

Ill., opposing reduction of the Philippine tariff on tobacco—to the Committee on Ways and Means.

Also, petition of Barnhart Brothers & Spindler, favoring bill H. R. 16560—to the Committee on Patents.

Also, petition of the thirty-sixth legislative assembly of New Mexico, against making one State of New Mexico and Arizona—to the Committee on the Territories.

By Mr. GRIFFITH: Paper to accompany bill for relief of Samuel H. Wilson—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition of the Woman's Christian Temperance Union of Adams, Nebr., against liquor selling on all Government premises—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: Petition of the commissioners of Carbon County, Utah, requesting establishment of additional land office at Price, Utah—to the Committee on the Public Lands.

Also, petition of Wasatch Division, No. 124, Order of Railway Conductors, of Ogden, Utah, to hasten passage of bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the locomotive engineers of Utah, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. JACKSON of Ohio: Paper to accompany bill for relief of Mrs. A. W. Kelley, of Kelleys Island—to the Committee on Invalid Pensions.

Also, petition of Denver Chamber of Commerce, against any reduction of the tariff on sugar—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of Indian River Chair Company, favoring enactment of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. KNOWLAND: Paper to accompany bill for relief of Frank A. Leach, superintendent of the United States mint at San Francisco—to the Committee on Claims.

By Mr. LACEY: Petition of citizens of Nevada, Iowa, against law to regulate Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MILLER: Petition of citizens of Wabaunsee, Kans., favoring bill H. R. 4072—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: Petition of Mrs. Patti Rodgers Crawford, heir of William H. Rodgers, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, paper to accompany bill for relief of Robert Polk, of Hardeman County, Tenn.—to the Committee on War Claims.

Also, petition of T. J. Latham, administrator of Elizabeth Waldrige, of Shelby County, Tenn., asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of Sallie J. Valentine, widow of T. J. Valentine, deceased, late of Hardeman County, Tenn., asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of John A. Moore, of Tipton County, Tenn., asking reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Petition of the Mount Washington Young Women's Christian Temperance Union, of Pittsburg, Pa., favoring passage of bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of the Young Women's Christian Temperance Union of Bellevue, Pa., against repeal of the present canteen law—to the Committee on Military Affairs.

Also, petition of 48 members of the Young Women's Christian Temperance Union of Bellevue, Pa., favoring bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of Mrs. G. M. Sloan et al., of the Sterrit Woman's Christian Temperance Union, favoring bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of Mrs. G. M. Sloan et al., against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. RODEY: Petition of Las Vegas (N. Mex.) Brotherhood of Locomotive Engineers, favoring the Bates-Penrose employers' liability bill—to the Committee on the Judiciary.

Also, petition of Division No. 389, Order of Railway Conductors, of Albuquerque, N. Mex., favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of Mrs. Sarah A. Powers, widow of John Powers—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of B. O. Purvis—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Petition of citizens of Austin, Minn., favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Paper to accompany bill for relief of Harvey Dennis, of Guernsey County, Ohio—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, January 27, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

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

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

CREDENTIALS.

Mr. ELKINS presented the credentials of NATHAN BAY SCOTT, chosen by the legislature of the State of West Virginia a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

Mr. WETMORE presented the credentials of NELSON W. ALDRICH, chosen by the legislature of the State of Rhode Island a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

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 joint resolution (S. R. 94) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1905.

ENROLLED BILLS SIGNED.

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

H. R. 12898. An act to create a new division in the eastern judicial district of the State of Missouri; and

H. J. Res. 206. Joint resolution to provide for the removal of snow and ice from the cross walks and gutters of the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present a telegraphic memorial of the legislature of California, relative to the reimbursement of Frank A. Leach, superintendent of the mint at San Francisco, Cal., in the sum of \$25,000 by reason of the commission of a crime committed by a subordinate employee of that mint. I ask that the memorial be printed in the RECORD, and referred to the Committee on Appropriations.

There being no objection, the memorial was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

[Telegram.]

SACRAMENTO, CAL., January 25, 1905.

Senator GEO. C. PERKINS,

Washington D. C.:

Whereas Frank A. Leach, superintendent of the United States mint at San Francisco, Cal., has solely, by reason of the commission of a crime by a subordinate employee of said mint, been compelled to pay the sum of \$25,000 from his private means; and

Whereas it is contemplated that a measure will be introduced in the Congress of the United States providing for the reimbursement of said Frank A. Leach in the sum he has been compelled to pay as aforesaid: Therefore, be it

Resolved, That the assembly and senate of the State of California hereby jointly express approval of any such relief measure introduced in Congress for the aforementioned purpose, and most respectfully recommend the passage of such a measure: Be it

Resolved, That the chief clerk of the assembly is hereby directed to telegraph the substance of these resolutions to each Senator and Representative of the State of California at Washington.

I hereby certify that the above is the substance of a joint resolution adopted by the California senate and assembly by unanimous vote.

CLIO LLOYD, Chief Clerk of the Assembly.

Mr PERKINS presented a petition of sundry citizens of San Pedro, Cal., praying that an appropriation be made for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

Mr. BARD presented the petition of J. F. Russell and 29 other citizens of Riverside County, Cal., praying for continued prohibition in the Indian Territory; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of the congregation of the First Church of Christ of Kingston, N. Y., and a petition of the Woman's Synodical Society of Home Missions, of Hudson, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Chamber of Commerce of Watertown, N. Y., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Division No. 41, Brother-

hood of Locomotive Engineers, of Elmira; of Smith M. Weed Lodge, No. 540, Brotherhood of Railroad Trainmen, of Plattsburg; of Local Division, Brotherhood of Locomotive Firemen, of Middletown; of L. R. Skinner Lodge, No. 276, Brotherhood of Locomotive Firemen, of Buffalo; of Independent Division No. 374, of Elmira; of New York City Division, No. 54, of New York City, and of Steuben Division, No. 225, of Hornellsville, all of the Order of Railway Conductors, in the State of New York, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Grand Lodge Junior Independent Order of Good Templars, of New York City, and a petition of the congregation of the First Presbyterian Church of New York City, praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

He also presented memorials of Local Union No. 106, of Ogdensburg; of Local Union No. 74, of Poughkeepsie, and of Local Union No. 5, of Rochester, all of the Cigar Makers' International Union of America; of Charles Hasel & Co., of New York City; of C. C. Hamilton & Co., of New York City, and of V. Mancebo, Muina & Co., of New York City, all in the State of New York, remonstrating against any reduction of the duty on tobacco and cigars imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of the Chamber of Commerce, of Watertown, N. Y., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the German-American Button Company, of Rochester, N. Y., and a petition of the S. S. Stafford Company, of New York City, praying for the enactment of legislation authorizing the registration of trade-marks used in commerce with foreign nations or among the several States and Territories; which were referred to the Committee on Patents.

He also presented petitions of the Rafter's Pharmacy, of New York City; of Frederick Trau & Co., of New York City; and of Scavo Brothers, of New York City, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented a petition of the New York Board of Trade and Transportation, of New York City, praying for the enactment of legislation referring all international disputes and controversies to a permanent court of arbitration; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the congregation of the Methodist Episcopal Church of Pittsburg, N. H., praying for the enactment of legislation authorizing the extension and improvement of Massachusetts and Boundary avenues NW., in the city of Washington, D. C.; which was referred to the Committee on the District of Columbia.

He also presented the petitions of Ruth Tunnicliff, of Chicago, Ill.; of Madeleine Wallin Sikes, of Chicago, Ill., and of John D. Sleman, jr., of Washington, D. C., praying for the enactment of legislation authorizing compulsory education in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the memorial of Dr. Robert Reyburn, of Washington, D. C., relative to a proposed change in the form of government for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KITTREDGE presented a petition of James River Lodge, No. 673, Brotherhood of Railroad Trainmen, of Aberdeen, S. Dak., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented petitions of the Woman's Christian Temperance Union of Pemberton, of the Woman's Club of Salem, of the Woman's Christian Temperance Union of Lumberton, of sundry citizens of Dunellen, and of sundry citizens of Greenwich, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Janeway & Co., of New Brunswick, N. J., and a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Palisade Lodge, No. 592, Brotherhood of Railroad Trainmen, of Jersey City, N. J., praying for

the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Equal Suffrage League of Plainfield, N. J., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Federation of Musicians of Washington, D. C., praying for the enactment of legislation to increase the salaries of members of the United States Marine Band; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Lembeck and Betz Eagle Brewing Company, of Jersey City, N. J., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented memorials of the Woman's Christian Temperance Union of Mullica Hill; of the Woman's Christian Temperance Union of East Orange; of the Woman's Christian Temperance Union of Bedminster; of the Woman's Christian Temperance Union of Vineland; of the Washington Street Baptist Church, of East Orange; of Mickleton Grange, No. 111, Patrons of Husbandry, of Mickleton; of the Woman's Christian Temperance Union of Ocean Grove; of the congregation of St. Paul's Church, of Ocean Grove; of the First Methodist Episcopal Church of Cape May City; of the Woman's Christian Temperance Union of Cape May City; of the Christian Church of Hope, and of sundry citizens, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of the National Woman's Christian Temperance Union of Washington, D. C.; of the Woman's Club of Orange; of Joseph Stoker and 58 other citizens of Moorestown, and of the Synod of the New Jersey Presbyterian Church, of Atlantic City, all in the State of New Jersey, praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

He also presented the petition of Alex. C. Wood, of Camden, N. J., praying for the enactment of legislation authorizing the registration of trade-marks used in commerce with foreign nations or among the several States and Territories; which was referred to the Committee on Patents.

He also presented petitions of the Jersey City Drug Association, of Jersey City; of Samuel Sykes, of Paterson, and of the Retail Drug Association of Paterson, all in the State of New Jersey, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

Mr. HALE presented a petition of Pine Tree Division, No. 66, Order of Railway Conductors, of Portland, Me., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the memorial of George H. Hunt and 21 other citizens of Maine, remonstrating against ceding the Isle of Pines to Cuba; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of the congregation of the German Methodist Episcopal Church of Altamont, Ill., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Illinois, praying for the enactment of legislation amending the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

Mr. BEVERIDGE presented petitions of sundry citizens of Indianapolis, of the Indiana Millers' Association of Middletown, and of the Fruit and Produce Commission Merchants' Exchange of Indianapolis, all in the State of Indiana, and of the Lumber Dealers' Association of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Friends' Church of Indianapolis, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Shawnee, Okla., praying for the passage of the so-called "statehood bill;" which was ordered to lie on the table.

He also presented petitions of sundry citizens of Portland, of the Commercial Club of Muncie, and of sundry citizens of Newcastle, all in the State of Indiana, praying for the enactment of

legislation providing for the holding of terms of the Federal courts at Muncie, in that State; which were referred to the Committee on the Judiciary.

He also presented petitions of the Dodge Manufacturing Company, of Mishawaka; of the W. D. Allison Company, of Indianapolis; of Eli Lilly & Co., of Indianapolis; of the Retail Druggists' Association of Lafayette, and of W. H. Olds, of Fort Wayne, all in the State of Indiana, and of the Retail Druggists' Association of Chicago, Ill., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of South Bend, Richmond, Plymouth, Madison County, Goshen, and Winamac, all in the State of Indiana, praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

He also presented petitions of Inland City Lodge, No. 374, Brotherhood of Railroad Trainmen, of Indianapolis; of Lafayette Division, No. 302, Order of Railway Conductors, of Lafayette; of Elkhart Division, No. 19, Order of Railway Conductors, of Elkhart; of Echo Lodge, No. 157, Brotherhood of Locomotive Firemen, of Peru; of Washington Division, No. 339, Order of Railway Conductors, of Washington; of Local Division No. 246, Brotherhood of Locomotive Engineers, of Evansville, and of Clover Leaf Division, No. 254, Order of Railway Conductors, of Frankfort, all in the State of Indiana, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. PATTERSON presented a memorial of the legislative assembly of the Territory of New Mexico, remonstrating against the admission of the Territories of Arizona and New Mexico into the Union as one State; which was ordered to lie on the table.

He also presented a memorial of Colorado Commandery, Military Order of the Loyal Legion, of Denver, Colo., remonstrating against the enactment of legislation affecting the right to wear badges and military insignia; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Boulder County, Colo., praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which was ordered to lie on the table.

Mr. McCUMBER presented a memorial of the Tri-State Grain and Stock Growers' Association, of Minnesota and North and South Dakota, remonstrating against the enactment of legislation providing for the importation of seed wheat from Canada; which was referred to the Committee on Finance.

He also presented a memorial of the Tri-State Grain and Stock Growers' Association, of Minnesota and North and South Dakota, remonstrating against the enactment of legislation providing for drawbacks or rebates on Canadian wheat; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Tri-State Grain and Stock Growers' Association, of Minnesota and North and South Dakota, praying for the enactment of legislation to enlarge the scope, research, and scientific investigation of State experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Tri-State Grain and Stock Growers' Association, of Minnesota and North and South Dakota, praying for the enactment of legislation providing for national inspection of all grains; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Tri-State Grain Growers' Association, of Minnesota and North and South Dakota, remonstrating against any change or modification of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

Mr. GORMAN presented a petition of the White Oak Farmers' Club, of Colesville, Md., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Kennedyville, Md., 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 an affidavit to accompany the bill (S. 2477) for the relief of Sarah C. Harsh; which was referred to the Committee on Claims.

Mr. McCOMAS presented a petition of the Harlem Park Woman's Christian Temperance Union, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of

intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

He also presented the affidavit of Richard J. Ward, to accompany the bill (S. 5855) for the relief of the heirs of Marjorie Ward, deceased; which was referred to the Committee on Claims.

Mr. NELSON presented a petition of Local Lodge, No. 122, Brotherhood of Railway Trainmen, of St. Paul, Minn., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Tri-State Grain and Stock Growers' Association of Minnesota, North and South Dakota, praying that ample appropriations be made for the maintenance of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Tri-State Grain and Stock Growers' Association of Minnesota, North and South Dakota, praying for the enactment of legislation relative to rebate of freight charges, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Tri-State Growers' Association of Minnesota, North and South Dakota, praying for the enactment of legislation extending and enlarging the scope of research and scientific investigation of the State experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a petition of the congregation of the Presbyterian Church of McVeytown, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Pennsylvania Dairy Union, 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 sundry citizens of Mauch Chunk, Pa., praying for the enactment of legislation providing more stringent laws and regulations governing immigration; which was referred to the Committee on Immigration.

Mr. SPOONER presented a joint resolution of the legislature of Wisconsin, relative to enlarging the powers of the Interstate Commerce Commission; which was read, and referred to the Committee on Interstate Commerce, as follows:

Joint resolution No. V.—S.

Whereas the present interstate commerce law has, by experience, been proven to be ineffectual in securing to the people just and reasonable rates for the transportation of persons and property; and

Whereas great and continuous effort has been made to secure Congressional legislation, to the end that the Interstate Commerce Commission be given such power as to insure the establishment and maintenance of just and reasonable rates for such transportation to the people of this country; and

Whereas President Roosevelt has made recommendations to Congress, in his recent message, that "the Interstate Commerce Commission should be vested with the power, where a given rate (for the transportation of property in interstate or foreign commerce) has been challenged, and, after full hearing, found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately and to obtain, unless, and until, it is reversed by the court of review;" Therefore, be it

Resolved by the senate (the assembly concurring), That we respectfully memorialize the Fifty-eighth Congress of the United States to enact at its present session such legislation as shall comply in letter and spirit with the said recommendations of President Roosevelt; and we respectfully demand of the Senators and Representatives, and each of them, representing this State in the Congress of the United States, to vote for and urge to the best of their ability the immediate enactment into law of such proposed legislation; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate of the United States, and to the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

J. O. DAVIDSON, *President of the Senate.*
L. K. EATON, *Chief Clerk of the Senate.*
J. L. LENROOT, *Speaker of the Assembly.*
C. O. MARSH, *Chief Clerk of the Assembly.*

Mr. MARTIN presented sundry papers to accompany the bill (S. 6060) for the relief of the Presbyterian Church at Fredericksburg, Va.; which were referred to the Committee on Claims.

Mr. MONEY presented sundry papers to accompany the bill (S. 611) for the relief of the estate of J. B. Hall; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1057) for the relief of the estate of John A. Brent; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1114) for the relief of the estate of Jesse M. Brent; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S.

5006) for the relief of Nancy P. Garrison; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1065) for the relief of Mrs. Virginia Grant; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1029) for the relief of the estate of Milton Crawford; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4945) for the relief of the heirs of John C. McGehee; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 610) for the relief of the estate of Dr. G. G. Noland; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1062) for the relief of the estate of William M. Kimmons; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1113) for the relief of William R. Butler; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1093) for the relief of the estate of John R. Powers; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4942) for the relief of heirs of Mrs. H. C. Henderson; which were referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 1104) for the relief of William Parker; which was referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 5004) for the relief of the estate of Elkannah J. Sullivan; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 5008) for the relief of the estate of Mary Wilkens; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill S. 4519; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1101) for the relief of the estate of Alexander Russell; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 5005) for the relief of the heirs of Samuel G. Miller and the estate of Mrs. E. C. Miller; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1092) for the relief of M. T. Sigrest; which were referred to the Committee on Claims.

Mr. FRYE presented a memorial of Cushnoc Grange, Patrons of Husbandry, of Riverside, Me., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Pine Tree Division, No. 66, Brotherhood of Railroad Conductors, of Portland, Me., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 634, Brotherhood of Painters, Decorators, and Paperhangers, of Wilmington, Del., remonstrating against the proposed increase in the Army and Navy; which was referred to the Committee on Military Affairs.

He also presented the memorial of Ellis Cusher and 20 other citizens of Beach, Ind. T., remonstrating against the passage of the bill granting statehood to the Indian Territory; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Watertown, N. Y., and a petition of the National Board of Trade, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I present a memorial of the Civic Center of the city of Washington relative to compulsory education in the District of Columbia. I have been requested by some very prominent educators in the District to ask that the memorial may be printed. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 6514) for the relief of the Church of Our Redeemer, Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom

were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15199) granting a pension to Mary J. Lansing, formerly Mary J. Abbott;

A bill (H. R. 13955) granting an increase of pension to Elijah G. Wood;

A bill (H. R. 7014) granting an increase of pension to James J. Boyd;

A bill (H. R. 13007) granting an increase of pension to Frederick B. Schnebly;

A bill (H. R. 12488) granting an increase of pension to George H. Coddington;

A bill (H. R. 16842) granting an increase of pension to Lydia P. Kelly;

A bill (H. R. 16392) granting an increase of pension to John Tusing;

A bill (H. R. 11055) granting an increase of pension to Winfield S. Russell;

A bill (H. R. 17139) granting an increase of pension to George W. Jennings;

A bill (H. R. 3710) granting an increase of pension to Thomas C. Johnson;

A bill (H. R. 3427) granting an increase of pension to Albert Fetterhoff;

A bill (H. R. 3426) granting a pension to George W. Craig;

A bill (H. R. 15328) granting a pension to William H. H. Simpkins;

A bill (H. R. 11613) granting an increase of pension to Alexander H. Sockman;

A bill (H. R. 15097) granting a pension to William H. Miller;

A bill (H. R. 10181) granting an increase of pension to Andrew Hall;

A bill (S. 1299) granting a pension to John M. Reimer; and

A bill (S. 5382) granting a pension to Sarah A. Morris.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6467) granting an increase of pension to Jonathan Story;

A bill (S. 2456) granting a pension to William G. Bradley;

A bill (S. 107) granting an increase of pension to Joel H. Warren;

A bill (S. 68) granting an increase of pension to Martha M. Bolton;

A bill (S. 3075) granting an increase of pension to Emma J. Kanady;

A bill (S. 4918) granting an increase of pension to Merida P. Tate; and

A bill (S. 6357) granting an increase of pension to Alvan P. Granger.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6466) granting an increase of pension to John W. Kennedy;

A bill (S. 101) granting an increase of pension to James M. Shippee;

A bill (S. 6354) granting an increase of pension to Pierce McKeogh;

A bill (S. 1946) granting an increase of pension to Edward J. Palmer;

A bill (S. 3864) granting an increase of pension to Dean W. King;

A bill (S. 2304) granting an increase of pension to Samuel S. Merrill; and

A bill (S. 5160) granting an increase of pension to Harriett P. Gray.

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

A bill (H. R. 10027) granting a pension to Green W. Hodge;

A bill (H. R. 9405) granting a pension to Andrew Long; and

A bill (H. R. 10096) granting a pension to Louise E. Lavey.

Mr. KITTREDGE, from the Committee on Patents, to whom was referred the bill (H. R. 6487) to amend section 4952 of the Revised Statutes, reported it with an amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 6568) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, reported it with an amendment, and submitted a report thereon.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 6646) authorizing the Commissioners of the District of Columbia to furnish Po-

tomatic water without charge to charitable institutions, and so forth, in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6513) for the widening of a section of Columbia road east of Sixteenth street, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6758) to close and open an alley in square No. 806, in the city of Washington, D. C., reported it without amendment, and submitted a report thereon.

STATUE OF JOHN JAMES INGALLS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. LONG on the 23d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of the late John James Ingalls 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the governor of Kansas; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

QUARTERS FOR TROOPS AT THE INAUGURATION.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 96) authorizing temporary use of certain vacant houses in square No. 686, in Washington City, and for other purposes, to report it favorably with amendments, and to ask for its present consideration.

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

The amendments of the Committee on the District of Columbia were, in line 12, before the word "Superintendent," to strike out "such" and insert "said;" and in the same line, after the word "Superintendent," to insert "of the Capitol Building and Ground;" so as to make the joint resolution read:

Resolved, etc., That such of the vacant houses in square 686 in the city of Washington, now in the ownership of the United States, as may be designated for such purposes by the Superintendent of the United States Capitol Building and Grounds, may be used by the National Guard of the States and Territories as quarters on the occasion of the inauguration of the President of the United States March 4, 1905, such use and occupation not to extend beyond March 6 and to be subject to the control of said Superintendent of the Capitol Building and Grounds.

The amendments were agreed to.

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

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

The title was amended so as to read: "A joint resolution authorizing temporary use of certain vacant houses in square 686 in the city of Washington, and for other purposes."

M. L. SKIDMORE.

Mr. OVERMAN. I am directed by the Committee on Claims, to whom was referred the bill (S. 6733) for the relief of M. L. Skidmore, to report it favorably without amendment, and I submit a report thereon. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to refund \$104.94 to M. L. Skidmore, of Gaston County, N. C., by the United States Treasury, the same being for internal-revenue stamps purchased by him from the United States Government to cover taxes on two several packages of spirits, Nos. 138 and 139, produced in the month of May, 1896, by Skidmore, which stamps were lost in the mail and never received by him.

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

NATIONAL MILITARY RESERVATION AT CHATTANOOGA, TENN.

Mr. BATE. I am instructed by the Committee on Military Affairs, to whom were referred the joint resolution (S. R. 89) authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national military reservation at Chattanooga, Tenn., and the joint resolution (H. J. Res. 181) authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national military reservation at Chattanooga, Tenn., to report them favorably. The Senate joint resolution may be indefinitely postponed and the House joint resolution substituted for it, and I ask that the House joint resolution be now considered.

The PRESIDENT pro tempore. The House joint resolution will be read.

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

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

Mr. BATE. I move that Senate joint resolution 89 be indefinitely postponed.

The motion was agreed to.

REPORT OF COMMISSION ON INTERNATIONAL EXCHANGE.

Mr. ALDRICH, from the Committee on Finance, reported the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 10,000 copies of the final report of the Commission on International Exchange, together with the appendices thereto, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for the use of the Commission.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. WARREN introduced a bill (S. 6901) granting an increase of pension to Allen Thompson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 6902) for the relief of the estates of John A. Sigur, deceased, and of Theodore Sigur, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6903) for the relief of Adolph Hartiens; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MONEY. I introduce sundry bills which, with the affidavits supporting them, I wish to have referred to the Committee on Claims.

The bills were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims, as follows:

A bill (S. 6904) for the relief of Frank Harris;

A bill (S. 6905) for the relief of the estate of Mrs. E. J. Matlock, deceased;

A bill (S. 6906) for the relief of the estate of William A. Jeffries, deceased;

A bill (S. 6907) for the relief of the estate of Moses M. Smith, deceased;

A bill (S. 6908) for the relief of Willis J. Moran;

A bill (S. 6909) for the relief of Minor Saunders;

A bill (S. 6910) for the relief of Hampton Wall;

A bill (S. 6911) for the relief of the heirs of Hiram G. Robertson and Charlotte G. Robertson, deceased;

A bill (S. 6912) for the relief of the estate of Andrew B. Conley, deceased;

A bill (S. 6913) for the relief of the heirs of W. T. Eason, deceased;

A bill (S. 6914) for the relief of the estate of Francis Griffing, deceased;

A bill (S. 6915) for the relief of the estate of J. B. Lewis, deceased;

A bill (S. 6916) for the relief of the estate of Edmund Kennedy, deceased;

A bill (S. 6917) for the relief of the estate of William R. Morris, deceased; and

A bill (S. 6918) for the relief of Charles A. Kincaid.

Mr. BEVERIDGE introduced a bill (S. 6919) granting an increase of pension to August McDaniel; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6920) for the relief of Isaac D'Isay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PATTERSON introduced a bill (S. 6921) granting an increase of pension to George W. Cole; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CRANE introduced a bill (S. 6922) granting a pension to Sarah Ferry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 6923) for the construction of a private conduit across D street NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TALIAFERRO introduced a bill (S. 6924) granting an increase of pension to Richard H. McIntire; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6925) granting an increase of

pension to Laura C. Curtiss; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6926) granting an increase of pension to Nellie F. O'Kane; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 6927) for the relief of L. S. Strauss; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 6928) granting an increase of pension to Daniel M. Walker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6929) to establish a light and fog-signal station at Robinsons Point, Isle au Haut thoroughfare, Maine; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6930) granting an increase of pension to Helen S. Wright; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 6931) for the relief of the executors of the estate of Harold Brown, deceased; which was read twice by its title, and referred to the Committee on Finance.

Mr. PENROSE introduced a bill (S. 6932) granting a pension to Elizabeth De Huff; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6933) granting a pension to George W. Lewis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a joint resolution (S. R. 99) empowering the Commissioners of the District of Columbia to make regulations respecting places used for market purposes, and authorizing them to establish, regulate, and control markets and change the location of the same within the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. SMOOT introduced a joint resolution (S. R. 100) providing that certain lands in the Uintah Indian Reservation, State of Utah, shall be subject to withdrawal and use under the provisions of the reclamation act; which was read twice by its title, and referred to the Committee on Indian Affairs.

REGULATION OF COMMERCE.

Mr. MARTIN submitted an amendment intended to be proposed by him to the bill (H. R. 18127) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

AMENDMENTS TO STATEHOOD BILL.

Mr. McCUMBER submitted two amendments intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which were ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LONG submitted an amendment relative to the alienation of certain allotments of land in the Indian Territory, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. KITREDGE submitted an amendment proposing to appropriate \$59,170 for the support and education of 210 Indian pupils at Chamberlain, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$150,000 for the purchase of the tract of land known as "Montrose," in the District of Columbia, to be used as a public park, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GORMAN submitted an amendment proposing to appropriate \$10,000 for continuing the grading of Pennsylvania avenue east from Branch avenue to the District line, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. FRYE submitted an amendment proposing to increase the salary of the consul at Callao, Peru, to \$3,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

HARBOR IMPROVEMENT AT WAUKEGAN, ILL.

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

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to submit plans and estimates for changing the location of that portion of the south pier of the harbor at Waukegan, Ill., which it is necessary to rebuild on account of its decayed condition, and for constructing said portion of the south pier farther south, so as to secure more space for the construction of docks.

KENTUCKY TROOPS IN CIVIL WAR.

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

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate a statement showing the various classes of Kentucky volunteers, militia, and home guards that were in service during the civil war, the designations of the organizations composing them, and the laws, orders, and regulations under which they were raised; also what organizations or classes of these troops are recognized by the War Department as having been in the military service of the United States and what organizations or classes are not so recognized.

TRANSFER OF CLERKS IN POST-OFFICE DEPARTMENT.

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

Resolved, That the Postmaster-General be, and he is hereby, directed to inform the Senate the number of clerks heretofore detailed annually from the Post-Office Department to perform service for the Civil Service Commission.

Second. He is also directed to inform the Senate what number of clerks will likely be transferred from the Post-Office Department to permanent positions with the Civil Service Commission by reason of the adoption of an amendment to the legislative, executive, and judicial appropriation bill, making appropriations for the fiscal year ending June 30, 1906.

Third. He is also directed to specially inform the Senate if it is true that a like reduction of clerks will be made in the Post-Office Department by reason of such transfers to the Civil Service Department; in other words, if new places are provided for clerks from the Post-Office Department with the Civil Service Commission, will there be a like reduction in the Post-Office Department?

ELIZABETH C. HILLS.

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

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Elizabeth C. Hills, daughter of Edwin A. Hills, deceased, late a messenger in the Senate of the United States, a sum equal to one year's salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

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 approved and signed the following acts and joint resolution:

On January 24, 1905:

- S. 266. An act granting a pension to Emma S. Harney;
- S. 424. An act granting a pension to George W. Lehman;
- S. 1413. An act granting a pension to Louisa D. Miller;
- S. 2009. An act granting a pension to Richard Dunn;
- S. 2333. An act granting a pension to Benjamin F. Hall;
- S. 2915. An act granting a pension to Mary Williamson;
- S. 316. An act granting an increase of pension to Elmore Y. Chase;
- S. 377. An act granting an increase of pension to Ezra W. Cartwright;
- S. 552. An act granting an increase of pension to Ira K. Eaton;
- S. 554. An act granting an increase of pension to Thomas P. Farley;
- S. 566. An act granting an increase of pension to William H. Hart;
- S. 567. An act granting an increase of pension to William Cody;
- S. 776. An act granting an increase of pension to Calvin H. Morris;
- S. 784. An act granting an increase of pension to Beverly Waugh;
- S. 801. An act granting an increase of pension to Samuel L. D. Goodale;
- S. 844. An act granting an increase of pension to Mary L. Duff;
- S. 850. An act granting an increase of pension to Henry V. Sims;

- S. 1207. An act granting an increase of pension to James D. Stewart;
- S. 1208. An act granting an increase of pension to Samuel G. Magruder;
- S. 1539. An act granting an increase of pension to Edward Shiflett;
- S. 1541. An act granting an increase of pension to Commodore P. Hall;
- S. 1810. An act granting an increase of pension to George W. Thomas;
- S. 1830. An act granting an increase of pension to Sarah E. Austin;
- S. 1981. An act granting an increase of pension to Elizabeth V. Reynolds;
- S. 1996. An act granting an increase of pension to William R. Williams;
- S. 2096. An act granting an increase of pension to John W. Millett;
- S. 2117. An act granting an increase of pension to Philip L. Hiteshew.
- S. 2212. An act granting an increase of pension to Charles N. Wood;
- S. 2231. An act granting an increase of pension to Bessie M. Dickinson;
- S. 2238. An act granting an increase of pension to William Strawn;
- S. 2274. An act granting an increase of pension to Joseph J. Carson;
- S. 2286. An act granting an increase of pension to James Thompson;
- S. 2287. An act granting an increase of pension to Samuel J. Brainard;
- S. 2310. An act granting an increase of pension to William Dar;
- S. 2339. An act granting an increase of pension to Carolina Apfel;
- S. 2492. An act granting an increase of pension to George G. Tuttle;
- S. 2493. An act granting an increase of pension to Alfred Tichurst;
- S. 2518. An act granting an increase of pension to Clarinda A. Spear;
- S. 2574. An act granting an increase of pension to Nelson Purcell;
- S. 2581. An act granting an increase of pension to Myron D. Hill;
- S. 2848. An act granting an increase of pension to William H. Lewis;
- S. 2850. An act granting an increase of pension to Sallie J. Calkins;
- S. 2890. An act granting an increase of pension to Andrew C. Kemper;
- S. 2945. An act granting an increase of pension to Sallie M. Nuzum;
- S. 2972. An act granting an increase of pension to Thomas Boyle; and
- S. 3001. An act granting an increase of pension to Adrianna Lowell.
- On January 25, 1905:
- S. 5508. An act granting a pension to Abraham B. Miller;
- S. 5530. An act granting a pension to William R. Cahoon;
- S. 4766. An act granting an increase of pension to Frederick Clark;
- S. 4767. An act granting an increase of pension to Henry Snidemiller;
- S. 4808. An act granting an increase of pension to John Worley;
- S. 4986. An act granting an increase of pension to Philo S. Bartow;
- S. 5120. An act granting an increase of pension to William H. Chamberlin;
- S. 5129. An act granting an increase of pension to Thompson Martin;
- S. 5190. An act granting an increase of pension to William Berry;
- S. 5206. An act granting an increase of pension to Lucy Jane Ball;
- S. 5214. An act granting an increase of pension to William P. Renfro;
- S. 5271. An act granting an increase of pension to Paul Diebitsch;
- S. 5297. An act granting an increase of pension to Jerry L. Gray;
- S. 5339. An act granting an increase of pension to Sidney B. Hamilton;
- S. 5345. An act granting an increase of pension to Thomas Coughlin;
- S. 5346. An act granting an increase of pension to Amon A. Webster;
- S. 5358. An act granting an increase of pension to Thomas Taylor;
- S. 5378. An act granting an increase of pension to John H. Ash;
- S. 5379. An act granting an increase of pension to Bird Solomon;
- S. 5427. An act granting an increase of pension to Ruhema C. Horsman;
- S. 5428. An act granting an increase of pension to Joseph J. Hedrick;
- S. 5445. An act granting an increase of pension to Caroline L. Guild;
- S. 5450. An act granting an increase of pension to George R. Lingenfelter;
- S. 5472. An act granting an increase of pension to Mary J. Weems;
- S. 5476. An act granting an increase of pension to Joel F. Howe;
- S. 5496. An act granting an increase of pension to Jesse L. Sanders;
- S. 5512. An act granting an increase of pension to John W. Carleton;
- S. 5514. An act granting an increase of pension to Samuel S. Lamson;
- S. 5531. An act granting an increase of pension to Catherine Jones;
- S. 5532. An act granting an increase of pension to Edwin A. Knight;
- S. 5535. An act granting an increase of pension to Alexander McConneha;
- S. 5558. An act granting an increase of pension to Susan C. Schroeder;
- S. 5572. An act granting an increase of pension to Alafair Chastain;
- S. 5574. An act granting an increase of pension to Colon Thomas;
- S. 5589. An act granting an increase of pension to Mary E. Burrell;
- S. 5661. An act granting an increase of pension to Daniel B. Bush;
- S. 5713. An act granting an increase of pension to Robert Crowther;
- S. 5714. An act granting an increase of pension to John McKenne;
- S. 5715. An act granting an increase of pension to Benjamin Bickford;
- S. 5716. An act granting an increase of pension to Dotha J. Whipple;
- S. 5733. An act granting an increase of pension to Monroe W. Wright;
- S. 5734. An act granting an increase of pension to George H. Woodbury;
- S. 5735. An act granting an increase of pension to Washington Lenhart;
- S. 5736. An act granting an increase of pension to Charles E. Gilbert;
- S. 5738. An act granting an increase of pension to Enoch Russell;
- S. 5739. An act granting an increase of pension to Adolphe Bessie;
- S. 5740. An act granting an increase of pension to Clemon Clooten;
- S. 5741. An act granting an increase of pension to Stephen Welch;
- S. 5742. An act granting an increase of pension to Nickles Dockendorf;
- S. 5743. An act granting an increase of pension to James Rior-dan;
- S. 5858. An act granting an increase of pension to John Hubbard;
- S. 5859. An act granting an increase of pension to Henry Breslin;
- S. 3076. An act granting a pension to Arthur W. Post;
- S. 3390. An act granting a pension to Emily E. Cram;
- S. 4199. An act granting a pension to William Rufus Kelly;
- S. 3100. An act granting an increase of pension to Howard Wiley;
- S. 3232. An act granting an increase of pension to William O. Gould;
- S. 3239. An act granting an increase of pension to George W. D. Buchanan;

- S. 3286. An act granting an increase of pension to Charles D. Creed;
- S. 3356. An act granting an increase of pension to Rebecca A. Teter;
- S. 3357. An act granting an increase of pension to Welcom B. French;
- S. 3453. An act granting an increase of pension to David Whitney;
- S. 3482. An act granting an increase of pension to Alfred H. LeFevre;
- S. 3522. An act granting an increase of pension to Samuel J. Denison;
- S. 3624. An act granting an increase of pension to Peter D. Moore;
- S. 3755. An act granting an increase of pension to William H. Covert;
- S. 3774. An act granting an increase of pension to John C. Felton;
- S. 3906. An act granting an increase of pension to James H. Venier;
- S. 3935. An act granting an increase of pension to Mary Cornelia Hays Ross;
- S. 4002. An act granting an increase of pension to Susan E. Armitage;
- S. 4038. An act granting an increase of pension to George E. Yingling;
- S. 4070. An act granting an increase of pension to Andrew Felentreter;
- S. 4103. An act granting an increase of pension to John W. Roullett;
- S. 4151. An act granting an increase of pension to Thomas J. Spencer;
- S. 4221. An act granting an increase of pension to Henry C. Stroman;
- S. 4273. An act granting an increase of pension to Frazie A. Campbell;
- S. 4382. An act granting an increase of pension to John B. Harvey;
- S. 4383. An act granting an increase of pension to Mary E. Penn;
- S. 4393. An act granting an increase of pension to Cora A. Baker;
- S. 4395. An act granting an increase of pension to Thomas H. Walker;
- S. 4408. An act granting an increase of pension to Robert N. Button;
- S. 4477. An act granting an increase of pension to John C. Craven;
- S. 5744. An act granting an increase of pension to Joseph A. Rhodes;
- S. 5745. An act granting an increase of pension to Mary M. Mitchell;
- S. 5746. An act granting an increase of pension to Anne Jones;
- S. 5758. An act granting an increase of pension to Sallie B. Weber;
- S. 5781. An act granting an increase of pension to John A. Steele;
- S. 5807. An act granting an increase of pension to Sarah J. F. Robinson;
- S. 5810. An act granting an increase of pension to Joseph Reber;
- S. 5811. An act granting an increase of pension to Franklin Waller; and
- S. 5857. An act granting an increase of pension to James Bryson.

On January 27, 1905:

- S. 3728. An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;
- S. 5763. An act granting certain property to the county of Gloucester, N. J.; and
- S. R. 17. Joint resolution to provide for the printing of 8,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1904, inclusive.

GALENA JOUETT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4169) granting a pension to Galena Jouett.

The amendment was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. McCUMBER. I move that the Senate disagree to the

amendment of the House of Representatives, and ask for a conference with the House upon the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

SARAH A. ROWE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table and be printed.

To the Senate:

In compliance with a resolution of the Senate of the 25th instant (the House of Representatives concurring), I return herewith Senate bill No. 5501, entitled "An act granting an increase of pension to Sarah A. Rowe."

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 27, 1905.

The PRESIDENT pro tempore. The bill has been returned, the Chair thinks, in compliance with a concurrent resolution submitted by the Senator from North Dakota [Mr. McCUMBER]. Mr. CULLOM. Let it lie on the table until that Senator comes in.

The PRESIDENT pro tempore. It will lie on the table until the Senator from North Dakota is present.

LABOR TROUBLES IN COLORADO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith certain reports by the Commissioner of Labor and the Attorney-General on the labor disturbances in Colorado, together with copies of correspondence between the President and the Attorney-General and the Commissioner of Labor upon the matter; and copies of correspondence between the Secretary of War and the governor of Colorado as to the request of the governor of Colorado for aid by the National Executive in dealing with the labor disturbances.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 27, 1905.

The PRESIDENT pro tempore. The Chair is uncertain as to what committee the message should be referred.

Mr. GALLINGER. To the Committee on Education and Labor, I would suggest.

Mr. TELLER. I could hardly understand, owing to noise in the Chamber, the conclusion of the message, so as to know exactly what it is. I wish that it may lie on the table until I can look at it, and then I will make a suggestion. I do not think it should go to the Committee on Education and Labor. If it goes to any committee, it probably should go to the Committee on the Judiciary or the Committee on Military Affairs.

The PRESIDENT pro tempore. The Chair will retain it on the table for the present and give the Senator an opportunity to examine it. The Chair thinks the matter has been before the Judiciary Committee.

Mr. TELLER subsequently said: It seems to me that the communication from the Executive ought to be printed, and when printed referred to the Committee on the Judiciary. If that should turn out not to be the proper assignment for it, it can be corrected.

Mr. CULLOM. Let the Senator make that motion.

Mr. TELLER. I move that the message and accompanying papers be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

RED RIVER BRIDGE AT SHREVEPORT, LA.

Mr. FOSTER of Louisiana. I ask unanimous consent for the present consideration of the bill (H. R. 17333) to authorize the construction of a bridge across Red River at Shreveport, La. 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.

MILITARY TELEGRAPH OPERATORS.

Mr. SCOTT. I ask unanimous consent for the consideration at this time of the bill (S. 982) amending the act of January 26, 1897, entitled "An act for the relief of telegraph operators who served in the war of the rebellion."

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

Mr. SCOTT. I think the bill has been heretofore read, Mr. President.

The PRESIDENT pro tempore. The Chair is advised that the bill has been read twice as in Committee of the Whole, and on the last occasion it went over on objection by the senior Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. Mr. President, let it go over again.

The PRESIDENT pro tempore. The Senator from Iowa objects to the present consideration of the bill, and it will go over.

ITALIAN-SWISS AGRICULTURAL COLONY.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (H. R. 11370) to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to relieve the Italian-Swiss Agricultural Colony, a corporation organized and existing under the laws of the State of California, from the payment of an assessment, or any part or portion thereof, made against that corporation by the Commissioner of Internal Revenue, amounting to \$956.89, the assessment having been placed against the corporation on account of the accidental destruction by fire of 10 barrels of spirits commonly called "grape brandy" while being transported by rail from fruit distillery No. 108, located at Asti, Cal., to winery No. 109, located near Madera, Cal., and before the spirits could be used in the winery for fortifying pure sweet wine; and the Commissioner of Internal Revenue is directed to cancel the assessment without the payment of the aforesaid tax or any part or portion thereof.

Section 2 provides that this act shall take effect immediately after its passage and approval.

Mr. ALLISON. I move to amend by striking out section 2 of the bill.

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

The SECRETARY. It is proposed to strike out section 2, as follows:

Sec. 2. That this act shall take effect immediately after its passage and approval.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. ALLISON subsequently said: Mr. President, a few moments ago I moved an amendment to House bill 11370 without understanding at the time that it was a House bill. I now understand that the amendment I proposed having been agreed to will necessitate the return of the bill to the House of Representatives for concurrence therein. The section which was stricken out on my motion is mere surplusage, and of no value one way or the other. Therefore I ask unanimous consent that the votes by which the amendment was agreed to and ordered to be engrossed, and the bill to be read a third time and passed, be reconsidered, so that I may withdraw the amendment.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the vote by which the amendment referred to by him was agreed to and ordered to be engrossed, and the bill ordered to be read a third time and passed, be reconsidered. Is there objection? The Chair hears none, and that order is made.

Mr. ALLISON. I now withdraw the amendment, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa now asks unanimous consent to withdraw the amendment which he offered. The Chair hears no objection, and the amendment is withdrawn.

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

RESTORATION TO PUBLIC DOMAIN OF RESERVOIR LANDS.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 6664) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law, with certain restrictions.

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

Mr. LODGE. I should like to hear the report on that bill read, Mr. President.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. NELSON January 25, 1905, which is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 6644) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law, with certain restrictions, having had the same under considera-

tion, beg leave to report it back with the recommendation that it do pass.

A similar bill was introduced in the Fifty-sixth Congress and passed the Senate, but was not reached in the House. The bill as then introduced was referred to the Department, and a favorable report was made upon it with certain suggested amendments. The present bill contains the amendments then suggested. The Senate report made upon the measure in the Fifty-sixth Congress is adopted as the report of the committee and reads as follows:

[Senate Report No. 5, Fifty-sixth Congress, first session.]

