the information that informed me that it was not a privileged question that moment I made the point of order.

Now, then, the gentleman has proceeded to argue upon the merits of the resolution, and I may perhaps be permitted, in consequence of that fact, to state this: That I know nothing about the merits of the resolution; I have no information concerning it; I only know this, that the House of Representatives has certain rules that make "privileged" "matters affecting elections." I know that these ballots no longer affect an election in the House of Representatives, and I do know, furthermore, that if there be any State authority in whose custody these ballots ought to be, no resolution of the House of Representatives ought to interfere with the sovereignty of the State and the State laws in that respect after the House has used the ballots for the only purpose that the House had any right to use them, viz, the purpose of determining whether A or B was elected to a seat in the House of Representatives.

Now, Mr. Speaker, I am informed, as far as partisanship is concerned, by the gentleman from Maryland [Mr. TALBOTT], who is upon the committee, that the demand for this custody comes from a Democratic district attorney, so that if there is any partisanship in it it is a Democratic district attorney who wants the papers; but that is not the question here. The question here is as to whether this is a privileged matter or not. If this is not a privileged matter, then it requires unanimous consent, and if the gentleman from Pennsylvania [Mr. OLMSTED] will ask unanimous consent I shall not object.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. WILLIAMS of Mississippi. Yes.

Mr. MANN. We have the same sort of condition occasionally in all of the election committees. If it is not a privileged matter to dispose of the ballots which have to come here, how would the gentleman have the Elections Committee proceed?

Mr. WILLIAMS of Mississippi. They proceed to a conclusion and a determination and determine that A or B is elected, and after that they are through.

Mr. MANN. I know, but the ballots must be disposed of, and without being privileged the ballots might never be returned.

Mr. WILLIAMS of Mississippi. How are they ordinarily disposed of?

Mr. OLMSTED. They are filed by the Clerk.

Mr. WILLIAMS of Mississippi. That answers the gentleman's question. Now, if the gentleman will ask unanimous consent, there will be no opposition.

Mr. OLMSTED. Mr. Speaker, will the gentleman permit one question?

Mr. WILLIAMS of Mississippi. But what I dislike are things that require unanimous consent to come up presenting themselves as privileged.

Mr. OLMSTED. Would not the gentleman consider it privileged for us to ask to have these ballots sent here?

Mr. WILLIAMS of Mississippi. Prior to the determination of who was elected, yes; it is clearly privileged.

Mr. OLMSTED. Would it not be a matter of privilege to send them back after using them?

Mr. WILLIAMS of Mississippi. No. After that the jurisdiction of the committee is stopped.

The SPEAKER. The Chair is prepared to rule. Certain papers necessary to be inspected to determine the right of a Member to his seat in the House seem to be on file with an Elections Committee. It is clearly a question of privilege to obtain the papers. Perhaps it is a question of privilege, having obtained them, to dispose of them, but it is not necessary for the Chair to rule as to that. What the Chair may rule, if it was necessary to make a ruling, it is not necessary to state. The Chair dislikes to make rulings unless it is necessary to do so. We make enough precedents—sometimes mistaken ones—as it is. [Laughter.]

The gentleman from Pennsylvania rose in his place and reported the resolution, which was read at the Clerk's desk, and proceeded to discuss it. Then, without a point of order being reserved, he again stated the purpose of the resolution, and then the point of order was made. It does seem to the Chair that even if the resolution were subject to a point of order, that point must be reserved or made at the very inception of the matter. Therefore, without passing upon the question whether the resolution is privileged, it seems to the Chair that it is before the House; and if it were necessary to make it any more before the House, we are informed that unanimous consent can be had. So that, after all, the resolution is here, and it seems to the Chair the House can act touching the matter.

Mr. WILLIAMS of Mississippi. Mr. Speaker, in justice to the Speaker and, perhaps, in justice to myself I want to state that at

the time this matter was brought up three or four gentlemen were talking with me, and my head is ringing with quinine; but what I have stated is what I thought I heard.

The SPEAKER. The Chair does not doubt—

Mr. WILLIAMS of Mississippi. I will ask, if the gentleman will permit, unanimous consent that the matter be considered now.

Mr. OLMSTED. I do not yield for that. I think the matter is already before the House.

Mr. BOWIE. I think that the record will show that the gentleman from Pennsylvania did himself, not longer ago than five or ten minutes, ask for unanimous consent.

Mr. OLMSTED. Oh, no.

The SPEAKER. It escaped the attention of the Chair if he did. As the Chair supposed, the gentleman from Pennsylvania stated that he rose to a privileged matter.

Mr. OLMSTED. The gentleman will permit me to say that unanimous consent was dispensed with and made impossible by the action of the gentleman from Mississippi, who called for the regular order, whereupon I presented this privileged resolution.

Mr. BOWIE. My recollection is very clear that something of that sort happened during the discussion of that very question.

Mr. OLMSTED. The gentleman is mistaken.

The SPEAKER. The gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, I think this matter is sufficiently understood. This is simply a proposition to return these ballots and put them in the custody of the court and the district attorney of Colorado for such purposes as may be necessary.

Mr. MIERS of Indiana. Mr. Speaker—

The SPEAKER. Does the gentleman from Pennsylvania [Mr. OLMSTED] yield?

Mr. OLMSTED. Yes, sir; for a moment.

Mr. MIERS of Indiana. I thought the resolution went further than has been stated. I thought it tried to go back and establish the fact that certain great frauds had been committed. May I have the resolution reported again?

Mr. OLMSTED. The preamble sets forth that the ballots are returned for the determination of election frauds now under the investigation of the grand jury called by the judge of that court for the consideration of this and other matters.

Mr. MIERS of Indiana. If we are simply going to return these ballots for the proper use of the court, what is the necessity for this House making a record about something which it does not know? For the ballots did not come before the House. Why make a record declaring that those ballots disclose the fact that there have been grave frauds, etc.? Why incorporate that in the resolution? I understood the resolution to go much further than has been stated. I should like to have it reported again.

The SPEAKER. Without objection, the Clerk will again report the substitute resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he hereby is, authorized and directed to hold the said ballots and poll books subject to the order of the district attorney of the second judicial district of Colorado, or any of the judges of the court of the said district, to promptly notify the said district attorney and judges that he does so hold the said ballots and poll books, and upon the receipt of a request by the said district attorney or any of the said judges to forward the said ballots and poll books by express in a sealed package or in sealed packages to the said district attorney or judges, as the case may be.

Mr. MIERS of Indiana. Now, Mr. Chairman—

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. OLMSTED. For a question.

Mr. MIERS of Indiana. I should like to have permission to move to strike out, after the word "House," in the last line of page 2, these words:

establish the fact that gross frauds and crimes were committed at and in relation to said election and in connection with the said ballots and poll books.

It seems to me those words ought to be stricken out of the resolution. If I have the floor for that purpose, I make the motion to strike out.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. OLMSTED. I do not yield for that purpose. I suggest to the gentleman that he is reading from a portion of the preamble that the committee has already stricken out.

Mr. MIERS of Indiana. I may not be reading from the proper preamble.

Mr. OLMSTED. What the gentleman read is not in the preamble at all at this time.

Mr. MIERS of Indiana. It seems to me that these ballots ought to go back with no more strength and no less than they left there, and that portion of the preamble that alleges established fraud ought to go out of this resolution.

Mr. BONYNGE. I ask the gentleman from Pennsylvania to yield to me for three minutes.

Mr. OLMSTED. I yield to the gentleman from Colorado for three minutes.

Mr. BONYNGE. Mr. Speaker, as the author of this resolution, I desire to say a few words in explanation of it and the necessity for its immediate consideration and passage.

It is perhaps proper, first, that I should state to the House how these ballots came before the Committee on Elections. During the taking of the testimony in support of the charges filed in the notice of contest, these ballots, under a stipulation entered into between the contestant and the contestee, were placed in separate packages and sent to the Committee on Elections for consideration in connection with the voluminous testimony taken in support of the contest. During the examination of those ballots the House, by a resolution, duly authorized the employment of an expert to examine them, to determine certain facts which were charged in the notice of contest, and in support of which a vast amount of testimony was taken.

In this connection I will state briefly what those matters are. Under the form of ballot which we have in Colorado each voter is required to write at the top of the ballot the name of the party ticket, if he votes a straight party ticket. It was charged that previous to the election and subsequent to the election these ballots had been fraudulently prepared with a certain party designation. It was supposed that the examination of the ballots would demonstrate whether or not the testimony given to prove those charges was true or not. This expert was employed for that purpose. As the result of his examination it was demonstrated that out of about 9,000 ballots that were examined there were very nearly 6,000 that were fraudulent, having the party designation appearing thereon written by eight or ten persons instead of by individual voters.

Some time ago a grand jury was called for the purpose of examining or investigating this matter. For certain reasons which it is not necessary for me now to explain that grand jury was dismissed. Within the past ten days a judge of the district court of the second judicial district, in which the city of Denver is located, has called a special grand jury for the purpose of investigating these frauds, charged to have been committed at that election. The grand jury is now in session. Under the laws of the State of Colorado the statute of limitations will run against a number of the offenses committed at that election, early in the month of May. Consequently it is exceedingly important that there should be prompt action in reference to this matter.

The county clerk, who was the original custodian of these ballots, has no longer any official duty whatever with them. Under the laws of Colorado the ballots would have been destroyed in November, 1903, had it not been for the stipulation which the parties to the contest entered into and which preserved these ballots for investigation by the Committee on Elections. Those ballots are here. There is no further need for them so far as the House of Representatives is concerned. There is a crying necessity for them in the city of Denver before the grand jury now in session.

The only purpose of this resolution is to see that these ballots are brought before this grand jury, summoned. I may say, Mr. Speaker, by a Democratic sheriff, presided over by a Democratic judge, with a Democratic district attorney to prosecute the offenses. And so I say to my friends upon the other side that there is certainly no partisanship in this matter, at least so far as we are concerned; and I feel certain that with this explanation all the Members upon the other side of the House will join with us in passing the resolution unanimously. [Applause.]

Mr. WILLIAMS of Mississippi. The gentleman from Pennsylvania has yielded time to his side of the House. I hope he will yield some time on this side.

Mr. OLMSTED. Does the gentleman from Mississippi desire time?

Mr. WILLIAMS of Mississippi. Yes.

Mr. OLMSTED. How much?

Mr. WILLIAMS of Mississippi. About four or five minutes.

Mr. OLMSTED. I yield five minutes to the gentleman from Mississippi.

Mr. MIERS of Indiana. I should like two minutes after the gentleman from Mississippi has concluded.

Mr. WILLIAMS of Mississippi. Mr. Speaker, the gentleman who has just taken his seat [Mr. BONYNGE] has not only confessed, but has proven, that we on this side can not possibly be actuated by any partisan motive in this affair. From his statement there is a Democratic judge and a Democratic grand jury and a Democratic district attorney that want these ballots.

Mr. BONYNGE. I did not say a Democratic grand jury. I do not know the politics of the members of the grand jury. I said a Democratic sheriff.

Mr. WILLIAMS of Mississippi. The gentleman used this rather cunning language, "A grand jury summoned by a Democratic sheriff," with the intent to leave that impression. [Cries of "Oh!" on the Republican side.] He said, "A grand jury summoned by a Democratic sheriff."

Mr. BONYNGE. That is a fact.

Mr. WILLIAMS of Mississippi. And I purposely said, "A Democratic grand jury," so as to hear the gentleman's explanation of that rather cunning way of putting it.

Mr. BONYNGE. Mr. Speaker, will the gentleman yield for a moment? Did the gentleman from Mississippi say that he purposely misquoted my language?

Mr. WILLIAMS of Mississippi. Oh, I purposely quoted what you intended to leave as an impression upon the House. [Cries of "Oh!" on the Republican side.]

The SPEAKER. The Chair calls the attention of the House again to the fact that in debate it is against the rules of sound parliamentary usage to impugn the motives of Members.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I am glad to have the protection of the Chair, but really I do not think I needed it.

The SPEAKER. The Chair wants to state to the gentleman from Mississippi, for whom he has very great respect personally, and for his ability, that the Chair thought it his duty to call attention to the rule, and did it, not with a view to reflecting upon the gentleman, but because it was his duty to call attention to the rule as much as if any other Member of the minority or of the majority indulged in similar language, without intending to violate the rule, as the Chair is quite sure the gentleman from Mississippi did not intend to do.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I hope the Speaker will not understand me as having reflected on him for having left undone his duty. Whenever I catch a Republican Speaker doing his duty then there is nothing in the world for me to reflect upon him for. In the case of this particular Speaker, I find him always engaged in a strenuous effort to do his duty, and he generally succeeds. [Loud applause.]

Now, Mr. Speaker, the point that I want to make here is this: We are shut off from making the point that it is not a privileged question, because the Speaker says I made the point too late.

I called for the regular order a moment ago. The Chair announced that the regular order was "privileged questions." The gentleman then brings this forward as within the regular order, because, as he says, it is a privileged question. Whether correct or incorrect, I am convinced that it is not a privileged question. There is no politics in this matter, as I understand it. Frauds out in that district which were committed were confessed upon this floor in a very exceptional manner by the gentleman from Colorado, lately departed, much to the regret of everybody here, from Washington political life—Mr. Shafroth.

But to the point. It is doubtful whether it is a privileged question or not, or a question demanding unanimous consent that it might be considered; and I said that if it were stated that way—viz, as a manner of unanimous consent—nobody upon this side of the House would object to its immediate consideration. Why was it, if there was no effort to instill partisanship into a nonpartisan question, that the gentleman from Pennsylvania objected to the question being considered by unanimous consent as well as having it considered, doubtfully, as a privileged question.

Mr. OLMSTED rose.

Mr. WILLIAMS of Mississippi. Wait a moment. I say this is a "doubtful" question, because the Chair refrained from ruling and refused to rule upon the question as to whether it was a privileged question or not; properly perhaps, as an obiter dictum, that the point of order had come too late. Now, why? Had not I called in good faith for the regular order; and if there be a doubt as to whether this is the regular order, why not let this matter be considered under unanimous consent. And if the gentleman will permit, I will again ask unanimous consent that this question be submitted to the immediate consideration of the House.

Mr. TAWNEY. We are considering it now.

Mr. WILLIAMS of Mississippi. "Considering it now," improperly, and upon the technical basis that I was too late in making the point of order.

I desire to say that there is not a parliamentarian on that side—now, I am not a parliamentarian, and the Speaker never said a better thing than that which he said the other day, using language which I scarcely comprehend [laughter], that the skilled gentleman to his right could give me peanuts and potatoes, or some other term, and that he could give the Speaker the same article in the same quantity, and still have an unexhausted fount of information upon parliamentary questions. [Renewed laughter.]

But the gentleman from Minnesota is a parliamentarian. I charge him with it now. [Laughter.] I have heard him confess it. [Laughter.] And if I could swear him now, and put him upon honor and upon oath, I would wager ten to one that the gentleman from Minnesota would agree—

Mr. TAWNEY and others. Sixteen to one.

Mr. WILLIAMS of Mississippi. Yes; sixteen to one.

That after the House of Representatives had settled a contested-

election case, which was a privileged question, which was privileged because it was an election case and because it was contested, after it had considered all matters "affecting the election" of a Member of this House, and had arrived at a conclusion, that the House of Representatives was then functus officio as regards anything that might be done in a State with regard to that election. I am almost tempted, notwithstanding the gentleman's partisanship, to summon him to his feet now for a decisive answer—"yes" or "no."

Mr. TAWNEY. On what proposition?

Mr. WILLIAMS of Mississippi. Upon the proposition I have just submitted.

Mr. TAWNEY. That this is in order or out of order?

Mr. WILLIAMS of Mississippi. Whether or not, after the House of Representatives has reached a conclusion in a contested-election case—has given its judgment—has passed upon every question affecting the election in so far as the House could pass upon it—whether other matters not germane to the question of the election or nonelection of the contestant or contestee were not matters that the State and not Congress is charged with?

The SPEAKER. The time of the gentleman has again expired.

Mr. WILLIAMS of Mississippi. Ah, he was just about to answer right, Mr. Speaker, when you cut him off. [Laughter.]

Mr. OLMSTED. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I just want to make an observation on the question of whether this is a privileged report. As chairman of one of the Election Committees it is quite necessary, and some thought has been given to this subject.

To my mind it is idle to say that the Committee on Elections can bring before the House a resolution about the contested-election case and bring papers before the committee from States far away by compulsion and then when the case is decided can not obtain the action of the House in order to return the papers. A very statement of the case is sufficient.

The Committee on Elections comes before the House with a resolution requiring, as we did from our committee, the officer in charge in California to bring to this House the ballots in the case, and it seems to be nonsense to me to say that the committee can not come before the House and ask authority to return the ballots to the proper official in the State from which they came. A mere statement, it seems—

Mr. BOWIE. Mr. Speaker, I make the point of order the gentleman is discussing a question which has already been decided by the Chair.

Mr. PAYNE. That comes pretty late.

Mr. MANN. Even, Mr. Speaker, if I was discussing the question I make the observation because I did not wish it to go without denial that the gentleman from Mississippi could say to the House that the Committee on Elections was without power to obtain and return ballots and other papers necessary to a decision in a contested-election case.

Mr. OLMSTED. Mr. Speaker, I desire to add just a word in reply to the question the gentleman from Mississippi directed to me to know why I did not, when he suggested it, yield the privileged position which this resolution had before the House and agree to his proposition to submit it to unanimous consent. I will say simply that I admire his leadership, and that if I were upon that side of the Chamber I should follow him implicitly, as the majority over there usually does, yet I observe that there are some obstreperous soldiers in his camp who do not always obey his command. One of them might have broken loose at that time and made an objection and this resolution would then have lost its place before the House.

Furthermore, I am unwilling to concede that this resolution loses its privileged character because the contestee voluntarily gave up his seat in this House and the contestant was by resolution, unanimously adopted, declared to have been duly elected. That did not necessarily conclude the duty of either the House or of the committee in the premises.

It has frequently been ruled that anything touching the right of a Member to his seat is privileged. Anything concerning these ballots touches that right. It has also been repeatedly ruled that any unprivileged matter contained in a resolution utterly destroys the privilege which otherwise it would have had. Now, suppose that at the beginning of this election contest a resolution had been offered providing for the calling of these ballots from Colorado, and also providing for their return to the district attorney at the conclusion of the contest here, would anybody pretend that any part of that resolution would have been bereft of privilege or would have destroyed the privilege of the whole? And if the matter of this resolution would have been privileged as part of such a resolution at that time, in what way has it lost its privilege now?

Mr. MIERS of Indiana. Mr. Speaker, I would ask the gentleman to yield me two minutes.

Mr. OLMSTED. Well, I will yield two minutes to the gentleman from Indiana to make a statement.

Mr. MIERS of Indiana. Mr. Speaker, in the first part of the resolution, "Whereas in the contested-election case certain ballots came into possession, etc.," that is unobjectionable.

The next is, "whereas said ballots and ballot boxes are in the possession of the House," etc.; and the next is, "whereas the court has asked for them;" and the next is, "whereas said ballots and poll books are no longer of any use," and "resolved, that they be returned," etc., is all perfectly proper, and I think ought to be met in a spirit of fairness, and promptly; but at the bottom of the second page is the following, that ought not to remain:

Whereas the examination of the said ballots and poll books by a subcommittee of said Election Committee and by an expert in handwriting, employed under authority of a resolution of this House, established the fact that gross frauds and crimes were committed at and in relation to the said election and in connection with the said ballots and poll books.