The Committee on Public Lands, to whom was referred the bill (S. 718) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law, with certain restrictions, beg leave to report it back with the recommendation that it do pass.

A bill of the same nature passed the Senate in the Fifty-fifth Congress. The following excerpts are taken from the report submitted in connection with that bill:

By Executive Order No. 872, of November 28, 1881, certain lands in northern Minnesota, around the headwaters of the Mississippi River, were withdrawn from sale and entry by reason of the fact that they would be needed for reservoir purposes and were likely to be overflowed in consequence of the construction of such reservoirs. A copy of said order is hereto attached and made a part of this report.

The reservoirs in contemplation of construction at the time said order was issued have long since been completed, and it is now found that, with the exception of two tracts of land, none of the rest have been used or will be needed for the reservoirs, or are likely to be overflowed by the reservoirs. There is, therefore, no good ground for further withholding these lands from sale and entry under our public-land laws.

The object of the bill under consideration is to restore these lands to the public domain for sale and entry under the homestead law.

The War Department, under whose jurisdiction these lands have remained since their withdrawal, has prepared and approved of the bill, as appears from the following indorsements by the Chief of Engineers and the Secretary of War upon a letter in respect to this matter to the Secretary of War from Senator NELSON:

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,

February 23, 1897.

Respectfully returned to the Secretary of War.

Hon. KNUTE NELSON, United States Senate, desires to know if there is any objection to the restoration to the public domain of certain land reserved by the Government for use in connection with the construction of a reservoir and dam on Leech Lake, headwaters of the Mississippi River; also, in what way said land can be restored. The land in question was withdrawn from sale or disposal by Executive proclamation No. 872, dated November 28, 1881 (copy herewith), for the work above mentioned, and there appears to be no objection to the restoration of the land to the public domain, with the exception of lot 7 of section 33, and lot 5 of section 34, township 144, range 28, upon which the south end of the Leech Lake reservoir dam rests, provided such restrictions are imposed as will reserve to the Government the right to overflow the land and protect it from any claims to compensation for such overflowing. An act of Congress approved June 20, 1890, authorized the restoration of certain other reservoir lands in this locality, and contains the provisions and restrictions deemed essential in this case. A draft of a bill, drawn on the lines of this act, is submitted herewith, and it is believed that it will accomplish the purpose desired by Senator NELSON and protect the Government's interest in the reservoir and dam.

JOHN M. WILSON,

Brig. Gen., Chief of Engineers, United States Army.

WAR DEPARTMENT, February 24, 1897.

Respectfully returned to the Hon. KNUTE NELSON, United States Senate, inviting attention to the preceding indorsements hereon and to the inclosed papers therein referred to.

DANIEL S. LAMONT, Secretary of War.

Your committee accordingly recommend the passage of the bill with the following amendments:

(1) Strike out all of section 2 after the word "it," line 8, and insert the following in the place thereof: "And in all cases where first or preliminary homestead entries have been made of the lands hereby restored, and the entrymen have attempted to make final proof and final entry, such entrymen shall have a preferred and prior right to enter such lands under the homestead law on showing a compliance with the requirements of said law as to settlement, cultivation, proof, and payment."

(2) After the word "kind," in line 1 of section 3, insert the following: "Except as specified in the foregoing section."

The object of these amendments is to protect the rights of inchoate homestead settlers who have been permitted to make preliminary entries, but have not been allowed to perfect the same.

(No. 872.)

PROCLAMATION

By the President of the United States in withdrawing from sale or disposal certain lands in the State of Minnesota.

Whereas, by the provisions of the second section of an act of Congress entitled "An act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," approved June 18, 1878, the Secretary of War was directed to cause "an examination" to be made "of the sources of the Mississippi River and of the St. Croix River in Wisconsin and Minnesota, and of the Chippewa and Wisconsin rivers in the State of Wisconsin, to determine the practicability and cost of creating and maintaining reservoirs upon the headwaters of said rivers and their tributaries for the purpose of regulating the volume of water and improving the navigation of said rivers and that of the Mississippi River, and an estimate of the damage to result therefrom to property of any kind," and by the provisions of the acts of March 3, 1879, June 14, 1880, and March 3, 1881, appropriation was made for the completion of the survey above referred to and the construction of said reservoirs; and

Whereas it appears by the report of the United States engineer having in charge the survey provided for by said act, which report was made to the Secretary of War, and dated St. Paul, Minn., November 4, 1881, that certain vacant public lands of the United States in the State

of Minnesota will be affected in the event of affirmative Congressional action upon said matter, and which action by the appropriations aforesaid has now been taken: Therefore,

I, Chester A. Arthur, President of the United States, do hereby direct that the following-described public lands in the State of Minnesota, being lands referred to in said report, be withheld from sale or disposal under the various acts for the sale and disposal of the public lands:

St. Cloud, Minn., land district.

Parts of section.	S.	T.	R. ^a
SE. 1/4 NW. 1/4	11	144	32
W. 1/4 NE. 1/4	11	144	32
W. 1/4 SE. 1/4	11	144	32
Lots 3 and 4	11	144	32
NE. 1/4 SW. 1/4	11	144	32
Lots 2, 3, and 4	14	144	32
W. 1/4 NE. 1/4 and SE. 1/4 SE. 1/4	14	144	32
SW. 1/4 NW. 1/4	21	144	32
Lot 3	25	144	32
Lot 11 and NW. 1/4 SW. 1/4	26	144	32
W. 1/4 SW. 1/4 and SE. 1/4 SE. 1/4	27	144	32
Lots 3, 8, and 9, and NW. 1/4 NE. 1/4, and SE. 1/4 SE. 1/4	28	144	32
Lot 2, NE. 1/4 NW. 1/4, S. 1/4 NE. 1/4, and W. 1/4 SE. 1/4	29	144	32
Lots 2, 3, 4, 8, and N. 1/4 SE. 1/4	33	144	32
Lots 5, 8, N. 1/4 SE. 1/4, and N. 1/4 SW. 1/4	34	144	32
S. 1/4 NW. 1/4 and N. 1/4 NE. 1/4	35	144	32
Lot 9	1	143	32
Lot 2	12	143	32
SE. 1/4 NE. 1/4, NW. 1/4 SE. 1/4, and SE. 1/4 SW. 1/4	34	143	32
E. 1/4 NW. 1/4, NE. 1/4 SW. 1/4, SW. 1/4 SW. 1/4, SW. 1/4 NW. 1/4, and NW. 1/4 SE. 1/4	35	143	32
Lots 5, 6, 7, 8, 9, and SE. 1/4 NW. 1/4	1	142	32
Lots 1, 2, 3, 4, 6, 7, 8, and 9	2	142	32
Lots 2, 3, SW. 1/4 NE. 1/4, and SE. 1/4 NW. 1/4	3	142	32
NE. 1/4 SE. 1/4 and lots 1, 2, and 3	11	142	32
Lots 1, 2, and SE. 1/4 NW. 1/4	12	142	32
Lots 1, 2, and 3	7	142	31
Lots 2, 3, 4, and 5	8	142	31
Lots 2, 3, and 4	9	142	31
All of	15	142	31
Lot 6	2	141	31
Lot 11	11	141	31
Lot 8	13	141	31
Lot 2	14	141	31
Lots 4, 5, 6, and 7	29	144	28
All of	31	144	28
All of	32	144	28
Lot 7	33	144	28
Lots 4, 5, 6, 8, S. 1/4 SE. 1/4, and SW. 1/4	34	144	28
Lot 5	39	144	28
Lot 5	34	144	28
W. 1/4 NE. 1/4, W. 1/4 SE. 1/4, and W. 1/4	4	143	28
All of	5	143	28
All of	6	143	28
All of	7	143	28
All of	8	143	28
All of	9	143	28
W. 1/4 SE. 1/4 and E. 1/4 NE. 1/4	10	143	28
SW. 1/4 SW. 1/4	13	143	28
W. 1/4 SW. 1/4 and SE. 1/4 SW. 1/4	14	143	28
S. 1/4 SE. 1/4 and S. 1/4 SW. 1/4	15	143	28
W. 1/4 SE. 1/4	17	143	28
N. 1/4 NW. 1/4, SW. 1/4, and E. 1/4	18	143	28
NE. 1/4 NE. 1/4, E. 1/4 SE. 1/4, and SW. 1/4 SE. 1/4	19	143	28
Lots 3, 4, 5, 6, 7, NW. 1/4 SE. 1/4, NE. 1/4 SW. 1/4, and NE. 1/4	20	143	28
All of	21	143	28
All of	22	143	28
All of	23	143	28
W. 1/4 NE. 1/4, W. 1/4 SE. 1/4, and W. 1/4	24	143	28
NW. 1/4 NW. 1/4	25	143	28
NE. 1/4 NE. 1/4, S. 1/4 SE. 1/4, and S. 1/4 SW. 1/4	26	143	28
Lots 1, 2, 3, 4, W. 1/4 NE. 1/4, and NW. 1/4	27	143	28
Lots 1, 2, 3, and N. 1/4 NE. 1/4	28	143	28
All of	30	143	28
Lot 1	35	143	28
SE. 1/4 SW. 1/4	19	143	27
NE. 1/4 SW. 1/4 and SE. 1/4 SE. 1/4	29	143	27
SW. 1/4 NW. 1/4, NE. 1/4 NW. 1/4, and NW. 1/4 NE. 1/4	30	143	27
SE. 1/4 NW. 1/4, SW. 1/4 SW. 1/4, and NW. 1/4 NE. 1/4	33	143	27
Lots 6 and 9	5	142	27
NE. 1/4 SE. 1/4, SW. 1/4 NE. 1/4, and E. 1/4 NE. 1/4	9	142	27
SW. 1/4 NE. 1/4, NW. 1/4 SE. 1/4, N. 1/4 SW. 1/4, and S. 1/4 NW. 1/4	10	142	27
SW. 1/4 NW. 1/4, W. 1/4 SE. 1/4, and SW. 1/4	14	142	27
S. 1/4 NE. 1/4, SE. 1/4 NW. 1/4, lot 1, and N. 1/4 SE. 1/4	15	142	27
Lots 3, 4, 7, SE. 1/4 NE. 1/4, and N. 1/4 SE. 1/4	21	142	27
Lots 1, 2, 5, 6, and SW. 1/4 SW. 1/4	22	142	27
NW. 1/4 NE. 1/4	23	142	27
Lot 2	27	142	27
Lots 1, 4, and 6	28	142	27
Lot 2	28	142	27
NW. 1/4 NE. 1/4	35	142	27

^a West of fifth principal meridian.

Given under my hand, at the city of Washington, this 28th day of November, A. D. 1881.

CHESTER A. ARTHUR.

By the President:

N. C. MCFARLAND,
Commissioner General Land Office.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The PRESIDENT pro tempore. The hour of 1 o'clock, to which the Senate sitting as a court in the impeachment of Judge Charles Swayne adjourned, has arrived. Will the Senator from Connecticut [Mr. PLATT] please take the chair?

Mr. PLATT of Connecticut thereupon took the chair as Presiding Officer.

The PRESIDING OFFICER. The Sergeant-at-Arms will make the opening proclamation.

The SERGEANT-AT-ARMS. Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence on pain of imprisonment while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Charles Swayne, judge of the district court of the United States in and for the northern district of Florida.

The PRESIDING OFFICER. The Secretary will now call the names of those Senators who have not been sworn, and such of those Senators as are present in the Chamber will, as their names are called, advance to the desk and take the oath.

The Secretary called the names of the Senators who had not been heretofore sworn, whereupon Senators BLACKBURN, DEPEW, DRYDEN, KNOX, and MCLAURIN advanced to the area in front of the Secretary's desk, and the oath was administered to them by the Presiding Officer.

Mr. FAIRBANKS. I offer the resolution which I send to the desk, for which I ask present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary inform the House of Representatives that the Senate is sitting in its Chamber and ready to proceed with the trial of the impeachment of Charles Swayne.

At 1 o'clock and 7 minutes p. m. the Assistant Sergeant-at-Arms announced the managers on the part of the House of Representatives.

The PRESIDING OFFICER. The managers will be admitted and conducted to the seats provided for them within the bar of the Senate.

The managers were conducted to seats provided in the space in front of the Secretary's desk on the left of the Chair, namely: Hon. HENRY W. PALMER, of Pennsylvania; Hon. MARLIN E. OLMSTED, of Pennsylvania; Hon. JAMES B. PERKINS, of New York; Hon. HENRY D. CLAYTON, of Alabama; Hon. DAVID A. DE ARMOND, of Missouri; and Hon. DAVID H. SMITH, of Kentucky.

At 1 o'clock and 14 minutes p. m. Hon. Anthony Higgins and Hon. John M. Thurston, counsel for the respondent, Charles Swayne, entered the Senate Chamber and were conducted to the seats assigned them in the space in front of the Secretary's desk, on the right of the Chair.

The PRESIDING OFFICER. The Secretary will read the minutes of the proceedings of the last session of the Senate while sitting in the trial of the impeachment of Charles Swayne.

The Secretary read the Journal of proceedings of the Senate, sitting for the trial of the impeachment, of Tuesday, January 24, 1905.

The PRESIDING OFFICER. The Secretary will now read the return of the Sergeant-at-Arms to the summons directed to be served.

The Secretary read the following return appended to the writ of summons:

The foregoing writ of summons, addressed to Charles Swayne, and the foregoing precept, addressed to me, were duly served upon the said Charles Swayne by delivery to and leaving with him true and attested copies of the same at 1215 Tatnall street, Wilmington, Del., the residence of Henry G. Swayne, on Tuesday, the 24th day of January, 1905, at 7 o'clock and 45 minutes in the afternoon of that day.

DANIEL M. RANSELL,
Sergeant-at-Arms United States Senate.

The PRESIDING OFFICER. The Secretary will now administer to the Sergeant-at-Arms an oath in support of the truth of his return.

The Secretary (Mr. CHARLES G. BENNETT) administered the following oath to the Sergeant-at-Arms:

You, Daniel M. Ransdell, Sergeant-at-Arms of the Senate of the United States, do solemnly swear that the return made by you upon the process issued on the 24th day of January, 1905, by the Senate of the United States against Charles Swayne, is truly made, and that you have performed such service as therein described. So help you God.

The SERGEANT-AT-ARMS. I do so swear.

The PRESIDING OFFICER. The Sergeant-at-Arms will make proclamation.

The SERGEANT-AT-ARMS. Charles Swayne, Charles Swayne, Charles Swayne, judge of the district court of the United States for the northern district of Florida: Appear and answer to the articles of impeachment exhibited by the House of Representatives against you.

Mr. HIGGINS. Mr. President, on behalf of the respondent, Charles Swayne, I beg to enter the following appearance:

*To the Honorable the Senate of the United States,
Sitting as a Court of Impeachment:*

I, Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, now present in the city of Washington, having been served with a summons to be in the city of Washington on the 27th day of January,

1905, at 1 o'clock afternoon, to answer certain articles of impeachment presented against me by the honorable the House of Representatives of the United States, do hereby enter my appearance by my counsel, Anthony Higgins and John M. Thurston, who have my warrant and authority therefor, and who are instructed by me to ask this court for a reasonable time for the preparation of my answer to said articles.

CHARLES SWAYNE.

Dated at Washington, D. C., this 27th day of January, A. D. 1905.

I ask that this be filed, and I submit a copy for the managers. The PRESIDING OFFICER. It will be placed on file.

Mr. THURSTON. On behalf of the respondent we make the following motion:

In the Senate of the United States, sitting as a court of impeachment. The United States of America v. Charles Swayne. Upon articles of impeachment presented by the House of Representatives of the United States of America.

The respondent, by his counsel, now comes and moves the court to grant him the period of seven days in which to prepare and present his answer to the articles of impeachment presented against him herein.

ANTHONY HIGGINS.
JOHN M. THURSTON.

Mr. FAIRBANKS. Mr. President, I move the adoption of the order which I send to the desk.

The PRESIDING OFFICER. The Senator from Indiana moves the adoption of an order, which will be read.

The order was read, and agreed to, as follows:

Ordered, That the respondent present his answer to the articles of impeachment at 12 o'clock and 30 minutes postmeridian on the 3d day of February next.

Mr. Manager PALMER. I move the adoption of the order which I send to the Secretary's desk to be read.

The PRESIDING OFFICER. The proposed order will be read.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant-at-Arms by the managers and the respondent, who shall be subpoenaed by him to appear on the 10th day of February, at 1 o'clock post meridian.

Ordered, That the cause shall be opened and the trial proceed on the 13th day of February, at 1 o'clock postmeridian, unless otherwise ordered.

The PRESIDING OFFICER. Senators, are you ready for the question on the adoption of the order presented by the managers on the part of the House?

Mr. THURSTON. Mr. President—

Mr. Manager PALMER. I move the adoption of the order.

Mr. FAIRBANKS. The reading of the order was not distinctly heard, and I ask that it may be again read for the information of the Senate.

The PRESIDING OFFICER. The proposed order will again be read.

The Secretary again read the order.

Mr. THURSTON. Mr. President, on behalf of the respondent, we desire to say that we have had in mind the important public business that must necessarily be transacted by the Senate between now and the expiration of the session on the 4th of March, and we are disposed in every way consistent with the interests of our client to assist the Senate in expediting this trial. And for our part, while we are not here in the attitude of objecting to any order that the Senate may seek to make, we see no reason why the trial might not proceed just as well on the 10th day of February as on the 13th.

Mr. FAIRBANKS. Mr. President, I ask for a division. Two orders are proposed. I ask that the first may be first considered.

The PRESIDING OFFICER. The request of the Senator from Indiana is entirely within the rules of the Senate. The Secretary will read the first division of the proposed order.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant-at-Arms by the managers and the respondent, who shall be subpoenaed by him to appear on the 10th day of February, at 1 o'clock postmeridian.

Mr. BACON. Mr. President, in order that Senators may vote intelligently upon the order, I suggest that it might be profitable for the managers to state to us the reason why it is not practicable to proceed on the 10th, if such reason there be.

The PRESIDING OFFICER. The first division of the order is now under consideration, providing that the witnesses be directed to appear on the 10th.

Mr. BACON. I did not catch the reading. I withdraw the suggestion until after the pending question is disposed of.

The PRESIDING OFFICER. The question is on agreeing to the first part of the order, which has been read.

Mr. BAILEY. Mr. President, it does not seem to me that there can be any good reason why the managers on the part of the House can not be ready to proceed with this trial on the 3d day of February instead of the 13th. Without intending the slightest criticism of the managers or the House itself, I beg to remind this court that for several months the House has pursued, through its committees, this investigation, and I am perfectly sure that the managers on the part of the House know at this moment all of the important facts involved in this controversy.

This investigation was proposed and directed by the House quite a year ago, or almost. The accused has been through all the allegations and all the testimony against him, and within one week from to-day, it seems to me, the Senate, sitting as a court, could reasonably expect both sides to be ready to proceed.

If this trial is delayed until the 13th of February we will witness the spectacle, to say the least not gratifying, of the Senate being forced either to hurry with this solemn and important duty or neglect some of its legislative functions. Unless the managers on the part of the House are willing to say that they could not prepare to proceed with the trial of this case upon the day when Judge Swayne makes his answer, I should prefer—I should almost insist—that we enter upon the trial then instead of on the 10th, as suggested by some, or on the 13th, as proposed by the managers on the part of the House.

I sincerely hope that the managers on the part of the House will feel warranted in saying that they will be ready to proceed upon the very day when Judge Swayne shall make his answer.

Mr. SPOONER. Mr. President, if the answer of the respondent is to be exhibited to the Senate on the 3d day of February, it would be undue haste and perhaps injustice to the managers to require them to proceed to trial on that day. The practice is, and in this case it may very easily be a necessity, that the managers of the House will desire to file a replication to the answer. They will not have had opportunity to peruse it until the 3d. They should have opportunity to consider it and to prepare such pleadings in reply to it as they may be advised. So I think they ought not to be required to proceed to trial on the same day that the answer of the respondent is presented to the Senate.

Mr. BAILEY. I suggest to the Senator from Wisconsin that we would proceed with the trial within the meaning of that term, and if the managers on the part of the House desire to have one day or two days to make such reply as they might deem necessary, the court could then allow it. I object merely to the delay of ten days or the delay of one week after the answer is made being ordered now. Undoubtedly if the court entered upon the trial on the 3d day of February and the managers on the part of the House should ask for time to reply to the answer of Judge Swayne, no Senator would doubt the propriety and justice of allowing it. But they might only want one day, or they might only want two days; and it seems to me that we would save time by ordering the trial to begin then, because by such order it does not necessarily mean that the testimony shall be taken either that or the following day.

Mr. Manager PALMER. Mr. President, on behalf of the managers, I wish to state that under the order which has already been made the respondent has until the 3d of February to answer. The managers will be obliged to submit any replication or exception or demurrer that they may see fit to prepare to the House for its adoption. We shall ask at least two days or perhaps three days for that purpose. That will run the time over until the 6th of February. Then probably an argument will occur on the replication or on the exceptions or on the demurrer or on whatever pleading the managers may see fit to file.

Of course it is not supposed that the proceedings in this case will be suspended until the 13th. It is supposed that between the 3d and the 13th the issues will be framed and the pleadings settled. No lawyer can undertake to prepare a case until the pleadings are settled, until he knows what issues he has to meet. We are not aware and we can not foretell what answer the respondent will make in this case. If the pleadings are settled by the 6th of February and the witnesses are subpoenaed to appear on the 10th and it is ordered that the case shall be opened and the witnesses examined on the 13th, that will give the managers from the 10th to the 13th to examine their witnesses and to arrange in an orderly way so that the case may be adequately and properly presented to the Senate.

That is the thought which the managers had in presenting this order. I wish to state that the time is as short as it possibly can be. The managers can not get ready any sooner than that, and there will be nothing gained by forcing a trial before that date.

Mr. BLACKBURN. Mr. President, in order that the Senate may be informed just here on what seems to me to be an essen-

tial matter, I want to know whether we are to understand from the managers of the House that every pleading that the managers are to prepare, whether in the nature of a reply to an answer or a demurrer or exception—all of these preliminary pleadings—must, in the judgment of the managers, be by them submitted to the House and approved before they have authority to file, and proceed here?

Mr. Manager PALMER. Mr. President—

Mr. BLACKBURN. Will the manager allow me for just a moment? I will complete the question, because I rise simply to get the information that seems to me necessary.

My understanding of it is that the Members of the House who constitute the committee of managers are assumed to be lawyers. Else, I take it, they would not have been selected by the House. I may be entirely in error, but my understanding is that when the House selected them and clothed them with the duty of representing the House in the prosecution of these charges they, and not the House, were charged with the preparation of the pleadings and the bringing of this case to trial, and that they have already the authority of the House. I do not understand—though, as I have said, I may be entirely in error—that they must go back and get additional authority in the nature of approval of every step that they take in the discharge of the duty which the House has put upon them as its managers and representatives in the prosecution of this impeachment.

Mr. Manager PALMER. In answer to the Senator from Kentucky, I will say that we are proceeding in strict accordance with all the precedents, from the first impeachment trial ever had in the Senate down to the last trial that was had, namely, that of William W. Belknap, Secretary of War. The managers have always consulted the House as to the form of pleadings, especially the replication. The House prepares the articles, the House votes on the articles, and necessarily there must be submitted to the House any replication or exceptions or demurrer that the managers may prepare. We only follow the precedents; and while it may be a very violent presumption that the managers are lawyers, we at least are lawyers enough to follow precedent.

The PRESIDING OFFICER. The Chair wishes to observe at this point that he doubts the propriety of debate between Senators and the managers of the impeachment on the part of the House. He does not speak positively upon that question, not having had an opportunity to examine the precedents.

Mr. FAIRBANKS. We understand that the order which the managers of the House have asked for can not properly be put by them, and I suppose it is the proper practice to regard the order offered as a request. I offer, upon the request of the managers of the House, for present consideration the order which I send to the desk.

The PRESIDING OFFICER. The order will be read.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant-at-Arms by the managers and the respondent, who shall be subpoenaed by him to appear on the 10th day of February, at 1 o'clock postmeridian.

The PRESIDING OFFICER. Senators, are you ready for the question?

Mr. TELLER. Let the order be read again.

The PRESIDING OFFICER. The Senator from Colorado calls for the further reading of the proposed order.

The Secretary again read the order.

Mr. BAILEY. Mr. President, I move to strike out the word "tenth" and to insert "third." I may be permitted to say in support of the motion that the very practice suggested by the managers of the House, of reporting back to the House such replication, answer, or demurrer as they may see fit to recommend, emphasizes the necessity of the Senate proceeding with this trial at the earliest possible day.

The PRESIDING OFFICER. The Senator from Texas moves to amend the proposed order as will be stated.

The SECRETARY. In the last line it is proposed to strike out the word "tenth" and insert "third;" so as to read "the 3d day of February."

Mr. BACON. I should like to inquire of the managers, through the Chair, whether there is any difficulty in the witnesses being summoned to appear and their obeying the summons by the 3d?

The PRESIDING OFFICER. The managers will respond.

Mr. Manager PALMER. Mr. President, I should say it would be practically a physical impossibility to get the witnesses here by the 3d. They are in Florida and in Texas and in Louisiana, and by the ordinary courses of travel at this season it would be practically impossible for the Sergeant-at-Arms to go there, ascertain where the witnesses are, summon them, and bring them here by the 3d.

Secondly, it would be of no use at all to get them here on the 3d; we could not do anything with them, because the

pleadings will not have been settled on the 3d. The 3d of February is the day when the respondent is to put in his answer.

The House will ask, and I suppose under the practice will receive, some time to file a replication. There is no use to have the witnesses here until after the pleadings are settled, certainly, and it seems to me to be a reasonable request that the managers should have a few minutes after the witnesses get here to prepare for the trial.

Mr. BAILEY. Mr. President, in view of the statement by the managers of the House that it would be a physical impossibility to summon these witnesses and have them here by the 3d, I withdraw the amendment which I proposed.

The PRESIDING OFFICER. The amendment is withdrawn. The question is on agreeing to the order.

The order was agreed to.

Mr. FAIRBANKS. I move, Mr. President, that the Senate sitting for the trial of the impeachment adjourn until Friday, the 3d day of February next, at half past 12 o'clock postmeridian.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate, sitting for the trial of the impeachment, adjourned until Friday, February 3, 1905, at 12.30 o'clock p. m.

The managers on the part of the House and the counsel for the respondent withdrew from the Chamber.

The PRESIDENT pro tempore resumed the chair.

Mr. BAILEY. Mr. President, a moment ago, when the Senate was sitting as a court, it was doubted if the managers on the part of the House are permitted under the rules to make a motion. My own opinion is that nobody but a Senator can make a motion to be voted on by the Senate, but it would be a most anomalous situation if an attorney in any kind of a court could not make motions before that court to be acted on by that court. And for my own guidance—I am sure that other Senators are in much the same frame of mind—I should like to have that question settled. If it would be proper, I should like to have the Judiciary Committee report, or if the Senate prefers, a special committee, what have been the practice and the precedents in that respect.

It would be awkward, to say the least of it, if the managers on the part of the House in a trial of this kind should have to solicit some Senator to make a motion which they thought necessary to the presentation of their case.

Mr. BACON. I will state that which will recall to the recollection of the Senator from Texas a fact possibly he has forgotten. The Senate already has a special committee appointed for the purpose of considering all questions of that kind.

Mr. BAILEY. That had escaped my mind; and as there is a special committee of that kind of course that special committee will be prepared to report on it. I should dislike to see the Senate again meet as a court without some understanding as to the power of the managers on the part of the House or counsel on the part of Judge Swayne. Without having looked at the precedents at all, my impression would be that they would be entitled to make the same motions to this court that any attorney would be in any other court.

The PRESIDENT pro tempore. There is a select committee, of which the Senator from Connecticut [Mr. PLATT] is chairman, and undoubtedly, the attention of that committee having been called to this question, the Senate will be advised by it.

RESTORATION TO PUBLIC DOMAIN OF RESERVOIR LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6644) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law, with certain restrictions.

The PRESIDENT pro tempore. The bill was read and a request was made, the Chair thinks by the Senator from Massachusetts, that the report be read. The reading of the report was interrupted by the court.

Mr. NELSON. I ask unanimous consent that the further reading of the report be dispensed with. The bill relates wholly to lands in Minnesota.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

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

LAND IN WASHINGTON CITY.

Mr. GORMAN. I ask unanimous consent to call up the bill (S. 6371) to confirm title to lot 5, in square south of square No. 990, in Washington, D. C.

The Secretary read the bill; and by unanimous consent the

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

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

Mr. KEAN. I ask that the report be printed in the RECORD. I do not ask that it be read.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from New Jersey, and the report will be printed in the RECORD.

The report submitted by Mr. MARTIN, January 14, 1905, is as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 6371) to confirm title to lot 5, in square south of square No. 990, in Washington, D. C., having considered the same, report thereon with a recommendation that it pass.

By resolution of the Senate of January 27, 1898, the Chief of Engineers of the War Department forwarded to the Senate a list of lots in the District of Columbia title to which appeared on the records of the War Department as being in the name of the United States. (Senate Doc. No. 277, 2d. sess. 55th Cong.)

By act of March 3, 1899, Congress confirmed title to all of the lots enumerated in said War Department list "upon the filing by the actual occupant of the lots mentioned in said document (Senate Doc. No. 277) sufficient proof that the said occupant or the party under whom he claims has been in actual possession of said lot or lots for an uninterrupted period of twenty years, so that the records shall show the title to said lot or lots to be in the said occupant."

Further complying with said Senate resolution of January 27, 1898, the Chief of Engineers of the War Department, subsequent to the passage of said act of March 3, 1899, forwarded to the Senate, under date of December 6, 1900, a list of lots, the title to which the records of the War Department showed to be in the United States, and suggested that this list of lots (Senate Doc. No. 31, 2d sess. 56th Cong.) supersede the list set out in said Senate Document No. 277, second session Fifty-fifth Congress.

As indicated above, the list of lots recited in said Senate Document No. 31 reached the Senate subsequent to the passage of the act confirming title to the lots mentioned in said Senate Document No. 277, and no action has been had thereon by Congress.

A number of lots mentioned in said Senate Document No. 31 are mentioned in said Senate Document No. 277.

Lot 5, in square south of square No. 990, was not contained in the first list forwarded to the Senate by the Chief of Engineers under said Senate resolution, but is contained within the second report so forwarded to the Senate, and is recited in said Senate Document No. 31, second session Fifty-sixth Congress, and no action has been taken upon this said lot by Congress.

The bill in question is drawn exactly along the lines of the act confirming title to the list of lots mentioned in said Senate Document No. 277.

The bill has the approval of the War Department, as will appear by the following communications from the Assistant Secretary of War and the Chief of Engineers, United States Army:

[First Indorsement.]

WAR DEPARTMENT, January 11, 1905.

Respectfully returned to the chairman Committee on the District of Columbia, United States Senate, inviting attention to the accompanying report of the Chief of Engineers, United States Army, of yesterday's date.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 10, 1905.

SIR: I have the honor to return herewith a letter, dated the 7th instant, from the Senate Committee on the District of Columbia, inclosing for the views of the War Department thereon S. 6371, Fifty-eighth Congress, third session, "A bill to confirm title to lot 5, in square south of square No. 990, in Washington, D. C."

Lot 5, square south of square No. 990, is one of the lots mentioned in the list printed in Senate Document No. 31, Fifty-sixth Congress, second session, the title to which lots the records show to be in the United States. As Congress has enacted similar legislation respecting other lots in this category, I see no objection to the favorable consideration of this bill by Congress.

Very respectfully,
A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. Wm. H. Taft, Secretary of War.

WILLIAM J. BARCROFT.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 12346) to correct the military record of William J. Barcroft.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That William J. Barcroft, late of Company H, Eighty-sixth Regiment United States Colored Troops, shall be held and considered to have been honorably discharge from the service as of date June 9, 1866, and the Secretary of War is authorized to issue to said Barcroft a certificate of such discharge: *Provided*, That no pay, bounty, or allowance shall accrue or be paid to said Barcroft by reason of this act.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

MISSOURI RIVER BRIDGE IN SOUTH DAKOTA.

Mr. BERRY. I report back favorably from the Committee on Commerce without amendment the bill (S. 6834) to authorize the construction of a bridge across the Missouri River, between Lyman County and Brule County, in the State of South Dakota, and I submit a report thereon.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill just reported. It is a local bridge bill.

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

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

REGISTRATION OF TRADE-MARKS.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same. The bill was read last evening and the amendments reported from the Committee on Patents were adopted; and then the bill went over on my request.

The PRESIDENT pro tempore. The bill was before the Senate yesterday in Committee of the Whole and all the amendments were agreed to. It then went over at the request of the Senator from South Dakota, who now asks that the consideration of it may continue. Is there objection to its consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. If there be no further amendment, the bill will be reported to the Senate.

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.

REGULATION OF IMMIGRATION.

Mr. PLATT of Connecticut. I ask that the Calendar may be proceeded with.

The PRESIDENT pro tempore. The Secretary will announce the first bill on the Calendar.

The bill (S. 5317) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, was announced as first in order.

Mr. KEAN. I do not see the Senator present who reported the bill. I think it had better go over.

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

NATIONAL WHITE MOUNTAIN FOREST RESERVE.

The bill (S. 2327) for the purchase of a national forest reserve in the White Mountains, to be known as the National White Mountain Forest Reserve, was next in order on the Calendar.

Mr. PLATT of Connecticut. Let that bill go over also.

The PRESIDENT pro tempore. Objection is made, and the bill goes over without prejudice.

ESTATE OF GEORGE T. HOWARD.

The bill (S. 5304) for the relief of the heirs of George T. Howard was announced as next in order.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, instructed and directed to pay to the heirs or assigns of George T. Howard, esq., late of San Antonio, Tex., the sum of \$2,077.80, out of any money not otherwise appropriated, in full settlement of the amount found to be due the said George T. Howard by a board of survey appointed for the purpose of assessing damages done to his property by troops of the United States.

Mr. KEAN. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. OVERMAN April 13, 1904, which is as follows:

The Committee on Claims, to whom was referred the bill (S. 5304) for the relief of the heirs of George T. Howard, have had the same under consideration and now beg to report it back to the Senate favorably and without amendment, and to recommend that the bill do pass.

A bill similar as to title and amount was reported to the House of Representatives by the Committee on War Claims of that body in the Fifty-seventh and Fifty-eighth Congresses. The report of that committee (H. Rept. No. 2456) in the Fifty-seventh Congress reads as follows:

"The Committee on War Claims, to whom was referred the bill (H. R. 1750) for the relief of the heirs of George T. Howard, deceased, submit the following report:

"It appears from the proof submitted in support of the bill that in the year 1866 United States troops took possession of the property of the claimant situated in San Antonio, Tex., and injured it to the extent of \$2,077.80.

"On April 4, 1866, by Special Orders, No. 82, Headquarters Central District of Texas, a board of survey was appointed for the purpose of assessing damage alleged to have been done to property of George T. Howard by the United States forces and fix responsibility for the same. The board of survey under this order met, and in their report recommended that the claimant be paid the sum of \$2,077.80 for damages and injury to his property.

"Your committee recommended the passage of the bill."
Special Orders, No. 82, referred to and the proceedings of the board of survey appointed under that order are included in your committee's report as matters of interest and information:

Proceedings of a board of survey called by the following order:

[Special Orders, No. 82.]

HEADQUARTERS SEPARATE BRIGADE,
CENTRAL DISTRICT OF TEXAS,
San Antonio, Tex., April 4, 1866.

A board of survey is hereby appointed to convene at Vance Building, San Antonio, April 6, at 10 o'clock a. m., for the purpose of assessing damage alleged to have been done to property of George T. Howard, esq., by United States forces and fix responsibility for the same.

Capt. Charles J. Fox, Fourth Michigan Volunteer Infantry.
First Lieut. R. A. Sprague, Third Michigan Volunteer Infantry.
Second Lieut. Homar Karber, Eighteenth New York Cavalry Volunteers.

By command of Bvt. Brig. Gen. James Shaw, jr.
GEO. K. SHERMAN,
Captain Seventh United States Colored Troops,
Acting Assistant Adjutant-General.

SAN ANTONIO, TEX., April 6, 1866.

At 10 o'clock a. m. the board met pursuant to the foregoing order. Present: Capt. Charles J. Fox, Fourth Michigan Volunteer Infantry; First Lieut. R. A. Sprague, Third Michigan Volunteer Infantry; Second Lieut. Homar Karber, Eighteenth New York Volunteer Cavalry.

The board then proceeded to investigate the question as to the damages claimed to be done by the United States forces to the property of George T. Howard, esq., at San Antonio, Tex.

J. H. Kampmann, esq., citizen of San Antonio, Tex., a duly authorized agent for George T. Howard, esq., being duly sworn, represents the damages done to said premises as follows:

On the 1st day of November, 1865, when Brevet Brigadier-General Post established his headquarters in the building of George T. Howard, esq., at San Antonio, Tex., the whole property was in very good condition, the house, fences, etc., having been newly repaired.

The general moved his headquarters train, ambulance, and a company of mounted men in the yard in rear of the building. The yard was fenced in on two sides with a board fence and the rear of the lot with cedar poles.

The yard contained a barn, a grapevine arbor 243 feet long, thirty-two bearing grapevines between 5 and 7 years growth, imported from Germany, and eighty-eight bearing peach trees between 5 and 7 years growth. I soon learned that the wagons, mules, and horses caused the destruction of the property and begged General Post to remove his train out of the yard, which was not complied with. When he was relieved from command, I found the upper floor in the barn, the stalls, etc., destroyed, the fences entirely broken down, the poles and boards missing, the grapevine arbor partly destroyed, the most of the grapevines torn out, the peach trees broken down, and the walls, windows of the house, and the stone fence in front of the building partially injured.

After the premises were vacated by the United States forces, I commenced repairing the damages done, and made the following expenditures:

For the fences, gates, barn, etc., 3,254 feet of lumber, per foot, 30 cents, including work, amounts to	\$976.20
For the fence in rear of the lot, 100 cedar posts, amounting to	30.00
For repairs of the house, doors, and windows, gates, and the stone fence in front of the house, including materials, as lime, sand, hinges, nails, etc., amounting to	152.00
I value 88 peach trees \$20 each, which amounts to	1,760.00
32 grapevines, \$20 each	640.00

The whole amount of damages done 3,558.20

GEORGE K. NATHN, regimental quartermaster Third Michigan Volunteer Infantry, being duly sworn, makes the following statement:

I was appointed as acting quartermaster subdistrict of San Antonio, Tex., on the staff of Brevet Brigadier-General Post on the 15th day of December, 1865, and relieved Capt. J. W. Hall, Thirteenth Wisconsin Infantry, and found the property of George T. Howard, esq., in the following condition:

The fences, which included the back yard, were nearly all destroyed, the gates torn down, etc. A headquarters train of ten 6-mule teams, one 4-mule ambulance, and 18 private and public horses, which filled the yard nearly full, and the destruction of the property belonging to George T. Howard, esq., was in my opinion unavoidable.

I remained as assistant quartermaster of the subdistrict of San Antonio until the 23d day of January, when the premises were vacated. During the whole time that I was connected with the headquarters I took particular pains to see that no property was destroyed which could in any way be avoided.

Q. Were there any peach trees and grapevines standing in the yard when you were first appointed on the staff of Brevet Brigadier-General Post?—A. There were no peach trees in the yard, but a few grapevines.

Q. What time was General Post relieved from command of the district?—A. On or about the 25th day of December, 1865.

Sergt. WARREN T. SPINK, Company I, Third Michigan Volunteer Infantry, being duly sworn, deposes and says:

I was detailed on the 24th day of November, 1865, and placed in charge of the escort of Brevet Brigadier-General Post, commanding subdistrict of San Antonio, Tex. I found on the premises of George T. Howard, esq., then occupied as headquarters of the subdistrict of San Antonio, Tex., 18 horses, ten or twelve 6-mule wagons, one 4-mule ambulance, and about 75 mules, all of which were in the back yard. The grapevines and arbor were torn down by the mules breaking loose and getting entangled in the grapevines.

Q. Did you on the 24th day of November, 1865, find any peach trees in the said yard?—A. I only found a few stumps of peach trees.

Q. Was the fence in good condition when you reported for duty at subdistrict headquarters?—A. The most of it I found torn down.

Q. Did General Post give any particular instructions in regard to the preservation of the property?—A. The General gave me the order to keep everything in good order and not destroy any property belonging to the said Howard, but we had so much transportation, horses, etc., that filled the yard more than full; it was therefore impossible for me to prevent the destruction of said property.

Capt. HENRY CLUBB, assistant quartermaster U. S. Volunteers, being duly sworn, makes the following statement:

I was depot quartermaster in the post of San Antonio, Tex., when General Post assumed command of the subdistrict of San Antonio, and selected the building of George T. Howard, esq., for his headquarters; was cognizant of the condition of the premises aforesaid; went with the said Howard at his request and examined the back yard, found the fences, gates, barn, and buildings in good order.

Q. Did you find the back yard filled with peach trees and the arbor covered with grapevines?—A. I did.

Q. How many years' growth do you think these peach trees had?—A. I judge about five years.

Q. Were all the peach trees and grapevines in good condition when you saw them?—A. They were.

Q. How much do you value each tree?—A. About \$25. If it was my own homestead I would not like to have one destroyed for \$100.

Q. Were you acquainted with the price of lumber when those premises were repaired? If so, state what it was worth per thousand.—A. One hundred and fifty dollars per thousand.

The board then proceeded to the premises of said George T. Howard, esq., and after a careful investigation of damages done to said premises, we fixed said damages as follows:

3,252 feet of lumber, at \$150 per 1,000, which amounts to	\$487.80
100 fence poles, at 30 cents each, which amounts to	30.00
180 feet picket fence made of long cedar poles, at 50 cents per foot, which amounts to	90.00
Lime, sand, glass, door hinges, etc., amounts to	70.00
Labor repairing house and premises	400.00
Damage done to trees, grape vines, and other shrubbery	1,000.00

Which in all comprises the sum of 2,077.80

Being unable to obtain evidence in regard to the necessity of keeping this headquarters train and escort on these premises, we most respectfully submit the foregoing actions for approval.

C. J. FOX,
Captain, Fourth Michigan Infantry.
R. A. SPRAGUE,
First Lieutenant, Third Michigan Infantry.
H. KARBEL,
Second Lieutenant, Eighteenth New York Cavalry.

H. Karber, late a second lieutenant in the Eighteenth Regiment of New York Cavalry Volunteers and a member of the board of survey in question, made the following affidavit on the 30th day of November, A. D. 1900:

STATE OF TEXAS, County of Bexar:

I hereby make oath that I was a second lieutenant in the Eighteenth New York Cavalry, United States Army, in 1866, and that I was a member of a board of survey appointed by Brig. Gen. James Shaw, jr., commanding department, District of Texas, for the purpose of appraising the amount of damage done to the premises of George T. Howard, San Antonio, Tex., by reason of occupying the same as headquarters for Brigadier-General Post, United States Army; that I, in company with Capt. Charles J. Fox and First Lieut. R. A. Sprague, my associates on the board, made the investigation and the appended reports of same, and that the facts are as true to-day as at that date, with the exception that the amount of damage we awarded was governed by the price of material and labor at that date.

H. KARBEL.

STATE OF TEXAS, County of Bexar:

Before me, William H. Young, a notary public in and for Bexar County, Tex., personally appeared Homer Karber, who is known to me to be the person whose name is subscribed to the above instrument of writing, and says that the same is true.

Sworn to and subscribed before me this 30th day of November, A. D. 1900.

[SEAL.]

WM. H. YOUNG,
Notary Public, Bexar County, Tex.

Mr. PLATT of Connecticut. It is nearly 2 o'clock. Before I object to the consideration of the bill, as I propose to do, I wish to say that it seems to me to set a precedent for payment to the owner of every piece of ground which was damaged by encampment upon it of United States troops. I think it a pretty serious case. I object to the consideration of the bill, and ask that it may go over under Rule IX.