Now, I think that ought not to be in this resolution. I do not know whether it will have any effect on the grand jury. I do not know whether it will get before the courts or not, but it has no business there.

The ballots came here and they served their purpose. We ought to return them. They ought to serve their purpose there; but I do not see why this resolution should recite a fact that did not occur—that this House had found, by reason of those ballots, gross frauds, etc. The facts are as stated by the gentleman; the parties to the contest agreed to the situation. The State surrendered to Congress the ballots, and we are ready to surrender the ballots to the State, and ought to do it; but I submit we ought not to put the resolution in the way of a "whereas" that would go back and give them more or less strength than they had before they were sent to Congress.

This "whereas" is untrue in fact. It states that this House found frauds. The ballots were not submitted to the House, and this resolution ought not to attempt to strengthen the contention of either side. Let them be sent to the court, and let the court determine from them and all the facts proven whether there was fraud perpetrated. It is facts that courts deal with and should care nothing for a political "whereas" like this one.

Mr. GROSVENOR. Will the gentleman permit me a question?

Mr. OLMSTED. Yes.

Mr. GROSVENOR. Is there anything in this preamble stronger in statement than was the statement made by the gentleman from Colorado [Mr. Shafroth] on the floor of this House, wherein he admitted fraud in that election?

Mr. OLMSTED. Mr. Speaker, I was about to state that when this resolution came to us as proposed by the author it contained a much longer preamble, containing many things which the committee struck out.

The resolution and preamble as it now stands are simply an explanation of the reason why the ballots should be returned. It could not possibly go before a grand jury, and if any evidence of that kind were to go before a grand jury, instead of taking this preamble they would certainly take the speech of the gentleman from Colorado [Mr. Shafroth], which was forty times stronger than anything in this preamble. It was made publicly to this House, and appears in the printed record.

Mr. MIERS of Indiana. But the gentleman would not contend for a moment that in sending these ballots back he would send the admission of the gentleman from Colorado [Mr. Shafroth] as made on the floor of this House to be considered as evidence. The gentleman is too good a lawyer to contend that evidence can be made by ex parte resolutions.

Mr. OLMSTED. No; and we are not going to send this resolution with them. Nothing will go but the ballots.

Mr. MIERS of Indiana. Why not leave these statements out of the resolution and simply send the ballots as received here, and not put this extraneous matter in alleging that certain things are established, being the very facts that the court is to determine? It is for the courts to determine that fact. If that is out, I have no objection and would support the resolution.

Mr. OLMSTED. Oh, I think the preamble is unobjectionable. It is strictly accurate in point of fact and merely explains the purpose and necessity of the resolution.

Mr. MIERS of Indiana. If the gentleman will allow me, I would like to make a motion to strike it out and take the judgment of the House.

Mr. OLMSTED. Mr. Speaker, I move the previous question upon the resolution and all amendments to its final passage.

The SPEAKER. The question is on ordering the previous question upon the resolution and amendments to its final passage.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment to the resolution.

The amendment to the resolution was agreed to.

The SPEAKER. The question is on agreeing to the amendment to the preamble.

The amendment to the preamble was agreed to.

The SPEAKER. The question is on agreeing to the preamble as amended.

The preamble as amended was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

CAMPBELL SLEMP.

Mr. HUGHES of West Virginia. Mr. Speaker, I call up House resolution 322, which went over from yesterday.

The SPEAKER. The Clerk will report the resolution.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I reserve the point of order as to whether it is privileged or not.

The Clerk 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. WILLIAMS of Mississippi. Mr. Speaker, I withdraw the point of order.

Mr. DE ARMOND. Mr. Speaker, I renew the point of order.

The SPEAKER. The point of order was discussed yesterday, and by request it went over until to-day.

Mr. MANN. I made the point of order yesterday.

The SPEAKER. The Chair is prepared to rule on the point of order.

Mr. BARTLETT. Mr. Speaker, may I have permission to call the attention of the Chair to a matter in reference to the point of order before the Chair decides it?

The SPEAKER. The Chair will hear the gentleman, although the Chair is prepared to rule.

Mr. BARTLETT. I merely want to see if the Chair has considered this view of the point of order. I was not present in the Committee on Accounts when this resolution was before it.

I desire to call the attention of the Chair to this statute of the United States with reference to the payment of these election expenses:

Hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding \$2,000 for expenses in election contests; and before any sum whatever shall be paid to a contestant or a contestee for expenses of election contest he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section 128, Revised Statutes of the United States. (20 Stat. L., p. 400.)

This is the act of March 3, 1875.

Prior to that act section 130 of the Revised Statutes provided as follows:

No payment shall be made by the House of Representatives out of its contingent fund or otherwise to either party to a contested-election case for expenses incurred in prosecuting or defending the same.

Now, I desire to say to the Chair that these are in the nature of election expenses for a contested-election case, and the Committee on Accounts, so far as I know, have never up to this time—and I have been on that committee since the Fifty-fifth Congress—undertaken to consider a resolution of this nature.

So far as I am informed from the report of the Committee on Accounts there is no evidence to show that the election expenses and vouchers required to be presented to the Elections Committee under this statute have been filed with any committee on elections; and that there has been no attempt to comply with that provision.

Section 130 of the Revised Statutes would seem to prohibit the payment of any election expenses from the contingent fund, as that part of the section has not been repealed, so far as I am informed.

The SPEAKER. The Chair desires to read from Rule XI, clause 60:

The following-named committees shall have leave to report at any time on the matters herein stated: * * * The Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

This is a report of the Committee on Accounts. It provides for the payment of the amount specified from the contingent fund. As to the effect of the resolution in the event that it should be passed; as to whether the payment would be audited by the accounting officers of the Treasury Department; as to the propriety of adopting the resolution; as to whether it comes within the terms of the statute referred to by the gentleman from Geor-

gia—those are matters upon which it is not the province of the Chair to rule.

It is the duty of the House to determine the effect of the resolution and the propriety of its passage. The Chair holds that it comes here under the rule, and therefore is before the House.

Mr. HUGHES of West Virginia. In support of this resolution I want to say that it provides for the payment of \$1,500 to Mr. CAMPBELL SLEMP, of Virginia; and I think that it is a resolution that this House should approve. It has been clearly shown by the testimony before the Committee on Claims, which was afterwards referred to the Committee on Accounts, that the claim is a just one.

And I want to say for the benefit of my colleague on the committee, the gentleman from Georgia [Mr. BARTLETT], that he was not present at this committee meeting. I want to say further that there were two members of the minority present, and they were unanimous in joining in the report favoring this resolution.

Mr. SLEMP filed his claim before the Claims Committee, with the regular vouchers in the regular way, and showed clearly to the members of the committee that he had expended this amount of money.

I am informed by the chairman of the Committee on Claims that their report was unanimous for the payment of this amount to Mr. SLEMP. I also want to say that in my opinion this is a precedent that this House can well afford to establish, and establish now.

This case was tried in the courts of Virginia; and the court gave the certificate to Mr. SLEMP, the proceeding entailing an expense to him of \$1,500. He had the right of coming to this House and having his contest here; and in that case the expense to the Government would have been at least \$10,000.

There was a saving of \$8,500 to the Government in settling this contest in this manner, and for this reason should be encouraged.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HUGHES of West Virginia. Yes, sir.

Mr. BARTLETT. I have read the report of the Committee on Claims on this case, and I do not see anything here of any vouchers or any statement of the amount that Mr. SLEMP paid out in connection with this contest.

Mr. MILLER. Mr. Speaker, I wish to say that I was chairman of the subcommittee on claims that had this matter under consideration. All the vouchers and receipts in connection with this payment were filed with the Committee on Claims and considered by them.

Mr. BARTLETT. Why do you not say something about that in the report upon this claim?

Mr. MILLER. I did not prepare the report.

Mr. HUGHES of West Virginia. I call attention to the closing language of this report:

Vouchers for which payments are filed with this committee.

The Claims Committee did have all these receipts and vouchers filed with them.

I yield to the gentleman from Illinois [Mr. GRAFF], the chairman of the Committee on Claims.

Mr. GRAFF. Mr. Speaker, this matter was very carefully examined into by the Committee on Claims. There was a full attendance of the members of the committee. That committee is almost equally divided politically; it is composed of fifteen members, eight of whom are Republicans and seven Democrats. The evidence appearing before the committee was that this was not an election contest, as we think of an election contest in the House, but a controversy arose in this way: The county election commissioners of the different counties in Virginia are directed by law to make the returns to the secretary of the Commonwealth.

In this case, in several of the counties of this Congressional district, at the last general election, the commissioners made their returns, but ignored the returns from several precincts in the different counties.

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

Mr. GRAFF. Yes, sir.

Mr. MADDOX. If this was a proper claim to be submitted to the Committee on Claims, why did not your committee report it, instead of transferring it to the Committee on Accounts?

Mr. GRAFF. We did report it. I am trying to make an explanation of the reason the committee acted favorably upon the matter.

Mr. MADDOX. How did the other committee get jurisdiction of it?

Mr. GRAFF. There was a resolution introduced to refer the matter to the Committee on Accounts, and therefore it was reported by that committee.

Mr. MANN. If that method of proceeding is to be followed, it will be a very popular way of paying claims.

Mr. MADDOX. I should be very glad to find out about that way of doing business. I may want to get some matter through the Committee on Accounts myself.

Mr. GRAFF. I want to say that there was absolutely no difference of opinion in the Committee on Claims about this matter. Colonel SLEMP, when he found that the certificate of election was about to be wrongfully issued by the Secretary of the Commonwealth to his opponent, who had received a lesser number of votes, immediately employed counsel and commenced mandamus proceedings in the supreme court of Virginia.

Mr. MADDOX. The gentleman does not understand my point. I am not disputing that fact at all.

Mr. GRAFF. There are several other Members of the House besides the gentleman who might want to have some information upon the subject.

Mr. MADDOX. I am not disputing that point at all. I want to know about this question of jurisdiction.

The SPEAKER. The House will be in order.

Mr. MADDOX. If your committee can entertain these claims, as you have done—and this is a claim, and I have one myself of \$2,000 for which the vouchers are on file in this House—I want to submit that case to you, and then transfer it to the Committee on Accounts, and have it privileged before Congress adjourns.

Mr. BUTLER of Pennsylvania. That is right. There are a number of others.

Mr. GRAFF. We will consider your claim when it is presented.

Mr. MADDOX. Mine has been considered by the proper committee, as required by the statutes of the United States and the rules of the House. Numbers of us have been sufferers here just the same as this gentleman is. This was not a contest such as the law contemplates.

Mr. GRAFF. The amount expended here is less than the amount that would have been allowed had he waited to assert his rights by a contest in the House. The Government has saved over \$10,000 by his pursuing the other course.

In addition to this, the Democratic newspapers of Virginia, I am told, almost unanimously commended the course of Colonel SLEMP in this proceeding.

Mr. MADDOX. Will the gentleman yield to me for a minute?

Mr. GRAFF. Yes.

Mr. MADDOX. You say we have saved \$10,000?

Mr. GRAFF. Yes.

Mr. MADDOX. If you set this precedent, you will lose a hundred thousand dollars.

Mr. HAY. Will the gentleman yield to me for a statement?

Mr. GRAFF. I will.

Mr. HAY. Does the gentleman know that the gentleman whom the Member from Virginia [Mr. SLEMP] defeated in the contest—

Mr. GRAFF. I know that Colonel SLEMP expended these amounts, because I saw the receipts which he presented to the Committee on Claims.

Mr. HAY. Oh, the gentleman did not wait until he heard my question. The question I wish to ask is this: Does not the gentleman know that Mr. Rhea, who was the candidate against Colonel SLEMP, declined to take the certificate under the circumstances?

Mr. GRAFF. I do not know whether he declined to take it or not.

Mr. GAINES of Tennessee. He did.

Mr. HAY. That is a fact. Everybody knows that.

Mr. GRAFF. At what time was this declination made?

Mr. HAY. Before the certificate was issued, before it was proposed to be issued, and as soon as Mr. Rhea ascertained that under the proper count Mr. SLEMP had a majority.

Mr. GRAFF. But it was after the mandamus proceedings had been commenced.

Mr. HAY. No; it was before the mandamus.

Mr. GRAFF. Does not the gentleman know that the secretary of the Commonwealth would have no discretion about issuing the certificate of election? He would be compelled to issue it upon the official information which came to him from the election commissioners from the various counties.

Mr. HAY. That may be, but the gentleman who was the candidate against Colonel SLEMP would not have made any contest in this House, and it would not have cost the Government one dollar, so far as he was concerned.

Mr. WILLIAMS of Mississippi. I should like to ask the gentleman a question.

Mr. GRAFF. Yes.

Mr. WILLIAMS of Mississippi. I should like to ask both of them, as a matter of fact—

Mr. HAY. I desire to say, Mr. Speaker, while I have the floor, that I am not opposing this claim of the gentleman from Virginia, and so far as I am concerned I am perfectly willing that he should have it; but I desire to put Mr. Rhea before the House in the attitude he is entitled to occupy.

Mr. GRAFF. I am making no charges against Mr. Rhea. I am simply saying that Colonel SLEMP was about to be deprived

of an office to which he was elected by the wrongful action of the county election commissioners, who had made incorrect returns to the secretary of state, and the secretary of state would have no lawful authority to issue the certificate of election except upon the official showing that was made to him by the returns of these county election commissioners, false as they were.

And it was necessary for Colonel SLEMP to turn around and perfect mandamus proceedings upon these various county election commissioners in order to secure correct returns instead of the false ones, which were the only ones which were before the secretary of the Commonwealth. It is the only way that he could obtain his certificate of election.

I do not care what course Mr. Rhea, his opponent, might have taken as to the matter. Here were these incorrect returns before the secretary of the State. They were the only evidence upon which he had to base the certificate of election, and these legal proceedings were absolutely necessary under the circumstances—made necessary by the wrongful action of these county election commissioners.

Mr. MANN. Will the gentleman allow me a question?

Mr. GRAFF. Certainly.

Mr. MANN. As I understand, this—

Mr. HAY. I think I have the floor, Mr. Speaker.

The SPEAKER. The gentleman from West Virginia has the floor.

Mr. HUGHES of West Virginia. I yield five minutes to the gentleman from Virginia.

Mr. HAY. Mr. Speaker, as I understand this question, it is not a contested-election case, nor are these expenses incurred in a contested-election case, nor can they be called expenses incurred by reason of any contested-election case in this House. They were expenses incurred by Mr. SLEMP in employing attorneys and in preparing mandamus proceedings before the supreme court of the State of Virginia. It was a matter between him and the State officers, and not between him and Mr. Rhea, the candidate against him.

Mr. GRAFF. Will the gentleman yield to a question?

Mr. HAY. Oh, yes.

Mr. GRAFF. I have since learned, and ask the gentleman whether it was true or not, that Mr. Rhea did appear by counsel in one of the counties involved in this controversy after mandamus proceedings were commenced, and after a hearing was had under it, and did not abandon his case until after that?

Mr. HAY. Mr. Speaker, that was at the recount before the returning boards of the counties.

Mr. GRAFF. I am told it was right at the time of the trial of the case.

Mr. HAY. Not in the supreme court; but it was not a contest in this House; and when the recount was made, and made in the presence of the attorneys of both parties, and Mr. Rhea recognized that that count was against him, and properly so, he announced that he would not receive the certificate, notwithstanding the returning boards of the counties made a return in his favor to the State board of canvassers.

Mr. OLMSTED. Will the gentleman allow me to ask him a question?

Mr. HAY. Certainly.

Mr. OLMSTED. I am not expressing any opinion on this resolution, and do not know how I will vote yet. But suppose Mr. Rhea had declined to receive the certificate; it would be the duty of the secretary to issue it in his name without these proceedings. How would Mr. SLEMP have received his seat without this proceeding?

Mr. HAY. As a matter of fact, it was issued to Mr. SLEMP.

Mr. OLMSTED. But as a result of these proceedings?

Mr. HAY. As a result of these mandamus proceedings. If it had not been so, Mr. SLEMP would have had to institute a contest before Congress.

Mr. OLMSTED. That is the point I wanted to get out.

Mr. HAY. And under the rule, as I understand, these expenses should be paid to the contestant and the contestee; and if you are going to pay the expenses of one of the parties, then you ought to pay the expenses of the other party who had to defend this suit, and did it. Now, that is the matter we are going to determine.

Mr. GRAFF. Although he did not defend it at all?

Mr. HAY. The gentleman misrepresents me. I do not suppose he does so intentionally. I said that after these proceedings were had and the counts were made under it, that, notwithstanding the fact that the returning boards of the counties insisted upon returning to the State board of canvassers in his favor, Mr. Rhea refused to take advantage of the action of the returning board. That is what I said, and I repeat it.

Now, Mr. Speaker, if this is a case where there was a contested election, then I am perfectly willing that this claim shall be paid. But this is no contested-election case. It is a matter that has

been decided in the State of Virginia over and over again. It is incomprehensible to me how it can ever cost \$1,500 to have a simple matter like this decided. It was decided there without any defense in the supreme court.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman from West Virginia a question, and I would also like to ask the gentleman from Illinois, the chairman of the Committee on Claims, the same question at the same time. Was there ever any action taken here, or had any committee of this House ever considered a contested-election case between Mr. SLEMP and Mr. Rhea?

Mr. GRAFF. Not at all.

Mr. WILLIAMS of Mississippi. Not at all. Now, then, if the gentleman will give me two or three minutes—

Mr. HUGHES of West Virginia. I yield two minutes more to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is confessed that there has been no contested-election case in the House of Representatives; no such case has been entered on the Calendar. It is confessed that this House has never been faced with an inquiry or question as to whether Mr. SLEMP was or was not entitled to his seat upon the floor.

Mr. SLEMP came here with the credentials of the State of Virginia entitling him to a seat here, and those credentials have never been questioned or disputed in this House. His seat has never been contested, and there has never been a contested-election case. Not only was one never heard, but none was ever instituted. Now, then, the law provides that where there is a contested-election case before this House, as judges of the qualifications and election of the Members of the House, then certain amounts of money shall be allowed.

Now, are you going to make a precedent that where men have had litigation in their States before they come here, leading up to the issuance of credentials of the State in favor of A or B, that the House of Representatives is to make an appropriation to pay for law fees and expenses in the State courts for A or B, where there neither is nor ever has been a contest?

Mr. DINSMORE. I would ask the gentleman from West Virginia to yield me two or three minutes.

Mr. HUGHES of West Virginia. I yield to the gentleman my colleague on the committee.

The SPEAKER. What time?

Mr. HUGHES of West Virginia. Two minutes.

Mr. DINSMORE. Mr. Speaker, I am a member of the minority of the Committee on Accounts, which reported this resolution. I acquiesced in the decision of the committee at the time, and it is embarrassing to me to have to be placed in a position of opposing the action of the committee since.

I did not vote for the resolution in the committee, it is true, but I ask no protection to myself on that account. It will be remembered I stated to the committee that I did not believe we could lawfully act favorably on the resolution, but I based my action in the premises upon the statement which was made to the committee that the Committee on Claims had investigated the matter and that there was a unanimous report in favor of its payment, and that the whole Virginia delegation were in favor of its being paid. I was actuated by a desire to take these contests out of the House and bring them to the courts, but I believed at the time there had been a settlement of the matter by mutual consent in the courts, contested by both parties, and did not know that the opponent of the gentleman from Virginia—the sitting Member—had yielded and acquiesced in the decision before the matter came here.