The PRESIDENT pro tempore. The bill will go over under Rule IX.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is House bill 14749.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. GALLINGER. Mr. President, I am not unmindful of the fact that this bill has been under discussion for so long a time that both the Senate and the country have to a great extent lost interest in it. For this reason I do not flatter myself that any contribution I can make to the subject will attract any special attention. Indeed, Mr. President, I had not intended to take any part in the debate, but the numerous petitions that I have from time to time presented to the Senate from the citizens of the In-

dian Territory praying that they may not be made part of the new State of Oklahoma unless prohibition is continued to them so impressed me with the importance of that phase of the question that I feel it my duty to make an appeal for these people, which I trust may be effective. The question is one that can not be lightly set aside, and I have reason to believe that the Senate is anxious to protect the people of the Indian Territory from the destructive effects of intoxicants if it can in any way be done. My hope is that the bill may be so amended as to accomplish that result, which will bring joy to the hearts of multitudes of good people all over our land.

I have already given notice of a proposed amendment to the bill, which I will ask the Secretary to read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. It is proposed to insert the following:

The manufacture, sale, barter, or giving away of intoxicating liquors within that part of this State heretofore known as the Indian Territory, and in all the several other parts of this State known as Indian reservations at the time of the adoption of this constitution, is hereby prohibited for a period of twenty-one years after the date of the admission of this State into the Union, and thereafter until the people of this State shall otherwise provide by amendment of this constitution in the manner prescribed therein; and the legislature shall provide suitable laws with adequate penalties for carrying the provisions of this section into full force and effect, said laws to be effective from and after the termination of the Federal jurisdiction hereinafter provided for; and the Federal laws relative to intoxicating liquors now in force in Indian Territory and in the said Indian reservations, respectively, shall continue in force for a period of twenty-one years from and after the admission of this State into the Union, said subject-matter being and remaining under and subject to the exclusive jurisdiction of the United States for said period; and this State and the people of this State do, by the adoption of this provision in this constitution, hereby expressly consent to the continuation of such exclusive jurisdiction by the United States.

Mr. GALLINGER. It is my purpose to offer that amendment at the proper time as a substitute for the committee amendment, which reads as follows:

Provided, That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes of intoxicating liquors within that part of said State heretofore known as the Indian Territory or other Indian reservations within said State, be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

It will be gratifying to me if the committee, after the matter has been discussed, will accept this substitute, thereby, as I believe, greatly strengthening the bill and doing an act of simple justice to a people that by solemn treaty we are now obligated to protect from the ravages of strong drink.

The act of Congress entitled "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1894," approved March 3, 1893, contains the following language in section 16, namely:

The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three Commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muskogee (or Creek) Nation, the Seminole Nation for the purpose of the extinguishment of the national or tribal title to any lands within that Territory now held by any and all of such nations and tribes, either by cession of same or some part thereof to the United States, or by the allotment or division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment upon a basis of justice and equity as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union, which shall embrace the lands within said Indian Territory.

Such Commissioners shall, under such regulations and directions as shall be prescribed by the President, through the Secretary of the Interior, enter upon negotiation with the several nations of Indians as aforesaid in the Indian Territory, and shall endeavor to procure—

First. Such allotment of lands in severalty to the Indians belonging to each such nation, tribe, or band, respectively, as may be agreed upon as just and proper to provide for each Indian a sufficient quantity of land for his or her needs, in such equal distribution and apportionment as may be found just and suited to the circumstances; for which purpose, after the terms of such agreement shall have been arrived at, the said Commissioners shall cause the lands of any such nation or tribe or band to be surveyed and the proper allotment to be designated.

Secondly. To procure the cession, at such price and upon such terms as shall be agreed upon, of any lands not found necessary to be so allotted or divided to the United States.

But said Commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a Territory of the United States with a view to the admission of the same as a State into the Union.

The Commissioners shall at any time or from time to time report to the Secretary of the Interior their transactions and the progress of their negotiations, and shall at any time and from time to time, if separate agreements shall be made by them with any nation, tribe, or band in pursuance of the authority hereby conferred, report the same to the Secretary of the Interior for submission to Congress for its consideration and ratification. (27 Stat. L., 645.)

I have thus quoted at length from the act creating the Commission to the Five Civilized Tribes, commonly known as the "Dawes Commission," in order to show—

1. That from the beginning Congress proceeded on the hypothesis that these Indian tribes were possessed of certain inherent rights which had not only to be reckoned with, but to be adjusted in a way satisfactory to said Indians; that the said Commission was created to negotiate with these tribes with a view to reaching a statement of terms and conditions upon which they would agree to surrender their tribal authority, agree to have their lands allotted in severalty, and to admit the white man to citizenship in their country, without which agreement on the part of the Indians the United States Government considered itself at that time as powerless to proceed. Note the frequent recurrence of such phrases as "negotiate with," "as may be agreed upon," etc.

2. To show that this Commission was not vested with plenary power it is only necessary to point out that its transactions were to be reported back for the ratification of Congress. If this Commission should agree with these tribes to do anything which Congress should not approve, which Congress did not intend to do, which Congress did not have the right under the Constitution to do, then when such transactions should be reported back for the consideration of Congress it would devolve upon Congress at that time and while these stipulations were then under consideration to so decide, and accordingly refuse or fail to ratify them or any of them. So that if these Indian tribes entered into agreements with the said Commission which contained stipulations that should not subsequently be ratified by Congress they were advised from the beginning that such stipulations would, by such failure of Congress to ratify them, become invalid.

But, on the other hand, these Indians and the people of the United States, as well as the philanthropic citizens of other nations of the earth who may be interested in certain aspects of the pending bill proposing to give statehood to Indian Territory, were entirely justified in concluding that so much of the negotiations, transactions, and agreements entered into between these tribes of Indians and the said Commission, and afterwards ratified by a vote of both Houses of Congress, and subsequently approved by the signature of the President—these Indians and the people of the United States and of the world were entirely justified in feeling assured that what was thus agreed to and ratified the Congress of the United States meant to do, and meant to find or devise ways and means of doing.

I now desire to call attention to a paragraph contained in the act entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," approved June 10, 1896, as follows, namely:

And said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them, and report from time to time to Congress.

Directed to "continue * * * and endeavor to accomplish the objects." This language implies that about three years after the Dawes Commission was created there was considerable doubt whether any agreement could be reached by and with these Indians setting forth a statement of the conditions under which they would be willing to surrender to the dominion of the white man. These tribes recognized that in the new order of things as contemplated there were grave dangers for them and their posterity.

TERMS AND CONDITIONS FINALLY AGREED UPON.

At length, however, a bill was introduced in Congress containing the agreements which had been entered into by the Dawes Commission with the Muskogee (or Creek) Nation and with the Choctaws and Chickasaws, entitled, as it may be well to note in this connection, "An act for the protection of the people of the Indian Territory, and for other purposes." This act, after passing the House and Senate, was approved by the President June 28, 1898. "An act to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians" was approved July 1, 1898, a supplemental agreement with the Creeks was approved March 1, 1901, whereas the act entitled "An act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," being likewise the agreement between the Dawes Commission and the Cherokees, was not approved until July 1, 1902.

Now, there was one condition stipulated in these agreements with these several tribes which merits and demands our earnest consideration at this time. In the agreement with the Musko-

gee or Creek tribe, as thus ratified by Congress, we find the following language (30 Stat., 518) :

36. The United States agrees to maintain strict laws in the territory of the said nation against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

And the supplemental agreement contained in "An act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes," approved March 1, 1901 (31 Stat., 861), reiterates the same condition in almost identical language, as follows :

43. The United States agrees to maintain strict laws in said nation against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind whatsoever.

In the agreement with the Choctaws and Chickasaws, commonly known as the "Atoka agreement," the same condition is explicitly stipulated, as follows (30 Stat., 509) :

The United States agrees to maintain strict laws in the territory of the Choctaw and Chickasaw tribes against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

In the agreement with the Seminole tribe, as thus ratified by Congress, the same stipulation is expressed, as follows (30 Stat., 568) :

The United States agrees to maintain strict laws in the Seminole country against the introduction, sale, barter, or giving away of intoxicants of any kind or quality.

In the agreement with the Cherokees, while the language covering this point is not so explicit, the force and effect is substantially the same. In section 73 of the act referred to, entitled "An act to provide for the allotment of the lands of the Cherokee Nation," etc., approved July 1, 1902, it is provided that "no act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation except sections 14 and 27 of said last-mentioned act, which shall continue in force as if this agreement had not been made." The "last-mentioned act" referred to here is the "act for the protection of the people of Indian Territory," approved June 28, 1898, containing, as has been stated, the agreements between the Dawes Commission and the Creeks, Choctaws, and Chickasaws, and also certain other provisions of general application throughout the Indian Territory (30 Stat., 495). This act, being of anterior date to the "act to provide for the allotment of the lands of the Cherokee Nation," contained some sections of general application which were repealed by the later act. But section 14 of the earlier act was expressly exempted from repeal by the later act. The said section 14 deals in part with the putting and retaining in force certain laws of the State of Arkansas in the Indian Territory, which paragraph concludes with a proviso containing the following language, namely :

Provided, That nothing in this act or in the laws of the State of Arkansas shall authorize or permit the sale or exposure for sale of any intoxicating liquor in said Territory or the introduction thereof into said Territory.

Now, while it is not claimed that this language constitutes an express condition upon which the Cherokees consented to the allotment of their lands and the abolishment of their tribal government, as without doubt was and is the case with the Choctaws, Chickasaws, Creeks, and Seminoles, yet it shows that the spirit and purpose of the parties to the agreement were the same on this subject as in the agreements with the other four tribes; and it does unequivocally declare that the stipulations of former treaties with this tribe on this subject were and are not inconsistent with this latest agreement, and are therefore not repealed thereby.

In the treaty with the Cherokee Nation of July 19, 1866, occurs the following provision :

ARTICLE 27. The United States shall have the right to establish one or more military posts or stations in the Cherokee Nation, as may be deemed necessary for the proper protection of the citizens of the United States lawfully residing therein and the Cherokee and other citizens of the Indian country. But no sutler or other person connected therewith, either in or out of the military organization, shall be permitted to introduce any spirituous, vinous, or malt liquors into the Cherokee Nation, except the Medical Department proper, and by them only for strictly medical purposes. (Indian Laws and Treaties, Vol. II, p. 949.)

This was in keeping with a strict prohibitory law put into operation by the Federal Government throughout Indian Territory in the year 1832—seventy-two years ago—and these laws have been maintained both by the Federal Government and the Indian tribal governments unto this day. So far as I am aware, there has never been any serious debate as to the wisdom or the necessity of these laws. They have always been regarded as essential to the maintenance of good order in that country.

What could be more natural, then, when negotiations began to develop looking toward a great change in that country such as was set forth in the act of Congress creating the Commission to the Five Civilized Tribes, that these tribes, before agreeing to surrender themselves and their children to the political do-

minion of their white neighbors—a new order of things of which they could not be in control—should reserve as one of the express conditions of their agreement thereto, as they did so reserve, that the United States should see to it that these vitally important laws should be continued.

And what could be more shocking to the conscience of this nation than that a bill should be passed giving statehood to this Indian country under such conditions as render it almost morally certain that these sacred pledges, which involve the very perpetuity of these dependent races, will not be kept? If this bill voices the wishes of the American people in this matter, it were pertinent in this connection to raise the question, which has been raised elsewhere, whether there be any such thing in this Christian land as a national conscience.

Is it any answer to this question for Senators to suggest constitutional difficulties? Were not the conceptions of Congress as to its constitutional limitations as clear in the years 1898, 1901, and 1902, when it ratified these agreements of the Dawes Commission with these Indian tribes, as they are in the year 1905? If Congress did not mean to keep this promise in good faith, or did not have the power to do so, would it not have been preeminently the right thing to have said so at that time?

HOW THE TREATIES WERE UNDERSTOOD WHEN SIGNED.

On the other hand, if there be doubt in the minds of Senators about the meaning of this stipulation in the agreements—whether it was intended and understood that this obligation would terminate with the extinguishment of the tribal governments on March 4, 1906, or whether it was not rather to commence then and be operative thereafter—then this is a question not very difficult to be answered. If these provisions relative to the prohibition of the sale of intoxicating liquors were intended to operate only up to the extinguishment of the tribal governments, then they were and are altogether without virtue and meaning, and it was a useless waste of words to incorporate them in the agreements at all, for the reason that up to the time of such extinguishment this matter is taken care of by both tribal and Federal laws now in operation. So that it is not until after the discontinuance of laws then in force, and which it was not proposed to discontinue until March 4, 1906, that the virtue of these promises and provisions could become operative; and it was concern for what should follow the cessation of laws then and now operative which induced these tribes to require this condition in the agreements.

However, if this view of the case is not satisfactory to Senators, then it is only necessary to recommit this bill and call before the committee the persons who negotiated these agreements and secure their testimony as to what was understood by these provisions at the time the agreements were entered into. It has been said that these promises to which I refer were in the old treaties, which guaranteed to the Indian the unmolested possession of his territory "so long as the sun shines, and grass grows, and water flows." Why, Mr. President, these provisions against the sale of intoxicating liquors are contained in the very latest agreements that have been negotiated with these tribes—except, perhaps, several minor supplemental agreements. It has been less than three years, four years, and seven years, respectively, since these agreements with the several tribes were ratified. Persons who acted for the Government and those who acted for the Indians are still living, and I have been told that some of them were desirous and are still ready to come before the Senate Committee on Territories and testify as to how these provisions were discussed and understood when they were signed—if, indeed, there can possibly be any real doubt as to their meaning.

But we do not have to resort even to that expedient in order to secure direct and ample evidence upon this point. I have here the written testimony of two of those who negotiated and signed these agreements in behalf of the Indian tribes. The gentleman who is in Washington representing the united Christian churches of Indian Territory—which have come here and lodged their plea with the Senate that the United States Government do not act in bad faith toward these helplessly dependent races, who have hypothecated their all, themselves and their posterity, upon their faith that this Christian Government would keep its word—when this gentleman observed that Senators were, some of them, disposed to put this short-term construction upon these treaty pledges he communicated with two of the commissioners who signed the agreements in behalf of the Indian tribes, with whom he was personally acquainted, and asked them how the Indians understood the paragraph pertaining to intoxicating liquors.

I have here their replies, which I will send to the desk to be read. The first letter is that of N. B. Ainsworth, of South McAlester, one of the Choctaw signers of the Atoka agreement.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

SOUTH McALESTER, IND. T., January 16, 1905.

E. M. SWEET, Jr., Washington, D. C.

My DEAR BROTHER: Replying to your's of January 5, 1905, I will say that it was my intention and desire when we made the Atoka agreement that the prohibition clause should remain in all succeeding legislation. You will notice the word "territory" has a small "t," and hence means the lands of the Indians. Had the word commenced with a capital "T" it might have been construed to mean our "Indian Territory," as commonly used in treaties, bills, etc. At the time we made the treaty we expected to divide all of our lands (see first of the treaty), and had we adhered to this intention you can see that all our lands would still be the territory of the Choctaws and Chickasaws, though Congressional legislation might have blotted out the "Indian Territory."

In fact, we expected Congress to continue to "modify" our government until our lands or territory would become a part of a Territory or State. The Indian Commissioners knew this would finally come. I think Congress just as much bound to keep faith with us on this prohibition clause as on the clause to free certain lands from taxation and other privileges. The commissions who represented the Choctaws and Chickasaws would hardly have been persuaded into an agreement when we knew that our people were to be debauched at the end of March 4, 1906, by the open saloon. We knew then, as we know now, the weakness of our people for whisky, and we knew then, as we know now, that if whisky is free in this country when our tribal government ceases it would have been equal to our signing not only the disgrace, but an ignominious death warrant of many, many Indians.

I am clearly of the opinion that we would have perpetual prohibition in that form of government which should succeed our tribal government [and] was in the minds not only of the Indian Commissioners, but also of the United States Commissioners.

I appreciate what Congress is doing to keep the Indians out of the grip of the grafters, and I hope Senator STEWART'S amendment will pass, but unless Congress keeps whisky out of this part of our country when it becomes a part of Oklahoma I do not think there is much hope for the average Indian, full blood or mixed.

I hope therefore you will succeed in getting prohibition for the Indians.

Your friend and brother,

N. B. AINSWORTH.

Mr. GALLINGER. Mr. President, the second of these letters is signed by Pleasant Porter, principal chief of the Creek Indians, and who was chairman of the commission who negotiated and signed the agreement with the Dawes Commission in behalf of that tribe. I ask that the Secretary may read the letter.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Secretary read as follows:

NATIONAL HOTEL,
Washington, D. C., January 20, 1905.

Mr. E. M. SWEET, Jr., Washington, D. C.

DEAR SIR: In answer to your inquiry as to the meaning of section 43 of the agreement made between the Muskogee Indians and the Dawes Commission and afterwards ratified by Congress, and approved by the President March 1, 1901, according to the understanding of the Indian signers of such agreement at the time of signing, I desire to say that we understood that the United States Government obligated itself to continue the prohibition of the sale of intoxicating liquors, and we did not understand that this paragraph was to operate only until March 4, 1906, or that there was to be any limit to its operation. We would not have been willing to sign an agreement if we had understood that it would result in the open sale of liquor in our country.

Yours, truly,

P. PORTER,

Principal Chief Muskogee Nation.

Mr. GALLINGER. Mr. President, I also desire to have read a letter, in connection with which the two letters just read were transmitted to me, inasmuch as it also contains a word upon the point in question. This letter is signed by E. M. Sweet, jr., secretary of the Indian Territory Church Federation for Prohibition Statehood, a gentleman who has done a vast deal of good work in the Indian Territory and who is greatly disturbed at the present time in reference to this very important question, which, in his opinion, will result in the direst disaster to the people of that Territory unless prohibition is continued.

The PRESIDENT pro tempore. The Secretary will read the letter, as requested:

The Secretary read as follows:

INDIAN TERRITORY CHURCH FEDERATION FOR
PROHIBITION STATEHOOD,
Washington, D. C., January 21, 1905.

HON. J. H. GALLINGER,
United States Senator, Washington, D. C.

DEAR SENATOR GALLINGER: I beg to hand you herewith letters which I have received from N. B. Ainsworth, of South McAlester, Ind. T., and Chief Pleasant Porter, of Muskogee, Ind. T., commissioners who signed the recent agreements for the Choctaw and Creek tribes, respectively. These communications, as you will note, bear direct testimony to the understanding of the Indian representatives as to the meaning of the paragraph in the agreements which relates to the sale of intoxicating liquors.

When General Porter handed me his letter at the National Hotel yesterday he proceeded to relate an incident which I wish had been incorporated in his written statement, as it places absolutely beyond doubt the point to which these communications pertain. Said he, substantially:

"I remember that when this paragraph was being discussed before the agreement was signed, one of our Indian Commissioners rather objected, saying that he doubted whether it was best to make an agreement that liquor never should be sold. I told him that this had always

been the law, and I thought it was best to keep it so; that we hoped to get a State into which such people as want to sell liquor will not be encouraged to come, but one that will be filled up with people who believe in temperance—this would be the best thing for our Indian people. That seemed to satisfy him, and he signed the agreement."

Here was one of the Indians who hesitated about signing and had to be persuaded by his chief, for the very reason that it was understood by all parties that the paragraph meant prohibition in perpetuity.

I desire to add that I have talked this matter over with Hon. A. S. McKennon, of South McAlester, who, as a member of the Dawes Commission, signed these agreements on behalf of the United States. He says this paragraph was discussed fully, especially in the case of the Atoka agreement (the first negotiated), and that the commissioners representing the United States and those representing the Indian tribes both understood and intended that this prohibition should be perpetual. It was our purpose that Captain McKennon, as well as a number of others, should appear before the committee, had hearings been given. Of course I am not lacking in appreciation for the courtesy of the committee in according to me the privilege of making a statement before them, but I felt that this was far inadequate in view of the very great importance of the question at issue.

I was told by a prominent member of the Committee on Territories that we were too late—that this matter ought to have been taken up two years ago. The reason we did not take it up earlier was that we supposed it had already been settled. We did not want anything better than had already been clearly stipulated in the agreements by the Government with the Indian tribes, and we did not suspect the possibility of these provisions not being faithfully complied with, until the Hamilton bill had passed the House omitting any reference to the same.

Sincerely, yours,

E. M. SWEET, Jr.,
Secretary Indian Territory Church
Federation for Prohibition Statehood.

Mr. GALLINGER. Mr. President, it seems to me there can be no reasonable doubt that the prohibition of the sale of intoxicants was one of the express conditions under which, and one of the valuable considerations by reason of which, these Indians agreed to the allotment of their lands in severalty and the admission of the white man to their country. And to my mind, one of the most pathetic pictures in recent history was the convention of governors or principal chiefs of the Five Civilized Tribes assembled at Eufaula, Ind. T., May 21, 1903, adopting resolutions praying that this strong Christian Government keep faith with them and not thrust upon them a form of government contrary to treaty stipulations and in which their people would not be protected from the ruinous effects of intoxicating liquors. One paragraph especially of these resolutions I desire to quote:

We further recommend that the general council of each nation address a memorial to the various religious and temperance organizations of the United States requesting them to assist the Indians of the Five Civilized Tribes in their efforts to prevent the annexation of the Indian Territory to Oklahoma and to secure a State government for Indian Territory under a constitution which will protect the Indian from the baleful influence of intoxicating liquors. (Hearings before House Committee on Territories, 58th Cong., vol. 2, p. 740.)

Pathetic, indeed, is this plea, signed by all of the five chiefs of the Five Civilized Tribes; but more pathetic still—yes, almost tragic—are the words of one of them, when he said:

I am unable to believe that the Government will lie to us on our deathbed!

THE DEMAND OF THE FEDERATED CHURCHES.

It may be well for us to consider just here that there is a very large and very respectable portion of the population of Indian Territory and of these entire United States who are now dwelling in much anxiety lest we be about to commit a great national crime. Partly in response to the plea of the five Indian chiefs as quoted above, and partly in protection of their own work and interests outside of the Indian population, the several Christian denominations in Indian Territory met together in convention at South McAlester on September 27-28 last and organized the Indian Territory Church Federation for Prohibition Statehood. This church federation, I am told, represents the cooperation of every religious denomination in Indian Territory, so far as is known, besides the temperance societies and others interested in its purpose, regardless of their religious belief. On the board of directors are Baptists, Presbyterians, Methodists, a Catholic priest, Disciples, and other churchmen, both white and Indian, as well as some not members of any church, who are very much interested in seeing the faith of the Government kept with these Indians and prohibition continued in the Territory. These people have been sending to this Congress large numbers of petitions and memorials praying that the pending statehood bill be so amended as to effectively continue the prohibition of the liquor traffic in Indian Territory, according to the treaty pledges with the Indians, or else to eliminate Indian Territory from the statehood bill altogether and leave that Territory as she is rather than force upon her a condition wherein the hands of evil would be made stronger in that new country than the hands of right.

These petitions and memorials come from the pioneers of the Christian churches that have sent out their missionaries, who for three-quarters of a century have been laboring among these Indians, and have done more by far than all other influences

combined to develop the measure of civilization which the Indians now enjoy, as well as doing more than all other influences combined to make that country habitable to the white man and his family. Meanwhile the churches in the States have been from year to year collecting missionary moneys to keep this work going on; so that this question is one in which the churches of this entire country are interested, and they have been sending petitions to the Senate protesting against the removal of Federal authority in Indian Territory until there can be assurance that that country is not going to be opened to the liquor traffic.

I can perhaps not better present this question from the view point of these churches than to submit herewith the report of the committee on temperance of the Indian mission conference of the Methodist Episcopal Church South, as adopted at the session of that conference assembled at South McAlester, Ind. T., October 27, 1904. Mr. President, I will ask permission, without reading it, to make this report a part of my remarks. It takes strong ground against legislation that will repeal the prohibitory laws of that Territory and that will subject these Indians to the baleful influences of strong drink.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

The report referred to is as follows:

Report of committee on temperance.
SOUTH MCALESTER, IND. T., October 27, 1904.

To the Bishop and Members of the
Indian Mission Conference, M. E. Church South.

DEAR FATHERS AND BRETHREN: Your committee on temperance beg leave to report that they are under the conviction that the Indian Territory, the Indian Mission Conference, and the church of Christ of every name within said Territory, are now upon the verge of the most supreme crisis in their history. Since the year 1832 the Federal Government and the governments of the several tribes of Indians occupying Indian Territory have maintained strict laws against the sale of intoxicating liquors within said Territory. These seventy-two years of experience have confirmed both the United States and the several tribal governments in the belief that such laws and their strict execution have been not only wise but absolutely necessary to good order in a country containing a population of such varied mixture as this.

So much so, that when the Federal Government recently constituted a Commission to negotiate with the Five Civilized Tribes in order to arrive at a statement of terms upon which said tribes would agree to surrender the traditions of their fathers, permit the extinguishment of their tribal governments, admit the white man to equal privileges of citizenship in their country, and be absorbed by a new order of civilization the control of which would necessarily be vested in their new neighbors and not in themselves, one of the conditions of such change of government, agreed to and signed by the duly accredited representatives of the Five Civilized Tribes, agreed to and signed by the duly accredited representatives of the United States, namely, the Dawes Commission, subsequently agreed to and approved by vote of both Houses of the National Congress, and subsequently agreed to and approved by the signature of the President of the United States, was explicitly stipulated in the following language, namely: "The United States agrees to maintain strict laws in the territory of said nation against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality." This is the language of the agreement with the Creek Nation, and the agreements with the four other nations contain words to the same effect.

But notwithstanding all this the bill proposing to give statehood to the two Territories, commonly known as the "Hamilton bill," which has passed the House of Representatives and is now pending before the Senate, with the possibility and some measure of probability that the same may be finally enacted within six weeks or two months from this date, entirely ignores this sacred pledge of our Government to a confiding and helpless people. Your committee beg leave to represent that for said bill to be passed and approved without a sufficient amendment on this point would constitute an act of simple perfidy, bad faith, perpetrated by a nation indebted more largely than any other on earth for the abundant blessings of Jehovah. Moreover, no greater calamity could come to this fair youthful land than this most effective device of damnation which the inventive genius of devils has been able to produce.

The saloon is a dire evil in any community, even under the most successfully stringent regulations; but our condition would be the most aggravated and our suffering from this curse would be the most intense that has been exhibited in the history of our country, if not of the world. Even if we could be left to ourselves in the struggle, we would be in a worse condition than any of the States, because of our larger percentage of untried and untempered population. But add to this the consideration that Texas, Arkansas, Mississippi, Georgia, Kentucky, Tennessee, Ohio, and other of our neighborhood of States have within the last few years voted the saloon out of about two-thirds of their territorial area; as a consequence, many thousands of saloon keepers, gamblers, and other criminal classes of the basest sort have been thrown out of their chosen employment and are eagerly awaiting for new opportunities and openings for their nefarious business; the \$524,000,000 invested in breweries and distilleries in the United States has suffered likewise a curtailment of its commercial territory, and is seeking eagerly to regain elsewhere what it has lost through these many recent prohibitory victories; and here in our midst is about to be opened a paradise for saloon keepers and gamblers—a country wherein is much money to be spent by people without training in how to spend it, and a country whose society and laws are in their formative state and which is therefore unprepared to battle with such forces of evil.

We would at once become the cesspool for the dumping of the moral garbage of the nation, and, not to mention the calamity resulting to the political and commercial interests of the new Commonwealth, the kingdom of God would be set back two generations. Your committee believe it is not extravagant to suggest that, as an investment for the kingdom of heaven, to stay this curse at this time would be worth the life of every member of this conference. If the saloon comes with

statehood, it will be the direct means of damning more souls than all our preaching will save during the balance of our lives. Therefore, be it

Resolved, First, that we have noted with gratification and approval the formation of the Indian Territory Church Federation for Prohibition Statehood, organized at South McAlester, September 28, 1904, by a convention participated in by all the several denominations of the church in Indian Territory, whose purpose is to secure such legislation from Congress as will be consistent with the good faith of the Federal Government toward the Five Civilized Tribes and will continue in Indian Territory laws for the prohibition of the liquor traffic such as the experience of seventy-two years has proved to be wise and necessary.

Second, that we indorse the purpose and work of the said Church Federation, bearing especially in mind the clause of its constitution which commits the organization to "an attitude of neutrality upon the question of single or separate statehood for the two Territories, and upon all other questions of public policy not directly concerned with the traffic in intoxicating liquors;" and we do hereby invite and urge all our preachers, laymen, and other members and friends of the church to cooperate with said Church Federation in all its plans for accomplishing the end in view.

Third, that, in view of the limited time until Congress shall convene and probably act upon this question, we recommend that all our preachers and lay delegates take the subject up earnestly with the people of their respective churches and communities immediately upon returning home after the adjournment of this conference, collecting funds for defraying the expenses of the work of the Indian Territory Church Federation, securing signatures to petitions to Congress, securing as far as practicable the cooperation of the local press in their respective communities, and meanwhile in all these things acting as far as possible in conjunction with the pastors and members of other churches and all other forces which it may be possible to enlist.

Fourth, that we earnestly solicit our beloved bishop presiding and the several connectional officers of our church, as well as the several editors and brethren from the States now visiting our conference, to take our cause earnestly upon their hearts and everywhere they may go to enlist the active interest of good people in our behalf, urging them to communicate with their Senators and Representatives in Congress and secure their active support of our measure.

Fifth, that this session of our conference pass a resolution memorializing Congress of the facts and conditions above set forth, and appealing for such protection as will fulfill in good faith the pledge of the Federal Government to the Five Civilized Tribes.

* * * * *

Respectfully submitted.

S. F. GODDARD, Chairman.
ORLANDO SHAY, Secretary.

Mr. GALLINGER. As I have suggested, the congregations of these several religious denominations throughout the States have been for many years collecting moneys which have been expended in missionary and educational work among these Indians. If we could make an exhibit here of the total moneys that have thus been raised and expended by the churches of this country, not to mention the lives of missionaries and teachers that have been given to Christianizing, civilizing, and educating these Indians—fitting them for the responsibilities of statehood—it would be, I am persuaded, food for wholesome reflection on the part of the Senators before they vote upon this bill.

I have here an incomplete statement of the expenditures of three of these religious denominations, which is as follows:

BAPTIST.	
Amount expended by the American Baptist Home Mission Society in mission work among Indians in Indian Territory prior to organization of Oklahoma—that is, from 1865 to 1890—nearly all of which was expended in what is now Indian Territory	\$67, 884. 15
Expended for mission work in Indian Territory from 1890 to 1905	93, 122. 28
Appropriations to aid in erecting church edifices	22, 709. 08
For educational work	239, 899. 01
Total	423, 614. 52

METHODIST.	
Amount expended by the Board of Missions of the Methodist Episcopal Church South, in mission work in Indian Territory from 1844 to 1905, exclusive of expenditures of women's and church extension boards	783, 642. 75
Expended by the Woman's Board of Foreign Missions, same church, for work among the Indians of Indian Territory from 1883 to 1905	89, 075. 00
Expended by the Woman's Home Mission Society of same church, 1887 to 1905	9, 188. 00
Total	881, 905. 75

PRESBYTERIAN.	
Amount expended by the Board of Foreign Missions of the Presbyterian Church in the United States for mission work in Indian Territory from 1834 to 1882	\$523, 415. 01
Amount expended by same board, 1882 to 1889	70, 320. 08
Amount expended by the Board of Home Missions of the Presbyterian Church in the United States for mission work in Indian Territory from 1882 to 1889 (approximately)	400, 000. 00
Amount expended by same board for mission and educational work in Indian Territory from 1899 to 1904	1, 091, 735. 12
Total	2, 085, 470. 21

Grand total for only three denominations..... 3, 390, 990. 48

Now, if I were prepared to add to these figures the expenditures of the other denominations that have been doing mission-

any work in Indian Territory for years, the showing would be much larger.

The foregoing statement shows that the American Baptist Home Mission Society has expended in mission work in Indian Territory sums aggregating \$423,614.52. I now desire to send to the desk and have read a memorial passed by the executive committee of this same American Baptist Home Mission Society, at a meeting of the same at their general offices in New York City on the 9th instant.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Resolutions—Prohibition in Indian Territory.

Whereas the United States Government entered into a solemn agreement with the Indians of the Five Civilized Tribes of the Indian Territory, forever prohibiting the sale, barter, or giving of intoxicating liquors to any person within the district now constituting the Indian Territory; and

Whereas there is at present before the Congress of the United States a bill (House Bill No. 14749) to constitute a State of the Indian Territory, either separately or in conjunction with Oklahoma:

Resolved, That we, the executive board of the American Baptist Home Mission Society, most earnestly call upon the Congress of the United States to make such provision in the bill now pending (H. R. 14749) as may be necessary to continue and secure the permanent enforcement of the said agreement in regard to the sale, barter, or giving of intoxicating liquors to any person within the district now constituting the Indian Territory.

I, Alexander Turnbull, recording secretary of the executive board of the American Baptist Home Mission Society, do hereby certify that the above action was duly taken by the said board, a quorum being present, at its regular meeting on January 9, 1905.

In witness whereof I have hereunto set my hand and affixed the seal of the society this 18th day of January, 1905.

ALEX. TURNBULL,
Recording Secretary of Executive Board.

Attest:

H. L. MOREHOUSE,
Corresponding Secretary.

[SEAL.]

Mr. BERRY. Will the Senator from New Hampshire yield to me for a question?

Mr. GALLINGER. With pleasure.

Mr. BERRY. I desire to ask if the Committee on Territories have reported an amendment to the statehood bill on this subject?

Mr. GALLINGER. They have.

Mr. BERRY. What is the intent of the amendment?

Mr. GALLINGER. I had it read.

Mr. NELSON. If the Senator from New Hampshire will allow me—

Mr. GALLINGER. Certainly.

Mr. NELSON. I will say that it is an amendment limiting the prohibition to ten years after the Territory shall be admitted to statehood.

Mr. BERRY. The question that I desired to ask the Senator from New Hampshire following that, was whether in case this Territory is admitted in conjunction with Oklahoma as a single State, the provision reported by the committee will be satisfactory to the religious organizations and to the Indians themselves?

Mr. GALLINGER. I am arguing, Mr. President, that it is not satisfactory to them.

Mr. BERRY. I did not hear all of the Senator's argument.

Mr. GALLINGER. But the amendment which I have submitted as a substitute is satisfactory to those organizations.

Mr. BERRY. I want to vote for such a provision as will be satisfactory, and I was not aware as to whether the committee's amendment would be satisfactory.

Mr. GALLINGER. I hope the Senator will examine the committee amendment and also the amendment which I propose as a substitute.

Mr. BERRY. I was not aware of the provisions of the proposed substitute.

Mr. BATE. I will suggest to the Senator that the original bill proposed to make the prohibition period twenty-one years. The Senate committee has changed that to ten years, and has qualified the provision by using the word "thereafter."

Mr. CULLOM. Mr. President, by leave of the Senator from New Hampshire, I will read what the committee of the Senate, as I understand, have reported to insert. The provision is as follows:

Provided, That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes, of intoxicating liquors within that part of said State heretofore known as the Indian Territory, or other Indian reservations within said State, be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

That simply means, as I understand it, that after they get a legislature and the legislature has a session they can repeal the prohibition law or enact a law satisfactory to themselves.

Mr. KEAN. The prohibition period extends for ten years.

Mr. GALLINGER. It will be even worse than what the Senator from Illinois suggests.

Mr. KEAN. They can not change it for ten years.

Mr. GALLINGER. It will be even worse than that, as I will show as I go along.

Mr. CULLOM. May I ask the Senator another question?

Mr. GALLINGER. Certainly.

Mr. CULLOM. The question has been raised as to the power of Congress in legislating for a State in advance of its admission as a State to bind the State after its admission; but I ask the Senator whether the provision in the first part of the bill does not cover that case and attempt to do just what some people think ought not to be done with reference to legislation for a State?

Provided, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

Mr. GALLINGER. Mr. President, that proviso shows that the committee believes that Congress can require a new State to put in its constitution a provision such as I am advocating. But I shall undertake to show—I do not know how successful I will be—that the committee amendment, intended in good faith to reach this very important matter, will not be effective.

Mr. BERRY. Will the Senator permit me to say one more word, inasmuch as I interrupted him?

Mr. GALLINGER. Certainly.

Mr. BERRY. I simply desire to say, to reenforce what the Senator from New Hampshire is stating, that I live in Arkansas in a county which adjoins the Cherokee Nation. I have been thoroughly familiar with the Indians of those Five Tribes for a great many years. I regard it as of absolute importance to them and necessary for their protection that the strongest possible provision that can be inserted in this bill which will protect them from the indiscriminate sale of liquor shall be made. I desired to say that, and that is the reason I asked the question.

Mr. CULLOM. If the Senator from New Hampshire will allow me, I raised those questions not for the purpose of stating that I did not agree to the proposition that we have not the power to prevent or prohibit the sale of liquor among the Indians, but to get the opinion of the Senator from New Hampshire, as he has the floor and is prepared to address the Senate on those particular questions.

Mr. GALLINGER. Mr. President, as I was about to say—and I thank the Senator from Arkansas [Mr. BERRY] for his assurance that he is in full sympathy with my desire, although he may not agree with my methods to accomplish this result—I was about to say that I shall endeavor to show—

Mr. BERRY. I think I do agree with the Senator's methods entirely. I say, Mr. President, I so much agree with them that I have always hoped and believed that it would be better to give the Indian Territory itself single statehood, so that prohibition laws might be enforced, rather than to couple it with another Territory. That has always been my judgment about it, and this is one of the strongest reasons for it.

Mr. STEWART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. GALLINGER. Certainly.

Mr. STEWART. I propose to take the ground that the United States will not lose its power of legislation affecting the Indians by the admission of the State; that it is its duty to do that, particularly to enforce the temperance law to the fullest extent; that that duty will not be discharged when the State is admitted. I propose to show by decisions of the Supreme Court that it will continue.

Mr. CULLOM. Under treaties?

Mr. GALLINGER. I am very glad to get that testimony, too. If that be so, of course the Senator has no objection, I take it, to putting in the pending bill a provision for Federal control of that matter.

I was about to call attention to the fact to which the Senator from Illinois has alluded, that as a matter of fact the bill itself recognizes the right of the Federal Government to make laws for this Territory after it becomes a State.

Mr. CULLOM. That is my understanding.

Mr. GALLINGER. In this proviso—

Provided, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

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

Mr. GALLINGER. Certainly.

Mr. TELLER. Does the bill provide for any stipulation of that character being inserted in the constitution of the new State?

Mr. GALLINGER. Yes. The language preceding the proviso is as follows:

That the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma and the Indian Territory, as at present described, may adopt a constitution and become the State of Oklahoma, as hereinafter provided—

It is an explicit stipulation that it shall be a part of the constitution.

Mr. KEAN. That is what is intended.

Mr. TELLER. It is not in the form of stipulations such as we have been in the habit of making; for instance, such as we made in the Utah case. We provided there positively that the State should not be admitted unless it did incorporate in its constitution certain things. This bill ought to be amended in that way. As I understand it, under this bill, if the State neglects or refuses to put in its constitution the provision in question it will still be a State in the Union.

Mr. NELSON. Oh, no.

Mr. GALLINGER. I think not.

Mr. NELSON. If the Senator will allow me, unless they incorporate this in the constitution—

Mr. GALLINGER. It does not become operative.

Mr. NELSON. They can not be admitted.

Mr. CULLOM. It does not say that.

Mr. NELSON. The President is authorized, by proclamation, after the constitution has been ratified, to admit it as a State, but the constitution must contain these provisions.

Mr. TELLER. I am not certain that the constitution must. I am only speaking of what might be or may be. I do not assert that the bill does that. I do not think it does.

Here is another question which I should like to have somebody discuss. I think I shall probably discuss it myself, but I should like to hear somebody else discuss it: What will prevent this State in two or three years from changing that particular provision of the constitution?

Mr. CULLOM. Nothing.

Mr. BERRY. There is the trouble.

Mr. GALLINGER. I hope the Senator from Colorado will discuss that question, because it is an important one. Of course, some of us believe that if the new State puts in its constitution a provision such as I am advocating, it will not stultify itself by changing that provision in disobedience to the express view of the Congress of the United States. But I leave that to other Senators.

Mr. President, the great work which the Baptist Church has done in the Indian Territory began many years ago. My attention has been attracted to a communication from one of the missionaries of this denomination who went out to work among these Indians in the year 1857, and is working there among them yet—Rev. J. S. Murrow, superintendent of the Indian orphanage at Atoka, Ind. T. Seeing, as he believes, the many wrongs that these Indian tribes are suffering, this venerable missionary recently wrote a lengthy letter to the President of the United States, from a copy of which I have clipped a paragraph that I desire to read in this connection. After going on for more than two columns to discuss many of the complex features of the Indian's present status, this earnest-minded missionary says:

But the greatest danger of all to these full bloods will be to open this Territory to licensed whisky saloons. This will destroy them faster than anything else. I beg to say, after deliberate consideration and after earnest prayer, that I believe it would be better for the Government to send a regiment or two of soldiers out here and have these full-blood Indian men shot to death than to open this Territory to whisky saloons. It would be more merciful.

Mr. President, the statistics which I have submitted show that the Methodist Episcopal Church South has expended in mission work in the Indian Territory the aggregate sum of \$881,905.75. I now desire to send to the desk, and have read by the Secretary, a memorial from the Indian mission conference of that church bearing upon this subject.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Secretary will read as requested.

The Secretary read as follows:

Memorial to Congress.

Whereas for seventy-two years the United States Government and the several tribal governments of Indians occupying Indian Territory have seen the wisdom and necessity of prohibiting the sale of intoxicating liquors within said Territory; and

Whereas in the agreements recently entered into between the said Five Civilized Tribes and the Federal Government looking toward the allotment of lands in severalty, one of the conditions upon which the

said Indians consented to the extinguishment of their tribal governments and to the admission of the white man to equal privileges of citizenship was expressly stipulated as follows, namely: "The United States agrees to maintain strict laws in the Territory of said nation against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality;" and

Whereas such agreements containing such stipulation were not only duly signed by the Dawes Commission, representing the United States, but were subsequently approved by act of Congress; and

Whereas the statehood bill, commonly known as the "Hamilton bill," now pending before the Senate of the United States, after passing the House of Representatives, makes no provision for the fulfillment of this sacred pledge: Therefore, be it

Resolved by the Indian Mission Conference of the Methodist Episcopal Church South, assembled at South McAlester, Ind. T., this 31st day of October, 1904, That we do hereby respectfully invite the attention of the honorable Senate of the United States to the omission from the Hamilton bill of any provision fulfilling the said pledge of the Federal Government, and beg to represent that such omission, if not cured, would seem to constitute an act of bad faith on the part of our Government toward a helpless people; and we do hereby most earnestly memorialize the Congress of the United States to include, in whatever form of State government may be given to Indian Territory, the incorporation of an effective provision in the constitution of the new State against the manufacture, introduction, sale, barter, or giving away of liquors or intoxicants of any kind, in the borders of what is now known as Indian Territory, in manner prescribed by the law now in force, according to the terms and meaning of the sacred pledges of the Federal Government to the said Five Civilized Tribes.

E. E. HOSS, President.

J. A. PARKS, Secretary.

Mr. GALLINGER. Mr. President, the Presbyterian Church, according to the figures submitted, has expended in mission and educational work in Indian Territory sums that aggregate \$2,085,470.21. In addition to a memorial to this body passed by the Indian Territory Synod of that church, assembled at Tulsa, Ind. T., in October last, having the same force and effect as those that have been read, the permanent committee on temperance of that denomination, with headquarters at Pittsburg, Pa., have sent to Washington their representative, Rev. Charles Scanlon, to ask, in the name of a million Presbyterians, that adequate and secure provision be made for the fulfillment of treaty pledges with these Indian tribes to prohibit the sale of intoxicating liquors, or else that Indian Territory be eliminated from the statehood bill.

I will now read a memorial of the Ninth Annual Convention of the American Anti-Saloon League, convened at Columbus, Ohio, November 18, 1904, this league being a federation of all churches and religious and temperance societies, and being organized in forty States and Territories of the Union. It has about 300 national, State, and district church bodies and temperance organizations directly affiliated with it, and it is conservatively estimated to speak for upwards of 10,000,000 of our people.