I thought there was an acquiescence on the part of the Virginia delegation and that there was a unanimous report from the Committee on Claims, and since I was convinced there was a general desire to settle the matter as outlined by the resolution and believing that the opposing candidates had agreed to abide by a decision of the courts, and not knowing that the unsuccessful candidate had not at any time intended to contest and believing that it would be better generally if contests could be settled in the courts than in the House, which always settles them not judiciously, but in a partisan way, I acquiesced, but not with a belief that such course would be in accordance with law.

Mr. HUGHES of West Virginia. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it seems to me the House might as well pay any other campaign expenses as to pay these campaign expenses. This was not a contested election. If it were a contested election, then Colonel SLEMP was the contestant, and by all the rules of propriety it would have been the duty of the House, if it provided the expenses of the contestant, to pay the expenses of the contestee, Mr. Rhea, and I apprehend that such a bill in the House would not receive much consideration.

But let us look at the facts about contested-election cases. Mr. Speaker, I presented the other day to one of the Election Commit-

tees on behalf of a Member of the House a bill for election expenses amounting to \$10,000. The committee properly allowed but two thousand. In the Butler case, from St. Louis, the expenses amounted to probably \$25,000 or \$30,000. The committee allowed \$2,000 when that case went through our committee.

Two or three years ago the gentleman from Virginia [Mr. SWANSON] obtained from the Committee on Claims a recommendation for an extra allowance for election expenses, and when the matter came up before the House and it was stated that the election committees invariably confined the expenses to \$2,000, the gentleman from Virginia, in a very proper spirit, said that he did not ask that the claim go through, and that he would not ask to be paid that additional amount, because he did not wish to set a precedent.

Mr. Speaker, before the act of Congress which has been quoted was passed, and in the very same act, there was an allowance for election expenses of \$10,000. It was not an uncommon thing to allow five to ten thousand dollars expenses, and it was a common thing that contests were commenced and carried through for the sole purpose of obtaining the allowance of a large sum for election expenses.

If we step outside of the statutory provision, which is an allowance of \$2,000 for expenses incurred in a contest before the House, and commence to allow expenses—campaign expenses—there is no limit to the amount that can be allowed. It may be that the Committee on Accounts has jurisdiction—and I acquiesce, of course, in the decision of the Chair—but if the Committee on Accounts can take out of the contingent fund and pay campaign expenses of one gentleman, why should not the campaign expenses of other gentlemen be paid?

The gentleman from Virginia [Mr. SLEMP] went before the courts. Suppose he had hired watchers at the polls; suppose he had hired men to watch the ballots after election. What is the difference? Suppose he adopts any of the methods; suppose he had hired detectives to discover frauds—campaign expenses, all of them, nothing but campaign expenses. If he had had a contest before the House, then he would bring himself within the rule; but unless the House stands by the rule made by the statute there is no limit to the amount of expenses which will be presented to the House and demand made for their payment. [Applause.]

Mr. HUGHES of West Virginia. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, the amount involved in this resolution is not so large as to create any great criticism, but the principle involved is one which deserves the attention of the House that it may not, by voting this resolution through the House, commit itself to a precedent which is not a good one by any means, and which will return hereafter to plague the House in consideration of like resolutions.

This does not even rise to the dignity of a concurrent resolution. It is not a joint resolution. It is not a bill which in its ultimate form may assume the force and effect of an act of Congress. It is an effort to pass a simple resolution of the House of Representatives and to pay money out of the Treasury, as I understand it, simply by saying that it shall be paid out of the contingent fund, when the law and the statute which provide how election expenses in contested-election cases shall be paid make provision that those expenses shall be paid according to law, and prohibit the House from paying them out of the contingent fund.

The Constitution, if I may be permitted to refer to that instrument, declares that "no money shall be drawn from the Treasury but in consequence of an appropriation made by law." Now, this resolution will never become a law. It is simply an act of the House. And for what purpose? To pay Mr. SLEMP, the Member from the Ninth district of Virginia, certain expenses that it is alleged he paid out in procuring from the court a mandamus to compel the election officer to issue the certificate to him. And why? Not in pursuance of any contested-election case.

There has never been any contested-election case in the Ninth Congressional district of Virginia as a result of the election in 1902. The contesting candidate was not given the certificate; did not claim that he was elected; admitted that Mr. SLEMP was entitled to the certificate, and made no effort to take or occupy the seat in Congress. Mr. SLEMP was duly sworn in when the Fifty-eighth Congress assembled.

There has never been any certificate issued to anyone except to Mr. SLEMP. He therefore, if he went into a contested-election case with anybody, would have to go into one with himself. There is no law which provides for the payment of election expenses in contested-election cases except according to the statute which I hold in my hand, and to which I called the attention of the Chair at the beginning of this discussion. You can not pay them from the contingent fund.

In order to pay these election expenses the law first provides how the notice shall be served, upon whom it shall be served, and how the witnesses shall be summoned, what the witness fees shall

be, and then requires that in order for the contestee or the contestant to obtain any payment of any money he shall file with the election committee that tried his case an itemized statement of the various amounts that he had paid out, and that statement shall be accompanied by the oath of the contestee or the contestant and accompanied by the vouchers that he had paid out and the amount; and when all this is done it requires an act of Congress, not a simple resolution of the House, to authorize their payment.

Mr. HUGHES of West Virginia. Mr. Speaker, will the gentleman yield for a question?

Mr. BARTLETT. Most assuredly.

Mr. HUGHES of West Virginia. I will say for the information of the gentleman that this was done in his case, with the Claims Committee, and the chairman of the Claims Committee, being a member of the Committee on Accounts, stated that to the Committee on Accounts, and that statement was satisfactory to that committee.

Mr. BARTLETT. But the law, Mr. Speaker, upon the statute book never contemplated that a Committee on Claims or that the Committee on Accounts should consider the question of paying the expenses of a contested-election case from the contingent fund. The statute in so many words declares that the contestee or the contestant shall file with the clerk of the Committee on Elections a full and detailed account of the expenses incurred in the contest.

Now, if we pay this bill as election expenses, we might as well determine that we will pay every expense that a candidate—not a contestee or a contestant—shall incur in his election in a suit at law or anywhere else. Take, for instance, the case which came to the House from New York, which came before us some years ago.

The contestant applied to the courts to have his name put upon the official ballot. This was refused, and on appeal to the higher court the action of the lower court was reversed; but the last decision was after the election had been held. It was not claimed in that case that Congress should pay the lawyer's fees and expenses in that case.

Suppose it was necessary for the candidate, in order to have his name upon the ticket, to proceed by mandamus against the election officers. Would he be entitled to come before Congress, if he was elected, and have his election expenses paid? Was it necessary for him to resort to the courts to have the votes counted at all, when there was no contest? Suppose that the election board refused without reason, capriciously, to certify the election of a Member to Congress, where there was no opposing candidate—

The SPEAKER. The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. BARTLETT. Mr. Speaker, I do not understand that my time has expired.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the time of the gentleman from Georgia be extended five minutes.

Mr. HUGHES of West Virginia. I yield to the gentleman five minutes.

The SPEAKER. There was such confusion that the Chair understood the gentleman from West Virginia to yield five minutes in the first instance.

Mr. BARTLETT. No, sir.

Mr. HUGHES of West Virginia. I just yielded the gentleman five minutes, supposing that was all he requested. How much more time does he desire?

Mr. BARTLETT. Well, if the gentleman determines to limit me in my remarks I will have to undertake to get recognition in some other way. I am a member of this committee, and have been for eight years.

Mr. HUGHES of West Virginia. Mr. Speaker, I decline to yield at all unless the gentleman will tell me how much time he wants.

Mr. BARTLETT. Then I will wait until I can get recognition in my own right.

Mr. HUGHES of West Virginia. I yield to the gentleman from Ohio [Mr. GROSVENOR] for five minutes.

Mr. BARTLETT. I want to say that this is an effort to violate the law and the rules of the House by the passage of this resolution.

Mr. WILLIAMS of Mississippi. Will the gentleman from West Virginia yield to me to submit a request for unanimous consent?

Mr. HUGHES of West Virginia. No, sir. I yield to the gentleman from Ohio [Mr. GROSVENOR] for five minutes.

Mr. WILLIAMS of Mississippi. Will the gentleman from Ohio yield to me that I may submit a request for unanimous consent?

Mr. GROSVENOR. I can not yield out of my five minutes.

Now, Mr. Speaker, I want to examine a single question. I want to know if it is a fair, legitimate, lawyer-like, common-sense argument to say that this is a bill for "campaign expenses." I want to inquire into that and see whether there is not a little, just a trifle, of mistake in that argument.

The "campaign expenses" are ended when the ballot boxes are closed on the night of the election; everybody knows that.

Several MEMBERS. Not always. [Laughter.]

Mr. GROSVENOR. Suppose that on the night of the election it had been discovered that certain evidence pertinent to the great question of who was elected was likely to be spirited away, and that the candidate believing himself to be successful proceeded to maintain his position. Suppose that the gentleman from Virginia—either gentleman from Virginia—had seen fit to expend money to procure evidence and put it in such a shape that it would not be spirited away, and had then gone forward and pursued a contest in this House. Would that expenditure have been "campaign expenses" or would it have been expenses incident to the contest that followed in the House of Representatives?

Now, what exactly took place in this case? The election was all over. There is not an item of this account that any fair-minded man, however unintelligent he may be, can call "campaign expenses." The election was over, and directly it was discovered that the ballots from five or six precincts had been stolen; that is to say, they had been thrown out.

The contestant—for he had at that very moment become a contestant—knew those boxes were thrown out, and he knew perfectly well that the certificate should not be given without counting those ballots. Should he in that case stand by and take no steps, or should he at once, in the discharge of the duty that he owed to the State and to the country, proceed by any process of law to force a decision in his favor upon the contested boxes? That was just as much a contested election as it would have been if it had come into the House of Representatives.

Mr. BARTLETT. Will the gentleman tell how there can be a claim for contested-election expenses, where the law provides—

Mr. GROSVENOR. I am not talking about the question of law. I say this was a contested-election case; and this is a claim for expenses in a contested election—not "campaign expenses." I should like to ask the gentleman to tell me—for he has used this same language, taking it from a suggestion on this side of the House—what does the gentleman understand to be "campaign expenses?"

Does the gentleman understand it is something looking toward the ascertainment, after the election, of the fact whether the election officers have done their duty, or does he understand that it has a well-defined meaning that everybody knows, that it is the expenditure of money up to the time when the election is closed on the night of the election?

Mr. BARTLETT. Does the gentleman want me to answer?

Mr. GROSVENOR. No; I do not. [Laughter.] I appeal to every intelligent man here if there is any justice or any fairness in charging that the gentleman from Virginia [Mr. SLEMP] has come here to collect "campaign expenses?"

Suppose that instead of Mr. Rhea, who so honorably and by such distinguished consideration of truth and justice threw down the contest after it had proceeded in the court, it had been a candidate who had not done that.

Then suppose a contest had been fought out in the House of Representatives. Would not every dollar expended to these mandamus proceedings have been a legitimate subject of allowance by the House? No man will deny that, and because he took these vigorous steps in the very outset and saved his election and saved the honor of his State, and aided in saving the honor of his opponent also, it is said that these are campaign expenses and not legitimate expenses to be paid by the House. I deny it. [Applause on the R-publican side.]

Mr. HUGHES of West Virginia. I now yield to the gentleman from Georgia [Mr. BARTLETT] ten minutes.

Mr. BARTLETT. Mr. Speaker, has the gentleman occupied all of his hour?

The SPEAKER. The gentleman from West Virginia [Mr. HUGHES] has twenty-four minutes remaining.

Mr. BARTLETT. Mr. Speaker, has the gentleman from West Virginia [Mr. HUGHES] concluded his side of the case?

The SPEAKER. The Chair can not state. The gentleman had an hour, and he has twenty-four minutes remaining.

Mr. HUGHES of West Virginia. No; I have not concluded. I yield ten minutes to the gentleman from Georgia.

Mr. BARTLETT. I desire to be heard for a few minutes more in this matter.

The SPEAKER. The gentleman from West Virginia yields what time to the gentleman from Georgia?

Mr. HUGHES of West Virginia. Ten minutes.

Mr. BARTLETT. Mr. Speaker, I have been upon this Committee on Accounts for nearly eight years. I have always endeavored not to present or agree to present to the House any resolution to pay money out of the contingent fund which, in my judgment, was not properly payable out of that fund.

We have here a resolution of the House which proposes to pay out of the contingent fund money which the law directs, if it be

for expenses incurred in a contested election, shall be paid by appropriation bills which have the effect and force of law, and not simply upon the direction of the House, and shall not be paid out of the contingent fund.

Now, I state again, with all respect to the gentleman who introduced this resolution and who brought it before the House, that it is a simple effort to evade both the law and the rules of the House, and to have this resolution reported in order to pay this claim, or pretended claim, against the Government when it could not, in the ordinary processes under the rules of the House, be reached for consideration or be paid at all except as other claims against the Government are paid.

The gentleman from Ohio [Mr. GROSVENOR] put a question to me, which he did not permit me to answer, as to what I considered to be election expenses. Let gentlemen who have had numerous contests in this House go back to the files in the committee room and find the amounts expended in contested-election cases, for which vouchers have been filed where the expenses amounted to three, five, or ten times as much as the amount allowed by the statute. Are not those expenses a part of campaign expenses?

Who will say that the amount expended in the Butler case from Missouri, or the amount which my colleague from Georgia expended in excess of \$2,000, or the amount expended by the gentleman from Virginia [Mr. SWANSON] in his election case over and above \$2,000—who will say that those amounts, which both the contestant and the contestee expended in the attempt to obtain seats in the House, were not campaign expenses?

Where a candidate expends money in order to obtain a seat, whether it is before the campaign is closed or after the campaign is closed, is it not a part of his campaign expenses? He has to pay out the money in order to obtain a seat or to retain it.

The suggestion of the gentleman that campaign expenses close when the campaign is over is not borne out by my experience. Every gentleman on this floor understands that campaign expenses may increase after the election is over, whether the candidate be defeated or elected.

The law upon this subject is plain as to what you have to do in order to get money out of the Treasury for contested-election expenses. It requires, in the first place, a contest to have been instituted. Was one instituted in this case? The gentleman could not institute a contest with anyone but himself.

It is true that upon the face of the returns, before they were recounted, it appeared that Mr. Rhea, and not Colonel SLEMP, was elected; but when a recount was had, and upon an ascertainment of the fact that Mr. Rhea was not elected, Mr. Rhea stated that Mr. SLEMP had been elected, and he would not accept the certificate. It was never issued to him. He never had it; and no certificate was ever issued to anyone as a Member of this House except to Mr. SLEMP.

Now, you have the position of a man who had no contest for his seat applying here for pay, simply of his lawyer's fee, in order to assert what he deemed to be his right in the court. Already—and I call the attention of gentlemen of the House to this—already this sum of \$2,000, which the statute provides shall be paid or may be paid to the contestant and to the contestee, has filled the records of this Congress and other Congresses since I have been here with contests which upon examination have been found not to have any merit in them, and in many cases frivolous.

This \$2,000 for expenses in contested-election cases is regarded by many contestants as simply an amount provided by Congress, which they may obtain for instituting a contest. If you pass this resolution, and pay the expenses which a man may incur in order to assert his rights in the courts, when there are no contests, then you might as well destroy the law which is written, and you might as well override and destroy the rules of this House, and you might as well declare to everyone that the House stands ready to run its hands into the Treasury and pay every claim that may be made for campaign expenses hereafter. I trust the resolution will be defeated. [Applause.]

Mr. HUGHES of West Virginia. Mr. Speaker, I do not think that this House will have any question as to whether this is a contest case or not. I do not think there will be any question with the House whether the Committee on Accounts has the right to pay this claim or not. In the Fifty-fifth Congress, the third session, Speaker Reed ruled:

But it is for the House to judge whether these expenditures are satisfactory to the House or not. Therefore the Chair thinks that it is privileged, the House having complete control of it, and if not satisfied to make this payment, and it has any desire to speak upon it, it can express itself by a vote.

If the House does not desire to pay this amount, they have the perfect right to vote it down.

Mr. BARTLETT. That was on the deficiency appropriation bill, was it not?

Mr. HUGHES of West Virginia. That was on the deficiency appropriation bill, and this is to pay Mr. SLEMP the amount of

his expenses, and if the House sees fit to vote that amount for him they have a perfect right to do so through the channel of this resolution.

Mr. FLOOD. Will the gentleman permit me to ask him a question?

Mr. HUGHES of West Virginia. Certainly.

Mr. FLOOD. I would like to ask you, Do you not know that there was a similar case to this from the State of Virginia, Mr. Yost's, and he was not allowed his expenses?

Mr. GRAFF. I will state to the gentleman that the Committee on Claims did report favorably on his bill.

Mr. FLOOD. But he never got the money, because this House never voted it.

Mr. GRAFF. It never reached consideration, but was favorably reported.

Mr. FLOOD. He did not get the money that was allowed.

Mr. GRAFF. The bill was never considered.

Mr. HUGHES of West Virginia. I just want one word more. There is no contest as to whether Mr. Rhea approved of this or disapproved of it.

I understand as soon as Mr. Rhea found out that he was not elected he did not want the certificate, and these mandamus proceedings were taken and these expenses incurred in ascertaining this fact, and there is no question between the Representatives of Virginia as to whether this man should be paid or not paid. Now, Mr. Speaker, I move the previous question.

Mr. PALMER. Let me ask the gentleman, before he does that, if there was no contest and no lawsuit and no witnesses and no fight, how did they get up a bill?

Mr. HUGHES of West Virginia. I did not say there was no contest. I said there was no contest before the House.

The SPEAKER. The gentleman from West Virginia demands the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution. The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. HUGHES of West Virginia. Division!

The House divided; and there were—ayes 84, noes 124.

So the resolution was rejected.

On motion of Mr. WILLIAMS of Mississippi, a motion to reconsider the vote by which the resolution was rejected was laid on the table.

RETURN OF BILLS.

The SPEAKER laid before the House the following request from the Senate, which the Clerk read, as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 40046) granting an increase of pension to Thomas J. Campton, the beneficiary of said bill having died.

The SPEAKER. Without objection, the request of the Senate is agreed to.

The SPEAKER laid before the House the following request from the Senate; which the Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3566) to amend section 2327 of the Revised Statutes of the United States concerning mineral lands.

The SPEAKER. Without objection, the request of the Senate is agreed to.

The SPEAKER laid before the House the following request from the Senate; which the Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4316) providing for the appointment of additional judges in the Indian Territory.

The SPEAKER. Without objection, the request of the Senate is agreed to.

CHANGE OF REFERENCE.

The SPEAKER laid before the House the following request for change of reference:

That the Committee on Private Land Claims be discharged from the further consideration of the bill (S. 5245) and that the same be referred to the Committee on the Public Lands.

The SPEAKER. If there be no objection—

Mr. UNDERWOOD. Mr. Speaker, I object. I can not hear what the bill is.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

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

Mr. UNDERWOOD. Is it a private bill, Mr. Speaker?