Memorial to Congress for continued prohibition in Indian Territory by the ninth annual convention of the American Antisaloon League.

Whereas for seventy-two years the United States Government has prohibited the sale of intoxicating liquors in Indian Territory; and

Whereas in the agreements recently entered into with the Five Civilized Tribes looking toward the allotment of lands in severalty, one of the conditions upon which said Indians consented to the extinguishment of their tribal governments and to the admission of the white man to equal privileges of citizenship was expressly stipulated as follows: "The United States agrees to maintain strict laws * * * against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality;" and

Whereas the statehood bill, commonly known as the "Hamilton bill," now pending before the Senate of the United States, after passing the House of Representatives, makes no provision for the fulfillment of this sacred pledge: Therefore be it

Resolved by the national convention of the American Antisaloon League, assembled at Columbus, Ohio, this 18th day of November, 1904, That we do hereby respectfully invite the attention of the Senate of the United States to the said omission, and we do most earnestly urge the Congress to fulfill our solemn treaty obligation to these tribes by provision for the prohibition of the liquor traffic in the enabling act for the admission of the new States.

L. B. WILSON,

President.

S. E. NICHOLSON,

Secretary.

E. C. DINWIDDIE,

Legislative Superintendent.

I also present a resolution of the twenty-second annual meeting of the Lake Mohonk Conference of Friends of the Indian, assembled at Mohonk Lake, N. Y., October 19-21, 1904. And, Mr. President, I desire to call especial attention to this memorial. This body is composed of careful, conservative, distinguished men. The meeting which passed these resolutions was presided over by the Hon. Charles J. Bonaparte, of Baltimore. The session one year preceding this had as its president the Hon. John D. Long, ex-Secretary of the Navy. The United States Board of Indian Commissioners are prominent participants in the deliberations of these conferences, Dr. Merrill E. Gates, secretary of said commission, as well as a number of the other members of said board, being present at the meeting which adopted these resolutions. Congress has often in the past found the recommendations of this body to be a helpful guide

in legislation pertaining to Indian affairs, and I am of the opinion, Mr. President, that this utterance is worthy of more than a casual consideration. The resolutions are as follows:

Whereas the Indians of the Five Civilized Tribes of the Indian Territory made solemn agreements with the United States in the years 1897, 1898, and 1902 for the surrender of their lands to the Commission to the Five Civilized Tribes, providing that the sale, barter, or giving of intoxicating liquors to any person within the district now constituting the Indian Territory shall be forever prohibited, which agreements were fully accepted and approved by the United States; and

Whereas the said agreements constitute a permanent, unalterable condition applicable to the disposition and use of the before-mentioned lands: Therefore,

Resolved, That we call upon the Congress of the United States to duly execute the said agreements by inserting in the enabling act that may be passed, to constitute a State of the Indian Territory, either separately or in conjunction with Oklahoma, such provisions as will secure, by constitutional enactment, the permanent enforcement of the said agreements.

In addition to those which have been presented, memorials and resolutions of like tenor have been passed by various other conferences, synods, conventions, and assemblies of religious denominations and other gatherings throughout the States, for whom Senators must entertain the highest respect. Among these the following are worthy of prominent mention: The Oklahoma Conference of the Methodist Episcopal Church, assembled at Oklahoma City in the month of October of last year; the Indian Territory Synod of the Cumberland Presbyterian Church, in session at Wagoner, Ind. T., in the same month; the twenty-second annual meeting of the Indian Rights Association (Philadelphia, December 15, 1904); the National Convention of the Woman's Christian Temperance Union, sitting at Philadelphia, November 29 to December 4, 1904; the Catholic Total Abstinence Union of America, in convention at St. Louis, Mo., in August, 1904, and having an active membership of 100,000 Catholic citizens of the United States.

Now, Mr. President, when these Indian tribes removed from their former homes east of the Mississippi River to their present country, they were accompanied by the missionaries of these churches. These great churches, with their large constituency throughout the States, have invested, as has been shown, millions of dollars, not to mention hundreds of lives of devoted men and women, whose labors have done more than all other influences to lift the Indian from his former state of savagery, and have made his country habitable to the white man, as it is to-day. Is there a Senator on this floor who is disposed to deny this? Then, excepting only the Indian himself, are not these churches, and the people of this country who constitute them, entitled to next consideration in their recommendations as to any radical changes that may be made in the government of that Territory?

Among the many such communications from outside of Indian Territory that have come to my notice I wish to invite special attention to two from my own State, the worth and standing of the subscribers to which are well known to me.

The first is from the First Congregational Church of Keene, N. H., one of the great churches in my State, and is signed by the standing committee of the church, making an earnest appeal that prohibition shall be continued with respect to these dependent wards of the nation.

The other is from the New Hampshire Anti-Saloon League, which has as its president a distinguished ex-governor of my State, and numbers among its other officers many of the leading clergymen and other citizens of New Hampshire.

The communications are as follows:

KEENE, N. H., December 31, 1904.

Hon. JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: We, members of the First Congregational Church in Keene, realizing the great evil of the open saloon in our own city and State under the present "license law" passed nearly two years ago, and having learned that a bill to provide for statehood for Indian Territory is now before Congress—being in the hands of the Senate Committee on Territories—we earnestly request and strongly urge you to use your influence against the saloon, and do all that lies in your power against allowing it to ever enter into the State, should the Territory ever become one of our United States. We believe the law-abiding citizens all over our land will respect Congress for it if they insert a clause in the constitution prohibiting the saloon from the State, as it has been kept from the Territory for over seventy years.

Again urging you to stand firm for the right, knowing you will have the hearty support of the best people in our land by so doing, we remain,

Very sincerely, yours, in the interest of temperance and good government,

AUSTIN A. ELLIS,
H. E. FAY,
HUBERT O. WARDWELL,
GEO. B. VEAZIE,
WILLIAM J. SEWALL,
EUGENE D. ALDRICH,
CHARLES C. STURTEVANT,
Standing Committee of the Church.

THE NEW HAMPSHIRE ANTISALOON LEAGUE,
Concord, N. H., December 14, 1904.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: We understand that a bill is before Congress to admit Indian Territory into statehood. As the Territory under Federal prohibition has been quiet, prosperous, and orderly, we hope you will use your influence to securing, in the constitution by which it comes into the Union, a clause shutting out the saloon. It would be a calamity to admit the saloon into that Territory.

Legislation ought to look to the welfare of the people as a whole and not simply to a small and vicious class. To open that country at this time to the saloon will be legislation in favor of the liquor business. Multitudes of liquor dealers are ready to flock into the new State with their pernicious business.

The class of people in the Territory who are most alive to the well-being of the whole people would rather remain under Federal protection than have statehood with no protection from the saloon.

There may arise some question as to the constitutionality of the measure, but there must be some way of doing what ought to be done, and the saloon ought to be kept away from that people.

Praying for your most earnest effort in this righteous cause, we remain,

Yours, very truly,

For the New Hampshire Anti-Saloon League: D. H. Goodell (president), W. S. Baker, Wm. H. Sawyer, Frank A. Dame, J. H. Robbins (superintendent), George Harlow Reed, E. C. Strout, John Vannevar, headquarters committee.

THE EFFECT UPON IMMIGRATION.

There is one aspect of this question which is perhaps the largest factor in the complex problem before us. That is the effect which legislation upon this feature of the bill will have upon the character of the immigration which shall fill up this new country.

Everyone is, no doubt, ready to agree that the Indian's destiny is hereafter to be determined by the kind of neighbors he has more largely than by anything else.

Now, here is the practical situation confronting these people of Indian Territory. There is Texas on the south and Arkansas on the east which have within recent years been carrying on a successful propaganda for prohibition of the liquor traffic, as a result of which fully two-thirds of both these neighboring States have voted their saloon keepers out of business. Especially have these local-option elections been carried with great success for prohibition during the year just past. What is the result in its bearing on Indian Territory?

The result is this, that thousands of saloon keepers and gamblers and other associate criminal classes have by these elections been thrown out of their chosen employment and are eagerly looking for a new field. There is not a more fertile field on this continent, if in the world, for their business than Indian Territory will be, if they can get a foothold. There is much money to spend in Indian Territory—and much of it in the hands of a class of people that have not been trained as to how to spend it. Here is a new country, a new State to be formed, just beginning the experiment of self-government, where the opportunities for corrupting the ballot and the politics of such new State are without parallel. The question then arises, Shall the Congress of the United States so shape the legislation under which this new State government shall be formed as to make the country of these Five Tribes the dumping ground for the criminal classes that have been outlawed from other States? Let us at least give the Indian a fair chance in his first efforts at self-government!

But what will be the result of the incoming of these vicious classes? The first result will be a marked increase in the grosser crimes. Cool heads of deliberately thinking men—not temperance enthusiasts—have given out the prediction that the history of the new State, if the saloon be opened in that country as an incident of statehood, would be characterized by no less than a reign of riot for five or six years.

If this be so, what is to be the next effect of such a condition upon the character of immigration into that country? The next result will be that thousands of honest, sober, industrious people in the States who may be now contemplating going to Indian Territory to better their condition will decide, and rightfully, that it is better to rear their families in comparative poverty, but among the good associations of the old homesteads rather than incur the hazard of life and morals of their children by bringing them up amidst such lawless conditions as will prevail in this new country. And the Indian will lose the very class of neighbors which he most needs.

For seventy-two years now, while the Federal Government has been responsible for good order in that country (as it is still responsible), there has been no question either as to the wisdom or necessity of maintaining these laws against the sale of intoxicating liquors. Can the Federal Government do less for the Indian, now that it proposes to withdraw its paternal arm of protection from him and leave him to work out his own destiny—can we do less than leave him under conditions wherein the forces of law and order are at least as strong as formerly?

The demand is not to introduce a new order into this portion of our country, but simply to perpetuate what has prevailed for seventy-two years, and which the Government agreed to perpetuate as one of the conditions under which the Indian consented to the changes which make statehood possible.

If this bill can not be amended so as to guarantee the perpetuation of these wholesome laws, then is not that sufficient evidence that this is a bill that should not be passed?

WHY THE SENATE COMMITTEE AMENDMENT WOULD BE INEFFECTIVE.

The amendment of the committee provides that the constitution of the new State shall prohibit the sale of intoxicating liquors in that part of the new State heretofore known as Indian Territory for ten years after the admission of said State, and thereafter until the legislature shall otherwise provide. But a little reflection will enable us to see now as well as fourteen months from now what would be the probable effect of this amendment. Unless specified otherwise the authority of the Federal Government will expire March 4, 1906, before the legislature of the new State shall have been elected, before any statute will have been passed under the constitutional prohibitory provision or any penalties fixed for its violation. The saloon keeper would simply open up for business March 5 without fear of punishment. Moreover, the majority of the legislature coming from Oklahoma, where the saloon is already strongly entrenched, it is almost morally certain that the new legislature would be dominated by a majority unfriendly to prohibition, which majority might neglect indefinitely to provide penalties sufficient to make the law effective.

Therefore it appears that the only way to continue prohibition, in view of all these circumstances, is to continue it under Federal jurisdiction, and with this end in view I trust the amendment I have offered may be agreed to.

I have here an expression by the board of directors of the Indian Territory Church Federation, pertaining to the committee amendment relating to intoxicating liquors as follows:

INDIAN TERRITORY CHURCH FEDERATION
FOR PROHIBITION STATEHOOD,
Muscogee, Ind. T., December 29, 1904.

Resolved, By the Indian Territory Church Federation for Prohibition Statehood, through its board of directors, representing all of the several religious denominations in Indian Territory, assembled at the principal office of the federation, at Muskogee, Ind. T., this 29th day of December, 1904:

First, that we have carefully considered the Senate committee amendment to the pending statehood bill purporting to continue the prohibition of the liquor traffic in Indian Territory for ten years after the admission of the Territory to statehood with Oklahoma, and in our judgment the same as now framed would prove wholly ineffective, because there is no provision for its enforcement. Moreover, the exception for medicinal, mechanical, and scientific purposes, as specified, would become the source of endless lawlessness, and would give us a class of drug stores no better than saloons: Therefore

Resolved, Second, that it is our conviction that the one way to continue effective prohibition in Indian Territory is to continue it under Federal jurisdiction. If such procedure in connection with statehood legislation be unprecedented, it is not more unprecedented than are the conditions with which we have to deal. Solemn compacts were entered into with the Indian tribes in consideration of which they agreed to surrender their tribal governments and to admit the white man to equal privileges of citizenship in their country. One definite condition clearly stipulated in these compacts was and is that "the United States agrees to maintain strict laws against" the sale of intoxicating liquors in the territory of the Five Tribes. In view of Oklahoma Territory's probable strong majority favorable to the saloon, it seems to us that the United States Government can only fulfill in good faith this solemn pledge made to a helpless people by retaining at all costs its right and authority to give them the promised protection. Believing that Congress would not willingly be party in its last legislation for these people to giving them a delusive measure, affording no actual protection: Therefore,

Resolved, Third, that we do earnestly appeal to the Congress of the United States to so amend the pending bill as to continue the present prohibitory laws for at least twenty-one years (the period of inalienability of the Indian's homestead) under Federal jurisdiction consented to by the State in its constitution. And while we are exceedingly anxious, in common with the residents of Indian Territory generally, for statehood, with its right of self-government, as soon as possible, yet we believe that we voice the sentiments, not only of practically all the Indians (who certainly have a right to first consideration), but of a majority of the white people of the Indian Territory, in declaring that no form of statehood would be acceptable to us if founded upon the betrayal of a weak and helpless people, and the exposing of them to the blighting curse of a traffic from which they have been protected for over seventy years. Far rather would we remain in our present almost intolerable condition of political orphanage than to have forced on us a form of statehood founded upon what we could not help regarding as an act of perfidy: Therefore,

Resolved, Fourth, that we do hereby lay upon the conscience of the Christian citizenship of the States our earnest prayer that Congress be importuned not to enact a measure, in violation of the pledged faith of this Christian Government, such as will work the rapid degradation and extermination of the Indian tribes, will greatly cheapen human life in this new country, will make us the dumping ground for the saloonkeepers, gamblers, and other criminal riff-raff that have been voted out of our neighboring States, and will thus prevent us from securing the honest, industrious, sober immigration which we most need to develop the great natural resources of this country and which the Indian most needs to help him work out his destiny as an American citizen. And we do earnestly invoke the aid of the religious and secular press of the

land, and all other defenders of the national honor, to give immediate publicity to these facts and to use their utmost influence in behalf of our righteous cause.

A. S. MCKENNON, *President*.
E. M. SWEET, JR., *Secretary*.

BILL ALREADY PROVIDES FOR FEDERAL CONTROL.

Mr. President, when it is insisted that some adequate provision in harmony with our undoubted obligation to the Indians should be inserted in the bill, the objection is made that it is unprecedented and unusual for the Federal Government to impose such conditions upon a prospective State. It is sufficient justification to say that the entire Indian Territory situation is unusual and absolutely unprecedented, as are the conditions which it is my purpose to safeguard.

But I submit that the amendment I have offered does not go one step farther in the direction of Federal control within the bounds of the proposed State than the bill already does without my amendment. I only propose that specific legislation be enacted upon the question of intoxicating liquors, for which ample general authority is contemplated in the proviso contained in section 1 of the bill, which reads as follows, beginning in line 7, page 1:

Provided, That nothing contained in the said constitution shall be construed * * * to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

Now, if it be objected that my amendment is unusual, unprecedented, or unconstitutional, I submit that it is no more so than this proviso of section 1 of the bill; and this section has received the approval of the eminent lawyers both in the House of Representatives and upon the Senate Committee on Territories. Under this provision it would manifestly be competent for the Secretary of the Interior to prohibit the sale of intoxicating liquors by the promulgation of a "regulation" against the same, for the reason that such prohibition is clearly one of the "rights by treaties" or "agreement" which inheres in these Indians; but inasmuch as this matter of prohibiting the sale of intoxicating liquors is fraught with so many difficulties in administration, Senators will no doubt agree with me that it is better to have a clearly defined policy from the outset in regard thereto. And my amendment only seeks to secure definite and immediate legislation under the general reservation of Federal authority as expressed in the provision to section 1 of the bill.

Mr. President, there can be no doubt that Congress has power to prescribe the terms upon which new States are to be admitted into the Union, the only possible limitations being that such provisions violate no part of the Federal Constitution and the discretion of the Congress itself. Under the first paragraph of the third section of Article IV of the Constitution ample authority has been found, not only for the admission of new States, but for the determination of terms upon which they may be admitted. It seems to me that there is no clause or article in the Constitution which such a provision in the organic law of the new State would infringe. If there is, the eminent lawyers of the Senate will point it out.

Section 2 of Article IV (first paragraph) reads:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

By its obvious language, as well as by the clearest Supreme Court decisions, this can have no bearing on the proposed amendment.

Besides, a Supreme Court decision, as well as a decision of the United States circuit court of appeals, bear directly on the matter, and effectually preclude any suspicion that my amendment runs counter to the provisions of the Federal Constitution. In *Crowley v. Christensen* (137 U. S., 86) the court said:

The right to sell intoxicating liquor, so far as such a right exists, is not one of the rights growing out of citizenship of the United States. There is no inherent right in a citizen to sell intoxicating liquors by retail; it is not a privilege of a citizen of a State or a citizen of the United States.

In the case of *Farrel v. United States* (49 C. C. A., 191, Sept. 30, 1901), under an indictment for the sale of liquor to a Sioux Indian, under the act of January 30, 1897, the court said:

It is contended that the retention of this control is inconsistent with the grant to them, in the act of 1887, of all the rights, privileges, and immunities of citizenship within the meaning of the Constitution of the United States. But the privilege of buying whisky at all times and in all places is not one of the rights, privileges, or immunities of citizenship within the meaning of the Constitution of the United States. If it were, all the prohibitory laws of the States would be void, for the fourteenth amendment to the Constitution provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States," and yet many States have enacted laws, that no one would claim were unconstitutional, which prohibit the sale of intoxicating liquors, except for medicinal purposes, to all the citizens of the United States residing in

their State. The truth is that the deprivation of these Indians of the right to buy intoxicating liquors is not the taking away from them of any privilege or immunity of citizenship, but it is an attempt to confer upon them an additional immunity which some citizens do not possess—an immunity from drunkenness and its pernicious consequences.

But I desire to call attention to the fact that this whole principle, involving the right of the Federal Government to prohibit the sale of intoxicating liquors to Indians whose lands have been allotted and who have been declared citizens, is now pending before the Supreme Court, having been argued but recently—on the 9th instant—in the matter of the application of Albert Heff for a writ of habeas corpus, the applicant having been convicted of selling liquor to a Kickapoo Indian in Kansas, and sentenced to four months' imprisonment and a fine of \$200 and costs. If the decision of the court should be adverse, it would then become a principle of law, as it is now admittedly the only effective principle of practice, that the only way to prevent the sale of liquor to Indians is to prevent its sale in their country.

One paragraph of the Government's brief in that case sets forth so clearly the attitude of the Government in the statute which is therein defended, and at the same time sets forth so well the animus of the amendment which I have offered, that I desire to read it in this connection. It is as follows:

From the power granted to Congress to regulate commerce with the Indian tribes has been developed the theory as to the guardianship of the United States over them, not only collectively, but individually. The ultimate object of the paternal care exercised by the General Government has been, as is well known, to fit the Indians for the duties and responsibilities of citizenship. In the attainment of that object it will eventually become necessary to dissolve their tribal relations. At that particular period in their development the care and protection of the General Government will be most essential to their welfare. It can not be that they will be deprived of its sustaining arm in the hour of their greatest need.

I take it that the right of a State to license, tax, or otherwise regulate or entirely prohibit the traffic in intoxicating liquors within its borders is not open to question after numerous decisions of the Supreme Court to that effect. It is readily conceded that a proposition for prohibition in only part of the Territory of the new State is peculiar, but again I call attention to the fact that our whole Indian Territory situation has been and is peculiar and absolutely without parallel in our history. If this amendment, requiring constitutional prohibition for that part of the new State which is now Indian Territory, contravenes no specific section or article of the Federal Constitution, it follows that it can not and will not be overruled simply because it is unusual or without precedent.

In making their organic law in the new State the people have plenary power to adopt prohibition for the whole State or for any part of it, and the United States Supreme Court within the past two years has rendered several important decisions directly reaffirming the power of a State to exercise the largest discretion in dealing with this subject within its own bounds. (*Vide Rippey v. Texas*, 193 U. S., pp. 445-450, and *Lloyd v. Dollison*, 194 U. S., pp. 504-509.)

It is believed by eminent lawyers that the provision in this amendment giving to the United States exclusive jurisdiction over the subject of intoxicating liquors is entirely proper, and encounters no constitutional barrier in view of the express consent of the State being given. The amendment does not call for as much as might reasonably be asked in view of our treaty promises to these Indian tribes, or as much as they and the people of the Territory could justly demand. There is ample justification for the exercise of permanent Federal authority over the subject-matter in Indian Territory and these reservations in order that we may be able to keep faith with these people and not wantonly break our national compacts with them.

In the first place, it would be reasonable and right—and only according to the express terms we made with them—to demand that before we pass a statehood bill, or, at any rate, before a new State shall be admitted into the Union, the Indians give their consent to the formation of such State, as we positively agreed they should do. The present opposition, while it may not be confined to the fear concerning the introduction of intoxicating liquors into their country, is nevertheless largely inspired by fear that with statehood will come the introduction of liquors and the saloon and all the evils that inevitably follow in their train. If these people are to be forced into statehood against their wishes and without proper regard for our solemn compact with them, then the very least we can do is to adopt the amendment I have offered, which will continue the present régime for twenty-one years, a period coextensive with the time during which we do not permit them to alienate their homesteads, and require the State to place a provision in its constitution in harmony with our duty, which should remain the law of the State until they by due process of amendment should change it, as they would have power to do in the regular way.

It has been suggested that the adoption of the amendment which is proposed will be a species of paternalism, and that it is not fair to the new State for Congress to insist upon determining its internal policy on the liquor question. There would be force in this suggestion if the amendment applied to all the territory of the proposed new State; but we are far more justified in insisting upon the State's adoption of a policy which will harmonize with the solemn treaty obligations of this Government than the people of that State are justified in demanding admission as a State at the sacrifice of our national honor and without regard to the wishes of the people of the Indian Territory, whom they will outvote both in the constitutional convention and in the proposed State legislature, even as the bill has been amended by the very wise and proper action of the Senate Committee on Territories in relation to representation in these bodies. The people of the United States, through Congress, made solemn contracts with these Indian tribes under which they agreed to give up certain valuable rights—they undeniably gave a quid pro quo for what we agreed to do for them—and now the proposition is made here that simply because we have the power we should disregard our part of the contract and make these people and their neighbor settlers subject to the unquestionable demoralization of a traffic which has been wisely excluded from the limits of their territory for three-quarters of a century and which is being increasingly driven from the territory of the other States.

I am ready to defend the proposition that the United States should not make a contract which it does not intend to fulfill nor one that it has not the power to fulfill. In this case it seems to me that it has the power. The question is simply, Will it allow the individual theories of government, which are honestly entertained by men upon both sides of the Chamber, to prevent the discharge of national duty to dependent peoples?

INDIAN TERRITORY WITHOUT REPRESENTATION.

Mr. President, there are many complexities about the situation as regards Indian Territory. Everyone will admit that. And yet, in the discussion upon this floor comparatively little has been said about Indian Territory. True, one Senator did devote a very earnest paragraph in his remarks one day last week to the expression of his sympathy for the 500,000 or 600,000 white people living in that Territory; but usually when it has been mentioned it has been rather in this strain: "I have no particular objection, etc., as regards Indian Territory."

Now, may not this trend of events be accounted for by this fact: Arizona has her Delegate in Congress [Mr. WILSON] to look after her interests; New Mexico has her Delegate in Congress [Mr. RODEY]; Oklahoma has her Delegate [Mr. McGUIRE]? The interests of these three Territories, I dare say, have been faithfully guarded. Indian Territory is without representation. Are we not, Mr. President, from this very fact, in great danger of doing, perhaps unconsciously, grave injustice to these people, both Indian and white?

Was it ever contemplated by the Constitution—is it in keeping with the genius of this Government—that out of virgin soil we should create a sovereign State without its having first gone through a probationary period of Territorial government? It is not my purpose, however, to go further into this question, only to say this: That it does not seem expedient, to say the least, to create a new State over a section of country containing, say, 500,000 population, nearly 100,000 of whom have never before exercised the right of suffrage, and in the same breath with such creation throw them into the vortex of this most extremely vexed question of self-government—namely, to determine whether or not intoxicating liquors shall or shall not be sold therein—with practically no election laws, and with the widest opportunity for the corruption of this untried ballot. Mr. President, if we create this new State without the intervention of the probationary period of Territorial government wherein there would be at least a partial exercise of the franchise, and at the same time a partial Federal control—if we do this, it seems incumbent upon us to give such a new State at least a start upon its career under such conditions that men who want to do right shall have more power than men who want to do wrong.

But I must say that the impression which has become somewhat current here of late, that the people of Indian Territory are clamoring for statehood at once without regard to any other conditions, and that the amendment which I have offered is distasteful to them because of the possibility that it might delay action on the statehood bill, is not consistent with reliable information that has come into my hands. I send to the desk a number of telegrams and letters that I have received within the last few days, which seem to bear me out in this statement, and I ask that they be read.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. GALLINGER. Certainly.

Mr. PLATT of Connecticut. I understood the Senator from New Hampshire to say that he did not recollect we had ever admitted a State without its having gone through the probationary period as a Territory.

Mr. GALLINGER. No; I did not quite say that. I used rather qualified language, because I thought we had done so.

Mr. PLATT of Connecticut. The Senator must be aware, I think, upon reflection, that California was admitted without any previous Territorial experience, and Nevada and Texas.

Mr. STEWART. Nevada was not. Nevada was a Territory.

Mr. PLATT of Connecticut. Texas had not been a Territory of the United States.

Mr. GALLINGER. I was laboring under the impression that California and Nevada had not been Territories of the United States, but it seems it was California and Texas. But however that may be, what I meant to suggest was that it is not in keeping with the spirit of our institutions to make States out of virgin soil, the theory being that we shall first have Territorial government, and in that way the people shall be somewhat fitted for the duties of citizenship when the Territory becomes a State. That is what I meant to say.

Mr. TELLER. Mr. President—

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

Mr. GALLINGER. Certainly.

Mr. TELLER. I only wanted to call the attention of the Senator from Connecticut to the fact that Texas was an organized community with a governor of its own for years before she became a State in the Union.

Mr. PLATT of Connecticut. That is very true.

Mr. TELLER. Texas had a congress of her own, and conducted a government, and even conducted a war.

Mr. PLATT of Connecticut. There is no question about that. California, I think, however, was not organized prior to its admission as a State.

Mr. TELLER. California, it is true, came in in a different condition from any other State, but there was a very great population there, and they had organized themselves into communities, as they did in Colorado, for years before the Government admitted California into the Union.

Mr. STEWART. California organized a State government and the first legislature was held. They had a constitution and a legislature and passed laws before California was admitted.

Mr. TELLER. I recollect, if I am not mistaken, that they elected a Senator, too, before the State was admitted.

Mr. STEWART. A Senator came here and asked for admission.

Mr. TELLER. Yes; so they had an organization. Now, if I may be allowed to interrupt the Senator from New Hampshire just a moment further—

Mr. GALLINGER. Certainly.

Mr. TELLER. Colorado was admitted in 1876; but before we had a Territorial organization, which took effect and was operative in 1861, we had an organized government of the people in different sections, perhaps representing what you would now call "county governments," but there was a government there. Then we had a Territorial government, and then we came in as a State.

Mr. GALLINGER. Mr. President, I am very glad the Senator from Connecticut raised the question. I was laboring under the impression, from imperfect knowledge, that certain sections of the country had been made into States without the intervention of Territorial governments. It seems that such was the fact technically, but that, as a matter of fact, there is not a precedent for admitting a Territory, such as the Indian Territory, where the people have not in any sense been trained in the duties of citizenship such as white people recognize and enjoy, and have had no knowledge whatever of matters of legislation.

So I think, in the broad sense, my suggestion that the theory of the Government, the intent of the Government, has been to first have Territorial government and then State government.

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

Mr. GALLINGER. With pleasure.

Mr. SPOONER. If a community occupying a given territory is not fit, by reason of want of governmental training, to come into the Union on an equality with the other States, is it fit to come in at all?

Mr. GALLINGER. I think I will answer that, as probably

the Senator expects me, by saying that I think they are not fit to come in.

Mr. SPOONER. I listened with a good deal of interest to the Senator. He says that Congress may prescribe such conditions as it chooses as to the admission of States. However, I do not want to interrupt the Senator, if it is not perfectly agreeable to him.

Mr. GALLINGER. I will be glad to have the Senator interrupt me, because I want instruction in this matter.

Mr. SPOONER. I am not competent to instruct the Senator, but I want to ask him a question.

Of course there are some conditions growing out of the peculiar circumstances, the title of property among other things, in certain communities which might be taken note of in admitting a Territory into the Union. But Congress is empowered to admit new States into the Union. My notion has always been, although I think some of the earlier and settled doctrines have fallen into—

Mr. GALLINGER. Innocuous desuetude.

Mr. SPOONER. No; not innocuous desuetude. That means harmless desuetude. I think, perhaps, it will be better to say "harmful desuetude."

I have thought that the whole theory of this Union under the Constitution is that no one State, so far as police power is concerned, shall be unequal in State sovereignty to any other State. I have never thought it rested with Congress to admit a State into the Union upon condition that one-half of its police power should be reserved to Congress.

Mr. GALLINGER. Will the Senator read the proviso to section 1 of the pending bill as it came from the House of Representatives and as it appears in the report of the committee, and then give an opinion as to what power that provision gives to Congress in reference to a portion of this proposed new State?

Mr. SPOONER. Yes; I will read it.

Provided, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such right shall remain unextinguished)—

It would not be necessary to safeguard them after they were extinguished—

or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

My notion has been that so long as the Indian in the State is a ward of the Government, so long as the tribal relation continues, the Federal Government has the same power in the State that it would have in the Territory to regulate the affairs of the Indians.

After the tribal relation has ceased, after the Indian has received under the general law of the United States an allotment, after he has been declared by Congress to be a citizen of the United States, thereby becoming under the constitutions of the States a citizen of the State, I have very greatly doubted the power of Congress to treat him still as a ward and to deprive him of rights which other citizens of the State are entitled to enjoy.

Mr. GALLINGER. Does not that—

Mr. SPOONER. Let me illustrate.

Mr. GALLINGER. Certainly.

Mr. SPOONER. The constitution of the State of Wisconsin and the constitutions of many of the States guarantee to the citizen of the State a right to trial by a jury of the vicinage in which the offense was committed. There may be decisions the other way, but I think they are wrong. I have thought that after an Indian residing in Wisconsin has ceased all tribal relation, after he has become a citizen of the United States and a citizen of the State, he would be entitled, if he committed an offense in the county of Ashland, in my State, to a trial before a jury of the county of Ashland, and he could not, without a violation of the State constitution, be taken from the county in which the offense was committed for trial in a district court of the United States. I may be wrong about that, but as an original proposition I think I am right about it.

But this is the point I want to get at. If Congress in admitting a State has a right to reserve a police power over one subject, given to all the other States, admitted to be a part of the State sovereignty as contradistinguished from Federal sovereignty, where is the limit, I ask the Senator from New Hampshire? If Congress may reserve the right to legislate as to one subject which in all the other States is a matter purely of State cognizance, why may Congress not reserve the right to legislate for the State as to burglary, as to murder, as to adultery, and other offenses?

Mr. PLATT of Connecticut. As to bigamy.

Mr. SPOONER. As to bigamy.

Mr. PLATT of Connecticut. Or polygamy.

Mr. SPOONER. Or as to polygamy. The trouble, so far as polygamy in Utah is concerned, is that Utah ought not to have been admitted as a State, in my opinion, but when Utah was admitted as a State she came into the Union as a State on an equality with the other States, and Congress has no more power, I think, to deal with the question of polygamy in a State than it has to deal with the question of burglary in a State.

Now, I did not mean to interrupt the Senator, but I want him to show, if he will, how he distinguishes the power of Congress to reserve the right to legislate in the State as to the manufacture and sale of intoxicating liquors from the power of Congress to legislate in the State as to other matters of purely State police cognizance. That is what has troubled me.

Mr. GALLINGER. Before I try to answer that question—and it is very difficult for me to answer a legal proposition submitted by the Senator from Wisconsin—I should like to have him elucidate a little the proviso in the first section of the bill.

Mr. SPOONER. I am under no such contract.

Mr. GALLINGER. Well, I want to put the Senator under that contract.

Mr. SPOONER. That does not follow.

Mr. GALLINGER. I want to ask if that does not give precisely what the Senator says we can not give?

Mr. SPOONER. The Senator from Nevada insists that there are decisions, and I think there are—

Mr. GALLINGER. I think I have quoted one or two.

Mr. SPOONER. I know there are, which as to the Indians will sustain probably the greater part, perhaps not all, of this provision. But that grows out of the unique relation of the Indians to the Government.

Mr. GALLINGER. That is what I called attention to when the Senator was absent, that this is an unprecedented case, that it is very unusual.

Mr. SPOONER. Yes; but it must be remembered that the Indians under tribal relation in States are still subject to the Federal Government, and that limitations upon the real property of Indians, placed by Congress or under its authority upon the right to dispose of real property of Indians, can not be abrogated by the States. It seems to me there are elements in the provisions to which the Senator calls attention which go beyond that, and I doubt their constitutionality as to Indians who have become citizens of the United States.

Mr. PLATT of Connecticut. Mr. President—

Mr. GALLINGER. It is required by this bill to be put into the constitution of the new State.

Mr. PLATT of Connecticut. With the permission of the Senator from New Hampshire—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. GALLINGER. Certainly, Mr. President. Of course I am very unequal in a match against these great lawyers.

Mr. SPOONER. Oh, no. Now, if the Senator will pardon me for a moment, this is required to be put into the constitution of the State. Of course after the State is admitted into the Union there is no power to prevent the people of the State from taking it out of their constitution.

Mr. GALLINGER. Certainly; that is admitted.

Mr. SPOONER. However, as to this other phase, the one involving the police power, it is not provided that they shall put it in their constitution, but it is provided that by an irrevocable ordinance appended to their constitution or a part of it, they shall make it perpetual and beyond the reach of the people of the State to control the police power of the State. Now I will hear the Senator from Connecticut.

Mr. PLATT of Connecticut. Mr. President, I do not wish to further complicate this already complicated question, because I am in entire sympathy with the legislation which would give to the Indians in the Indian Territory protection against the sale of intoxicating liquors.

Mr. SPOONER. So am I.

Mr. PLATT of Connecticut. But there is one thing which has not been noticed, unless it was noticed by the Senator from New Hampshire when I was out of the Chamber for a few moments. We passed within the last four or five years what I considered at the time to be very improper legislation, making all the Indians of the Indian Territory citizens of the United States.

Mr. SPOONER. That was a mistake.

Mr. PLATT of Connecticut. I think it was a mistake. I thought so then, and I tried as I could in committee to prevent

it. But does not that complicate the situation in regard to the passing of laws which shall apply to some of the citizens of the new State and not apply to other citizens of the new State?

Mr. STEWART. I am going to speak to that point whenever I get an opportunity. I do not like to interject it into the speech of the Senator from New Hampshire.

Mr. SPOONER. I beg the pardon of the Senator from New Hampshire.

Mr. GALLINGER. Not at all. I am delighted to have the Senator from Wisconsin and the Senator from Connecticut discuss this phase of the question, which is extremely interesting, and which I as a layman can very clearly perceive is full of difficulties.

I have endeavored to show, in my own way, that this is a very unusual condition of things, and that because of that fact we may be warranted in legislating differently from which we would under different conditions.

By and large I answer the Senator from Wisconsin precisely as he would expect me to answer his question. Congress can not ordinarily do what the Senator recited. But in considering this question I read the bill of the committee very carefully. It ran the gantlet of the other House, where there are great lawyers as well as here. I read that proviso in the first section, which to my mind—not legal mind, perhaps my untutored mind—led me to the conclusion that the bill itself conferred upon Congress absolute authority to legislate for the Indians after the new State is formed. I consulted some eminent lawyers about the matter, not a great many, but friends of mine, and they agreed with me that that was the fact. They agreed with me, furthermore, that my amendment, if it should be incorporated in the bill, would stand the constitutional test. I do not know whether it would or not.

I am not prepared, of course, to give an opinion on that point, and I am not prepared to give an opinion on any legal or constitutional point.

Hoping that that was true, influenced as I was by the opinion of men versed in the law, one certainly a very distinguished jurist, I ventured to offer the amendment and I have had the temerity to advocate it. I do it in the hope that out of it all may come something which will be of benefit to these people. I was very much struck with that exclamation of the Indian chief which I read to-day—that he does not believe the Government is going to lie to the Indians on their deathbed. I was struck with it, and I felt that if I could make any contribution to this discussion which would help the Senate in wisely determining this question I would have perhaps done the Indians, if no one else, a service.

It was simply with that end in view that I have with a great deal of reluctance said one word on this question. I had intended to remain silent and to vote on the question as to the creation of these proposed new States as my conscience dictated when the vote was reached.

Mr. President, I will now call attention to the fact that when I was interrupted I had sent to the desk, and I will ask the Secretary to read, the telegrams which have come to me during the last two or three days from the Indian Territory on this question. They are not long.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

FORT GIBSON, IND. T., January 16, 1905.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

Our churches voted unanimously no statehood without prohibition.
N. E. FERTIG, Pastor Methodist.
T. F. COE, Pastor Baptist.
D. N. ALLEN, Pastor Presbyterian.

DURANT, IND. T., January 16, 1905.

Senator JACOB H. GALLINGER,
Washington, D. C.:

Durant's six churches indorse Gallinger amendment. Want prohibition statehood only.

A. FRANK ROSS.

ATOKA, IND. T., January 15.

Senator JACOB H. GALLINGER:

We want statehood without saloon or no statehood.

ATOKA BAPTIST CHURCH.

TULSA, IND. T., January 16, 1905.

Senator JACOB H. GALLINGER,
Washington, D. C.:

By a large majority vote in churches here yesterday, passed following resolution:
"Resolved, That we protest against statehood unless your amendment is passed."

C. S. WALKER,
Secretary Church Federation.

Senator JACOB H. GALLINGER,
Washington, D. C.

We prefer present Territorial government to statehood with the saloon.

MARTIN W. ROBISON,
Secretary Muscogee Ministers' Association.

Mr. GALLINGER. I have here letters which I shall not read, but will simply give the names—a letter from Muscogee, which is signed by nine clergymen, representing different churches, begging, if statehood is granted as proposed to the Territory, that Congress will not subject the Indians to the baleful influences of strong drink; a letter likewise from the pastor of the Presbyterian Church at Krebs, Ind. T., and one from the pastor of another church in the same town. The Atoka Baptist Church sends resolutions, and the letter of transmittal is signed by certain officials of the church. From Tulsa, Ind. T., the secretary of the Church Federation makes a protest.

The letters referred to are as follows:

MUSCOGEE, IND. T., January 16, 1905.

Hon. JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: We, the ministers whose names will appear below, beg to advise you that we have had action taken and have received in the constitutional manner from our churches an answer to the question whether, as churches, we would prefer to see the saloon and statehood or remain under the present form of government as a Territory. Without exception (one church not heard from), the answer has been: "Give us no statehood rather than statehood, single or double, and the saloon. We think the advantages of statehood would be far less than [the] curse of the saloon."

We beg you to do all in your power to give us no statehood for the Indian Territory or let us have statehood with adequate prohibition.

Mr. E. M. Sweet, who is from us, has no doubt seen you and we [feel] sure will handle the cause for us well. We can trust and recommend his judgment to you in our behalf.

Most respectfully,

Rev. Grant Stroh, Rev. T. F. Brewer, Rev. T. L. Lallance,
Rev. J. K. Thompson, Rev. T. C. Carlton, Rev. J. H.
Crutcher, Rev. R. E. Robe, Rev. Martin W. Robison,
Rev. A. Grant Evans.

KREBS, IND. T., January 16, 1905.

Hon. JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: Having learned that you have introduced a bill in the Senate, or rather an amendment favoring prohibition for twenty years—in view of this on last Sabbath we passed a resolution in the Presbyterian Church of this place, saying we would far rather remain as we are than have a form of statehood thrust upon us that would bring with it Oklahoma's saloons. And the same resolution was passed in the Methodist Episcopal Church.

The vote was unanimous.

Yours, with due respect,

G. W. MCWHARTER, Pastor.

KREBS, IND. T., January 17, 1905.

JACOB H. GALLINGER, Washington.

DEAR SIR: We took a vote in our congregation Sunday, as did the Presbyterian. It was a unanimous vote in favor of leaving Indian Territory as it is for a while, without saloons.

Yours, truly,

O. A. WRIGHT.

MURROW INDIAN ORPHANS' HOME,
Atoka, Ind. T., January 15, 1905.

Senator JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: At the morning service of the Atoka Baptist Church a resolution was passed urging upon our friends the necessity of securing for the new State adequate protection from intoxicating drinks. We greatly desire no statehood rather than statehood with the curse of saloons.

Passed unanimously.

J. S. MURROW,
HUBERT M. RISHEL,
WILLIEBELLE JONES,
Committee.

TULSA, IND. T., January 16, 1905.

Hon. JACOB GALLINGER,
Washington, D. C.

DEAR SIR: I sent you a telegram this morning notifying you of the action the different churches took here yesterday on the saloon question.

The people of this city prefer to remain without statehood rather than to come in as a State and have saloons thrust upon us. The matter was brought up before all the churches of the city, and the vote was practically unanimous to the effect that they wanted your amendment to the Hamilton bill, or remain as we are. We feel that it would be unbearable here with saloons in the Territory. I trust you will be successful in getting your amendment through if the statehood bill passes.

Wishing you every success, I beg to remain,

Very truly,

C. S. WALKER,
Secretary of Church Federation.

Mr. GALLINGER. The following letter has impressed me deeply. Surely the views and wishes of such men are entitled to great consideration:

SASAKWA, IND. T., January 24, 1905.

Hon. J. H. GALLINGER,
United States Senator, Washington, D. C.

DEAR SIR: My great solicitude for the welfare of the Seminole people, for whom I have labored earnestly and faithfully for more than a

generation, sixteen years of which time as their principal chief, impels me to make bold in addressing you on their behalf.

The Seminoles, with only a few exceptions, are full-blood Indians and, at best, will be at great disadvantage when so shortly their tribal government shall be extinguished. Then that paternal care so long exercised over them by the United States Government will be withdrawn, their chiefs and head men, to whom they have looked and upon whom they have relied for counsel and guidance, will be no more, and they must take their places as United States citizens. Uneducated, not even fairly able to speak the English language, the burdens and responsibilities thus suddenly thrust upon them are so grave that one must, and I do, feel great apprehension for their future, even at best.

But when I think of even the possibility of their coming in contact with the liquor traffic, the open saloon, so long kept beyond their reach by wholesome and effective laws enacted against this loathsome and degrading traffic by both the Seminole government and the United States, I am dumb at the horrible and piteous spectacle which our eyes shall surely behold, and can not but tremble when I think of the dreadful fate which surely awaits the large number of our citizens who have no control over themselves in this particular. One addicted to the use of intoxicating drinks is incapacitated to care for his family or estate, and ought to have a guardian appointed to manage his affairs. The Indian has had two guardians, his own home government and the United States, even when he was sober and whisky kept quite beyond his reach. Now, these two protectors are to be taken away, but the Indian ought not to be exposed to this great and impending danger. If it be so, pen and tongue become paralyzed in an effort to describe the pandemonium which will reign supreme in the Indian country. The Indian of to-day can not stand alone with whisky along by his side. No word is surer; no prophecy ever truer.

So, I beg of you in the name of all that is pure, in the name of humanity, to spare no effort to draw a line of prohibition around this helpless people, to protect them and their little ones from the withering blasts of this demon who is already impatient at delay. And I know that God will certainly bless you and all like you, who will thus come to the rescue. And for this I shall pray, and beg to be,

Yours, very truly,

JOHN F. BROWN.