The SPEAKER. It is proposed to change the reference of this bill from the Committee on Private Land Claims to the Committee on the Public Lands.

Mr. UNDERWOOD. As I understand the bill, it is a private bill.

The SPEAKER. Yes; it is a Senate bill. The Chair hears no objection.

CONFERENCE REPORTS.

Mr. CALDERHEAD presented certain conference reports and statements for printing; which were ordered to be printed under the rule.

DAVID T. TOWLES.

The reports and statements are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 1851, "An act granting an increase of pension to David T. Towles," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the Senate amendment.

HENRY R. GIBSON,

ROBERT W. MIERS,

C. A. SULLOWAY,

Managers on the part of the House.

P. J. McCUMBER,

N. B. SCOTT,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

This bill originally passed the House at \$36 per month, but was amended in the Senate to \$30 per month. The result of the conference is that the House conferees recommend that the House recede and concur in the Senate amendment, and that the bill be passed at \$30 per month.

W. A. CALDERHEAD,

ELIAS DEEMER,

ROBERT W. MIERS,

Managers on the part of the House.

MARY HEANEY.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 13850 "An act granting an increase of pension to Mary Heaney," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

W. A. CALDERHEAD,

THOMAS W. BRADLEY,

JOHN S. SNOOK,

Managers on the part of the House.

P. J. McCUMBER,

N. B. SCOTT,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

This bill originally passed the House at \$16 per month, but was amended in the Senate to \$12 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of \$16 per month, the same as the bill originally passed the House.

W. A. CALDERHEAD,

THOMAS W. BRADLEY,

JOHN S. SNOOK,

Managers on the part of the House.

ENOCH STAHLER.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9256) granting an increase of pension to Enoch Stahler, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the Senate amendment.

W. A. CALDERHEAD,

ELIAS DEEMER,

R. W. MIERS,

Managers on the part of the House.

P. J. McCUMBER,

N. B. SCOTT,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

This bill originally passed the House at \$55 per month, but was amended in the Senate to \$50 per month. As a result of the conference, the House conferees recommend to the House that the House recede and concur in the Senate amendment, and that the bill be passed at \$50 per month.

W. A. CALDERHEAD,

ELIAS DEEMER,

R. W. MIERS,

Managers on the part of the House.

JOHN WEAVER.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8925) granting an increase of pension to John Weaver, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the Senate amendment.

W. A. CALDERHEAD,
ELIAS DEEMER,
ROBERT W. MIERS.

Managers on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT.

Managers on the part of the Senate.

The statement of the House conferees is as follows:

This bill originally passed the House at \$40 per month, but was amended in the Senate to \$30. The result of the conference is that the House conferees recommend that the House recede and concur in the Senate amendment, and that the bill be passed at \$30 per month.

W. A. CALDERHEAD,
ELIAS DEEMER,
ROBERT W. MIERS.

Managers on the part of the House.

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. 11863. An act regulating the practice of medicine and surgery in the Indian Territory; and

H. R. 11825. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 7634. An act to establish a life-saving station in Sussex County, State of Delaware;

H. R. 8878. 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. 10891. An act for the relief of Julius A. Kaiser;

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. 11128. 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. 11968. An act to incorporate the Washington Sanitary Housing Company;

H. R. 12655. An act for the relief of John Bremond;

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. 14413. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Benton, in the State of Minnesota;

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;

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 Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect;

H. R. 12231. An act for the survey and allotment of land now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus land after allotment; and

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."

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned to meet to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for payment of damages to private property by gun firing—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James S. Neal against The United States—to the Committee on War Claims, 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. SULZER, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 52) for the purpose of carrying out the provisions of General Orders, No. 195, War Department, June 29, 1863, for the presentation of medals, reported the same without amendment, accompanied by a report (No. 2716); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 2345) to amend the provisions of the naturalization laws of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 2717); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OVERTREET, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 3129) to promote the circulation of reading matter among the blind, reported the same with amendment, accompanied by a report (No. 2722); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORRELL, from the Committee on Militia, to which was referred the bill of the House (H. R. 15125) to amend an act entitled "An act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March 1, 1889, reported the same with amendment, accompanied by a report (No. 2724); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIDSON, from the Committee on Railways and Canals, to which was referred the House joint resolution (H. J. Res. 137) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays, reported the same without amendment, accompanied by a report (No. 2725); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRANTLEY, from the Committee on the Judiciary, to which was referred the House joint resolution (H. J. Res. 134) to authorize and direct the Court of Claims to investigate and report all facts connected with any bill referred to it for investigation by either House of Congress under the act approved March 3, 1887, and known as the Tucker Act, reported the same without amendment, accompanied by a report (No. 2729); which said joint resolution, report, and minority views were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate (S. 3844) to authorize the Nome Improvement Company to open and improve the mouth of Snake River at Nome, Alaska, reported the same with amendment, accompanied by a report (No. 2730); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 5092) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved June 13, 1902, making appropriation for improving Trinity River, Texas, reported the same with amendment, accompanied by a report (No. 2733); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5518) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Colum-

bia, reported the same with amendment, accompanied by a report (No. 2735); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON, from the Committee on the Territories, to which was referred the bill of the Senate (S. 3338) to amend and codify the laws relating to municipal corporations in the district of Alaska, reported the same without amendment, accompanied by a report (No. 2742); which said bill and report were referred to the House Calendar.

Mr. POWERS of Maine, from the Committee on the Territories, to which was referred the bill of the Senate (S. 3035) supplemental to and amendatory of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, reported the same without amendment, accompanied by a report (No. 2743); which said bill 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. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15204) granting an increase of pension to Mary Taggart, reported the same with amendment, accompanied by a report (No. 2707); 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. 14641) granting a pension to Allan Dunning, reported the same without amendment, accompanied by a report (No. 2708); 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. 13690) granting an increase of pension to C. H. John, reported the same with amendment, accompanied by a report (No. 2709); 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. 12006) granting an increase of pension to Amelia Coster, reported the same with amendment, accompanied by a report (No. 2710); 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. 749) granting an increase of pension to Humphrey M. Glines, reported the same without amendment, accompanied by a report (No. 2711); 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. 14882) granting a pension to Mary Dingler, reported the same with amendment, accompanied by a report (No. 2712); 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. 5475) granting a pension to Mary M. Rice, reported the same without amendment, accompanied by a report (No. 2713); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 176) for the relief of Charles B. Bentley, reported the same with amendment, accompanied by a report (No. 2714); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 7019) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala., reported the same without amendment, accompanied by a report (No. 2715); which said bill and report were referred to the Private Calendar.

Mr. DENNY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5052) granting an honorable discharge to Eugene H. Ely, reported the same without amendment, accompanied by a report (No. 2728); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14906) for the relief of H. B. Wise, reported the same with amendment, accompanied by a report (No. 2734); 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. 14336) granting an increase of pension to Everton J. Conger, reported the same with amendment, accompanied by a report (No. 2736); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 970) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant, reported the same adversely, accompanied by a report (No. 2737); which said bill and report were ordered laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13902) granting a pension to Annie Cook, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. BONYNGE: A bill (H. R. 15280) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. FLACK: A bill (H. R. 15281) to establish a fish hatchery and fish-culture station in the county of Franklin, in the State of New York, for the propagation of trout, bass, and other game and food fishes—to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMAS of North Carolina: A bill (H. R. 15282) to establish United States courts at Goldsboro, N. C.—to the Committee on the Judiciary.

By Mr. MAYNARD: A bill (H. R. 15283) to provide for celebrating the first permanent settlement in America of English-speaking people by holding an international naval and marine exposition and industrial exhibit in the vicinity of Jamestown and on and near the waters of Hampton Roads, in the State of Virginia, and to authorize an appropriation in aid thereof—to the Select Committee on Industrial Arts and Expositions.

By Mr. MARSH: A bill (H. R. 15284) granting to the Keokuk and Hamilton Water Power Company rights to construct and maintain for the improvement of navigation and development of water power a dam across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. CROMER: A bill (H. R. 15285) establishing a regular term of the United States circuit and district courts at Muncie, Ind.—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 15286) legalizing a certain ordinance of the city of Purcell, Ind. T.—to the Committee on Indian Affairs.

By Mr. RIXEY (by request): A bill (H. R. 15287) for the relief of acting (volunteer) officers of the United States Navy in the civil war—to the Committee on Naval Affairs.

By Mr. SIMS: A bill (H. R. 15288) authorizing survey of Big Sandy River, and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15289) authorizing survey of Beech River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. DINSMORE: A bill (H. R. 15290) for a public building at the city of Fayetteville, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 149) authorizing the Secretary of War to allow to the Anheuser-Busch Brewing Association a right of way through the eastern limits of the arsenal grounds at St. Louis, Mo.—to the Committee on Military Affairs.

By Mr. CHARLES B. LANDIS: A joint resolution (H. J. Res. 150) providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle—to the Committee on Printing.

By Mr. STEPHENS of Texas: A memorial by the legislature of the State of Texas, requesting Congress to pay the State of Texas \$50,874.53 on account of the transfer of Greer County to the United States—to the Committee on Claims.

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. BONYNGE: A bill (H. R. 15291) granting an increase of pension to Albert N. Raymond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15292) granting an increase of pension to William Laws—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 15293) granting an increase of pension to John P. Davis—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 15294) granting a pension to Prudence Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15295) granting a pension to Annie Coton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15296) granting a pension to Georgia Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15297) granting a pension to John Hammond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15298) granting a pension to Jacob Beckner—to the Committee on Military Affairs.

By Mr. DRISCOLL: A bill (H. R. 15299) granting an increase of pension to John Lines—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 15300) granting an increase of pension to Thomas W. Brazzelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15301) to correct the military record of James P. Asher—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: A bill (H. R. 15302) for the relief of William H. Sloan—to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 15303) granting a pension to Mary J. Hubbard—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 15304) to authorize the advance of Col. George M. Brayton, United States Army, one grade upon the retired list—to the Committee on Military Affairs.

By Mr. HILDEBRANT (by request): A bill (H. R. 15305) granting a pension to Isaac Clayton—to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 15306) granting a pension to Laura E. Morrey—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 15307) for the relief of Sarah Spaulding—to the Committee on Private Land Claims.

By Mr. MACON: A bill (H. R. 15308) granting an increase of pension to Francis M. Prewett—to the Committee on Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 15309) for the relief of the estate of Marcellin Gillis, deceased—to the Committee on War Claims.

By Mr. MOON of Tennessee (by request): A bill (H. R. 15310) for the relief of T. T. Ricketts and L. C. Ricketts—to the Committee on Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 15311) for the relief of Col. Francis I. Crilly—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 15312) for the relief of George Plunk—to the Committee on War Claims.

Also, a bill (H. R. 15313) for the relief of Sidney Plunk—to the Committee on War Claims.

Also, a bill (H. R. 15314) for the relief of the estate of O. F. Hendricks—to the Committee on War Claims.

Also, a bill (H. R. 15315) for the relief of the estate of John A. Criner—to the Committee on War Claims.

By Mr. ZENOR: A bill (H. R. 15316) granting a pension to Wilbur R. Ellis—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of William R. Dasma & Co., of Philadelphia, Pa., in favor of bill H. R. 9303—to the Committee on Ways and Means.

By Mr. BADGER: Resolution of the Columbus Board of Trade, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. BEDE: Petition of members of J. S. Cady Post, No. 2, Grand Army of the Republic, of Anoka, Minn., in favor of bill H. R. 5760—to the Committee on Invalid Pensions.

Also, petition of the L. W. Leithhead Drug Company, of Duluth, Minn., in favor of bill H. R. 9303—to the Committee on Ways and Means.

By Mr. BELL of California: Resolution of Napa Grange, No. 307, Patrons of Husbandry, of Napa, Cal., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. BRANDEGEE: Petition of citizens of Willimantic, Conn., favoring the adoption of the Platt-Hawley amendment to bill S. 276—to the Select Committee on Industrial Arts and Expositions.

By Mr. BUCKMAN: Papers to accompany bill H. R. 11897, granting an increase of pension to Samuel H. Hamilton—to the Committee on Invalid Pensions.

By Mr. BURTON: Petition of the Pompeian Manufacturing Company, of Cleveland, Ohio, in favor of bill H. R. 9303—to the Committee on Ways and Means.

By Mr. DAUGHERTY: Petition of Stephen C. Cault and 30 others, of Kidder, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Rev. J. L. Hunley and 22 others, of Jamesport, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DOUGLAS: Resolution of the Twenty-seventh Assembly District Republican Club, of New York City, relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. DOVENER: Papers to accompany bill H. R. 15135, granting an increase of pension to James E. Merrifield—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of N. Olsson, of La Crosse, Wis., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of the Marine Engineers' Beneficial Association of Sturgeon Bay, Wis., in favor of bill H. R. 14620—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWELL of New Jersey: Petition of soldiers and sailors of Lakehurst, N. J., against placing a statue of Gen. R. E. Lee in Statuary Hall—to the Committee on the Library.

By Mr. HOWELL of Utah: Petition of 75 residents of Santaquin, Utah, in favor of a parcels-post and a post-check bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rev. E. Tibbets and 13 others, of Denmark, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KNAPP: Papers to accompany bill H. R. 14520, granting a pension to J. H. McGraw—to the Committee on Pensions.

Also, petition of Star Grange, No. 9, Patrons of Husbandry, of Hounsfield, N. Y., favoring the enactment of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. LEWIS: Petition of J. C. Strange and 18 others, of Schley County, Ga., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LILLEY: Resolution of the Chamber of Commerce of New Haven, Conn., favoring completion of the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of New Haven, Conn., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLEFIELD: Petitions of citizens and fishermen of Lamoine, East Lamoine, and Frenchman Bay, Me., relative to the extermination of dogfish, etc.—to the Committee on the Merchant Marine and Fisheries.

By Mr. LLOYD: Petition of 100 citizens of Shelbina, Mo., in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bill granting an increase of pension to Thomas Hancock—to the Committee on Invalid Pensions.

By Mr. LOUD: Petitions of citizens of Bay City, Mich., and Typographical Union No. 81, in favor of the passage of an anti-injunction bill—to the Committee on the Judiciary.

By Mr. MACON: Papers to accompany bill granting an increase of pension to Francis M. Prewett—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of H. H. Roberts and 21 others, of Tower City, N. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MEYER of Louisiana: Petition of citizens of New Orleans, La., against passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Papers to accompany bill granting an increase of pension to George W. Morin—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Thomas Ricketts and wife—to the Committee on War Claims.

By Mr. MORRELL: Petition of William R. Dasner & Co., of Philadelphia, Pa., in favor of bill H. R. 9303—to the Committee on Ways and Means.

By Mr. RIXEY: Petition of citizens of Loudoun County, Va., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SCOTT: Resolution of the South Kansas Conference of the Methodist Episcopal Church, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SNOOK: Petition of William Beeler, in favor of bill H. R. 5760—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolution of the Chamber of Commerce of New Haven, Conn., favoring the establishment of a national commission to investigate the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Chamber of Commerce of New Haven, Conn., favoring the completion of the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolution of professors of Yale University, New Haven, Conn., favoring the bill creating the Colorado Cliff Dwellings National Park—to the Committee on the Public Lands.

By Mr. UNDERWOOD: Petition of G. F. Harrington and 13 others, of Birmingham, Ala., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. VAN DUZER: Petitions of A. C. Welch and 9 others, of Reno, Nev.; J. D. Weeks and 18 others, of Clover, Nev., and E. W. Taylor and 24 others, of Reno, Nev., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WANGER: Petition of the Society of Friends of Bucks County, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WEEMS: Papers to accompany bill H. R. 15190, granting an increase of pension to James M. Paul—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, April 22, 1904.

Prayer by Rev. ULYSSES G. B. PIERCE, of Washington City.

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

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

REJECTED OR SUSPENDED CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 16th instant, a report of the Quartermaster-General of the Army inclosing a list of claims for horses and other property lost in the military service of the United States, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

EDWARD D. SWEENEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward D. Sweeney v. The United States: which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FRANKLIN P. NASH.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, recommending that an item of \$3,278.55 be included in the general deficiency appropriation bill to pay Franklin P. Nash the amount of judgment rendered in his favor, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

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

A bill (H. R. 14533) to change and fix the time for holding the district and circuit courts for the northern division of the eastern district of Tennessee; and

A bill (H. R. 15228) establishing a regular term of the United States circuit and district courts at East St. Louis, Ill.

MISSOURI RIVER BRIDGE.

The bill (H. R. 15195) authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River at Lexington, Mo., was read twice by its title.

Mr. STONE. That bill is exactly similar in all respects and in every detail with Senate bill 5549, which passed the Senate yesterday morning. I ask unanimous consent that the House bill may be considered and passed at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

Mr. STONE. I move to reconsider the vote by which the bill (S. 5549) authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River at Lexington, Mo., was passed.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

MEMORIAL ADDRESSES ON PRESIDENTS LINCOLN, GARFIELD, AND MCKINLEY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in one volume, in cloth, 17,000 copies of the three sep-

arate memorial addresses delivered before the two Houses of Congress, as follows: On February 12, 1865, by Hon. George Bancroft, on the life and character of Abraham Lincoln, late President of the United States; on February 27, 1882, by Hon. James G. Blaine, on the life and character of James A. Garfield, late President of the United States; on February 27, 1902, by Hon. John Hay, on the life and character of William McKinley, late President of the United States: 12,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the use of the Senate. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer.

Mr. PLATT of New York. By authority of the Committee on Printing, I ask concurrence in the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

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

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,' etc., and for other purposes;"

A bill (S. 2268) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes;

A bill (S. 2382) providing for a resurvey of certain townships in Routt and Rio Blanco counties, in the State of Colorado;

A bill (S. 3036) for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon; and

A bill (S. 5342) to provide a temporary government of the canal zone at Panama and protection of the canal works, and for other purposes.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 2866) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River, at Memphis, Tenn.," approved April 24, 1888;

A bill (H. R. 4474) to authorize the governor of the State of Mississippi to select certain lands in part satisfaction of its grant for university purposes;

A bill (H. R. 11444) to grant certain lands to the State of Ohio;

A bill (H. R. 11972) to authorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River;

A bill (H. R. 12044) to authorize the establishment of a life-saving station at or near Eagle Harbor, Keweenaw Point, Mich.;

A bill (H. R. 13014) to authorize the appointment of road overseers and to create road districts in the district of Alaska, and for other purposes;

A bill (H. R. 13472) to bridge the Newark Bay;

A bill (H. R. 13481) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect;

A bill (H. R. 13626) to amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works;

A bill (H. R. 14588) 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;"

A bill (H. R. 14590) to authorize the courts of county commissioners of Houston and Dale counties, Ala., to construct a bridge across the Choctawhatchee River between Houston and Dale counties, Ala.;

A bill (H. R. 15165) to authorize the construction of a bridge across the navigable waters of St. Andrews Bay;

A joint resolution (H. J. Res. 103) providing for printing annually the report of the Director of the Office of Experiment Stations, Department of Agriculture; and

A joint resolution (H. J. Res. 114) to extend the time for construction of the Akron, Sterling and Northern Railroad, in Alaska.

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

A bill (S. 3596) to amend section 2327 of the Revised Statutes of the United States, concerning mineral lands;

A bill (S. 4316) providing for the appointment of additional judges in the Indian Territory; and

A bill (H. R. 10046) granting an increase of pension to Thomas J. Campton.