Here is a letter from Frederick, Md., from the permanent committee on temperance of the General Synod of the Evangelical Lutheran Church in the United States, which I will read:

FREDERICK, MD., January 16, 1905.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SIR: I write you on behalf of the permanent committee on temperance of the Evangelical Lutheran Church in the United States (general synod). This committee was formed five years ago for the purpose of representing the denomination in temperance matters and to cooperate with similar committees or societies of other churches in furthering the temperance reform in harmony with the deliverances of our general synod in its conventions.

The denomination for which we speak has twenty-five district synods throughout the country and forms one of the branches of the Lutheran communion, and in itself represents about 225,000 communicant members and a total constituency in its churches and Sunday schools of not less than 400,000 people.

We are very greatly interested in securing adequate protection against saloons for Indian Territory in case it is to be admitted, either singly or conjointly with Oklahoma, as a State, and I write to say that we earnestly hope for the passage of your amendment to the statehood bill introduced on January 9, providing for a prohibition clause in the State constitution and continuing Federal jurisdiction for a period of years until the people of the new State may be fairly able to handle this important question themselves. We shall be very glad if you will bring this prayer to the attention of the Senate for its consideration during the pendency of the so-called "Hamilton bill."

Very sincerely, yours,

CHAS. F. STECK, Secretary.

I have here another letter from the Board of Home Missions of the Presbyterian Church in the United States of America, which I will also read:

NEW YORK, January 21, 1905.

To the UNITED STATES SENATE,
(Care of Senator J. H. GALLINGER),
Washington, D. C.

SIRS: On behalf of the Board of Home Missions of the Presbyterian Church, I desire to respectfully petition your honorable body to postpone the question of statehood for Oklahoma and Indian Territories until the next Congress in order that such an amendment as proposed by Senator GALLINGER, extending prohibition for twenty-one years, may be passed, if possible, in both Houses, and so be safe from the peril of being killed in conference committee.

This is a wise man; he knows how things sometimes happen in Congress.

I beg to say that this would not necessarily postpone the date of statehood going into effect, which I believe would not be under the present bill if now passed before the spring of 1906.

It is perhaps needless for me to add that we urge this postponement only that the moral interests of the Indians, among whom we have a good deal of missionary work, may be safeguarded.

Very respectfully, yours,

CHAS. L. THOMPSON, Secretary.

Several telegrams have come to me within the last few days, asking postponement of action upon this bill so far as it relates to Indian Territory, as follows:

NEW YORK, January 21, 1905.

Senator J. H. GALLINGER,
United States Senate, Washington, D. C.:

Secretaries of Congregational Home Missionary Society and American Missionary Association concur in petition of Presbyterian board, that action on Indian Territory statehood be postponed until next Congress.

WASHINGTON CHOATE.

NEW YORK, January 21, 1905.
 UNITED STATES SENATE (care Senator J. H. GALLINGER),
 Washington, D. C.
 Undersigned secretary of Methodist Episcopal Missionary Society
 urges postponement of action on Indian Territory statehood.
 S. O. BENTON.

NEW YORK, January 21, 1905.
 Hon. J. H. GALLINGER,
 Senate, Washington, D. C.
 The American Baptist Home Mission Society concurs with other or-
 ganizations in postponement of action on Indian Territory statehood
 bill.

H. L. MOREHOUSE, Secretary.
 I have also, Mr. President, a communication signed by Joshua
 L. Bailey, a well-known philanthropist of Philadelphia, which
 I will read:

WASHINGTON, D. C., January 25, 1905.
 Hon. JACOB H. GALLINGER,
 United States Senate, Washington, D. C.

MY DEAR SENATOR: At a conference held this morning of the accred-
 ited representatives of several national organizations, viz, the National
 Temperance Society, the National Woman's Christian Temperance Union,
 the International Reform Bureau, the Indian Rights Association, and
 the Indian Territory Woman's Christian Temperance Union, the follow-
 ing was unanimously adopted: *Resolved*, That in view of the fact that
 the amendment proposed by you to the statehood bill, providing for
 twenty-one years' extension of the prohibition of the liquor traffic in
 what is now the Indian Territorial limits, was not a part of the bill as
 it passed the House of Representatives, and in view of the probability
 that even should it pass the Senate it might fall in conference com-
 mittee, it is the sense of this conference that the best interests of all con-
 cerned would be promoted by the postponement of the further considera-
 tion of this statehood bill to the next session of Congress.

On behalf of the conference:

JOSHUA L. BAILEY, Chairman.
 (Representing the National Temperance Society.)

On yesterday I was handed a communication which expresses
 the views of the United States Board of Indian Commissioners,
 as follows:

DEPARTMENT OF THE INTERIOR,
 BOARD OF INDIAN COMMISSIONERS,
 Washington, D. C., January 25, 1905.

Senator GALLINGER,
 United States Senate.

SIR: The United States Board of Indian Commissioners, now in
 session at their annual meeting, have considered the amendment in-
 tended to be proposed by you to H. R. 14749 and on January 9, 1905,
 ordered printed. The following action was to-day unanimously taken
 by the United States Board of Indian Commissioners, and is herewith
 transmitted to you, with entire freedom to make any use of it which
 you may wish, either in your remarks in support of your amendment
 or at any other time or under any other circumstances:

"*Voted*, That the United States Board of Indian Commissioners em-
 phatically approves the amendment to H. R. 14749 proposed by Sena-
 tor GALLINGER and ordered printed January 9, 1905, to carry out the
 treaty obligations of the United States in protecting the Indians of the
 Territory against the sale of liquor and the evils of the open saloon."

A true copy.

Yours, very truly,

MERRILL E. GATES,
 Member and Secretary.

Mr. President, I have but an added word. Reverting again
 to the question of what was meant by our agreements with these
 tribes, I will read a clipping taken from the editorial columns
 of the Washington Post of December 18, 1904, which indicates
 the interpretation put upon these agreements by at least two
 of the leading newspapers of this country. The Post quotes
 from the Springfield Republican as follows:

The statehood bill for Oklahoma and Indian Territory has been
 somewhat improved, probably, by the insertion of a clause providing
 for prohibition during the first ten years. After that period the ques-
 tion will be left to the inhabitants to determine as they may desire.
 The only reason for prohibiting the liquor traffic in the enabling act
 is to protect the Indians of the Five Civilized Tribes, who were guar-
 anteed such protection by the United States Government when they
 abandoned their old tribal life.

The Post makes this comment:

No one can seriously question the desirability of protecting those
 Five Civilized Tribes, and all other tribes of Indians, against the traffic
 in intoxicants. And no one will deny that the pledge of protection
 made to those five tribes by the United States Government ought to be
 sacredly kept. The humiliating truth that the history of our Govern-
 ment's dealing with the red men shows a long succession of violated
 treaties—violated by the United States—is not the best kind of reason
 for adding to that sad, bad list. As to most, if not all, of those dis-
 rupted compacts, it may well be said that they should not have been
 entered into, but that can not be said of this promise of protection
 against the Indians' worst enemy. It was a proper promise—a promise
 prompted by imperative duty.

But, nevertheless, no provision of an enabling act, no command of
 Congress, or concession by a Territory put into an enabling act or into
 the constitution of an embryo State, can deprive a State, when fully
 admitted into the family of States, of equal rights with all other States.
 One of those rights is control of the liquor traffic. Any State may put
 prohibition into its constitution and take it out again. A number of
 States have done that. Nothing that Congress can do can prevent any
 State, old or new, from putting into its fundamental law any provi-
 sion that is not in conflict with the United States Constitution. While
 it is probable that proposed provision will be permitted by the new
 State to stand unassailed for a time, the practice of trying to tie the
 hands of new States by impossible expedients should not be greatly en-
 couraged. All the constitutional rights possessed by the oldest are
 equally the possession of the youngest State, just as the man who was
 21 years old yesterday has equal rights with his 80-year-old neighbor.

It is primarily for the first two paragraphs that I have read
 this editorial. It will be observed that the Springfield Republi-
 can very properly asserts that "the Indians of the Five Civil-
 ized Tribes * * * were guaranteed such protection by the
 United States Government when they abandoned their old
 tribal life;" and the editor of the Washington Post truly says
 that "no one will deny that the pledge of protection made to
 those five tribes by the United States Government ought to be
 sacredly kept. * * * It was a proper promise—a promise
 prompted by imperative duty."

As to the last paragraph, it seems to proceed on the assump-
 tion that the sale of intoxicating liquors involves some inherent
 right of citizenship, which point I believe I have discussed
 already with ample clearness, in the light of decisions of the
 Supreme Court declaring otherwise. The amendment which I
 have offered, I repeat, is but a specific proposition under the
 general reservation of Federal authority as contained in the
 proviso of section one of the bill, and is designed to make this
 bill measurably consistent with our positive agreements with
 these Indians. I, for one, am entirely unwilling to become a
 party to any legislation which would fail to secure the fulfill-
 ment of these obligations in absolute good faith, and unless this
 point is abundantly safeguarded I sincerely hope that the pro-
 posed legislation will not receive the sanction of Congress.

Mr. CLAY. May I ask the Senator from New Hampshire a
 question?

Mr. GALLINGER. Certainly.

Mr. CLAY. I was looking over the Senator's amendment, and
 I wish to ask the Senator if it is not true that his amendment
 does not go as far as the bill which was reported by the com-
 mittee? If I understand the Senator's amendment, it simply
 provides that there shall be prohibition in certain parts of the
 Indian Territory for a period of ten years.

Mr. GALLINGER. Twenty-one years.

Mr. CLAY. I thought it was ten years.

Mr. GALLINGER. No; twenty-one years after the termina-
 tion of Federal jurisdiction.

Mr. CLAY. But is it not true that the bill as it came to us
 from the Committee on Territories provides absolute permanent
 prohibition so far as the Indians are concerned, and then pro-
 vides for prohibition as to all other persons for a period of ten
 years? I therefore ask, Is not the bill as it came from the com-
 mittee really stronger than the Senator's amendment so far as
 prohibition is concerned?

Mr. GALLINGER. I can not find at the moment any provi-
 sion in the bill relating to prohibition.

Mr. CLAY. I want to call the Senator's attention to page 5
 of the bill as it came from the Committee on Territories. The
 Territories are required to insert these provisions in their con-
 stitution before being admitted as a State:

First. That perfect toleration of religious sentiment shall be secured,
 and that no inhabitant of said State shall ever be molested in person or
 property on account of his or her mode of religious worship, and that
 polygamous or plural marriages and the sale, barter, or giving of intoxi-
 cating liquors to Indians are forever prohibited.

That is on page 5. Now, here is the proviso:

Provided, That the sale, barter, or giving away, except for mechan-
 ical, medicinal, or scientific purposes, of intoxicating liquors within that
 part of said State heretofore known as the Indian Territory, or other
 Indian reservations within said State, be prohibited for a period of ten
 years from the date of admission of said State, and thereafter until
 after the legislature of said State shall otherwise provide.

I understand that part of this bill to mean that so far as the
 Indians are concerned you can not sell or barter whisky to
 them in any manner whatever, and that so far as other persons
 are concerned in this same Territory you can not sell or barter
 to them for a period of ten years. That was the explanation
 given by the chairman of the committee at the time we had this
 feature of the bill under consideration. It therefore strikes me
 that the original bill, as it came from the committee, was, so far
 as prohibition is concerned, even stronger than the amendment
 of the Senator from New Hampshire.

Mr. GALLINGER. From what does the Senator read?

Mr. CLAY. From page 5 of the bill.

Mr. GALLINGER. Oh, yes; I find it now.

Mr. CLAY. Then the proviso offered by the committee fol-
 lows.

I remember calling attention to the fact at the time the mat-
 ter was before the Senate, and I believe the Senator from Indi-
 ana [Mr. BEVERIDGE] and the Senator from Minnesota [Mr.
 NELSON] both agreed that this clause of the bill clearly meant
 that so far as the Indians were concerned the constitution of the
 new State was to prohibit the sale of whisky to them in any
 manner whatever, and to prohibit its sale to the balance of the
 inhabitants of the Territory for a period of ten years, and
 after that period the matter was to be left to the legislature of
 the State.

Mr. GALLINGER. Mr. President, I will say to the Senator from Georgia that I will examine this matter very carefully, and before the debate on this bill is concluded I will give him my best opinion regarding it.

Mr. CLAY. Does not the Senator think that Congress would have the right and power to prescribe the conditions of admitting a State into the Union; to require that the Territory should place in its constitution before the admission as a State those conditions, and that when the Territory came in as a State those conditions would be binding.

Mr. GALLINGER. I certainly agree to that proposition. There is no question about it. I will examine the matter carefully, I will say to the Senator, and will call attention to it before the debate closes on the bill.

Mr. STEWART. Mr. President—

Mr. BATE. Will the Senator allow me a moment before he takes the floor?

Mr. STEWART. Certainly.

Mr. BATE. The committee had that question up and discussed it. They had very grave doubts as to the constitutionality of such an amendment anyway. The committee converted "twenty-one years" to "ten years," and used the word "thereafter," which qualified it so as to let the State, after admission, take its own course in the matter. While the disposition of the committee, so far as I know, was to make the prohibition perpetual, if they could do so, there was a grave question as to whether, if the Indian Territory should become a State, we would have the constitutional right to force that State to do this after it had a constitution and State government. Unless the State put such a provision in its own constitution, it was doubtful whether there would be any power on the part of the Government of the United States to force the matter of prohibition upon the Indian Territory as a condition precedent to its admission as a State.

Mr. GALLINGER. Just a word. It is manifest from this discussion, Mr. President, that some wise provision will be evolved, even if the bill does not do it or if my amendment does not do it. It seems to me that the disposition of Senators on both sides of the Chamber is to protect these people, and I am hopeful, if this bill should pass and this new State be formed, that there would be the largest possible protection afforded to them that is consistent with the laws and Constitution.

Mr. BATE. I hope the Senator will be assured that such was the unanimous wish of the committee. They wanted to give every protection to the Indians in regard to the liquor traffic. They did not want it sold at all, but they had to do the best they could in that regard.

Mr. STEWART. Mr. President, the question of citizenship does not figure in this case. There is a total misconception, it seems to me, of the emancipation of the Indians and making them citizens of the United States by statute. The Indian is made a citizen by the Constitution of the United States. The fourteenth amendment provides:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The second section of the fourteenth amendment, it is true, does not allow Indians not taxed to be reckoned in the basis of representation, but it does not take away their citizenship conferred by the first section of the fourteenth amendment. The second section of the fourteenth amendment provides:

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

There can be no doubt that Congress has

THE POWER TO EMANCIPATE INDIANS

from all restrictions and confer upon them every right possessed by white citizens, but this has not been done in the Indian Territory. The Indians there are still wards of the Government. The acts of Congress conferring citizenship upon them and removing all restrictions do not authorize an Indian to convey title to his interest in tribal lands. The lands must not only be segregated by allotment, but the title must be conveyed to him by the chief of the tribe with the approval of the Secretary of the Interior. The removal of restrictions and the delivery of such a deed empowers the Indian allottee to convey a fee simple title to his land. Until that is done Congress has plenary power of legislation. In the Lone Wolf case the Supreme Court of the United States says:

Now, it is true that in decisions of this court the Indian right of occupancy of tribal lands, whether declared in a treaty or otherwise created, has been stated to be sacred, or, as sometimes expressed, as sacred as the fee of the United States in the same lands. (*Johnson v. McIntosh* (1823), 8 Wheat., 543, 574; *Cherokee Nation v. Georgia* (1831), 5 Pet., 1, 48; *Worcester v. Georgia* (1832), 6 Pet., 515, 581; *United States v. Cook* (1873), 19 Wall., 591, 592; *Leavenworth, etc., Railroad Company v. United States* (1875), 92 U. S., 733, 755;

Beecher v. Wetherby (1877), 95 U. S., 525.) But in none of these cases was there involved a controversy between Indians and the Government respecting the power of Congress to administer the property of the Indians. The questions considered in the cases referred to, which either directly or indirectly had relation to the nature of the property rights of the Indians, concerned the character and extent of such rights as respected States or individuals. In one of the cited cases it was clearly pointed out that Congress possessed a paramount power over the property of the Indians by reason of its exercise of guardianship over their interests, and that such authority might be implied, even though opposed to the strict letter of a treaty with the Indians. Thus, in *Beecher v. Wetherby* (95 U. S., 525), discussing the claim that there had been a prior reservation of land by treaty to the use of a certain tribe of Indians, the court said (p. 525):

"But the right which the Indians held was only that of occupancy. The fee was in the United States, subject to that right, and could be transferred by them whenever they chose. The grantee, it is true, would take only the naked fee, and could not disturb the occupancy of the Indians; that occupancy could only be interfered with or determined by the United States. It is to be presumed that in this matter the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race. Be that as it may, the propriety or justice of their action toward the Indians with respect to their lands is a question of governmental policy, and is not a matter open to discussion in a controversy between third parties, neither of whom derives title from the Indians."

Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning and the power has always been deemed a political one, not subject to be controlled by the judicial department of the Government. Until the year 1871 the policy was pursued of dealing with the Indian tribes by means of treaties, and of course a moral obligation rested upon Congress to act in good faith in performing the stipulations entered into on its behalf. But, as with treaties made with foreign nations (*Chinese Exclusion Cases*, 130 U. S., 581, 600), the legislative power might pass laws in conflict with treaties made with the Indians. (*Thomas v. Gay*, 169 U. S., 264, 270; *Ward v. Race Horse*, 163 U. S., 504, 511; *Spalding v. Chandler*, 160 U. S., 394, 405; *Missouri, Kansas and Texas Ry. Co. v. Roberts*, 152 U. S., 114, 117; *The Cherokee Tobacco*, 11 Wall., 616); (187 U. S., 553; also, *Compilation of Laws and Treaties relating to Indian affairs*, Kappler, 2d ed., Vol. I, p. 1058.)

The acts of Congress conferring citizenship have no more force in emancipating the Indians from the jurisdiction of the United States than has the provision in the fourteenth amendment of the Constitution. The Indians can not exercise their rights of citizenship until they are fully emancipated from their tribal relations any more than a minor can exercise the rights of citizenship which are conferred upon adults. Congress has continued to legislate for the Indians since they were declared citizens the same as before. The United States will not lose jurisdiction.

TO PROTECT THE INDIANS IN THE INDIAN TERRITORY

from intoxicating liquor so long as any restriction or limitation remains upon the rights of any of the Indians to exercise all the privileges of white citizens. Congress by the act of January 30, 1897, anticipated and provided against the danger of selling liquor to Indians before they were completely emancipated from their wardship. The act is as follows:

That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished by imprisonment for not less than sixty days and by a fine of not less than \$100 for the first offense and not less than \$200 for each offense thereafter: *Provided, however*, That the person convicted shall be committed until fine and costs are paid. But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department.

SEC. 2. That so much of the act of the 23d day of July, 1892, as is inconsistent with the provisions of this act is hereby repealed. (29 Stats., 506; also *Compilation of Laws and Treaties relating to Indian Affairs*, Kappler, 2d ed., vol. 1, p. 83.)

The only qualification of their citizenship in the Constitution is that, if they are not taxed, they shall not be counted in the basis of representation. Still, they are declared to be citizens.

In the very outset of the legislation which brought the Dawes Commission into existence the Senate Committee on the Five Civilized Tribes of Indians made known its purposes and views respecting such legislation in this wise:

As we have said, the title to these lands is held by the tribe in trust for the people. We have shown that the trust is not being properly executed, nor will it be if left to the Indians, and the question arises. What is the duty of the Government of the United States with reference to this trust? While we have recognized these tribes as dependent nations, the Government has likewise recognized its guardianship over the Indians and its obligations to protect them in their property and personal rights.

That goes down to the very bottom—"the obligation of the Government to protect the Indians in their property and personal rights."

If the tribe fails to administer its trust properly by securing to all the people of the tribe equitable participation in the common property of the tribe, there appears to be no redress for the Indian so deprived of his rights unless the Government does interfere to administer such trust. (May 27, 1894, S. Rept. 377, 53d Cong., 2d sess.)

This language is quoted by Justice White in the case of *Cherokee Nation v. Hitchcock*. (187 U. S., 302. See also *Compilation of Laws and Treaties Relating to Indian Affairs*, Kappler, 2d ed., vol. 1, p. 1056.)

And all the legislation in reference to these tribes of Indians, viz, the investiture of them with the rights of citizenship as United States citizens and the controlling and administering of their property, even after citizenship is conferred, has been kept up by Congress ever since, showing clearly that the privilege of citizenship conferred has not in any wise by any act of Congress taken away.

THE RIGHT OF THE POLITICAL POWER OF THE GOVERNMENT

to administer all the property of these Indians and in any manner the Government shall see just and proper. This power is asserted to exist by the United States Supreme Court in the case of *Lone Wolf v. Hitchcock*. This principle is asserted in the case of *Cherokee Nation v. Hitchcock* (187 U. S., 308), where Justice White, speaking for the United States Supreme Court, says:

There is no question involved in this case as to the taking of property. The authority which it is proposed to exercise by virtue of the act of 1898 has relation merely to the control and development of the tribal property, which still remains subject to the control of the Government even though the members of the tribe have been invested with the status of citizenship under recent legislation. (*Compilation of Laws and Treaties Relating to Indian Affairs*, Kappler, 2d ed., vol. 1, p. 1058.)

By reference to the legislation on that last subject it will be found that no final and absolute title, free from the control of the Government, has yet been conferred on any of these Indians. No Indian title is yet perfected in the Indian Territory.

In the case of *Re Celestine* (114 Fed. Rep., 551), the right to protection as a citizen by the giving of an allotment to an Indian was held by the district court of the State of Washington to exist, but it was not then declared that allotment prevented the Government from protecting the tribal property rights after allotment; but in the case of the Indians here there has been no complete allotment. There is a distinction drawn by the Supreme Court in its dealing with the question of the power of Congress to administer tribal property of Indians between personal rights and rights of property. Citizenship conferred in no wise divests Congress, according to the *Lone Wolf* case and the *Cherokee* case *v. Hitchcock*, of

THE RIGHT TO ADMINISTER TRIBAL PROPERTY,

and property vested in the tribe as trustees for the members thereof can be administered in any way Congress determines, free from interference by the courts, so long as it has not become finally and irrevocably vested in the individual Indian; and so long as Congress is engaged in administering the property rights of Indians as the wards of the Government it is the duty of Congress to protect them from alcoholic poison.

When anything remains to be done to emancipate the Indian as a ward, as to his estate, from the control of Congress, the power to continue administration in the best interests of the Indian, which the political power of the Government solely controls, still remains until unequivocally relinquished by such political power. A mere casual glance at the scheme of allotments to be made to the individuals of the Five Civilized Tribes will show in how many respects the allotments, even after they are allotted, have to be disposed of under conditions, and these conditions can be controlled and made effectual and carried out by acts of Congress. This must be the case as long as

CONGRESS CHOOSES TO EXERCISE THE POWER.

The Dawes Commission expires by limitation on the 1st of July, 1905, and yet tribal relations do not cease and administration of Indian property may not cease at that time, and if anything remains to be done, even under the laws as they now stand, Congress has the power to direct how those provisions of the allotment laws shall be administered and by whom. The tribal relations of these Indians have not ceased to exist, the fee simple title absolute divested of all conditions has not yet vested, and under the present law no title now vests except subject to the power of the Government to see that the conditions as to sale and disposition of allotments are carried out. Determinations as to contests over rights to allotments, questions of intrudership, and the like still remain and will long remain for adjudication. Hence the imperative necessity for the control of Congress over the administration of tribal prop-

erty. And by tribal property the decisions above quoted do not mean to say that it is only property still held in trust for the members of the tribe by the tribe as a dependent nation; it also means that property which the individual Indian by allotment has gotten from the tribe. And these decisions draw no distinction between the power of Congress over tribal property unallotted and tribal property allotted as long as the necessity exists to protect the Indian and carry out to the letter the laws on the subject of allotment and sales and disposition after allotment.

Congress has frequently passed

LAWS PROHIBITING THE SALE OF LIQUOR

on Indian reservations that are situated in the various States. The Indians residing on such reservations, although they live in the States, are as much citizens of the United States as Indians in the Indian Territory. Men are punished every day, and have been from time immemorial, whenever caught selling liquor to Indians throughout the United States. That power has been exercised with the approval of the courts, with the approval of Congress, and it has been regarded as settled.

THE INDIANS IN THE INDIAN TERRITORY

are not emancipated. We hold them still as wards. We say they shall not sell their property for twenty-one years. We say, although they are citizens, they are not citizens with all the rights and privileges of citizenship such as white men enjoy. They are wards, and this wardship has got to be expressly abandoned by the United States before the power is vested in them.

It has been said that if the Indian Territory becomes a State, then Congress can not legislate any more with respect to Indians in that State. How does it happen, then, that Congress now legislates for Indians in the several States and prohibits the sale of liquor to Indians? It is said there will be a lot of white people among the Indians, and that you can not protect the Indians without preventing the white men from having liquor. If you can not protect the Indian in any other way, and you have the power to protect him if he is the ward of the Government, then

IT IS THE DUTY OF THE GOVERNMENT,

and it is the only thing to do, to keep liquor out of the country where he is. If that be the only method, the power to do the thing carries with it all the necessary incidents.

Mr. TELLER. Mr. President, will the Senator allow me to interrupt him?

Mr. STEWART. Yes.

Mr. TELLER. Do we not legislate for the Indians in the States because they are members of tribes? Do we legislate for any Indians that are not included with a tribe? We do not, to my knowledge.

Mr. STEWART. Oh, yes.

Mr. TELLER. When and where?

Mr. STEWART. We have general laws punishing the sale of liquor to the Indians whether they are members of tribes or not.

Mr. TELLER. No. The Senator can not find anything of that kind. The Indian must be an Indian within the law; he must be a member of a tribe.

Mr. STEWART. No. They have never been recognized by the Government in their tribal relations. For instance, only a few of them have been treated with and put on reservations. The great majority of them have run loose. Still, persons who sell liquor to wandering Indians are punished the same as those who sell liquor to Indians living in tribes.

The question has been raised whether this can be done; and the courts have given the widest construction to the power and duty of the Government to protect the Indians from the use of liquor wherever they are found in the United States.

THE USE OF LIQUOR IS DEMORALIZING.

It is annihilation. It ends the Indian. If you give him liquor he will not long survive. It destroys him, and it seems to me it would be a farce if, having control of his tribal property and control of him in every other way, you could not protect him from an evil that is inevitable destruction. He has been protected for a long time and will be protected now.

If the Indian Territory is admitted to statehood and it becomes necessary to protect the Indians there, who are still the wards of the Government—for they are not allowed to sell their homesteads for a great many years, and they are not allowed to do other things for a term of years while they are wards of the Government—shall we say that, because white men are in the State, we must let them take in liquor, and we must abandon our control over the Indians and the protection that we are under every obligation to afford? Certainly not. The Indians will be protected.

This is a very different proposition from the proposition in regard to polygamy.

THE MORMONS WERE NEVER WARDS OF THE GOVERNMENT.

We never had to look after them. They set up for themselves at an early date. They have been quite independent, and we have not had any treaty relations with them.

Mr. KEAN. But they have kept us pretty busy.

Mr. STEWART. They have kept us pretty busy, but we have never had any treaty relations with them. No court has ever held that we were under any obligations toward them, other than toward other white men. They were never wards of the Government, and, consequently, the provision of the State constitution, with reference to polygamy, probably failed whenever the State passed other laws.

When a State is admitted into the Union it comes in equal to all the other States; it comes in with the same rights and privileges that all other States have; and all the States that have come in have recognized the

OBLIGATION OF THE GOVERNMENT TO PROTECT THE INDIANS.

The Indian has been the ward of the Government from the beginning, and every State that has come into the Union has understood that fact. Nearly every volume of the reports of the Supreme Court, from the time of Marshall down, reiterates the doctrine that the Indians are wards of the Government and that it is the duty of the Government to protect them, and if there is anything that it ought to protect them from it is the sale of liquor, which will destroy them. Certainly until they are entirely emancipated, until we cut loose and abandon our wardship and give them their property with a right to dispose of it as they will, that obligation to protect them from the sale of liquor will exist. It has been so recognized. If in the Indian Territory, after it becomes a State, there is no statute passed respecting the sale of liquor to Indians, Congress could say that the Indians shall be protected, and if it is impracticable otherwise to protect them or to keep whisky out of the territory where they reside, Congress has the power to exclude it. I have no doubt of that.

Mr. TELLER. Had we not better provide for the insertion of such a provision in the Constitution?

Mr. STEWART. It is well to put it in the Constitution. It is better never to lose sight of that. In dealing with these people we want the country to understand that the Government of the United States is not going to abandon these wards for their destruction and do indirectly what it would be a gross crime to do directly by turning them over to State legislation, when it is the duty of the Government itself to protect them, and the only way to protect them is to prohibit the introduction and sale of liquor in the Indian Territory and Indian reservations in Oklahoma.

Mr. FULTON. I should like to ask the Senator from Nevada a question.

Mr. STEWART. Certainly.

Mr. FULTON. How long does that power of the Government continue? And following that question I will ask the Senator this: Suppose the Indians cease their tribal relations, take up the duties of citizenship, and become to all intents and purposes members of society. Does the right of the Government to enact and enforce such legislation as the Senator suggests still continue?

Mr. STEWART. If the Senator means by that that there is no property which they receive as a tribe, that there is nothing for the Government to protect, that they are full citizens and taxed as other citizens are, so that they are entirely free from governmental control, then I suppose it would cease. Whenever the Government has come to the conclusion that an Indian is capable of taking care of himself, and he is taxed as other citizens are taxed, and the Government has no control over his property, then it ceases. He is emancipated.

Mr. FULTON. You do not think the Government would have any power after that?

Mr. BEVERIDGE. Yes; power.

Mr. FULTON. That is what I am discussing—as to whether or not the Government has power beyond that point.

Mr. BEVERIDGE. Yes; but it then would go back of the tribal relation that is dissolved. It would be merely a moral obligation on the one hand and a prudential measure on the other.

Mr. FULTON. I should like to be informed on this point: From what provision of the Constitution does Congress derive the authority to legislate concerning an Indian after he has become a citizen, when he has severed his tribal relations and become a member of society in the State the same as his white neighbor, assuming all of its duties and responsibilities

and endowed with all of its privileges? I say from what provision in the Constitution of the United States do you derive the authority of Congress then to legislate concerning him, to make any different rule or regulation concerning his conduct—

Mr. STEWART. I understand your question.

Mr. FULTON. That is made as to any other individual citizen or class of citizens?

Mr. STEWART. There is nothing in the Constitution that makes him a ward of the nation.

Mr. BAILEY. Will the Senator from Nevada permit me to propound another question?

Mr. STEWART. Let me answer now.

Mr. BAILEY. You can answer both at once.

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Texas?

Mr. STEWART. If it does not take too long.

Mr. BAILEY. Could a State pass a law applying a different rule to an Indian who has become a citizen of the United States from that applied to a citizen who had never been an Indian? Would not such a law be obnoxious to the fourteenth amendment, which prohibits a State from denying to any citizen the equal protection of the law?

Mr. STEWART. There is nothing in the Constitution of the United States creating this guardianship over the Indians, but from Judge Marshall down to the present time there are hundreds and hundreds of pages in the reports saying that the United States is the guardian, and I do not suppose the United States would go back on all those traditions and decisions. The question is when that guardianship ceases to exist.

Mr. BAILEY. When their tribal relations cease.

Mr. STEWART. I beg pardon; not when the tribal relations cease. It does not cease to exist as long as the Government has any control over him or his property. It continues as long as the Government looks to him as a ward; and the Indians in the Indian Territory are regarded as wards for twenty-one years after they get the allotments, because they are not allowed to sell them. They can not do as other citizens do, showing that the United States continues that wardship. Congress might repeal that now before the time elapses. It has absolute control. It is a matter of legislation. It can be done by legislation. Congress has the absolute power to do it, growing out of this obligation that

THE SUPREME COURT HAS REPEATEDLY HELD

that the United States was under to guard and protect the Indian in his person and property. Now, the Indian is different from any other person, and whether it is in the Constitution or not, I think we will be governed by the decisions of the Supreme Court. When an Indian can sell his own property and becomes a citizen and is taxed, then he is probably entirely emancipated.

Mr. FULTON. I do not wish to disturb the Senator, but I am asking for information. I should like to have the Senator tell us, if he has time and is disposed to enter upon a discussion of that question, what was meant by the act of Congress conferring citizenship on these Indians?

Mr. STEWART. Nothing, so far as the question under consideration is concerned.

Mr. FULTON. What did it mean?

Mr. STEWART. It meant to make them citizens the same as minors and other wards are citizens.

Mr. BAILEY. The court has held that we have not made them citizens.

Mr. STEWART. Oh, no.

Mr. BAILEY. The court has expressly held that an Indian while retaining his tribal relation is not a citizen of the United States.

Mr. STEWART. Conceding that they are—

Mr. BAILEY. The court says they are not. If the Senator from Nevada wants to dispute with the court—

Mr. STEWART. I do not want to dispute with the court at all. I would want to get its whole decision before I disputed with it. The Constitution says that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside." But when they fix a basis of representation, they say if he is not taxed he shall not be counted in the basis of representation.

Mr. BAILEY. The Senator from Nevada has simply omitted to examine the case to which I refer. That was a case where an Indian, who had severed his tribal relation, insisted upon his right to vote; and the court, reviewing the whole question, declared that an Indian who still maintained his tribal relation was not a citizen of the United States, but that an Indian whose

tribal relations had been dissolved was a citizen of the United States and entitled to the rights and privileges of all other citizens.

Mr. STEWART. When the tribal relations are dissolved, the tribal property administered, and he is taxable, and his property is subject to taxation, then he is a citizen, and not until then. Then he is emancipated. He is no longer our ward. Then he ceases to be a ward of the Government.

Mr. BAILEY. The Senator from Nevada knows that when the Supreme Court of the United States denied the right of Kansas in one instance and New York in another to tax the Indians' property, which the Government had guaranteed should be free from taxation, the court based its decision expressly on the ground that those Indians still maintained their tribal relation.

Mr. STEWART. Certainly.

Mr. BAILEY. But every argument in the case short of a direct statement, and that would have been going outside the record, is that if the Indian does not maintain his tribal relation, then the Federal Government could not exempt his land from taxation and the State could tax it.

Mr. STEWART. In the Indian Territory the homestead of every Indian is reserved. He can not sell it. It can not be taxed. The law provides it shall be nontaxable.

Mr. BAILEY. That is the law.

Mr. STEWART. That is the law.

Mr. BAILEY. But Congress can not make that kind of a law for a State of this Union.

Mr. STEWART. I think it can.

Mr. BAILEY. The Supreme Court practically says it can not.

Mr. STEWART. No. The court says that the Government has absolute power to distribute his estate and has control of him until it is accomplished, until he is freed by act of Congress from the wardship that the Government has over him. That is the tenor of all the decisions.

Mr. BAILEY. I did not make myself clearly understood to the Senator. I do not question that to be true so long as the tribal relations exist, because a State, as in the case of Kansas, may expressly provide in its constitution that the Indian tribe should be subject to the jurisdiction of the Federal Government; and I think the court very properly decided that so long as that tribal relation existed the people of Kansas could not tax the land, although in those cases, or at least in one, and I think in two, of them, it was provided that the Indians might own their lands in severalty, though they still owned it as members of a tribe. The court said that that was true, and so long as this condition existed, whether in a State or a Territory, the jurisdiction of the Federal Government over them was complete. But the moment that tribal relation is dissolved and the Indians are merged into the body of the citizenship, the Federal Government has no more power to govern an Indian as such than it has to govern a black man as such.

The Indians are only a dependent nation when they are a tribe. That was the decision, beginning with Judge Marshall down even to the Kansas and New York cases—that the Indians were a kind of dependent nation, with whom the United States dealt as such. But when the Indian nation disappears, the Federal Government has no more power over the Indian himself than it has over the African or the African's descendants.

Mr. STEWART. To undertake to say that the Federal Government has no power to declare these homesteads exempt and to prevent their sale for twenty-one years—

Mr. BAILEY. Undoubtedly it had, as long as they were in a Territory.

Mr. STEWART. It did that.

Mr. BAILEY. Yes; but the Federal Government can not determine the rule of descent, distribution, or alienation of property in a State, for that is a domestic matter, which must rest within the power of the State.

There arises another question which I am not at this time prepared to express an opinion on, and that is this: These people hold by given title, and if they violate the condition of that title, would not the title revert? But if it did, it would not revert to the United States, because the title which the Indians now hold they do not derive immediately from the United States, properly speaking. They hold a deed made many years before these exemptions.

Mr. STEWART. The Supreme Court has declared over and over again that it is the duty of the United States to administer the property of the Indian, and do it completely, and to say that the Government has not full jurisdiction is untenable.

Before the fourteenth amendment was adopted an Indian to become a citizen was compelled to be naturalized. Since that

time, I apprehend, if the United States should free him of all restrictions and tax him, he would become

A CITIZEN WITHOUT NATURALIZATION.

It is a part of the functions of the guardian to say how and when the ward's property shall be disposed of. That is when he is sufficiently emancipated. The Indian is not yet emancipated. If we had the power, while he was in the tribal relation, to provide for the distribution of the property, the Government has the power to carry out that decision if it was legal and proper when it was made. The decree which the Government made in the distribution of the tribal property is final and remains in force until executed. So long as the Government maintains its decree of distribution the power to do so remains.

THE INDIANS ARE WITHIN THE POWER

of the Government until they are fully emancipated. I assume that when the tribal relation is broken then they will be citizens. They will then be taxed as other citizens are. When there is nothing remaining for the Government to administer or protect, its jurisdiction will be ended. That condition does not yet prevail, because the tribal relation still exists. It will not be severed until the 4th of March, 1906. While the Indians are in tribal relation the Government has complete and plenary power to legislate respecting them under all the decisions of the Supreme Court, and after Congress legislates, to say that that legislation shall not be effective, when property rights grow out under it, that a decree of the Government taking care of the Indians while it has jurisdiction shall not be carried out after the State is formed, is a new doctrine to me. I do not believe a word of it.

While the tribal relations are still in force the Government has complete power, and having that power it is its duty, before it turns the Indians over to the State, to provide against the destruction of these Indians by the liquor traffic. If it can not do it in any other way than by denying statehood for the next fifty years, the Government should not abandon these Indians and abandon its power to protect them from the evil that everybody knows will destroy them. I have no doubt

THE COURTS WOULD SUSTAIN ANY REASONABLE LAW

that will protect them against the liquor traffic after it is in a State, the same as it will in the various States.

It is not necessary to prove that the Indians maintain their tribal relations to convict a person charged with selling liquor to them. You have seen trials in the United States courts for selling liquor to Indians. The courts do not inquire if the Indians live in tribal relations, and all you have to prove is that he is an Indian. That is all. He may be one of a wandering band, belonging to no tribe, as many of them are. The Committee on Indian Affairs has applications every few days for aid to wandering bands who belong to no tribe. We passed a bill at this session to buy some land in the Flathead Reservation for some Indians who did not belong to any tribe. The Government had to take care of them. We assumed the power to take care of those wandering Indians. They were needy, and we bought land for them because they were Indians; and while the Government is dealing thus with them, it will not do to admit this State and turn the Indians over to a reign of grogshops, because we know that liquor will destroy them and the Congress is not going to do it. If it

INVOLVES THE RELINQUISHMENT OF JURISDICTION,

in order to prevent these Indians from being destroyed, Congress will, as it has the power, repeal those treaties which provide for the dissolution of the tribal relation.

Congress has a right to repeal any of those treaties. It has plenary power to do so. There is no question about it. The Indians themselves have no title until the Government gives it to them. It is a political title that the Indians possess, the lands belonging to them in a political capacity, and a deed amounts to nothing. It gives them no individual rights, and if giving them individual rights means giving them individual and general destruction, do not pass this bill.

If there is any doubt about the power of Congress under a State government to protect these Indians from destruction, which the sale of liquor among them would effect, do not give them State government. I believe that duty will continue. I do not believe in

CONGRESS MAKING CONSTITUTIONS FOR NEW STATES.

The States must come in on equal terms. I do not believe we can do that. Many provisions have been suggested for this and other States which do not amount to anything. When a State comes into the Union, it must have the rights that all the other States have.

The Indian Territory should not be incorporated into a State without specific language in the enabling act providing for the perpetuation of prohibition against the liquor traffic after it

becomes a State to the full extent of the prohibitory law now in force.

Mr. BAILEY. Mr. President, just a word on this question. When an Indian becomes a citizen of the United States, the law takes no cognizance of the color of his skin or of his former tribal relation. It takes no more cognizance of that than it takes of the former nationality of an Englishman or a German or a Russian who becomes a naturalized citizen of the United States.

Therefore, if a State of this Union, whether in pursuance of a condition imposed on it by Congress or in pursuance of its own free will, should attempt to lay down one rule of conduct for its citizens of red skin, another rule of conduct for its citizens of black skin, and still a third rule of conduct for its citizens of white skin, its legislation on that subject would be in violation of the fourteenth amendment to the Federal Constitution, and absolutely void.

Now, Mr. President, let us take the question of the exemption of the homestead from taxation. Mark you, I readily and freely grant that the Federal Government can exempt tribal property of an Indian nation from State taxation. I not only grant that the court has so decided, but, in my opinion, the court correctly decided that so long as the Indians maintain their tribal relations, although under a treaty with the Federal Government they might own their lands in severalty, those lands were still not subject to State taxation against the stipulation of a Federal treaty for their exemption.

But there is the widest possible difference between the Indian as a tribesman and the Indian as a citizen, and when the Indian becomes a citizen of the United States the Congress has no more power to exempt his property from taxation than it has to exempt that of any other citizen with reference to his nationality or the color of his skin. In other words—

Mr. STEWART. Right there—

Mr. BAILEY. Let me complete the statement.

Mr. STEWART. Yes.

Mr. BAILEY. In other words, a State law providing that hereafter the homesteads of all men of Indian blood shall not be taxed, while the homesteads of all other men, either may be or shall be taxed, would establish a rule of discrimination forbidden by the fourteenth amendment.

Mr. STEWART. Then I understand you to maintain that although the United States has jurisdiction in the distribution of the property while the Indians constitute a tribe, and may set apart the homestead and provide that it shall not be alienated or taxed for a period of twenty-one years, or any given number of years, notwithstanding the United States has made a decree while it has jurisdiction, if it admits the State into the Union, that decree, so far as the homestead is concerned, is nullified and set aside by the admission of the State into the Union?

Mr. BAILEY. Undoubtedly, I think so, so far as the exemption from taxes is concerned; and the only thing that will save the inalienability of the homestead is that the courts may hold that the Indian holds that fee upon a condition that it will not be alienated, and that an alienation of it is a breach of the condition and, therefore, works forfeiture of the title.

I do not undertake to say that the court will hold that, but the court could so hold, and probably it would be well within the law. But what seems to me obscure in the Senator's mind, if he will pardon me, is that he assumes that because the Federal Government had a given jurisdiction over an Indian under one status, its jurisdiction follows an Indian into a wholly different status. The Federal Government's jurisdiction over a citizen of a Territory is ample; it is plenary, we will say; but the moment the Federal Government admits that Territory as a State into this Union, the jurisdiction of the Federal Government devolves upon the State, and the Federal Government thenceforth is powerless to regulate the domestic relations of all citizens within that State.

Now, it may be that the Federal Government has assumed obligations toward the Indians, which in the nature of our Government it can not perform within the jurisdiction of a State. If so, that may be a good argument against the admission of the Indian Territory as a State; but it can not justify us in attempting to clothe the Federal Government with power over men who have been released from its guardianship, and who have been made by the laws of Congress citizens of the United States.

Mr. President, I have myself doubted, I doubt this afternoon, if it is possible for the United States to discharge entirely and fully its obligations to the Indians as citizens within a State. I think that when this bill passes, if it does pass—and I hope we will be able to pass it in some form—there will be an infinite deal of litigation grow out of conditions there, and—

Mr. STEWART rose.

Mr. BAILEY. My judgment is that when the highest court in this land finally passes judgment on it, they will hold that when the United States dissolved the Indians' tribal relation, made him a citizen of the United States, and then surrendered its jurisdiction to the newly formed and newly admitted State, the General Government then has no more power over the Indian and his property than it has over any other citizen. I venture that prediction. That must be the decision, for if the Federal Government can follow the Indian into a State it can follow the black man, it can follow the yellow man, it can follow the white man, because it is not a question of color, it is not even a question of race; for the Government of the United States knows no distinction as to race or color after it makes a man a citizen of the United States. Now, I will hear the Senator from Nevada.

Mr. STEWART. My position is this: The United States at the time it passed this law, having complete jurisdiction over the subject in distributing the property, distributes it in a certain way. Undoubtedly the Government had the power to do that. It gave the Indian a homestead and provided that he should not sell it for twenty-one years. It guaranteed that that homestead should not be taxed. Having complete jurisdiction to administer upon the estate of the tribe and dissolve the tribal relation and administer its property, as the courts have repeatedly said, when they have done that I believe it becomes a decree, it becomes a decision of the United States having full jurisdiction, and it will remain after the State is formed. I do not believe that forming the Territory into a State reverses the decree for the distribution of property with those conditions. I believe the right given remains with the Indians, because the United States originally had the power to give it and it did give it. But there must be something expressly done. I do not believe it can be by implication. It can only be done by an express act of the United States. That is my position.

Mr. BAILEY. The trouble with the Senator's argument is that it has been advanced before the Supreme Court, and it did not find favor with that great tribunal. The Senator shakes his head, but I venture to say the Senator has not read the Kansas exemption cases, or he would be quick to perceive the conflict between the doctrine there announced and the doctrine he lays down here. The whole ground upon which the court sustained the exemption in that case was that the Indians still retained their tribal relation. The Senator will recall that in that case, just as here, the Indians had the Government's contract, the Government's guaranty, if you prefer that, or treaty obligation—no matter how you describe it—that that land should be free from taxation.

But in the face of that treaty the State of Kansas in one instance, and the State of New York in another instance of a different tribe, sought to levy taxes on it. The Indians applied to the court and through the orderly procedure the question finally reached the Supreme Court of the United States. That court held that because the Government had guaranteed the exemption to the Indians as a tribe it took it outside of and put it beyond the power of a State to tax their lands. The State of Kansas had agreed, when admitted to the Union, that these Indian tribes should occupy the land within their borders, and because those Indian tribes still occupied it as tribes they were exempt from the power of taxation in the State of Kansas. But the court declared that that is the ground and the only ground of exemption.

Now, following the argument of the court that the law of Kansas was invalid alone because it sought to tax the lands of Indian tribesmen, then, when they are not tribesmen, is not the State free to tax them?

Mr. STEWART. That is an inference to be drawn. The fact that they were tribesmen and that the Government had given them the guaranty was sufficient. But suppose the Government had dissolved the partnership, that it had dissolved the tribe, and made a decree as to this particular land and as to these particular Indians, and while it had jurisdiction to do it, did it as a part of the distribution of property, I do not think the Supreme Court of the United States or any other court would ever hold that that guaranty should not continue. I think to hold otherwise is carrying it too far.

Mr. BAILEY. The Senator forgets that the Government made this treaty with these Indians while Kansas was still a Territory. It moved them from the State of Missouri into the Territory of Kansas, where the Federal jurisdiction still prevailed over the entire Territory, including the Indian reservation.

Mr. STEWART. Just as it does over the Indian Territory now.

Mr. BAILEY. When Kansas became a State, Congress incorporated into the act admitting her a provision very similar

to the one we have in the pending bill, that the power of the Federal Government should still exist with reference to the Indians there.

Mr. STEWART. If the Senator will allow me right here, I have no doubt that if in Montana the Government should dissolve the tribal relation of any of those Indian tribes and say, "We will decree so much land to each one of you on condition that it shall not be sold," that would be a valid law and the State could not repeal it.

Mr. BAILEY. Then, if the Government of the United States can say that the lands of one man are inalienable for twenty-one years, it can say that the lands of every man are inalienable for twenty-one hundred years, and thus the Federal Government can establish perpetuities; or if the Federal Government can say that the owner can not sell for twenty-one years, it can say that the inheritance shall devolve upon the oldest son in perpetuity.

Mr. STEWART. Oh, no; it can not do that.

Mr. BAILEY. And thus it can not only establish perpetuity, but it can reestablish the old and forbidden law of primogeniture.

Mr. STEWART. Oh, no.

Mr. BAILEY. Nobody believes that Congress can do that.

Mr. STEWART. It can not do that, but it can do another thing. The title is not in the Indians. When the tribal relation is dissolved there is no tribe to hold title. Then it reverts to the United States if the United States would propose to take advantage of it. It does not, however. It helps the Indians along.

Mr. BAILEY. It helps the Indian along by giving him a part of what was always his.

Mr. STEWART. No matter about that. The Indians have a right which the United States had absolute power to take away. When the Government dissolved the tribal relation it might resume its ownership of the property, not having the moral right, but the power to do it. It says, "We will not take it away from you absolutely, but we will distribute it and we will hold it for you in a perfect title for a certain length of time." He is not situated as other people are, because he has not a complete title and can not get a complete title. He can not get thoroughly emancipated from the United States Government. The Government says: "For twenty-one years we will hold jurisdiction of this matter, so far as this property is concerned. If you should attempt to sell it, the United States might annul the sale."

Mr. BAILEY. I desire to record it here for the third time that I do not say the Indian can sell his land against that stipulation. I do not say that the State itself can relieve him of that, because the courts could well hold that he has a title upon condition, and that for condition broken his title would fall. But that does not depend upon the power of the Federal Government to follow that Indian into the State and to regulate even the descent or the transfer of personal property. What shall be a valid transfer in any State of the Union for either personal property or real estate must depend upon the law of that State. The law of descent and distribution depends upon the legislative will of a State and not upon the Federal Government.

The trouble with the Senator from Nevada and his friends in this matter is that they are trying to do for a ward of the General Government what the whole theory of our Government forbids the nation to do for anybody in a State.

Mr. STEWART. What I contend for is that any time within the twenty-one years the Government has the power (of course it would not exercise it at all) to take that land from them and give it to another man. The State has no control over it.

Mr. BAILEY. No, Mr. President.

Mr. STEWART. It would be morally wrong, but the power is there.

Mr. BAILEY. That would be a legal impossibility under our form of government.

Mr. STEWART. The Government would never do it, but as far as the power is concerned, under the decision of the Supreme Court it could do it.

Mr. BAILEY. I do not agree to that. I believe that the Federal Government can not divest a right in that way. Of course, there is not in the Constitution the same prohibition against the Federal Government impairing the obligation of contracts that there is against States doing it; but the Supreme Court said in the Pacific Railroad cases that the Government could not impair the obligation of a contract, and though that question was not in that case, I prefer to accept it. I prefer to believe that there is no power lodged anywhere in this Government which enables any legislature anywhere to take from one man and give to another man.

Mr. STEWART. I agree with the Senator in that.

Mr. BAILEY. Every State forbids it in its constitution.

Mr. STEWART. One man has not the title. That is his trouble here.

Mr. BAILEY. The Senator begs the question again. He is the chairman of the Committee on Indian Affairs. I put the question to him: Do not the Chickasaw and Choctaw Indians hold their land by deed, and did they not so hold it even before the Atoka agreement, as it is called?

Mr. STEWART. Certainly; the tribes hold it by an agreement, by a deed from the Government of the United States.

Mr. BAILEY. They hold it by solemn deed from the Government of the United States.

Mr. STEWART. But if the tribe is dissolved, who owns it?

Mr. BAILEY. Who dissolved the tribe? The Government?

Mr. STEWART. Yes.

Mr. BAILEY. How easy it would be if a tribe owned something which the Government wanted. The Government dissolves the tribe and then takes advantage of its own wrong.

Mr. STEWART. It might do it; but it would be an outrage.

Mr. BAILEY. Not in all Christendom is there an assembly where such a doctrine would be either invoked or justified.

Mr. STEWART. No, it never could be justified, but the Government would have the authority to do it.

Mr. BAILEY. It has no power to do it.

Mr. STEWART. The Supreme Court has held that the Government has the power.

Mr. BAILEY. With all deference to the Senator from Nevada, the Supreme Court has never held any such doctrine. The Senator can search its reports from the beginning to this day and he will not find where that court has ever yet decided that the Federal Government could take the property that belongs to one man and devote it to its own or another's use.

The Supreme Court has held that the Government of the United States could make treaties with them, and it is true those treaties have largely been farcical. It is true that the Government has imposed upon the Indians its will, just like it is trying to impose upon this Indian State its will again. But in all the cases where transfers of land have been involved the Government has acquired those lands by treaty. In very few of the cases did it ever happen that in addition to a treaty the Indians held a deed to the land.

Mr. STEWART. The Supreme Court in the case I have cited held in so many words that the power was in the United States to repeal the treaty.

Mr. BAILEY. To repeal any treaty.

Mr. STEWART. Then there is no grantee; there is no person to hold the property; and it must necessarily revert to the United States.

Mr. BAILEY. But they did not hold it under treaty; they held it by deed.

Mr. STEWART. That does not make any difference. It is a political deed, not a deed to the individual at all.

Mr. BAILEY. Political is a new definition of a deed.

Mr. STEWART. Oh, no; it has been so decided right along. I will cite the Senator to any number of cases. I will satisfy him that the Supreme Court have so decided over and over again.

Mr. BAILEY. The Senator does not need to tell me that he can cite a decision showing that the court have held that Congress can repeal a treaty. They have not only held that Congress can repeal a treaty with the Indians, but they have held that Congress can repeal a treaty with any nation in the world. The courts have unbrokenly held that and no man questions it. Congress could repeal a treaty with an Indian tribe just the same as they could with any foreign nation. But in this particular case I say the Indians hold their lands by a deed and not merely by a treaty, and therefore—

Mr. PATTERSON. Will the Senator from Texas yield to me to call his attention to some matters in this connection that I may get some enlightenment upon the subject?

Mr. BAILEY. Certainly.

Mr. PATTERSON. I understand that this whole controversy is based upon the provisions of the bill for the union of Oklahoma and the Indian Territory, and particularly those that relate to the Indian Territory.

I think that Congress in this bill recognizes the substance of what the Senator from Texas claims, namely, that Congress of itself would have no power to exempt the lands these Indians have secured from the Government by allotment or homestead or otherwise from taxation; but that if they are exempted from taxation it must be not only at the request of Congress, as provided in the bill for the admission of these States, but by a solemn compact entered into on the part of the new State upon the one side and the United States upon the other.

Mr. BAILEY. The Senator from Colorado is exactly correct about that.

Mr. PATTERSON. The bill provides in section 21—

That the delegates to the convention thus elected shall meet, etc.
* * * And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—
First—

And then, among other things:

But nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

Now, then, Congress having attempted to distribute these lands among the Indians, and having fixed the terms and conditions of distribution, the limitations upon alienation, and the exemption from taxation, may it not, by an ordinance of the State embedded in its constitution, before the constitution shall be satisfactory to Congress and the proposed new State could become a State, make that proviso absolutely effective?

Mr. STEWART. That is my point. Now, I should like to call attention—

Mr. PATTERSON. I suppose that all the Senator from Texas could claim would be that the new State would have a right at some future time to amend that constitution, but if the constitutional convention of the new State—if this bill should pass and ultimately become a law—should by ordinance provide precisely what this bill requires it to provide for, and not amend the constitution thereafter, I am inclined to think it would be effective to the very end. I have not the slightest idea that Congress would ever attempt to amend it.

Mr. STEWART. Let me call attention to this—

Mr. BAILEY. Let me first reply to the Senator from Colorado.

Mr. STEWART. Then it would be too far along.

Mr. BAILEY. I want to say if this argument had proceeded on that line then it would have been a question of wisdom and justice and not a question of power. The Senator from Colorado calls attention to the fact that the bill provides that before the State can be admitted it must incorporate certain provisions in its constitution. Undoubtedly the State has a right to do that, and undoubtedly if the State did adopt the constitution according to the terms as read by the Senator from Colorado, and then some officer of the State should attempt to levy and collect taxes, we will say against a homestead, they would plead the constitution of the State and not the act of the Federal Congress; and the constitutional exemption as adopted by the State would be a good defense unless it should be held void as against the fourteenth amendment.

Mr. STEWART. Now, will the Senator allow me to read a passage from the Lone Wolf case, decided in the Supreme Court of the United States in the October term, 1902, which will be found in Volume I of Indian Affairs, Laws, and Treaties, by Kappler, page 1059?

Mr. PATTERSON. Congress recognizes that.

Mr. STEWART. I have the volume here, and I will read it.

Mr. BAILEY. I will hear the Senator.

Mr. STEWART. The Supreme Court decided in the Lone Wolf case as follows:

Now, it is true that in decisions of this court the Indian right of occupancy of tribal lands, whether declared in a treaty or otherwise created, has been stated to be sacred, or, as sometimes expressed, as sacred as the fee of the United States in the same lands. (*Johnson v. McIntosh* (1823), 8 Wheat., 543, 574; *Cherokee Nation v. Georgia* (1831), 5 Pet., 1, 48; *Worcester v. Georgia* (1832), 6 Pet., 515, 581; *United States v. Cook* (1873), 19 Wall., 591, 592; *Leavenworth, etc., Railroad Company v. United States* (1875), 92 U. S., 733, 755; *Beecher v. Wetherby* (1877), 95 U. S., 525.) But in none of these cases was there involved a controversy between Indians and the Government respecting the power of Congress to administer the property of the Indians. The questions considered in the cases referred to, which either directly or indirectly had relation to the nature of the property rights of the Indians, concerned the character and extent of such rights as respected States or individuals. In one of the cited cases it was clearly pointed out that Congress possessed a paramount power over the property of the Indians by reason of its exercise of guardianship over their interests, and that such authority might be implied, even though opposed to the strict letter of a treaty with the Indians. Thus, in *Beecher v. Wetherby* (95 U. S., 525), discussing the claim that there had been a prior reservation of land by treaty to the use of a certain tribe of Indians, the court said (p. 525):

"But the right which the Indians held was only that of occupancy. The fee was in the United States, subject to that right, and could be transferred by them whenever they choose. The grantee, it is true, would take only the naked fee, and could not disturb the occupancy of the Indians; that occupancy could only be interfered with or determined by the United States. It is to be presumed that in this matter the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant

and dependent race. Be that as it may, the propriety or justice of their action toward the Indians with respect to their lands is a question of governmental policy, and is not a matter open to discussion in a controversy between third parties, neither of whom derives title from the Indians."

Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning and the power has always been deemed a political one, not subject to be controlled by the judicial department of the Government. Until the year 1871 the policy was pursued of dealing with the Indian tribes by means of treaties, and of course a moral obligation rested upon Congress to act in good faith in performing the stipulations entered into on its behalf. But, as with treaties made with foreign nations (*Chinese Exclusion Cases*, 130, U. S., 581, 600), the legislative power might pass laws in conflict with treaties made with the Indians. (*Thomas v. Gay*, 169 U. S., 264, 270; *Ward v. Race Horse*, 163 U. S., 504, 511; *Spalding v. Chandler*, 160 U. S., 394, 405; *Missouri, Kansas and Texas Ry. Co. v. Roberts*, 152 U. S., 114, 117; *The Cherokee Tobacco*, 11 Wall., 616.)

That is the doctrine. Congress has plenary power; and I say when it has once disposed of the matter and put in conditions the State can not interfere with those conditions.

Mr. BAILEY. Mr. President, just a word further.

There is nothing in that decision which conflicts with anything I have said. That decision declares that the status of the Indian is a political question, and to that declaration I heartily subscribe. That decision also declares that in that case it was a question of occupancy of the land, and therefore within the power of Congress, to which I subscribe. But my proposition was that as to the Chickasaws and the Choctaw Indian tribes, though I believe the deed was to the Choctaws and inured to the Chickasaws as well, it is not a question of occupancy. There the United States conveyed to them not a fee simple title, it is true, but it did convey to them and to their descendants so long as they exist as a tribe and occupy it. That, as every lawyer in this Chamber knows, is what is known in legal vernacular as a base or a determinable fee. But so long as the condition upon which such a fee is held continues it is as absolute as a fee as the simple fee. Therefore, so long as the Indians occupied this land as a tribe their right to it was as absolute as any Senator here holds to his homestead; and I declare that the Supreme Court of the United States never has said, and, in my judgment, it never will say, that a law of Congress could annul a deed once executed by the Government of the United States. If it can do that, there is no limitation on the power of the Federal Government.

EXECUTIVE SESSION.

Mr. KEAN. 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 seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 28, 1905, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 27, 1905.

POSTMASTER.

WASHINGTON.

George M. Stewart to be postmaster at Seattle, in the county of King and State of Washington, in place of George M. Stewart. Incumbent's commission expired March 3, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 27, 1905.

SECRETARY OF EMBASSY.

Charles Richardson, of Massachusetts, now secretary of the legation at that place, to be secretary of the embassy of the United States at Rio De Janeiro, Brazil.

MELTER.

Hubert D. Coleman, jr., of Louisiana, to be melter and refiner of the mint of the United States at New Orleans, La.

INDIAN AGENT.

Capt. Jeremiah Z. Dare, United States Army, retired, of the District of Columbia, to be agent for the Indians of the Black-foot Agency in Montana.

PROMOTIONS IN THE NAVY.

Commander Arthur P. Nazro to be a captain in the Navy, from the 28th day of December, 1904.

Maj. Lincoln Karmany to be a lieutenant-colonel in the Marine Corps, from the 9th day of December, 1904.

Capt. Laurence H. Moses to be a major in the Marine Corps, from the 4th day of June, 1904.

Capt. Wendell C. Neville to be a major in the Marine Corps, from the 9th day of December, 1904.

Capt. Charles M. Thomas to be a rear-admiral in the Navy, from the 12th day of January, 1905.

Lieut. (Junior Grade) Adolphus E. Watson to be a lieutenant in the Navy, from the 1st day of January, 1905.

Medical Inspector George E. H. Harmon to be a medical director in the Navy, from the 15th day of December, 1904.

Medical Inspector Howard Wells to be a medical director in the Navy, from the 1st day of January, 1905.

Surg. Nelson H. Drake to be a medical inspector in the Navy, from the 1st day of January, 1905.

Surg. Middleton S. Guest to be a surgeon in the Navy, from the 20th day of January, 1903.

Passed Assist. Surg. Charles M. DeValin to be a surgeon in the Navy, from the 31st day of January, 1903.

Assist. Surg. Jacob Stepp to be a passed assistant surgeon in the Navy, from the 7th day of June, 1904, upon the completion of three years' service.

Surg. Charles T. Hibbett to be a medical inspector in the Navy, from the 15th day of December, 1904.

POSTMASTERS.

FLORIDA.

Alexander Zipperer to be postmaster at Madison, in the county of Madison and State of Florida.

IOWA.

William D. Jacobsen to be postmaster at Lyons, in the county of Clinton and State of Iowa.

MICHIGAN.

Justin A. Harsh to be postmaster at Tekonsha, in the county of Calhoun and State of Michigan.

Guy C. Mars to be postmaster at Berrien Springs, in the county of Berrien and State of Michigan.

Hugh W. Parker to be postmaster at Bancroft, in the county of Shiawassee and State of Michigan.

MINNESOTA.

Adolphus L. Elliott to be postmaster at Paynesville (late New Paynesville), in the county of Stearns and State of Minnesota.

Truman B. Horton to be postmaster at Stewartville, in the county of Olmsted and State of Minnesota.

Mark M. Woolley to be postmaster at Howard Lake, in the county of Wright and State of Minnesota.

NEW YORK.

Peter Dahl to be postmaster at Tonawanda, in the county of Erie and State of New York.

PENNSYLVANIA.

William N. Boyles to be postmaster at Juniata, in the county of Blair and State of Pennsylvania.

Frank A. Howe to be postmaster at Waterford, in the county of Erie and State of Pennsylvania.

Elizabeth H. Ketcham to be postmaster at Narberth, in the county of Montgomery and State of Pennsylvania.

James H. Saulsbery to be postmaster at Dunlo, in the county of Cambria and State of Pennsylvania.

VIRGINIA.

Lee S. Calfee to be postmaster at Pulaski (late Pulaski City), in the county of Pulaski and State of Virginia.

WEST VIRGINIA.

T. J. Honaker to be postmaster at Beckley, in the county of Raleigh and State of West Virginia.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 27, 1905.

The House met at 12 o'clock m.

Prayer by Rev. JOHN VAN SCHAICK, JR.

The Journal of yesterday's proceedings was read and approved.

RESOLUTION IN REGARD TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES IN THE INDIAN TERRITORY.

Mr. SHERMAN. Mr. Speaker, I offer a privileged resolution.

The SPEAKER. The gentleman from New York offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolution No. 398.

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the House of Representatives whether or not any member of the Commission to the Five Civilized Tribes in the Indian Territory, commonly known as "the Dawes Commission," or any clerk or employee in the Indian service in the Indian Territory, who are required to swear that they have no financial interest in any person or corporation dealing in Indian lands, as required by act of Congress

approved April 21, 1904, have refused to make said oath and have not drawn their salary because of such refusal, and the name or names of any such officer or employee failing to draw their salaries under said law, and whether or not he has any knowledge of or is in any way advised that any such officer or employee has been or is now guilty of dealing in Indian lands through corporations or otherwise.

The amendments were read, as follows:

Line 2, strike out the word "directed" and insert in lieu thereof "requested, if not incompatible with public interests."

Line 7, strike out the word "swear" and insert in lieu thereof the words "make oath;" same line, strike out the word "in" and insert in lieu thereof the word "with."

Lines 12 and 13, strike out the words "failing to draw their salaries under said law."

Line 13, strike out the words "or not" and "any."

Line 15, strike out the words "guilty of" and insert in lieu thereof "engaged in."

Mr. WILLIAMS of Mississippi. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. Certainly.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman from New York what is the necessity of the first amendment. I understand the usual rule is to request the President and direct departmental chiefs.

Mr. SHERMAN. The only fear was it was among the possibilities that the Secretary might be making some investigations with a view of certain rumors, and if that condition existed we did not want to compel him to disclose his hand.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I not only have no objection to the resolution, but I am very heartily in favor of it, and wish that it had come long ago. My only objection to it is, it is late in coming.

The amendments were agreed to.

The resolution as amended was agreed to.

EXPENSES OF THE INAUGURAL CEREMONIES.

Mr. HEMENWAY. Mr. Speaker, I am directed by the Committee on Appropriations to report Senate joint resolution No. 94.

The SPEAKER. The gentleman from Indiana reports a Senate joint resolution from the Committee on Appropriations, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution 94.

Resolved, etc., That to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1905, in accordance with such programme as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police for three days, at \$3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, \$7,000, or so much thereof as may be necessary, the same to be immediately available.

Mr. MADDOX. Mr. Speaker, I would like to inquire what these expenses are. Will it take \$7,000 to pay these extra policemen?

Mr. HEMENWAY. The expenditures are to be made under direction of the joint committee of the House and Senate. They erect the stand out here and the seats, and they pay for the policemen, and they pay for such other services as are necessary in carrying out these ceremonies.

Mr. MADDOX. This is for the ceremonies at the Capitol?

Mr. HEMENWAY. Yes; and the expenditures are controlled by the joint committee of the Senate and House, just as they were four years ago. We appropriated \$7,000 four years ago, and we are appropriating the same amount this time.

The joint resolution was ordered to be read a third time, and being read the third time, was passed.

On motion of Mr. HEMENWAY, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

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. 6115. An act granting an increase of pension to Edmund B. Kanada—to the Committee on Invalid Pensions.

S. 139. An act granting an increase of pension to Solomon Knight—to the Committee on Invalid Pensions.

S. 2538. An act granting an increase of pension to Samuel A. Thomas—to the Committee on Invalid Pensions.

S. 4214. An act granting an increase of pension to Ella M. Roberts—to the Committee on Invalid Pensions.

S. 5323. An act granting an increase of pension to William Geyser—to the Committee on Invalid Pensions.

S. 6224. An act granting an increase of pension to Anna M. Benny—to the Committee on Invalid Pensions.

S. 2895. An act granting a pension to Benjamin F. Cory—to the Committee on Invalid Pensions.

- S. 6087. An act granting an increase of pension to Salmon S. Matthews—to the Committee on Invalid Pensions.
- S. 5072. An act granting an increase of pension to S. A. McNell—to the Committee on Invalid Pensions.
- S. 3467. An act granting an increase of pension to Emory A. Wood—to the Committee on Invalid Pensions.
- S. 4215. An act granting an increase of pension to Henry Berkstresser—to the Committee on Invalid Pensions.
- S. 6174. An act granting an increase of pension to Chittle Chittleston—to the Committee on Invalid Pensions.
- S. 2731. An act granting an increase of pension to John R. McCullough—to the Committee on Invalid Pensions.
- S. 2977. An act granting an increase of pension to Andrew J. Larrabee—to the Committee on Invalid Pensions.
- S. 5157. An act granting an increase of pension to Cellina H. Stephens—to the Committee on Invalid Pensions.
- S. 5669. An act granting an increase of pension to Alexander Hay—to the Committee on Invalid Pensions.
- S. 5999. An act granting an increase of pension to William H. White—to the Committee on Invalid Pensions.
- S. 5391. An act granting an increase of pension to Lucretia Johnson—to the Committee on Invalid Pensions.
- S. 5392. An act granting an increase of pension to William W. Willis—to the Committee on Invalid Pensions.
- S. 3660. An act granting an increase of pension to Mary Oakley—to the Committee on Invalid Pensions.
- S. 5463. An act granting an increase of pension to John M. C. Sowers—to the Committee on Invalid Pensions.
- S. 3392. An act granting an increase of pension to Cyrus N. Bradley—to the Committee on Invalid Pensions.
- S. 3841. An act granting an increase of pension to John M. Bigger—to the Committee on Invalid Pensions.
- S. 4128. An act granting an increase of pension to Peter Kaufman—to the Committee on Invalid Pensions.
- S. 459. An act granting an increase of pension to William H. Trevillian—to the Committee on Invalid Pensions.
- S. 5651. An act granting an increase of pension to Georgeanna Eubanks—to the Committee on Invalid Pensions.
- S. 2240. An act granting an increase of pension to Samuel B. Mann—to the Committee on Invalid Pensions.
- S. 1565. An act granting an increase of pension to S. N. Rockhold—to the Committee on Invalid Pensions.
- S. 4548. An act granting a pension to Betsy J. Northrup—to the Committee on Invalid Pensions.
- S. 5577. An act granting an increase of pension to La Fayette Smith—to the Committee on Invalid Pensions.
- S. 5539. An act granting an increase of pension to A. L. Mitchell—to the Committee on Invalid Pensions.
- S. 1562. An act granting an increase of pension to Riley W. Cavins—to the Committee on Invalid Pensions.
- S. 2107. An act granting an increase of pension to A. R. McCurdy—to the Committee on Invalid Pensions.
- S. 4775. An act granting a pension to Garetta L. Hodgkiss—to the Committee on Invalid Pensions.
- S. 4673. An act granting an increase of pension to Rosette E. S. Grow—to the Committee on Invalid Pensions.
- S. 41. An act granting an increase of pension to Sarah E. Gillette—to the Committee on Invalid Pensions.
- S. 4675. An act granting a pension to Angeline B. Whitney—to the Committee on Invalid Pensions.
- S. 6155. An act granting an increase of pension to Matthew F. Locke—to the Committee on Pensions.
- S. 4025. An act granting a pension to Mary E. Chamberlain—to the Committee on Invalid Pensions.
- S. 6218. An act granting an increase of pension to Adam E. King—to the Committee on Invalid Pensions.
- S. 4850. An act granting an increase of pension to Sarah V. Matlack—to the Committee on Invalid Pensions.
- S. 2193. An act granting a pension to William Penn Mack—to the Committee on Invalid Pensions.
- S. 3731. An act granting an increase of pension to Arthur F. McNally—to the Committee on Invalid Pensions.
- S. 6029. An act granting a pension to Ursula Bayard—to the Committee on Invalid Pensions.
- S. 4749. An act granting a pension to Martha J. Patterson—to the Committee on Invalid Pensions.
- S. 6134. An act granting a pension to Mary Elizabeth McClaren—to the Committee on Invalid Pensions.
- S. 5865. An act granting an increase of pension to Foster W. Gassett—to the Committee on Invalid Pensions.
- S. 3934. An act granting a pension to Susan E. Bellows—to the Committee on Invalid Pensions.
- S. 3194. An act granting an increase of pension to Stephen Gilbert—to the Committee on Invalid Pensions.
- S. 4492. An act restoring the name of Joseph Kelly, late of Troop I, Second United States Cavalry, to the pension roll—to the Committee on Pensions.
- S. 173. An act granting an increase of pension to John G. Haskell—to the Committee on Invalid Pensions.
- S. 6414. An act granting an increase of pension to John Kief—to the Committee on Invalid Pensions.
- S. 3389. An act granting an increase of pension to Joel V. Carpenter—to the Committee on Invalid Pensions.
- S. 5240. An act granting an increase of pension to Hugh R. Barnard—to the Committee on Invalid Pensions.
- S. 6439. An act granting an increase of pension to Thomas Conroy—to the Committee on Invalid Pensions.
- S. 3378. An act granting an increase of pension to Jacob H. Heck—to the Committee on Invalid Pensions.
- S. 2256. An act granting an increase of pension to John Spriggs—to the Committee on Invalid Pensions.
- S. 2986. An act granting an increase of pension to William Barkis—to the Committee on Invalid Pensions.
- S. 3662. An act granting an increase of pension to William A. Wilkins—to the Committee on Invalid Pensions.
- S. 6097. An act granting an increase of pension to Thomas M. Clark—to the Committee on Invalid Pensions.
- S. 2674. An act granting a pension to Ellen Orr—to the Committee on Invalid Pensions.
- S. 4681. An act granting an increase of pension to John H. Stubbs—to the Committee on Invalid Pensions.
- S. 2291. An act granting an increase of pension to William W. Rollins—to the Committee on Invalid Pensions.
- S. 6445. An act granting an increase of pension to Lizzie A. Holden—to the Committee on Invalid Pensions.
- S. 6098. An act granting an increase of pension to Seth Lewis—to the Committee on Invalid Pensions.
- S. 6605. An act granting an increase of pension to Simeon V. Sherwood—to the Committee on Invalid Pensions.
- S. 6699. An act granting an increase of pension to Moses Frost—to the Committee on Invalid Pensions.
- S. 6446. An act granting an increase of pension to John McGowan—to the Committee on Invalid Pensions.
- S. 6444. An act granting an increase of pension to Melkert H. Burton—to the Committee on Invalid Pensions.
- S. 3023. An act granting an increase of pension to Sanford S. Henderson—to the Committee on Invalid Pensions.
- S. 6438. An act granting a pension to Cyrell Boutiette—to the Committee on Pensions.
- S. 6718. An act granting an increase of pension to Nathaniel Salg—to the Committee on Invalid Pensions.
- S. 1724. An act granting an increase of pension to Sarah F. McCune—to the Committee on Invalid Pensions.
- S. 3914. An act granting an increase of pension to John W. Branch—to the Committee on Invalid Pensions.
- S. 1560. An act granting an increase of pension to William Sweet—to the Committee on Invalid Pensions.
- S. 3897. An act granting an increase of pension to G. H. Adams—to the Committee on Invalid Pensions.
- S. 4680. An act granting an increase of pension to Samuel T. Dixon—to the Committee on Invalid Pensions.
- S. 6381. An act granting an increase of pension to John Hamilton—to the Committee on Invalid Pensions.
- S. 5813. An act granting an increase of pension to Herbert E. Farnsworth—to the Committee on Invalid Pensions.
- S. 5518. An act granting a pension to Bernard J. Boldermann—to the Committee on Pensions.
- S. 5819. An act granting an increase of pension to Samuel K. Long—to the Committee on Invalid Pensions.
- S. 5253. An act granting an increase of pension to Joseph Mort—to the Committee on Invalid Pensions.
- S. 6026. An act granting an increase of pension to Stephen Girard Nichols—to the Committee on Invalid Pensions.
- S. 5059. An act granting an increase of pension to Tobias Meader—to the Committee on Invalid Pensions.
- S. 5316. An act granting a pension to Thomas Pickford—to the Committee on Invalid Pensions.
- S. 5960. An act granting an increase of pension to John A. Sargent—to the Committee on Invalid Pensions.
- S. 6344. An act granting an increase of pension to Richard B. Dickinson—to the Committee on Pensions.
- S. 2031. An act granting an increase of pension to Henry W. Gay—to the Committee on Invalid Pensions.
- S. 6188. An act granting an increase of pension to William Sartwell—to the Committee on Invalid Pensions.
- S. 4573. An act granting an increase of pension to Mary C. Buck—to the Committee on Invalid Pensions.
- S. 6475. An act granting an increase of pension to Isaac Slater—to the Committee on Invalid Pensions.

- S. 3953. An act granting an increase of pension to Thomas L. Sanborn—to the Committee on Invalid Pensions.
- S. 6586. An act granting an increase of pension to Laura E. Campbell—to the Committee on Invalid Pensions.
- S. 5233. An act granting an increase of pension to Susan A. Reynolds—to the Committee on Pensions.
- S. 6728. An act granting an increase of pension to Charles W. Cowing—to the Committee on Invalid Pensions.
- S. 4814. An act granting an increase of pension to Marcia H. Edgerly—to the Committee on Invalid Pensions.
- S. 6526. An act granting an increase of pension to Stephen A. Cox—to the Committee on Invalid Pensions.
- S. 6348. An act granting an increase of pension to Richard Edmund Hyde—to the Committee on Pensions.
- S. 5322. An act granting an increase of pension to Perley B. Dickerson—to the Committee on Invalid Pensions.
- S. 2464. An act granting an increase of pension to John Aylers—to the Committee on Invalid Pensions.
- S. 5234. An act granting an increase of pension to John R. Leavens—to the Committee on Invalid Pensions.
- S. 4123. An act granting an increase of pension to George Sims—to the Committee on Invalid Pensions.
- S. 1452. An act granting an increase of pension to Mahala Forkner—to the Committee on Invalid Pensions.
- S. 6554. An act granting an increase of pension to Martin Gillett—to the Committee on Invalid Pensions.
- S. 4619. An act granting an increase of pension to Anna L. Bartleson—to the Committee on Invalid Pensions.
- S. 6550. An act granting a pension to Jane Johns—to the Committee on Pensions.
- S. 6654. An act granting an increase of pension to Stephen Dampier—to the Committee on Pensions.
- S. 6549. An act granting an increase of pension to Charles T. West—to the Committee on Invalid Pensions.
- S. 6548. An act granting an increase of pension to Leviney Walker—to the Committee on Invalid Pensions.
- S. 6553. An act granting an increase of pension to Orlando Kennedy—to the Committee on Invalid Pensions.
- S. 4101. An act granting an increase of pension to James H. Cate—to the Committee on Invalid Pensions.
- S. 4073. An act granting an increase of pension to Comfort W. Watson—to the Committee on Invalid Pensions.
- S. 4886. An act granting a pension to Mary A. Massey—to the Committee on Invalid Pensions.
- S. 3722. An act granting a pension to John W. Victor—to the Committee on Invalid Pensions.
- S. 6171. An act granting an increase of pension to Fannie C. Avis—to the Committee on Pensions.
- S. 3044. An act granting a pension to Lucy McEntee Andrews—to the Committee on Invalid Pensions.
- S. 6346. An act granting an increase of pension to Benjamin F. Sheppard—to the Committee on Invalid Pensions.
- S. 6289. An act granting a pension to Charles Norris—to the Committee on Pensions.
- S. 6042. An act granting an increase of pension to James W. Williams—to the Committee on Pensions.
- S. 3372. An act granting a pension to Mary O'Brien—to the Committee on Pensions.
- S. 4605. An act granting an increase of pension to Charles R. Schmidt—to the Committee on Invalid Pensions.
- S. 5344. An act granting a pension to Martha B. Hamlin—to the Committee on Invalid Pensions.
- S. 5499. An act granting a pension to Matilda J. Henderson—to the Committee on Invalid Pensions.
- S. 6402. An act granting an increase of pension to Samuel Lewis—to the Committee on Pensions.
- S. 4508. An act granting an increase of pension to John M. Bybee—to the Committee on Pensions.
- S. 5903. An act granting an increase of pension to Patrick Duffy—to the Committee on Invalid Pensions.
- S. 3349. An act granting an increase of pension to Morgan Dwyer—to the Committee on Invalid Pensions.

PENSIONS.

Mr. GIBSON and Mr. WADSWORTH rose.

The SPEAKER. The gentleman from New York.

Mr. WADSWORTH. Mr. Speaker, I yield just a moment to the gentleman from Tennessee.

Mr. GIBSON. Mr. Speaker, I ask unanimous consent that tomorrow be substituted for to-day for the disposal of business on the Private Calendar which is in order to-day.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that to-morrow, Saturday, be substituted for to-day for the consideration of business that would be in order on the Private Calendar. Is there objection? [After a pause.] The Chair hears none.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18329, the agricultural appropriation bill. The Clerk will read.

The Clerk read as follows:

General expenses, Bureau of Animal Industry: For carrying out the provisions of the act approved May 29, 1884, establishing the Bureau of Animal Industry, and the act approved August 30, 1890, providing for an inspection of meats and animals, and the provisions of the act approved March 3, 1891, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes, and to prescribe rules and regulations for the safe transport and humane treatment of export cattle from the United States to foreign countries, and the amendatory act approved March 2, 1895, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes, and also the provisions of the act approved February 2, 1903, to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes: *Provided*, That live horses be entitled to the same inspection as other animals herein named: *Provided further*, That the Secretary of Agriculture may, in his discretion, waive the requirement of a certificate with beef and other products, which are exported to countries that do not require such inspection, \$1,431,520, and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy and other animal products, and to prevent the spread of pleuro-pneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another; for improving and maintaining the Bureau experiment station at Bethesda, Md.; to establish, improve, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle, domestic and other animals imported at such ports as may be deemed necessary; for printing and publishing such reports relating to animal industry as he may direct; and the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports; and the Secretary is hereby authorized to rent suitable buildings in the District of Columbia, at an annual rental of not exceeding \$2,500, to be used as a laboratory and for storage purposes for said Bureau of Animal Industry; and the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year: *Provided*, That the Secretary of Agriculture may construe the provisions of the act of March 3, 1891, as amended March 2, 1895, for the inspection of live cattle and products thereof, to include dairy products intended for exportation to any foreign country and may apply, under rules and regulations to be prescribed by him, the provisions of said act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "exports," on line 20, page 13, "*Provided further*, That no more than \$5,000 of the appropriation contained in this paragraph shall be used for such experimental purchase, shipment, and sale of dairy or other farm products."

Mr. CRUMPACKER. Mr. Chairman, this paragraph authorizes the Secretary of Agriculture to use as much of the large fund of \$1,431,520 put at his disposal as he may deem necessary for any of the purposes named therein, and among other things he may use any or all of that fund for the purpose of promoting the extension and development of foreign markets for dairy and farm products. I have no objection to that provision of the paragraph at all. I think it is entirely proper for the Secretary of Agriculture to collect all information that can reasonably be gotten in relation to foreign markets for American dairy and farm products. But a clause following that authorizes the Secretary of Agriculture to go into the markets

and buy farm and dairy products and sell them in foreign markets, without limitation. Under this provision the Secretary has the power to use the entire appropriation for the purpose of going into the general markets and buying farm products, shipping them abroad, selling them in the foreign markets, and repeating the operation with the results of the sales ad libitum. I do not believe, Mr. Chairman, that any Department of this Government ought to be clothed with any such unlimited discretion as that. Furthermore, in my judgment it is no part of departmental function to go into the markets and buy ordinary products and sell them in foreign markets as object lessons or for any other purpose. It implies that the Government has better facilities for the purchase in this country and the sale of products in foreign countries than are possessed by private individuals, and I do not concede that point at all. I believe that this is carrying the administrative power of the Government in the assistance of private enterprise beyond all proper limits, and I would be utterly opposed to the whole provision if this were the first time it appeared in an agricultural appropriation bill.

I have no suspicion or belief that the Secretary of Agriculture will abuse this vast power vested in him, but I desire to register my protest here and now against the conferring of such power upon the Secretary of Agriculture or any other officer in matters so absolutely foreign to true governmental functions as this appears to be. It is private business pure and simple. The producers of dairy and farm products in this country are not exporters, as a rule. Products of that character are gathered by wholesale dealers and exported, and men of that class have better facilities for ascertaining the condition of foreign markets than any Government agent can have. But I say, in view of the fact that this provision has been in the agricultural appropriation bill for four or five years, I offer the amendment that has been read by the Clerk, for the purpose of showing that it is for experimental purposes alone and limiting the amount of this vast appropriation that the Secretary of Agriculture may use for the purchase and shipment of products. The amendment limits the amount that may be used for this purpose to \$5,000, and characterizes it as experimental business. As the bill now stands it would seem that the Government may go into the business and buy all the products that come and sell them in foreign markets. It is a bad precedent. Who knows but that in a few years a Congress shall meet in this Hall that will believe in the general policy of government ownership and control and find a precedent established by this Congress, by this Administration? This general power conferred upon the Secretary of Agriculture concedes that it is a proper function of the Government to buy the products of the dairy and the farm with public money and send them abroad into foreign markets.

It is but one step, Mr. Chairman, to the general purchase of farm products exported from this country; it will be but another step to advance money to the producer upon butter, pumpkins, corn, and cotton. So it is a dangerous precedent. The amendment I offer characterizes the proceeding as an experimental one altogether, and limits the amount, not because there is any danger of abuse of the power, but so that in the future it may be known that this governmental enterprise is carried on, not as a commercial proposition, but purely for the purpose of opening the markets and furnishing information to dealers, buyers, and exporters who deal in farm and dairy products.

Mr. WADSWORTH. Mr. Chairman, I see no objection to the amendment offered by the gentleman from Indiana fixing a limitation on the appropriation. No one has heard of any scandal in connection with this work under this paragraph, which has been in the bill for four or five years. The Secretary has been working under it for that time, and I think has nearly brought the experiments to a close. I understand they are about completed, and I have no objection to the gentleman's amendment.

Mr. LIVINGSTON. Mr. Chairman, I ask that the amendment be reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. LIVINGSTON. Mr. Chairman, it seems to me that if there is anything in this at all worth the expense of \$5,000 it must be worth to this country a great deal more than that. If you limit the Secretary of Agriculture to the \$5,000 proposed, it will confine him to butter and fruit alone. It is not fair to the other farming and industrial interests of the country. If you are going to seek a broader market for the farm products of the country, you should open it so that all the interests that we have in that line—wheat, corn, cotton, butter, stock, and other farm products—should have a fair showing. When you limit him

to \$5,000 the Secretary must be compelled to make a very meager effort to introduce our products into foreign countries.

Mr. CRUMPACKER. Will the gentleman allow me a suggestion there? We already authorize the Secretary to use an unlimited amount of the appropriation for gathering facts and information. This provision simply limits him to \$5,000 for the purchase—the actual purchase and sale of commodities. He may use all he pleases to secure information for the benefit of the producer seeking an outlet in a foreign market. And there is a provision, besides, relating to food products following this item.

Mr. LIVINGSTON. I understand what the amendment covers. Suppose, Mr. Chairman, that the Secretary of Agriculture wants to convince the Chinese that they should use cotton goods. Five thousand dollars would be a mere bagatelle under such circumstances. He could do but little. He might ship a few pounds of butter or a few sacks of corn meal.

Mr. WADSWORTH. These purchases being merely experimental, are very small. A small quantity only is needed. The greatest expense is sending the expert there to accompany the export. This, however, does not cover the salary, but simply his traveling expenses.

Mr. LIVINGSTON. This covers his traveling expenses?

Mr. WADSWORTH. He is already paid a salary from another fund, and this only covers the traveling expenses.

Mr. LIVINGSTON. This does not come out of the general fund?

Mr. WADSWORTH. It would not come out of the amount proposed by Mr. CRUMPACKER.

Mr. LIVINGSTON. What about his traveling expenses?

Mr. WADSWORTH. They would not be paid from it.

Mr. CRUMPACKER. This only limits the amount of the purchase.

Mr. LIVINGSTON. Then, Mr. Chairman, if the traveling expenses come out of the fund, \$5,000 will accomplish very little.

Mr. MADDIX. I want to ask the chairman of the committee, the gentleman from New York, what would be accomplished with \$5,000?

Mr. WADSWORTH. A good deal. Gentlemen should remember that the experiments are about wound up. Only a few other things have to be done.

Mr. MADDIX. The gentleman says only a few other things have to be done. What has to be done? What do you propose to do with this \$5,000?

Mr. WADSWORTH. The bill shows what is to be done.

Mr. MADDIX. Now, then, you limit it to \$5,000?

Mr. WADSWORTH. I will read the item—

and the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports.

And he applies the money to a continuation and repetition of such exports.

Mr. MADDIX. Well, now, what then?

Mr. WADSWORTH. It practically gives him a working capital of \$5,000 for the purchase of these goods; that is what it does in effect.

Mr. MADDIX. Yes; but I understand you to say that the business is wound up.

Mr. WADSWORTH. No; I did not say it was wound up. I said it is very nearly wound up. Perhaps there may be some question yet undecided.

Mr. MADDIX. I think we may just as well do away with all of it as to accept \$5,000.

Now, Mr. Chairman, I want to join with my colleague in opposition to the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER]. The Government in making these experiments is doing that which no private individual or corporation is willing to undertake; and if there is anything to come out of it at all, if it is worth anything, there ought to be more than \$5,000 appropriated. If we are to have only \$5,000, then I do not think we ought to have any if the business is wound up, and ought not to go further. If the gentleman would move to strike it out entirely, I would vote for that, but I will not vote for the \$5,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER].

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. LAMB and others. Division!

The committee divided; and there were—ayes 46, noes 63.
Mr. CRUMPACKER. Tellers, Mr. Chairman.
Tellers were refused; eight Members, not a sufficient number, rising in support of the demand therefor.
Accordingly, the amendment was rejected.
The Clerk read as follows:

For experiments in animal breeding and feeding in cooperation with State agricultural stations, \$25,000.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend, at end of line 21, page 14, as follows: "That the Secretary of Agriculture is hereby directed to ascertain and report to Congress at its next session the advisability of creating a Government forest and game preserve on the head of Red River in Texas, so as to include so much of the Palo Duro Canyon as he may deem advisable, and that he ascertain the cost of procuring the necessary land for said purpose; and that he further report upon the advisability of the purchase by the Government of the Goodnight herd of buffaloes and cataloes, with a view of preserving said buffaloes and of further developing the cataloe industry in this country (said cataloes being produced by crossing the breed of Polled Angus cattle with full-blooded buffaloes, the animals thus produced being superior in many respects to either of its progenitors)."

Mr. WADSWORTH. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I think this is the proper place to offer the amendment.

Mr. WADSWORTH. I do not make the point on that ground.

Mr. STEPHENS of Texas. You make it on the ground that it is new legislation?

Mr. WADSWORTH. Yes.

Mr. STEPHENS of Texas. Will the gentleman withhold his point of order until I can explain?

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

Mr. STEPHENS of Texas. Only two or three minutes.

Mr. WADSWORTH. Yes.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PERKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6733. An act for the relief of M. L. Skidmore;

S. 6584. An act to incorporate the trustees of the grand encampment of Knights Templar of the United States of America;

S. 6834. An act to authorize the construction of a bridge across the Missouri River between the Lyman County and Brule County, in the State of South Dakota; and

S. R. 96. Joint resolution authorizing temporary use of certain vacant houses in square 686 in the city of Washington, and for other purposes.

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

H. R. 14710. An act authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law; and

H. R. 3109. An act for the relief of Noah Dillard.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 181. Joint resolution authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national cemetery reservation at Chattanooga, Tenn.;

H. R. 17333. An act to authorize the construction of a bridge across Red River at Shreveport, La.; and

H. R. 11370. An act to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4169) granting a pension to Galena Jouett; had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALLAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 98.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to submit plans and estimates for changing the location of that portion of the south pier of the harbor at Waukegan, Ill., which it is necessary to rebuild on account of its decayed condition, and for constructing said portion of the south pier farther south, so as to secure more space for the construction of docks.

Senate concurrent resolution 95.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of the late John James Ingalls 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the governor of Kansas; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

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

H. R. 12346. An act to correct the military record of William J. Barcroft; and

H. R. 17473. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1906.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. I wish simply to state, Mr. Chairman, that I believe we have recently had transferred to this Department of Agriculture the forest reserves of the United States. This canyon, the Palo Duro Canyon, is at the head of the Red River. It is from 1 to 5 miles broad and contains all the timber there is in that portion of Texas in the Staked Plains. It is very desirable that we should have a game preserve and that the timber should also be preserved. Adjoining this canyon is a ranch known as the "Goodnight ranch," containing the largest herd of buffalo in the world to-day. Not only that, but Mr. Goodnight has developed a breed of animals called "cataloes," which are a cross between the buffalo and the Polled Angus cattle. The cataloe is a much superior animal to either of its progenitors.

The lines just read in the bill refer to the breeding of stock. There is nothing of more interest to the cattle raisers of the western country than the development of a new animal such as this, and I think the same kind of benefit would be conferred upon the people of the United States as resulted when it was discovered that different animals of the horse kind could be crossed so as to produce the mule. I think by developing this cataloe breed we would develop an animal industry that would be superior to anything else that has shown up in the last fifty years. This amendment carries no appropriation, and I think we should permit it to go on this bill.

Mr. MADDOX. What is the cataloe?

Mr. STEPHENS of Texas. A hybrid between the buffalo and the Polled Angus cattle.

Mr. WADSWORTH. I want to say to the gentleman from Texas that that experiment is being carried on in his own district by Mr. Charles Goodnight.

Mr. STEPHENS of Texas. That is the one that I refer to.

Mr. WADSWORTH. It is beyond the experimental stage entirely. The skins, I believe, sell for as high as \$250 each.

I renew my point of order.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. STEPHENS of Texas. Not on the point of order. I had hoped that the gentleman would not make it.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee how many of these agricultural stations for breeding and feeding there are?

Mr. WADSWORTH. The Secretary has established a chicken-breeding farm in Maine, where he hopes to produce a hen that will lay 200 eggs in a year. He has also established a horse-breeding establishment in connection with the Colorado station, where he hopes to produce a carriage type of horses.

Mr. BARTLETT. Where is that?

Mr. WADSWORTH. In Fort Collins, Colo.

Mr. BARTLETT. Only one?

Mr. WADSWORTH. That is all so far.

Mr. OLMSTED. Before the gentleman leaves the subject of the hen, I would like to inquire if this hen is expected to lay more than one egg a day. [Laughter.]

Mr. WADSWORTH. Well, that is to be found out. Possibly it will depend on the weather. [Laughter.]

Mr. BARTLETT. As I understand, this is a continuation of the experiments that were carried in last year's appropriation bill?

Mr. WADSWORTH. Yes; \$25,000 last year and \$25,000 this year.

Mr. HULL. Twenty-five thousand dollars for a chicken-breeding farm?

Mr. WADSWORTH. No; for all kinds of breeding; but so far as I know the Secretary has only established these two that I speak of.

Mr. BARTLETT. Let me ask if the gentleman from New York, the chairman of the committee, thinks this is beneficial to the farmers of the country?

Mr. WADSWORTH. Oh, I expressed my opinion about that yesterday.

Mr. BARTLETT. I was unfortunate in not being present when the gentleman made his remarks yesterday.

Mr. WADSWORTH. I will say that I do not; I am willing to express my own individual judgment.

Mr. BARTLETT. Does not the gentleman think it ought to go out of the bill?

Mr. WADSWORTH. I am not going to desert my own bill. [Laughter.]

Mr. BARTLETT. The gentleman need not vote for it. The gentleman from New York knows that I have the greatest confidence and respect for his opinion, not only on this bill, but on any other matter.

Mr. WADSWORTH. Yes; and the House ought to have a great deal of respect and confidence in the Secretary of Agriculture. He is honest in his opinion, as I am in mine, and the majority of the committee is with the Secretary. The gentleman from Georgia asked me how I felt individually about it, and I told him frankly.

Mr. BARTLETT. Well, Mr. Chairman, I did intend to make a motion to strike this out, but as long as the distinguished chairman of the committee is doubtful about it, and is willing to let it remain in the bill, I will not make the motion and will withdraw my pro forma amendment.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY.

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, \$4,500; one chief clerk, \$2,000; one superintendent, gardens and grounds, \$1,800; five clerks, class 4, \$9,000; seven clerks, class 3, \$11,200; twelve clerks, class 2, \$16,800; twenty-eight clerks, class 1, \$33,600; one clerk or artist, \$1,200; one artist, \$540; thirteen clerks, at \$1,000 each, \$13,000; six clerks, at \$900 each, \$5,400; eight clerks, at \$840 each, \$6,720; eleven clerks, at \$720 each, \$7,920; four clerks, at \$660 each, \$2,640; two clerks, at \$600 each, \$1,200; one clerk, \$480; one photographer or clerk, \$720; one assistant photographer, \$600; one illustrator, \$720; one carpenter, \$840; one carpenter, \$720; one gardener or assistant, \$1,000; four gardeners, at \$900 each, \$3,600; two gardeners, at \$840 each, \$1,680; three gardeners, at \$750 each, \$2,250; one gardener, \$600; one gardener, \$720; two gardeners, at \$660 each, \$1,320; one skilled laborer, \$900; one painter, \$840; two plumbers, at \$720 each, \$1,440; one fireman, \$720; two firemen, at \$600 each, \$1,200; one clerk or messenger, \$840; three skilled laborers, at \$720 each, \$2,160; three skilled laborers, at \$660 each, \$1,980; six skilled laborers, at \$600 each, \$3,600; one skilled laborer, \$480; one messenger, \$660; one messenger, \$720; three messengers, at \$600 each, \$1,800; one messenger, \$480; two watchmen, at \$720 each, \$1,440; three watchmen, at \$600 each, \$1,800; two skilled laborers or messengers, at \$480 each, \$960; two messenger boys, at \$360 each, \$720; three messenger boys, at \$300 each, \$900; in all, \$156,800.

Mr. TIRRELL. Mr. Chairman, I move to strike out the last word. I rise to renew my inquiry relative to the total amount under this section. I want to call the attention of the chairman of the committee to the fact that the total salary list in this bill under this head is \$156,800. Last year under the same head the salary was \$64,430, a difference of \$92,370.

Mr. WADSWORTH. This increase is only apparent, and it is caused by transfer from the lump-sum roll to the statutory roll. The House will understand that the Bureau is composed of several divisions—the vegetable, the pathological, the physiological investigations, the pomological investigations, the botanical investigations, grass, field, and plant investigations, experimental gardens and grounds, experimental farm, tea-culture investigation, and the purchase and distribution of valuable seeds.

Now, all the people employed by these several divisions under lump sums, except the scientists, have been transferred to the statutory roll, and that accounts for the apparent increase in the total amount given to the Bureau of Plant Industry, which is only about \$48,000 more than last year, and that is not in the way of salaries at all, but simply in a lump sum for working capital.

Mr. TIRRELL. One question more. In this transfer, I would like to ascertain, in making your estimate, you have included the salary list which was given in the estimates of the Department for the distribution of seed, as contained on page 13 in that estimate, amounting to \$60,000?

Mr. WADSWORTH. The gentleman will notice the appro-

priation for seeds, apparently, as I explained yesterday, is reduced about \$30,000 or \$40,000. It stands as \$242,920; the difference between that and \$290,000 is the amount of salaries transferred to the statutory roll. In other words, the appropriation for seeds has not been reduced one penny.

Mr. TIRRELL. I withdraw the pro forma amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary inform the House of Representatives that the Senate is sitting in its Chamber and ready to proceed with the trial of the impeachment of Charles Swayne.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Vegetable, pathological, and physiological investigations: Investigating the nature of diseases injurious to fruits, fruit trees, grain, cotton, vegetable, and other useful plants; experiments in the treatment of the same; the study of plant physiology in relation to crop production and the improvement of crops by breeding and selection; to investigate the diseases affecting citrus fruits, pineapples, and truck crops grown during the winter in the Southern States; to investigate canals and other tannin-bearing plants; to investigate and report upon the diseases affecting plants on the Pacific coast; to originate or introduce improved varieties of fruits and vegetables in cooperation with the section of seed and plant introduction; to study the relation of soil and climatic conditions to disease of plants, particularly with reference to the California vine diseases and diseases of the sugar beet, in cooperation with the Bureau of Soils, and for other purposes connected with the discovery and practical application of improved methods of crop production; to continue the work of originating, by breeding and selection, in cooperation with the other divisions of the Department and the experiment stations, new varieties of oranges, lemons, and other tropical and subtropical fruits more resistant to cold and disease and of better quality; varieties of wheat and other cereals more resistant to rust and smut and better suited to the various sections of this country; varieties of rice more resistant to "rice blight," and for experiments for the substitution of other products on rice lands; varieties of cotton more resistant to disease and of longer and better staple, and varieties of pears and apples more resistant to blight and better adapted for export; to investigate the causes of decay in forest timber and timber used for construction purposes, and to devise means for preventing the decay of the same; to investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other micro-organisms in soils and in the root tubercles of leguminous and other plants; to cultivate and distribute these nitrogen fixers and to determine the conditions most favorable to their development; to study and find methods for preventing algal and other contaminations of water supplies; the employment of investigators, local and special agents, clerks, assistants, students or scientific aids, and other labor required in conducting experiments in the city of Washington and elsewhere; and collating, digesting, reporting, and illustrating the results of such experiments; for telegraph and telephone service; for gas and electric current; purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; for express and freight charges; the preparation of reports and illustrations; the rent and repairs of a building, not to exceed \$6,000 per annum; all necessary office fixtures and supplies and for other expenses connected with the practical work of the investigation, \$136,640, of which sum \$5,000 shall be immediately available.

Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 19, line 15, after the word "sum," strike out the words "\$5,000 shall be immediately available" and insert in lieu thereof the following:

"Ten thousand dollars shall be immediately available, \$5,000 of which sum shall be immediately available for the investigation of rice blight and the substitution of other crops in rice lands."

Mr. LEVER. Mr. Chairman, I understand that all the members of the Agricultural Committee are in favor of this proposition and will raise no objection to it. It comes about on account of a very deplorable condition among the rice planters in South Carolina and other States engaged in the production of rice, and for the benefit and information of the members of the committee I desire to read a letter signed by the executive committee of the Agricultural Society of South Carolina, which is addressed to my colleague, Hon. GEORGE S. LEGARE. It is as follows:

THE AGRICULTURAL SOCIETY OF SOUTH CAROLINA,
Charleston, S. C., January 14, 1905.

Hon. GEORGE S. LEGARE, Washington, D. C.

DEAR SIR: We have just heard that the appropriation asked for by the Agricultural Department for the continuation of the scientific and practical study of the "blight" in rice and the remedy for same and the experimentation of our rice-field soils with a view to substituting other products has been cut out, and we are seriously concerned as to the stopping of this most important work.

The "blight" has practically destroyed the rice planting on Cooper River, and is making its appearance on Edisto, Ashepoo, and Combahee, and is becoming a menace to the entire rice interests in this section. In addition to the work being done with this appropriation in studying the "blight," experiments were under way for the substitution of other products in these abandoned rice fields which were of the utmost importance, and, as you are aware, the condition of our planters is such that they can not afford to experiment in any way or are they able to hold the large number of laborers on their rice places. These must move away to places where they can make a living, and this means the

practical abandonment of a very large area of the lower section of this State.

We feel confident that you realize the extreme gravity of the situation, and would ask that you make every effort to assist this important industry. We have communicated with Senators TILLMAN and LATIMER, and hope that your cooperation with them will relieve the situation.

We will be pleased to have your suggestions as to any assistance we can render in this matter.

Yours, respectfully,

WM. G. HINSON,
Chairman.

THOMAS PINCKNEY,
JAS. S. MURDOCK,
SAM'L G. STONEY,
Executive Committee.

Mr. Chairman, in addition to that I wish to read a letter received from Prof. W. J. Spillman, who has had charge, in part, of this work, and who, with Governor D. C. Heywood, of my State, last year made a partial investigation of the rice situation in South Carolina. It is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., January 23, 1905.

Hon. A. F. LEVER,
House of Representatives, Washington, D. C.

DEAR Mr. LEVER: The conditions which exist on the rice lands of the Atlantic seaboard are such as to demand immediate attention if this industry is to be preserved. In 1899 there were 121,934 acres of rice grown in that district; in 1904 the acreage was only 44,100. This is a decrease of 64 per cent. These lands, upon which rice was grown at a handsome profit five years ago and which had been redeemed from the ocean at enormous expense, are now idle, because the farmers for more than a hundred years have devoted their entire energies to the production of a single crop, and are unable, unaided, to change their system of farming in the short time required by present conditions.

The causes of this enormous decrease in acreage are: First, the outbreak of rice blight, which has practically ruined the rice fields in some sections, and the decrease in the price of rice owing to the immense growth of rice production of the Gulf coast. In Louisiana and Texas the rice lands are of such a character as to permit the use of modern machinery in harvesting the rice. On the Atlantic coast rice must be harvested by the hand sickle. The Atlantic coast rice grower is therefore not in a position to compete with growers on the Gulf coast. In 1899 Louisiana and Texas grew 210,396 acres of rice. In 1904 they grew 610,700, an increase of 191 per cent. This increase abundantly explains the fall in the price of rice.

It is the intention to aid the rice growers on the Atlantic coast by finding, if possible, a remedy for the blight, and by determining what other crops may be substituted for rice on these lands.

Very sincerely, yours,

W. J. SPILLMAN, *Agrostologist.*

The governor of South Carolina, himself a large rice planter, has just wired me as follows:

COLUMBIA, S. C., January 27.

Hon. A. F. LEVER,
House of Representatives, Washington:

By all means have the investigation of rice situation continued; cause of blight not yet determined. Government should earnestly push investigation, not only in South Carolina, but in all rice-growing States. We will much appreciate what you can do.

D. C. HEYWARD.

In view of these statements, Mr. Chairman, I trust that no one will object to the amendment.

Mr. WADSWORTH. Mr. Chairman, I accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. MARSHALL. Mr. Chairman, I desire to offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "available," in line 16, page 19, add the following paragraph:

"Grain investigations: For all expenses, including the employment of labor in Washington or elsewhere, to enable the Secretary of Agriculture, through the Bureau of Plant Industry, to carry on special investigations, in cooperation with the State experiment stations, of the conditions of grain production in the United States and of the means of improving the same; to develop varieties suited to semiarid districts and high altitudes; to determine the best methods of cultivation of grain for different districts; to make possible a farther extension northward of winter grains by increasing their hardiness; to determine the cause of deterioration of grain from the milling standpoint in cooperation with the Bureau of Chemistry; to investigate the conditions affecting the quality of stored grain and grain in transit, \$25,000."

Mr. WADSWORTH. Mr. Chairman, the Secretary practically has all the power granted there. It is not necessary. We have given him in this case the full amount that he has estimated. I shall have to raise a point of order against the amendment. It is new legislation and increases expenses. I shall reserve that point of order for the moment, however.

Mr. MARSHALL. Mr. Chairman, it is true that under the appropriation made for general expenses of the Bureau of Plant Industry the Secretary is possibly allowed to carry on this work. The entire appropriation for the general purpose is \$136,000. I am advised that only \$14,000 of this has been used for the purpose, which is manifestly inadequate.

Mr. WADSWORTH. Besides that \$136,000, he has the salaries of the scientists.

Mr. MARSHALL. That is true of every other bureau. In the grass and forage plant investigations there is an appropriation of \$39,700. This seems to me to be altogether out of proportion to the allowance made for grain investigation. I know of my own personal knowledge that as a result of these grain investigations money enough has been saved the people of our country in which I live—in a belt extending from Texas to the Canadian line—to pay the entire expenses of conducting this Agricultural Department for one or more years. I trust the gentleman will not insist on his point of order. I presume there are numerous items in this bill to which we could all object, if we were disposed to.

Mr. WADSWORTH. Mr. Chairman, I would not object to it very seriously except that we have granted the Secretary's estimates, and I am rather inclined to believe he is a good judge of the needs. I insist on the point of order.

The CHAIRMAN. The Chair would like to hear the gentleman from New York on his point of order.

Mr. WADSWORTH. Mr. Chairman, it is new legislation and increases expenses. It changes existing law.

The CHAIRMAN. This entire paragraph refers generally to investigating the nature of diseases and methods of growing crops and things of that kind, and it seems to the Chair that the amendment is certainly germane. It does not seem to the Chair that it changes existing law, and the Chair therefore overrules the point of order.

Mr. WADSWORTH. Well, Mr. Chairman, I hope the amendment will not be adopted. I do not see the need for it.

Mr. BURLESON. Mr. Chairman, I would like to ask that the amendment be reported the second time.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from South Dakota [Mr. MARSHALL].

The question was taken; and the amendment was rejected.

Mr. LIVINGSTON. Mr. Chairman, I want to bring the attention of the chairman of the committee to line 9, on page 19, of this paragraph where it says "necessary traveling expenses." I believe this is the only appropriation bill that has ever or that does come to the House at this time with such language as that. The expenses are always limited in all appropriation bills. We are now having an impeachment of a judge hinging upon this limitation, and here is a clause in the appropriation bill as broad as the earth and as high as the heavens for traveling expenses, which include anything and everything, and I want to suggest to the chairman to put it "actual traveling expenses," if he will. I would like to have it "actual traveling expenses, not to exceed \$4 a day." Put that in.

Mr. WADSWORTH. I think that is covered by the general law.

Mr. LIVINGSTON. No; it is not covered by the general law.

Mr. WADSWORTH. I will accept the amendment of "actual and necessary traveling expenses."

Mr. LIVINGSTON. I move, Mr. Chairman, to strike out the word "necessary" and substitute the word "actual;" and then, after the word "expenses," insert "not to exceed \$4 a day."

Mr. WADSWORTH. I do not think that would be right—

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

Mr. WADSWORTH. Mr. Chairman, one minute. I hope the gentleman from Georgia will modify that and put it in this way, "actual and necessary"—combine the two.

Mr. LIVINGSTON. I have no objection to that.

Mr. WADSWORTH. Let it go at that.

The CHAIRMAN. The Clerk will modify the amendment in accordance with that statement.

Mr. TAWNEY. Mr. Chairman, I would suggest to the gentleman from Georgia a further amendment should be made, and that is in regard to the maximum of \$4 a day. For traveling expenses \$4 a day is not adequate to meet such expenses for a man if he travels on train or any distance at all.

I suppose it is the gentleman's purpose to reimburse the man for the actual expenses that he has incurred, including his traveling expenses.

Mr. LIVINGSTON. I understand, Mr. Chairman, in the post-office appropriation bill, in the army bill—indeed, in all the bills which pass through the Appropriation Committee room—\$4 a day is the maximum.

Mr. TAWNEY. Not for traveling expenses.

Mr. LIVINGSTON. Substantially.

Mr. WADSWORTH. Four dollars a day here is for subsistence.

Mr. HENRY of Connecticut. If the gentleman from Georgia will permit me I will say that some of these gentlemen are traveling abroad. The Department has had some in Turkestan and Egypt and northern Africa.

Mr. LIVINGSTON. Not from this division? What do you suggest instead of the \$4?

Mr. TAWNEY. Make it actual necessary expenses, including traveling expenses.

Mr. MANN. Mr. Chairman, if the gentleman from Minnesota will permit, on that matter I think all the Departments have found it far more desirable to make a limit as to the expenses than it is to require the people to file a statement under oath of their actual expenses, and in all of the other bills that come from the Committee on Appropriations, the sundry civil bill, in the legislative bill from the Committee on Appropriations, in regard to people traveling for the Department of Commerce and Labor, there is a limit of the amount of the daily expenses in addition to the traveling expenses. In some cases that limit is made \$3 and in some cases it is made \$4, and to require each person to make a certificate of his actual expenses will put a great burden upon them which—

Mr. WADSWORTH. Let me tell the gentleman that that is the custom in the Department now. I have seen many of those vouchers. If you limit it to \$4, you will find every man who goes out on an exploring expedition for the Department will spend \$4, as in the case of Judge Swayne, for instance. He thought he was authorized to spend \$10 a day.

Mr. MANN. Undoubtedly in many cases the Department requires the actual expenses, but in many other cases what the Department does is to say to the persons on different investigations: "The expense in your locality is properly \$2 a day, and we will only allow that amount. It does not make any difference what your actual expenses may be." Or if it is in a locality where the expense of boarding is higher, they will say the expense may be \$3 or \$4 a day. It seems to me that so far as the accounting is concerned it is far preferable and certainly much cheaper to fix a limit, and give the Department the right to say—

Mr. WADSWORTH. It is not cheaper.

Mr. MANN. In all of the appropriation bills except in this one, I will say to the gentleman—

Mr. WADSWORTH. That is the easiest way, but it is not the best way. If you were conducting a private business you would rather have your salesman bring to you an actual account of his traveling expenses than to give him a limit of three or four dollars a day. The chances are that he would use that three or four dollars every day.

Mr. MANN. I will say to the gentleman from New York [Mr. WADSWORTH] that, as a matter of practice, my understanding is that the private business houses that send out commercial travelers in most cases do fix a limit and say that a man shall have so much per day, and he is not required to furnish an itemized statement of his expenses.

Mr. WADSWORTH. That is not my information at all. Therefore I beg to differ with the gentleman.

Mr. MANN. I know that in many cases it is done; that is, I know it, at least, from statements which have been made to me.

Mr. TAWNEY. Mr. Chairman, we are attempting here to fix a rule covering the payment of actual expenses incurred in the transaction of public business. It is a well-known fact that a man's expenses do vary—that is, they are greater on one day than they are on the next succeeding day, perhaps. For example, in going from here to Chicago it requires twenty-four hours of time, and would cost a man \$25, and yet under this provision he would be allowed only \$4. That is all he could possibly charge.

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] would not think that that was the idea I had in mind?

Mr. TAWNEY. That would be the effect of this amendment.

Mr. MANN. Undoubtedly the man should be permitted to have his traveling expenses, and \$4 per day are for board and subsistence.

Mr. TAWNEY. That is a different proposition. I agree to that.

Mr. LIVINGSTON. The amendment accepted by myself, upon the suggestion of the gentleman from New York [Mr. WADSWORTH], was for \$4 a day in addition for subsistence.

Mr. WADSWORTH. I understand the gentleman from Georgia [Mr. LIVINGSTON] has accepted my suggestion that the amendment read "actual and necessary expenses."

Mr. LIVINGSTON. Yes, sir; I have.

Mr. WADSWORTH. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment for the information of the House.

The amendment was again reported.

The question was taken, and the amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to turn back to page 22, line 22, and strike out the words "sixty-three thousand eight hundred and forty dollars." I think that is a typographical error; at any rate it is unnecessary, because the same amount is at the end of the paragraph in line 5, on page 23.

The amendment was agreed to.

The Clerk read as follows:

Botanical investigations and experiments: Investigations relating to medicinal, poisonous, fiber, and other economic plants, seeds, and weeds; the collection of plants, traveling expenses, and express and freight charges; for all necessary office fixtures; the purchase of paper and all other necessary supplies, materials, and apparatus; for rent and ordinary repairs of a building for office and laboratory purposes, not to exceed \$3,000; for gas and electric current; for telegraph and telephone service; for the employment of investigators, local and special agents, clerks, assistants, student or scientific aids, and other labor in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; subscriptions to, and purchase of, botanical publications for use in the division; and the preparation, illustration, and publication of reports; to investigate and publish reports upon the useful plants and plant cultures of the tropical territory of the United States, and to investigate, report upon, and introduce other plants promising to be valuable for the tropical territory of the United States, such plants and botanical and agricultural information when secured to be made available for the work of agriculture experiment stations and schools; to investigate the varieties of cereals grown in the United States or suitable for introduction, in order to standardize the naming of varieties as a basis for the experimental work of the State experiment stations, and as an assistance in commercial grading, and to investigate, in cooperation with the Bureau of Chemistry, the cause of deterioration of export grain, particularly in oceanic transit, and devise means of preventing losses from those causes, \$63,840. The Secretary is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada bluegrass (*Poa compressa*) are obtained under any other name than Canada bluegrass or *Poa compressa*, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale, \$63,840.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do so because I would like to have a letter read. I believe, Mr. Chairman, that the Government gets more benefit and the people of the United States get more benefit from each dollar of appropriation in this bill than from any \$10 appropriated in any of the other annual appropriation bills. [Applause.] While the district which I represent is a city district, still we realize in the city, possibly more fully than the gentlemen do coming from districts having farming communities, that the prosperity of the country depends principally upon the prosperity of those who produce from the soil.

I have no question myself that if it were not for the experiments being made by the Agricultural Department, if it were not for the fact that through these experiments the soil was enabled to produce more freely and greater quantities at the same expense as before that the cost of living in this country, as well as in the world at large, would soon grow enormously without any corresponding benefit to the producer. The particular letter which I send up to have read is on the subject of Durum wheat, and I have been led to believe, from what little I have read on the subject and from the reports that have been made, that the great West, which has been so often referred to as the "arid West," in many parts of it will be able, through the introduction of, and experimental work with, Durum wheat, to utilize every foot of this ground, greatly to the advantage of the people who may live upon that land and to the benefit of the country at large. I ask that the letter may be read in my time.

The CHAIRMAN. The letter will be read in the time of the gentleman from Illinois.

The Clerk read as follows:

CHICAGO, January 24, 1905.

HON. JAMES R. MANN,
Washington, D. C.

DEAR SIR: As you are doubtless fully advised regarding the very successful work accomplished during the past two years by the United States Department of Agriculture (Bureau of Plant Industry) covering investigations and experiments in the raising of durum wheat in the Middle West, and more particularly in Nebraska, southwestern Oklahoma, and western Kansas, which, on account of the insufficiency of rainfall is not adapted to the successful growth of the regular varieties of spring and winter wheats, I would respectfully call your attention to the fact that I have made a very careful study of this subject for over two years and kept in very close touch with the experiments with durum wheat made by the farmers located in territory tributary to the lines of this system in the West and Southwest, and I can conscientiously say that the results secured have far exceeded our expectations and have demonstrated that when the great and lasting benefits which will be attained by a thorough exploitation of this cereal will result in adding millions of dollars annually to the products of this country, and 75 per cent of the same will originate in territory at present a very small factor as a grain producer.

As I understand that the amount available at present for the prosecution of this great work is not at all adequate, considering the importance of the subject and the great and lasting benefits assured the

West and Southwest by a series of systematic, thorough, and practical educational demonstrations conducted by the Department of Agriculture, I feel justified in asking you to introduce a bill at the next session of Congress providing for an appropriation of at least \$75,000, and thereby make it possible for the Department of Agriculture to continue its good work along more extended lines than in the past. I can assure you that a \$75,000 or \$100,000 appropriation for the above purpose would be a good and wise investment and tend to produce results running into the millions, opening up for agricultural purposes millions of acres of land at present adding practically nothing to the revenue of the country, and providing a home and independence for the thousands of families at present located in the congested districts of the East.

Secretary Wilson is deeply interested in this subject and will no doubt gladly furnish you with such information as you desire. We are doing everything possible to cooperate with the Department, and if I can be of any service to you please command me.

Yours, truly,

JNO. SEBASTIAN,
Passenger Traffic Manager.

Mr. MANN. Mr. Chairman, I did not ask to have the letter read for the purpose of affecting the amount of the appropriation. That is a matter that I am perfectly willing, so far as I am concerned, to leave to the discretion of the committee in making its report. My purpose is to call attention to the information given by this gentleman, who is one of the best-posted men on the subject of the products of the territory through which the Rock Island Railway system runs, and to show the interest which the people generally have in this subject. I believe that that letter is an indication of the value of the work that is being carried on through the appropriation which we are now considering.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. MANN having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 23, 1905:

H. R. 3712. An act granting a pension to Frederick W. Tappmeyer;
H. R. 4948. An act granting a pension to Wilson H. Davis;
H. R. 5341. An act granting a pension to Jennie Pettys;
H. R. 5436. An act granting a pension to Hiram Baird;
H. R. 10945. An act granting a pension to Lola Qualls;
H. R. 11235. An act granting a pension to Clarissa E. McCormick;
H. R. 12052. An act granting a pension to Walter P. Mitchell;
H. R. 15269. An act granting a pension to Anna C. Owen;
H. R. 15634. An act granting a pension to Harriet A. Orr;
H. R. 15791. An act granting a pension to Mary Suppes;
H. R. 808. An act granting an increase of pension to George Deland;
H. R. 912. An act granting an increase of pension to John F. Dorsey;
H. R. 1099. An act granting an increase of pension to Lewis O. Marshall;
H. R. 1907. An act granting an increase of pension to Wyman J. Crow;
H. R. 2151. An act granting an increase of pension to Samuel H. Hunt;
H. R. 2353. An act granting an increase of pension to Sophia C. Hilleary;
H. R. 2558. An act granting an increase of pension to John Cummings;
H. R. 3287. An act granting an increase of pension to Orin Plaisted;
H. R. 3359. An act granting an increase of pension to Cyrus E. Salada;
H. R. 4112. An act granting an increase of pension to Elizabeth Wynne;
H. R. 4211. An act granting an increase of pension to Elijah Roberts;
H. R. 4655. An act granting an increase of pension to Henry Jeffers;
H. R. 5037. An act granting an increase of pension to Richard H. Stillwell;
H. R. 5089. An act granting an increase of pension to Charles W. McKenney;
H. R. 5245. An act granting an increase of pension to William A. Helt;
H. R. 5461. An act granting an increase of pension to Preston D. Roady;
H. R. 5692. An act granting an increase of pension to John Shanley;
H. R. 6129. An act granting an increase of pension to Edwin M. Raymond;

H. R. 6506. An act granting an increase of pension to Edward M. Rhoades;
H. R. 6543. An act granting an increase of pension to Robert Liggatt;
H. R. 6640. An act granting an increase of pension to John A. Courtney;
H. R. 6832. An act granting an increase of pension to Nathaniel Cayes;
H. R. 6857. An act granting an increase of pension to Lorenzo D. Jameson;
H. R. 6948. An act granting an increase of pension to Joshua Parsons;
H. R. 6961. An act granting an increase of pension to Thomas E. Rice;
H. R. 7241. An act granting an increase of pension to Philip H. Strunk;
H. R. 7367. An act granting an increase of pension to John M. Barron;
H. R. 8166. An act granting an increase of pension to Martha A. Johnson;
H. R. 8996. An act granting an increase of pension to Diah Lovejoy;
H. R. 9115. An act granting an increase of pension to Merritt Mead;
H. R. 9771. An act granting an increase of pension to Mary E. Weaver;
H. R. 9798. An act granting an increase of pension to Isaac W. Sherman;
H. R. 10272. An act granting an increase of pension to Lorenzo Streeter;
H. R. 10554. An act granting an increase of pension to John McGregor;
H. R. 10686. An act granting an increase of pension to Michael Hurtz;
H. R. 10969. An act granting an increase of pension to Joseph H. Shay;
H. R. 11148. An act granting an increase of pension to George W. Stanfield;
H. R. 11402. An act granting an increase of pension to Agnes B. Hesler;
H. R. 11451. An act granting an increase of pension to Alexander Morrison;
H. R. 11661. An act granting an increase of pension to William H. McClurg;
H. R. 11788. An act granting an increase of pension to Henry L. Kyler;
H. R. 11984. An act granting an increase of pension to Edward C. Jones;
H. R. 12058. An act granting an increase of pension to John W. Dickey;
H. R. 12397. An act granting an increase of pension to Alfred Chill;
H. R. 12576. An act granting an increase of pension to William M. Kitts;
H. R. 12577. An act granting an increase of pension to James Graves;
H. R. 12859. An act granting an increase of pension to James Donnelly;
H. R. 13064. An act granting an increase of pension to John K. Tyler;
H. R. 13501. An act granting an increase of pension to James L. Townsend;
H. R. 14150. An act granting an increase of pension to John J. Carberry;
H. R. 14184. An act granting an increase of pension to James Ginnane;
H. R. 14576. An act granting an increase of pension to Evelyn M. Dunn;
H. R. 14601. An act granting an increase of pension to William Scheall;
H. R. 14774. An act granting an increase of pension to Albert S. Graham;
H. R. 14855. An act granting an increase of pension to Henry C. Thayer;
H. R. 14875. An act granting an increase of pension to Seeley Earnest;
H. R. 14879. An act granting an increase of pension to Benjamin Dillingham;
H. R. 14951. An act granting an increase of pension to Benjamin F. Watts;
H. R. 15071. An act granting an increase of pension to Matilda L. Curkendall;
H. R. 15144. An act granting an increase of pension to William J. Reynolds;

H. R. 15207. An act granting an increase of pension to Amos Jones;

H. R. 15387. An act granting an increase of pension to William Hall;

H. R. 15404. An act granting an increase of pension to John A. Hayward;

H. R. 15473. An act granting an increase of pension to James W. Capron;

H. R. 15680. An act granting an increase of pension to Isaac Hanson;

H. R. 15688. An act granting an increase of pension to Augustus H. Haines;

H. R. 15743. An act granting an increase of pension to Desire Leglise;

H. R. 15744. An act granting an increase of pension to Edward L. Russell;

H. R. 15779. An act granting an increase of pension to Lucinda M. Reeves; and

H. R. 15785. An act granting an increase of pension to Charles E. Young.

On January 24, 1905:

H. R. 11584. An act for the protection of wild animals and birds in the Wichita Forest Reserve;

H. R. 16720. An act permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.; and

H. R. 16992. An act to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. SCOTT. Mr. Chairman, I am sure the Committee on Agriculture and also the Agricultural Department will appreciate very much the tribute which the gentleman from Illinois has paid to the work being done in that great Department, and for his satisfaction, and the information and, I hope, satisfaction of his correspondent I should like to direct his attention to the report of the Secretary of Agriculture, on page 24, wherein the statement is made that as a result of the experiments conducted by the Department during the past few years there were grown in the United States in 1903 10,000,000 bushels of this macaroni or Durum wheat, and the estimate of the crop for 1904 is 14,000,000 bushels.

I may say, accepting the suggestion of my colleague on the committee, that this vast amount of product which has been added to the sum total of the wheat grown in this country is practically a new matter; that it was only a few years ago that the experiment began in a very small way, and that in these three or four years the industry has developed so rapidly as to have reached its present great proportions. For the reason that it has been so successful, the Department regards the experiment now as practically concluded, having reached the point where the farmers of the country have themselves taken it up in a practical way and are producing from ten to fifteen million bushels of a product which will now rapidly increase. The manufacturers of the country have responded by the erection of mills, there being now twenty mills for the purpose of manufacturing macaroni wheat.

It seems to me, Mr. Chairman, therefore, that the work of the Department in this experiment has now, as I have said, been practically concluded, and that no further effort on the part of the Government will be necessary to carry forward the work in this direction. I make this statement in order to assure the gentleman from Illinois and his correspondent that the matter has not been and will not be neglected by the Department.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent and repairs; the employment of local and special agents, clerks, assistants, and other labor required in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, and transportation, paper, twine, gum, printing, postal cards, gas, and electric current, traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, \$242,920, of which amount not less than \$202,000 shall be allotted for Congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at a public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribu-

tion, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; such franks to be furnished by the Public Printer, as is now done for document slips, with the names of Senators, Members, and Delegates printed thereon, and the words "United States Department of Agriculture, Congressional Seed Distribution," or such other phraseology as the Secretary may direct; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided further*, That \$37,780 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations: *And provided also*, That \$10,000 of the sum thus appropriated, or so much thereof as may be necessary, may be used for the erection of a suitable seed warehouse for packing and mailing seeds on Congressional orders.

Mr. TIRRELL. Mr. Chairman, I desire to reserve the point of order on the words in the twenty-fourth line of the twenty-sixth page, "for rent and repairs." Also the words in the section, twenty-ninth page, after the words "*Provided also*."

The CHAIRMAN. The gentleman from Massachusetts reserves the point of order against the paragraph.

Mr. POU. Mr. Chairman, I offer an amendment.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. POU. To offer an amendment.

The CHAIRMAN. The gentleman will wait until the point of order is disposed of. The Chair will then recognize the gentleman.

Mr. WADSWORTH. The proviso to which the gentleman from Massachusetts makes the point of order is new. It was inserted in this bill for this reason: It seems that the contractor of last year has lost the contract this year. I will read a memorandum showing the status of the property referred to:

Memorandum for Mr. WADSWORTH.

UNITED STATES DEPARTMENT OF AGRICULTURE,

BUREAU OF PLANT INDUSTRY,
Washington, D. C., January 27, 1905.

Mr. B. F. Brown, of the Brown Bag Filling Company, had a contract for the seed work last year, but his bid was \$6,000 more this year, and the Secretary refused to give it to him.

He has an option on the warehouse in which we are doing the work through another contractor, the option running for another year and a half. He so far has refused to relinquish his option, thus forcing the Department either to rent another building or to put up a building on the Department grounds.

Offers have been made to the Department to put up another building, but it is believed that it will be cheaper to put up our own warehouse. A rental of \$5,000 has been asked for another building.

B. T. GALLOWAY, Chief of Bureau.

HON. JAMES W. WADSWORTH,

Chairman Committee on Agriculture, House of Representatives.

In a matter like this it is much better for the Department to put up a building at a cost of \$10,000. That is a simple business project.

Mr. MANN. Can the gentleman inform us what rent we pay for the present building?

Mr. WADSWORTH. The contractor has that building.

Mr. TIRRELL. I can answer the gentleman.

Mr. MANN. I am asking for the present rent.

Mr. TIRRELL. The contractor has just been displaced. The present rent paid for the building, which is simply for the purpose of sending out and distributing these seeds, is \$2,400.

There is also paid for the fixtures in that building, requisite for carrying on the work and owned by the Brown Bag Filling Company, who during the past two years have had the contract, \$600, making a total rental for the building and the fixtures contained therein of \$3,000 a year.

Mr. MANN. Will the gentleman tell us what the value of the fixtures is?

Mr. TIRRELL. I could not say.

Mr. MANN. I was told by some one who claimed to know that the old contractor rented the building at \$2,400 a year; that he lost his contract—

Mr. WADSWORTH. That is right.

Mr. MANN. That a new contractor had the building; that the old contractor required the new contractor to pay \$3,000 a year on the ostensible ground that \$600 of that was for the use of the fixtures, and that as a matter of fact the fixtures themselves were not worth \$600.

Mr. TIRRELL. Has the gentleman ever been over that building and seen the bins, the pulleys, and all the machinery connected with that apparatus?

Mr. MANN. I have been over the building, but then I do not express any personal judgment in reference to it, because I do not know; but I was told by a gentleman connected with the Department, who I think does know, that that was the case.

Mr. SCOTT. Will the gentleman from Massachusetts [Mr. TIRRELL] reply to a question? I should like to ask him if he does not believe it would be good business for the Government to erect a building at a cost of \$10,000, rather than to pay a rental even of \$2,400 a year for a similar building?

Mr. TIRRELL. I do, if it could be done.

Mr. SCOTT. Then I wish the gentleman would withdraw his point of order, because we certainly want to do good business if we can.

Mr. TIRRELL. That does not cover the first point of order which I raised, Mr. Chairman, with reference to rent and repairs. If that is enacted in that phraseology, we might appropriate \$25,000. There is no limitation on the amount.

Mr. BURLESON. I should like to ask the gentleman from Massachusetts a question. Who owns this option?

Mr. TIRRELL. The Brown Bag Filling Company.

Mr. BURLESON. Who is the president or manager of that company?

Mr. TIRRELL. Benjamin F. Brown.

Mr. BURLESON. Where does he reside?

Mr. TIRRELL. He resides in Fitchburg, Mass.

Mr. BURLESON. Whose district is Fitchburg in?

Mr. TIRRELL. Mine.

Mr. SCOTT. I feel very sure that this committee has no disposition to become involved in a controversy between contractors, and, so far as I am able to catch the gist of what has been said here to-day, that is practically what it amounts to. There is only one proposition before us. The item of rent and repairs, to which the gentleman from Massachusetts refers, on page 26, is simply a reenactment of existing law. It is a provision that has been carried in every appropriation bill since I have had any acquaintance with these measures, and I do not see how a point of order could lie against it. Of course the point of order would lie against the new paragraph on page 29, but I feel very sure that the gentleman from Massachusetts [Mr. TIRRELL] will not insist upon his point of order when to do so would result in a very much greater expense to the Government than would be involved if this paragraph is allowed to remain as the committee reported it. I trust the gentleman will not insist upon the point of order.

Mr. TIRRELL. I move to strike out the last word.

The CHAIRMAN. The point of order is still pending, and the Chair will not entertain an amendment until that matter is disposed of. Does the gentleman insist upon his point of order?

Mr. TIRRELL. I wish to be heard upon the matter.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. TIRRELL. Mr. Chairman, my explanation will involve a statement in regard to this seed distribution which it seems to me will be of interest to all, and I fancy that all of us are interested in it, whether we live in agricultural districts or not.

Even in the large cities of the country there is a great interest taken in the question of seed distribution. Although not living in the city of Boston, I have had applications from masters of grammar schools there who were unable to obtain seeds elsewhere, asking me to send as many from my allotment as possible, in order that the children of those city schools might be able to utilize some of the playgrounds of the city, set apart by the city administration, for the purpose of enabling the children of the schools to cultivate the ground.

Now, this seed distribution in 1894 had to all be done by hand, and there were sent out that year 9,555,000 packages, the cost to the Government being \$42,816.24. To that cost, in order to make proper comparison with the cost at the present time, there should be added certain printing bills and other incidental

items, which would make the total cost of sending out in 1894 that number of packages at least \$46,000.

In 1902, for the first time, there was a contract made for the distribution of these seeds by mechanical process, and 39,000,000 packages were sent out under that contract at a cost of \$155,000.

By the invention of the Brown Bag Filling Company, located in Fitchburg, Mass., one of the most ingenious machines used in the Agricultural Department was utilized for the purpose of distributing these seeds throughout the country. Last year 36,000,000 packages of seeds were sent out at the same cost, speaking in broad terms, that 9,555,000 packages were sent out in 1894; so that four times the number of packages were sent out last year for the same cost as the packages sent out in 1894.

The report of the Department by letters which the Brown Bag Filling Company have received expressed entire and perfect satisfaction with the manner in which they were distributed, because by this mechanical contrivance of the Brown Bag Filling Company the actual weight and quantity is sent out to each one; there can not be but the very slightest variation in each individual package, whereas when they were being put up by hand the Government in one year alone claimed that they were swindled out of nearly \$20,000, and that matter is in litigation to-day.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TIRRELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TIRRELL. Now, Mr. Chairman, I have investigated this matter and ascertained how much it cost to send out these seeds, and I am prepared to show, at least in a very short time, if the question is disputed, that to send out, as they are sent out this year, 30,000,000 packages of seeds costs in broad numbers \$4 a thousand, or \$120,000.

Now, the sum of \$202,000 is appropriated for the distribution of these seeds. The cost being \$120,000, leaves a surplus of \$82,000. Out of that sum there is reserved for the purchase, test, and distribution of valuable seed \$37,780, so that the balance of this total amount in the bill of \$202,000, amounting to \$42,220, is used for general purposes, I suppose—for the employment of expert botanists, superintendents, clerks, and laborers.

But the point which I desired to submit to the House was the exceedingly trivial actual cost of sending out this enormous quantity of seeds. The cost of putting them up and everything except pasting on the frank costs only \$4 a thousand, and the total amount \$120,000.

Mr. SCOTT. Will the gentleman pardon me for an interruption?

Mr. TIRRELL. Certainly.

Mr. SCOTT. Conceding the great amount of improvement that has been made in the manner in which these seeds have been put up, I would like to ask the gentleman what that has to do with the proposition now before the House, namely, whether it is better business to appropriate \$10,000 for the erection of a building, or to continue to pay \$2,400 or \$3,000 for rent?

Mr. TIRRELL. Not directly, except so far as it concerns the expenditures in this Department. I am not going to insist on that; I think that is good business judgment, and I approve of the recommendation of the committee. I am speaking generally of the appropriation contained in this section.

Now, then, I desire an explanation of why the necessity, inasmuch as the actual cost of sending out these seeds, purchasing them, doing all the work connected with them (for the contractor is under bond), and every single thing after they are purchased is to be done by him and the cost defrayed by him, what is the necessity of such an enormous amount of money to be reserved out of this appropriation for the purposes which are not stated in this bill? That is the point which my attention has been called to. Is it for the purpose of expending five or ten thousand dollars for rent and repairs provided the Secretary of Agriculture concludes to rent a building, when at the present time a building suitable for all purposes can be obtained for a rental of \$2,400?

It seems to me, Mr. Chairman, that there should be some explanation of the point of order which I have reserved, especially in the reservation I made in the twenty-fourth line, twenty-sixth page, and that there should be some limitation of rent made there, so that we may know what is going to be done with this large amount of money out of the \$202,000 which is reserved in addition, as the chairman of the committee stated a

short time ago, to a lump sum put into the general salary list under this division of \$60,000 more.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. TIRRELL] insist on his point of order?

Mr. TIRRELL. Mr. Chairman, I withdraw the point of order which I made to the words at the bottom of page 29.

The CHAIRMAN. The point of order is withdrawn as to the \$10,000 for the erection of suitable buildings; but does the gentleman insist on the point of order to any other part of the paragraph?

Mr. TIRRELL. I do not withdraw the point of order as to the words "for rent and repairs."

Mr. WADSWORTH. Mr. Chairman, that is existing law and has been for some years.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. WADSWORTH. Why, it is existing law, and has been for some years. I take it the Chairman is referring to the point of order made to the words at the bottom of page 26?

The CHAIRMAN. Yes; page 26, line 24.

Mr. WADSWORTH. That is existing law, and has been existing law for years.

The CHAIRMAN. Does the gentleman wish to give the Chair to understand that there has been any legislation on that other than as a part of an appropriation bill?

Mr. WADSWORTH. No; there has not. Is not legislation on an appropriation bill legislation?

The CHAIRMAN. It may be so, and it is, regarding salaries; but unless it is expressly provided, as the Chair understands, in an appropriation bill that such shall be the law hereafter, it is not existing law except as to salaries.

Mr. WADSWORTH. Then under that ruling all of this paragraph could go out, practically, because the whole appropriation is contained in no separate bill, but has always been in an appropriation bill from year to year.

The CHAIRMAN. The Chair understands that most of the paragraph is authorized and stands as existing law, much of it is simply continuing work.

Mr. SCOTT. Mr. Chairman, my understanding is that the point of order would not lie against a provision to continuing work that is in progress.

The CHAIRMAN. The Chair so understands.

Mr. SCOTT. Well, the situation is such in regard to the Department of Agriculture, its building facilities being so very limited that since its organization it has been necessary for it to go outside and rent additional buildings. It will be absolutely necessary for it to continue to rent additional buildings in order to carry on the work which Congress has put into its hands, and it seems to me, Mr. Chairman, that upon that view of the case the point of order raised by the gentleman from Massachusetts must be overruled.

Mr. MANN. Mr. Chairman, I take it that there is a provision of law in regard to the distribution of seeds by the Agricultural Department, in compliance with which this appropriation is made. Now, if the item for rent and repairs should give to the Agricultural Department the right to pay rent or make repairs in connection with anything else, plainly it is subject to the point of order. That is, if the item for rent and repairs would absorb all of this appropriation for other purposes, it must be subject to a point of order. But it must be manifest that if the Department is required to expend \$200,000 in the distribution of seeds it must have some facilities for doing it, and that an appropriation designed to carry out the law in order to provide the facilities for making the distribution is in continuation of a work in progress and authorized by law. And if the rent and repairs in this item should be construed to be limited to rent and repairs in connection with the distribution of the seeds provided for in the item and authorized by law, it would seem that it would be in order because it would be in continuation of this work which is authorized by law, and without the authority to rent proper facilities or to make proper repairs of facilities which they now have, in order to make a distribution, it might be entirely impossible for the Agricultural Department to make the distribution required by law to be made, and for which the appropriation is in the bill.

The CHAIRMAN. The Chair is of the opinion that the words "for rent and repairs" should be limited in their application to the work necessary to distribute seeds, and that it is simply an appropriation for the continuance of a public work. The Chair therefore overrules the point of order.

Mr. CANDLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On line 6, page 27, strike out "\$242,920" and insert "\$342,920," and in line 8, page 27, strike out "\$202,000" and insert "\$302,000."

[Mr. CANDLER addressed the committee. See Appendix.]

Mr. BURLESON. I ask unanimous consent that the time of the gentleman from Mississippi be extended.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANDLER. That is certainly very kind.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Mississippi.

Mr. POU. Mr. Chairman, I offer an amendment to his amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment to that proposed by the gentleman from Mississippi, which the Clerk will report.

The Clerk read as follows:

Page 27, line 6, change the word "two" to "four;" and in line 8, change the word "two" to "four."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

Mr. POU. Mr. Chairman, just a word. I do not propose to debate with any gentleman the precedent which has been established in distributing seed. The precedent has been established, and I suppose will remain fixed. Now, there is just this I desire to say. There is a misunderstanding as to this distribution of seeds. People make fun of it, ridicule it; but the truth is that the seeds which have been distributed by the Government during the last few years have been of good quality, and they go directly to people who need them. Now, we have all sorts of demands made on Congress.

I suppose that it will take more to inaugurate Colonel Roosevelt President of the United States than this whole item of appropriation. Somebody comes along and wants an exposition somewhere, and without any hesitation we vote half a million or a million, or even more. Somebody comes along and wants a river cleaned out, and we vote half a million or a million dollars. The money is going, Mr. Chairman, and while it is going I interpose a plea that we increase this item to \$400,000. I am serious in it, and I hope it will pass.

Now, the people pay the taxes, and these seeds that are being distributed are really of value to the people who use them. If we are going to have any distribution at all, I hope there will be sufficient seed to meet the demands that are made upon us.

Since I have been a member of this body just one important law has been passed which directly benefits the great mass of our constituents engaged in agriculture. I refer, of course, to the establishment of the rural free-delivery system, and even that measure encountered bitter opposition.

Now, the distribution of seeds directly benefits the farmer. Let us not forget these men, upon whose shoulders all permanent prosperity rests, while we are here passing laws.

I do not wish to be misunderstood. If I had my way I would dispense with about one-half of the help we have around this building. At every entrance to this Chamber we have four or five doorkeepers. The expenses of the Government are forever increasing—yes, increasing far in excess of the increase in population. Why is this? When will we reach the limit? I sound a note of warning now. You have had prosperous times, Mr. Chairman, but the day will come when these prosperous times will end. What will be the condition of your Treasury then?

Maybe this seems a little inconsistent, but it is not. My position is this: The money is being spent by millions for all sorts of projects. While it is going I interpose a plea that \$200,000 additional be applied to the purchase of the very best quality of seeds for our constituents engaged in tilling the soil. Whenever the era of economy comes, if it ever comes, you may rest assured that they will then consent to a discontinuance of this trifling appropriation. [Applause.]

Mr. SCOTT. Mr. Chairman, the gentleman from Mississippi [Mr. CANDLER] never rises without furnishing entertainment to the House, but I insist that \$100,000 added to this appropriation would be rather too high a price to pay for admission; and I beg the House to give serious consideration to the proposition that is pending before it. In almost every other particular touched by this bill I fancy the House would absolutely refuse, without division, to inject an item that was not recommended by the Secretary of Agriculture. In respect to this item, the Secretary has not recommended an increase over the present appropriation, and I dispute absolutely the assertion of the gentleman that great good is resulting to the agricultural interests of this country by reason of this seed distribution. In support of that declaration I refer him to the Annual Report of the Secretary of Agriculture, which I hold in my hand. It

contains more than 100 pages devoted to a discussion of the work of this great Department, and there is absolutely not one line in it commending the results that have flowed from the free distribution of garden seeds.

Mr. SHEPPARD. On the contrary, the Secretary of Agriculture in his annual report for 1904 discountenanced and discouraged the distribution of seeds in this indiscriminate way.

Mr. SCOTT. I thank the gentleman from Texas for his suggestion, and in that connection I wish to add further that the annual report which the Secretary makes in respect to this seed distribution is a mere formal statement of the business methods which he uses in carrying out the directions of Congress.

Now, on the other hand, the Secretary fills page after page with his reports of the splendid results that have been achieved by his Department in other directions. He reports here the work that has been done in the encouragement of rice production, whereby instead of importing large quantities of rice, as was the case a few years ago, we are now able to produce 650,000,000 pounds, enough to supply our whole domestic demand and leave something over for export. Can the gentleman from Mississippi point to anything in comparison with that which has resulted from the free distribution of garden seeds?

The Secretary proceeds to refer to the work that has been done in the production of Durum wheat, showing that we are now producing 14,000,000 bushels of that valuable cereal, whereas ten years ago we produced not one peck, and that next year it is estimated the crop will be forty or fifty million bushels.

Mr. CANDLER. Will the gentleman yield?

Mr. SCOTT. I prefer to finish this.

On other pages of the report the Secretary refers to the work that has been done in the matting industry, in the sugar-beet industry, in the introduction of new citrus fruits, in the experiments that have been conducted in the production of American tea, and in the propagation of dates, and the great work that has been done in the line of experimentation in connection with forage plants.

All of these things the Secretary refers to, and we all have information of our own, to the effect that great good has been brought to the country by reason of the appropriations made to carry on the work along these lines.

I venture to say there is no sum of \$200,000 in this appropriation bill anywhere which brings less results to the country than the \$200,000 that we spend here for the distribution of garden seeds. We all know what happens in this matter. We all know that we take our allotments of 12,000 packages, and we send them to 12,000 different persons. Not a single individual gets enough seeds to plant a garden even for his home use. He has got to go into the market and buy more seeds if he wants to produce anything for the market.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER. I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the time of the gentleman from Kansas be extended five minutes. Is there objection?

There was no objection.

Mr. SCOTT. I say if our constituents desire to grow garden truck, they must get more seed somewhere than is furnished them by Congressional distribution. Does the gentleman from Mississippi believe that we should supply all the gardeners in this country with all the seeds they require? He says that we are not able to satisfy the demands there are upon us now for these garden seeds. Concede that; does he insist that it is the duty of the Government to furnish garden seeds to every man in the United States who wants to plant them?

Mr. CANDLER. Let me say to the gentleman—

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Mississippi?

Mr. SCOTT. Not just now. If we should double the appropriation we should not then be able to supply all our constituents with seed and there would still be discrimination among them.

Furthermore, I insist that there is absolutely no more justification, as a matter of principle, of sound governmental policy, in distributing these garden seeds than there would be in distributing pins and needles among the people. This matter has drifted far away from the original intent of Congress. In the law establishing the old division of agriculture a provision was inserted which declared it should be the duty of the Secretary to distribute among the people "new and rare and valuable varieties of seeds and plants." That was all that was intended to be done in the original legislation and it is all that the Government, in my judgment, properly can do. It is exceeding its functions when it goes beyond that and sends to individual citizens seeds that can be obtained at any crossroads grocery. I can not believe that this House is willing now to further ex-

tend the work that is being done in this line. This year with the appropriation we already have we will distribute 30,000,000 packages of seeds, giving to each Member and Senator about 12,000 packets.

Mr. ROBINSON of Indiana. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Indiana?

Mr. SCOTT. Yes.

Mr. ROBINSON of Indiana. I agree with the gentleman from Kansas that we ought not to exceed the recommendation of the Secretary of Agriculture. But I think he inadvertently does the Secretary an injustice when he states that there is an omission in his report this year as to the favorable result of the distribution of these seeds. Does he not give the Secretary credit for knowing that Congress is enthusiastic for the distribution of these seeds, and that therefore there was no need of enlightenment upon the question?

Mr. SCOTT. Congress is enthusiastic in favor of the line of introducing new wheat, and forage plants, and rice, and things of that character, but I notice that did not hinder the Secretary from putting in his report recommendations that this work be continued. I say that the Secretary has not made a favorable recommendation, and I do not think he would accuse me of violating his confidence if I should state that he regards this proposition with disfavor.

Mr. CANDLER. If the gentleman will now yield to me I will tell him what the Secretary thinks. This is from a letter I received from him a few days ago:

In regard to the value of the distribution of vegetable seed, my opinion is that in spite of the criticisms that have been made the value of such distribution is considerable—

Mr. SCOTT. "Considerable." Does the gentleman notice the enthusiasm of the word "considerable?" [Laughter.]

Mr. CANDLER (continuing the reading)—

and the value in the past, when it was more difficult than it is at present to secure good seeds from dealers, was even greater than it is now. It is impossible to arrive at anything like an accurate estimate on the matter, but the old records of the Department as well as the statements that have been made to our officials show that in a great many sections of the United States the quality of the vegetables raised has been greatly improved by the seeds sent out by the Department.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Kansas be extended two minutes. Is there objection?

There was no objection.

Mr. SCOTT. I only desire to say, Mr. Chairman, that I am perfectly willing to submit the case, if the Members of the House are to allow their judgment to be guided by the Secretary, upon the letter which the gentleman has just read; if the overwhelming, the red-hot enthusiasm of that word "considerable" as applied to the good results that have been achieved by the distribution of an expenditure of \$290,000 would justify the House in increasing it by another \$100,000. [Laughter.]

Mr. WADSWORTH. Now, Mr. Chairman, I move that the debate on this paragraph and all amendments thereto be closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from North Carolina [Mr. POU] to the amendment offered by the gentleman from Mississippi [Mr. CANDLER].

Mr. PERKINS. Mr. Chairman, I ask that the amendments be again reported.

There was no objection, and the Clerk again read the amendments.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. POU) there were—ayes 13, noes 50.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. CANDLER) there were—ayes 42, noes 68.

Mr. CANDLER. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed the gentleman from Mississippi [Mr. CANDLER] and the gentleman from New York [Mr. WADSWORTH] as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 57.

So the amendment was rejected.

The Clerk read as follows:

That every person who knowingly pastures or causes to be pastured any live stock upon public lands of the United States situated within a forest reserve without first having obtained a permit so to do under rules and regulations prescribed by the Secretary of Agriculture shall, upon conviction, be punished by a fine not to exceed \$1,000, or by imprisonment for not longer than one year, or by both such fine and imprisonment.

Mr. MARTIN. Mr. Chairman, I make a point of order against the section on page 33, beginning with line 6 and closing with line 13.

Mr. WADSWORTH. Mr. Chairman, I will ask the gentleman from South Dakota to reserve his point of order until an explanation can be made by the gentleman from Iowa [Mr. LACEY], who has charge of the matter.

Mr. MARTIN. I will reserve the point of order, Mr. Chairman.

Mr. LACEY. Mr. Chairman, the paragraph just passed, which, of course, is now beyond the control of the committee, previous to the one to which the point of order is reserved, was embraced in House bill 7296, which passed this House on the 26th day of last April, and has not yet been disposed of in the Senate, so that the House has already considered that proposition. The paragraph which has just been read and to which the point is raised is embraced in House bill 6480, which passed this House on the 13th day of December, 1904.

I call the attention of the gentleman from South Dakota [Mr. MARTIN] to the fact that this paragraph is all embraced in that bill which passed this House on the 13th day of December and is now pending in the Senate, and as the forestry service has been transferred to the Department of Agriculture, and the Senate on yesterday concurred in the proposition to transfer this whole business to the Department of Agriculture, it was thought wise to put these two propositions, which have been embraced in House legislation and which have not been acted on in the Senate, in this bill, so that they would be sure of action there. Undoubtedly this paragraph is subject to the point of order, but I trust the gentleman from South Dakota will not make the point of order, because we have already passed on it in the House.

Mr. MARTIN. Mr. Chairman, I have not addressed my point of order to the portion of the paragraph already read, to which my friend the gentleman from Iowa [Mr. LACEY] calls attention. My objection is simply made against the paragraph from line 6 to 13, inclusive. This is the incorporation of a somewhat unusual criminal statute into the body of an appropriation bill. As the gentleman from Iowa [Mr. LACEY] has said, a bill similar in character has already been considered by the House.

Mr. LACEY. It is identical in character, word for word.

Mr. MARTIN. Identical in character, and has already been considered in the House, and is now in an appropriate committee for consideration in the Senate. I do not think we ought to oust the jurisdiction of the proper legislative committee of the Senate in a matter of this character, pertaining, as it does, to criminal law and the creation of statutory crimes by this indirect method of legislation. If the subject is as important as it is said to be, it should be considered by the legislative committee of the Senate and passed by that body and should become a law. I do not think we ought to oust the legislative committee of the Senate of jurisdiction of this important subject in this manner.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. LACEY. Mr. Chairman, I would like to make just a word of explanation as to the point involved in this proposition. Under existing law we have passed a statute providing that grazing should only be had in the various forest reserves under regulations, or that it should be had under regulations, and that a breach of any of the regulations should constitute a criminal offense. That is the law to-day. But three of the district courts in the West, I think in Oregon and California, have held that Congress has no power to make a criminal offense growing out of a mere violation of a Departmental regulation; that this could not be thus delegated; and therefore this bill was passed in the House, forbidding absolutely the grazing except within the regulations; so that while it does not practically change existing law it becomes existing law under the rulings referred to and the law now in force can be carried out in the courts. It is to meet a technical ruling of the courts that this law was passed in the House, and in order to secure action in the Senate it was deemed wise to put it into this bill, so that it would be sure to receive attention.

Mr. MARTIN. Mr. Chairman, I hesitate to insist on the point of order against the judgment of so distinguished an authority on public lands as the chairman of the Committee on the Public Lands, the gentleman from Iowa [Mr. LACEY]. Nevertheless, Mr. Chairman, I am satisfied that this particular provision in its present form ought not to become law. I think

that inadvertently, perhaps, it goes too far and makes most severe penalties for what might in some instances be very trifling circumstances.

For example, I think if the chairman of the Committee on Public Lands should be driving across one of the many forest reserves of the country—and they embrace some of them millions of acres of land—and should be compelled for the night or for the day to pasture his driving horses for the very necessity of the journey he would be knowingly pasturing his stock upon a forest reserve and he would, as this reads, be liable to a fine that might go as high as \$1,000. This is a drastic measure, unusual in its character, and I think it ought to be considered fully in the Senate, and not be forced upon them by this method of indirection. I therefore feel constrained to urge the point of order.

The CHAIRMAN. It is very clear to the Chair that the paragraph to which the gentleman from South Dakota directs his point of order is new legislation, and the point of order is sustained.

Mr. LIVINGSTON. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee, in transferring this matter from the Secretary of the Interior to the Agricultural Department, do you provide here on pages 30 and 31 for a transfer of clerks? What becomes of the clerks who were engaged on this work in the Interior Department?

Mr. WADSWORTH. They are retained. If the gentleman will notice the total appropriation has been increased, as I stated yesterday, by \$375,000, which was the amount formerly carried in the sundry civil appropriation bill for the care of forest reserves. They are simply transferred bodily to the Department of Agriculture.

Mr. LIVINGSTON. You mean the clerks are transferred?

Mr. WADSWORTH. Yes, sir; the whole forest reserve is transferred.

Mr. LIVINGSTON. Under the salaries given in the legislative, executive, and judicial appropriation bill?

Mr. WADSWORTH. Yes, sir.

Mr. LIVINGSTON. You are sure of that?

Mr. WADSWORTH. Yes; I am sure of that, and they are under civil service.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

For ascertaining the natural conditions upon and for utilizing the Federal forest reserves—and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State or Territory in which said reserves are respectively situated—for the employment of local and special fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of forest reserves, and in conducting experiments and investigations in the city of Washington and elsewhere; for collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; and for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges and traveling and other necessary expenses, \$765,920, of which sum not to exceed \$25,000 may be used for rent. And the employees of the forest service outside of the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the word "or," after the word "State," in line 19, page 33, and insert after the word "Territory," same line and page, the words "or the district of Alaska."

Mr. WADSWORTH. I accept the amendment, Mr. Chairman; there is no objection to that.

Mr. TAWNEY. The chairman of the committee accepts the amendment.

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

The Clerk read as follows:

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry; Chemical apparatus, chemicals, laboratory fixtures and supplies, repairs to engine and apparatus, gas and electric current, purchase of all necessary office fixtures, supplies, and necessary expenses in conducting investigations in this Bureau, including necessary traveling and other expenses, telegraph and telephone services, for express and freight charges, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; to continue the collaboration with other bureaus and divisions of the Department desiring chemical investigations and to collaborate with other Departments of the Government whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; for the employment of additional assistants and chemists, when necessary, and for the rent of buildings occupied by the Bureau of Chemistry; to investigate the adulteration of foods, condiments, beverages, and drugs, when deemed by the Secretary of Agriculture advisable, and to publish the results of such investigations when thought advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the

character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice. To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process, renovated, or adulterated butters. To study, in collaboration with the Weather Bureau and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes. To investigate the chemical composition of sugar and starch producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar and starch producing plants. To investigate the adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable; and the Secretary of Agriculture, whenever he has reason to believe that such articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded either as to their contents or as to the place of their manufacture or production, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis, and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health or falsely labeled or branded, either as to their contents or as to the place of their manufacture or production or which are forbidden entry or to be sold, or are restricted in sale in the countries in which they are made or from which they are exported, employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purpose named, \$125,920.

Mr. BRANTLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 38, line 21, after the word "dollars," add the following: "Provided, That \$3,000 thereof shall be used exclusively for the purpose of investigating, determining, and reporting the proper treatment and process in regard to securing uniform grade and quality of first-class table sirup."

Mr. WADSWORTH. Mr. Chairman, the committee has considered that and has no objection to it and hopes it will be adopted.

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

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment. On page 35, line 14, after the word "including," add the words "actual and;" so as to make it read "actual and necessary."

Mr. WADSWORTH. I accept the amendment. It is the same amendment the gentleman from Georgia put on in another paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 14, page 35, after the word "including," insert the words "actual and;" so as to read "including actual and necessary traveling and other expenses."

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

The Clerk read as follows:

Salaries, Bureau of Statistics: One statistician, who shall be chief of Bureau, \$3,500; one assistant statistician, who shall be assistant chief of Bureau, \$2,200; one editorial assistant, \$2,300; one chief clerk, \$1,800; nine clerks, class four, \$16,200; six clerks, class three, \$9,600; twelve clerks, class two, \$16,800; two clerks, at \$1,300 each, \$2,600; thirteen clerks, class one, \$15,600; one clerk, \$1,100; ten clerks, at \$1,000 each, \$10,000; four clerks, at \$840 each, \$3,360; one clerk, \$720; ten clerks, at \$720 each, \$7,200; five clerks, at \$600 each, \$3,000; two messengers, at \$840 each, \$1,680; in all, \$97,660.

Mr. WADSWORTH. Mr. Chairman, in line 2, page 49, I desire to make a little correction. It reads, in line 2, "one clerk, \$720; ten clerks, at \$720 each." I desire to have it changed so that it will read "eleven clerks," and have the total changed accordingly.

The CHAIRMAN. Without objection the bill will be amended in accordance with the request of the gentleman from New York [Mr. WADSWORTH]. The Clerk will report the suggested amendment.

The Clerk reported as follows:

In lines 2 and 3, on page 49, strike out "one clerk, \$720;" also strike out the word "ten" and insert the word "eleven," so as to read "eleven clerks, at \$720 each."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, I also desire to have the total corrected.

The CHAIRMAN. As the Chair understands it, the change does not affect the total.

Mr. WADSWORTH. It does not alter the total of the paragraph, but alters the total by the difference between the salary of ten and eleven clerks.

The amendment was agreed to.

The Clerk read as follows:

Collecting agricultural statistics: General expenses, Bureau of Statistics: Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscription to and purchase of statistical and newspaper publications containing data for permanent comparative records, maps, and charts, stationery, office supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, office fixtures, telegraph and telephone services, freight and express charges, including employment of labor in the city of Washington and elsewhere, and necessary traveling expenses: *Provided*, That the monthly crop reports issued on the 3d and 10th days of each month shall embrace statements of the conditions of the crops by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published, \$93,900, of which not more than \$20,000 shall be expended for salaries in the city of Washington, D. C.

Investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure as far as may be a change in the methods of supplying farm products to foreign countries; employment of local and special agents, clerks, assistants, and other labor required in making investigations in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such investigations; traveling expenses, and freight and express charges; telephone and telegraph services; and all necessary office fixtures and supplies, \$4,900.

Total for Bureau of Statistics, \$196,460.

Mr. LIVINGSTON. Mr. Chairman, I had hoped that the Committee on Agriculture in presenting this bill would recommend some changes in regard to taking the report and estimates on the crops. They are made monthly until October on the condition of the cotton crop—to which I more particularly refer—and then they skip from October until December. I stated in my place, Mr. Chairman, on the floor of the House a few days ago while discussing my resolution that was turned down by this committee, that the South was dissatisfied, and that the cotton producers were very much dissatisfied, with this arrangement. I was met with the expression from the Statistician, Mr. Hyde, in the executive session of the committee, that I was mistaken; that I had overestimated it. Now, for the purpose of showing this committee that this should be done, and that there is a dissatisfaction that amounts to a serious matter, I propose to read from a speech made two days ago by Mr. Harvie Jordan, who is president of the Interstate Cotton Association, at New Orleans, on this subject.

Mr. Chairman, that president had behind him twenty-two hundred delegates, from every cotton State in the South. It included the governors of States, the commissioners of agriculture; it included a great many of the best men of the cotton-growing States, and they cheered the sentiments to the echo. I desire to read it:

It is an outrage upon Christian civilization and a free form of government that the most notorious gamblers of the twentieth century, men who neither produce cotton nor spin cotton, fix the daily and hourly price of this great commodity in all the markets of the civilized world.

It is an outrage upon the suffering producers of the Southland that the Government of the United States should furnish to these gambling exchanges, at the expense of the people, all the information they now rely upon either to force the producers into bankruptcy or cotton mills to close down.

And again:

Modern speculation in the greatest agricultural product of this country, backed by the consent and aid of the Federal Government, is the most damnable disgrace to our twentieth century civilization.

A few years ago, before the Government claimed its bureau and gin reports were scientifically and mathematically correct, the price of cotton rarely fluctuated more than 30 or 40 points in any month, but now, upon the issuing of a bureau report, it is not unusual to find values fluctuating from 30 to 100 points in a single day, changing values from thirty to sixty million dollars, and either one side or the other of those engaged in the legitimate handling of cotton must suffer correspondingly.

In order that—

And this refers to the efforts of my friend from Texas—

In order that those reports may continue, whether the South wills it or not, Congress is now considering the passage of a bill making it a penalty for any gin to refuse to give information, and the levying of a special tax on each bale of cotton to pay the expenses of securing the returns.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. LIVINGSTON] has expired.

Mr. LIVINGSTON. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Georgia [Mr. LIVINGSTON] asks for five minutes more. Is there objection? There was no objection.

Mr. LIVINGSTON. I will continue to read:

The Government proposes to force this information under a penal statute and to make you pay for the privilege for giving the detailed information of your business to the speculative exchanges of the country. In return for this the Government proposes to throw you a crumb of information as to the disposition of the crop after it leaves your hands. But it is ridiculous to suppose that the manufacturers would ever furnish to the Government or any other sources the same class of information gathered from the producers and ginners of the South.

If the Government must issue these reports, let them be issued every two weeks—

And that is the point which I desire to bring to the attention of the House, letting them be issued every two weeks.

Now, for what purpose he says:

and protect the business interests of the country from the calamitous effects of speculation.

Mr. Chairman, there was gathered in New Orleans with this president representative men from every section of the cotton belt, and they tell you they are not only dissatisfied with this arrangement, but that it is damnable and shameful, and that the result to the producer is this: that when these reports come out on the 3d day of December, the cotton has passed out of the hands of most of the farmers. If it is a short crop they lose the benefit of it; if it is a long crop and they are supposing it is a short crop and holding it, as they did this fall, and it comes out in December all in a lump, changing the values not thirty to sixty million dollars, as stated by Mr. Gordon, but more than \$100,000,000 in one day. That is what he complains of. That is what these people are complaining of.

Now, this bill should be amended so as to require the Agricultural Department, through its statisticians, to make these reports on cotton once in two weeks simply to keep down this gambling on cotton.

I ask the chairman of this committee—I do not propose to offer an amendment conforming to the wish as expressed by the convention of cotton growers at New Orleans. If I should offer such an amendment the chairman would raise the point of order against it.

Mr. MADDUX. Mr. Chairman, I would like to ask the chairman of the Committee on Agriculture what would be the additional expense for making this report every two weeks, instead of being made as now?

Mr. WADSWORTH. I can not give the gentleman that information. I believe the gentleman from Texas can, as he has made a study of that subject.

Mr. BURLESON. I will state to the gentleman from Georgia that I have repeatedly discussed with Mr. Hyde, the Statistician, the advisability of increasing the number of reports. He says that it is not advisable to attempt it, for the reason that a great deal of the crop-reporter service is largely voluntary, and that if you were to undertake to increase the frequency of the reports by paying for the service you would at once lose a large number of the reporters, among them the most valuable reporters rendering that service.

That in order to make a report twice a month and pay for the service it would cost thousands and hundreds of thousands of dollars in excess of what the appropriation now is.

Mr. MADDUX. As my time is expiring, I want to tell you how you can do it. This brings up to my mind the debates on this subject on more than two or three different occasions when this question of duplication of statistics was before the House. We have had it promised time and again that this matter should be corrected. Now, what have we got? We have the Census Office taking crop reports on cotton; we have the Agricultural Department doing exactly the same thing, duplicating their reports, vying with each other.

Why not take away from one or the other of them the expense required to do that work, and add the money to the appropriation for the Agricultural Department, if you see proper to do so, and make the report twice a month instead of three times during the fall and winter, as they are now doing it? That seems to me very simple and reasonable. I raised this question of duplicating these reports in the Fifty-seventh Congress, and again in the present Congress, and the Speaker of this House said that they had at that time a bill which proposed to accomplish that very identical purpose that would stop the duplication of these reports, and the expense attached to them. Now, my friend talks about the expense. It does seem to me that if you will take either one of these Departments and apply the same money to the one purpose, that you can take it from the Agricultural Department and give it to the Census Department. Then it is possible that these reports can be made without additional expense.

Mr. SCOTT. Will the gentleman permit an inquiry?

Mr. MADDUX. Yes.

Mr. SCOTT. Is it the gentleman's understanding that the Census Bureau deals with a monthly report in which they make an estimate of the crop that is to be expected? Is it not true that the work of the Census Bureau is to cover the reports from the ginners as to what cotton they have already ginned?

Mr. MADDUX. Why, certainly.

Mr. SCOTT. Whereas the work of the Statistical Bureau of the Department of Agriculture is to get reports from gentlemen all over the cotton-growing region, getting a statement as to the condition of the crop whereon the Department may base an estimate of the total yield?

Mr. MADDUX. Now, Mr. Chairman, it is true that the Department of Agriculture makes this estimate; but they go further than that, and propose to take a census of the crop itself after it is in. It has been done every season, and these reports have been made, and in the last report they were vying with each other and challenging each other as to which one was correct.

Now, every Member who is familiar with the subject—

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BURLESON. I ask unanimous consent that the time of the gentleman from Georgia may be extended five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Georgia be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDUX. Now, we are all aware of that fact. So far as that is concerned, I am opposed to the Census Department having anything to do with the taking of the statistics of cotton. I think the Agricultural Department ought to do it. There is where it belongs, and the taking of these statistics ought not to be duplicated. The money expended by the Census Department in taking this census, if expended by the Agricultural Department, will accomplish all that the Census Bureau has done.

Mr. SCOTT. That being the case, the gentleman will admit that no change ought to be made in this bill, and the committee has no jurisdiction over the Census Bureau.

Mr. MADDUX. I am willing to admit that, if the gentleman from Kansas will permit me, but I am trying to find out if there isn't some way by which we can accomplish what the cotton producers demand.

So far as I am concerned, I am opposed to this business of the United States Government taking the census and reporting to the world what the cotton farmers are doing. Why is it not just as essential that they should do the same thing for wheat, or corn, or hogs, or anything else; and if I was a cotton farmer I know that no man would ever know anything about it unless it was a man engaged with me in the production of it, or his interest was the same as mine. There is no reason and no good sense in it, and the people will find it out sooner or later. But if this has got to be done, it ought to be done every two weeks at least. I am simply suggesting a method by which, if we could so arrange it in this Congress as to stop the duplication of reports, we might accomplish what they want. We could take the money expended by the Census Office, turn it over to the Agricultural Department, and let them give the report to us every two weeks.

Mr. WADSWORTH. I will say to the gentleman that I do not think that could be done on an appropriation bill. You would have to have a separate bill, and the duties of the two bureaus would have to be specifically defined by a separate act.

Mr. MADDUX. I agree with the gentleman, but in order to accomplish that we have got to agitate the subject and get the other committees to agree with us in transferring that work to the Agricultural Department, where it rightfully belongs.

Mr. BARTLETT. Mr. Chairman, I do not know to what extent my friend and colleague would go with this suggestion in reference to transferring to the Department of Agriculture the duty of publishing these reports, now made by the ginners, to the Census Bureau, and by it published as to the amount of the cotton crop that is ginned. As far as I am concerned, for accuracy, I would much prefer to rest upon the information that the country and the farmers and the world gather from the reports of the ginners made to the Census Bureau than I would to rely upon the information gathered and published by the Department of Agriculture, based upon the guesses furnished, as to the crop, while it is being made or after it is made.

The whole trouble, Mr. Chairman, is that there seems to be—I do not know what foundation there is for it—but there seems to be an idea that the information whether there is to be a great or a small crop of cotton leaks out from the Agricultural Depart-

ment before the public knows what it is or the official information is published.

The chairman of the cotton exchange, Mr. Hester, in New Orleans two years ago made a statement in the newspapers—and while it was contradicted, and I do not know what the truth was, one side claiming that the statement was true and the other denying it—that the report of the Department of Agriculture as to the number of bales of cotton was known in Wall street and on the cotton exchange of that city before it was officially published in Washington. Now, no such thing has happened in the Census Department. The gathering of statistics by the Census Department may be expensive; it may have been expensive, and to some extent it may have been duplicated by the Department of Agriculture, but those statistics are the more reliable, and in my opinion are so regarded by the cotton producer.

Mr. MADDOX rose.

Mr. BARTLETT. I want to say that if we are to dispense with either one of these bureaus for gathering these statistics, for myself I would rather dispense with those that are collected by the Agricultural Department and rely upon the number of bales of cotton reported by the ginnerers to the Census Department as the surest and safest guide to determine the size of the crop. Now I will yield to the gentleman from Georgia.

Mr. MADDOX. Doesn't the gentleman know that the cotton exchange in New Orleans complained that the report was given out in New York two hours before it was published there?

Mr. BARTLETT. No; that has escaped me. I never knew that the charge was made in regard to the Census Bureau, and I do not believe that it was true.

Mr. MADDOX. Does not the gentleman know that the Agricultural Department has come nearer the facts with relation to the amount of cotton than the census report has got by the ginnerers?

Mr. BARTLETT. I do not think they have. The census report of the amount of bales that were ginned has been more accurate than those reports gathered by the Agricultural Department. Now, for myself I am ready when I have the opportunity to vote to take away from the Department of Agriculture the publication of the statistics as to the condition of the cotton crop and leave to the Census Bureau the gathering of the report of the ginnerers and publishing these at more frequent periods than has been done. In this way we will prevent the duplication of statistics which my colleague refers to and much improve the service.

Mr. BURLESON. Mr. Chairman, I have had occasion before to discuss the necessity of accurate cotton statistics. As a matter of fact, my friend from Georgia [Mr. MADDOX] is laboring under a misapprehension with reference to the work being done by the Census Bureau and the Bureau of Statistics in the Agricultural Department. There is absolutely no duplication of work by these two bureaus. The work being done by the one is separate, distinct, and different from the other. The Bureau of Statistics in the Agricultural Department makes an estimate of the crop. Now, as I said, I have before this discussed the necessity for the making of this estimate by this Bureau. The Bureau of the Census gathers the result as the cotton is being ginned by the ginnerers, announcing only the actual amount of cotton ginned, and in no case does the element of uncertainty enter into the reports made by the Census Bureau.

Mr. BARTLETT. May I interrupt my friend?

Mr. BURLESON. Yes.

Mr. BARTLETT. Then, if the proposition was to dispense with either, the most certain way of ascertaining the truth about it would be through the Census Bureau as it is now conducted.

Mr. BURLESON. It would be more certain, but they are both valuable. They have both been approved by the producers of cotton throughout the length and breadth of the South. The very convention to which the gentleman from Georgia [Mr. LIVINGSTON] referred a moment ago unanimously indorsed the Bureau that my friend [Mr. MADDOX] wants to abolish.

As a matter of fact, the statistics gathered by both these bureaus are necessary from the standpoint of the producer of cotton. As a matter of fact, the charges repeatedly made against the Bureau of Statistics that information has crept out prematurely are without foundation. The only substantial charge of that character ever made was in the city of New Orleans; a suit was instituted, the test was made in the courts, and the parties preferring the charge apologized most humbly for having made it.

Mr. MADDOX. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. BURLESON. Certainly.

Mr. MADDOX. Did not my friend in the last Congress want

to do this very identical thing that I am talking about, transfer this business from the Census Office to the Agricultural Department?

Mr. BURLESON. At that time I proposed that the work being done by the Census Bureau should be done by the Agricultural Department; but as a matter of fact it is a work properly belonging to the Census Bureau, and neither one of these bureaus wants to encroach upon the jurisdiction of the other. They both recognize the necessity of the work being done by the other. The Bureau of Statistics recognizes the benefits and advantages of the Census Bureau's work, and the Census Bureau recognizes the fact that it is not within its province to attempt the work being done by the Bureau of Statistics in the Agricultural Department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. Mr. Chairman, I do not think there is any amendment pending.

The CHAIRMAN. The pro forma amendment is pending.

Mr. WADSWORTH. I move that all debate on this paragraph be closed.

Mr. MADDOX. I should like five minutes.

Mr. WADSWORTH. Then in five minutes.

Mr. SIMS. I should like five minutes.

Mr. LIVINGSTON. I ask unanimous consent that there be fifteen minutes more of debate on this paragraph.

Mr. WADSWORTH. I will not object to that.

The CHAIRMAN. Unanimous consent is asked that debate on this paragraph close in fifteen minutes. Is there objection? There was no objection.

Mr. MADDOX. Mr. Chairman, the gentleman from Texas [Mr. BURLESON] and my colleague from Georgia [Mr. BARTLETT] say that the Census Bureau is the one upon which to rely for actual results. Now, I want to call the gentlemen's attention and the attention of this Committee of the Whole to the report of Mr. North to the convention that was in session just two or three days ago in New Orleans, in which they asked for a report up to this time—that is, the 16th day of this month. He replied he did not know the exact figures, but that out of about 800 counties he had only been able to get reports from 200, the ginnerers refusing to give them, and that he could only give the report of what they made last year.

Now, what is done by the Secretary of Agriculture? He pursues a different course. He has his correspondents in the counties all over the cotton-raising section. These gentlemen make their estimates as to the growing crop, its prospects, and also what is made, and they correspond directly with the Department. From that the Secretary of Agriculture makes up his report, and if the gentleman from Texas had gone on I would have asked him, as I will ask him now, if the Secretary of Agriculture did not make a better report as to the crop last year than was made by the Census Bureau? Did he not come nearer to it?

Mr. BURLESON. I will say it was the most accurate estimate that emanated from any source.

Mr. MADDOX. Now, as for this thing of getting this ginnerers' report, or relying upon it, you are not going to get it if that is the purpose. They are not going to give it—I will tell you that now. They are not going to do it, and if it is the object and purpose to get the cotton crop estimate, you must get it through the Agricultural Department and through the methods adopted by the Secretary of Agriculture. If I knew how to frame this amendment, if I had time to investigate it or the proper method of offering the amendment here now, I would offer an amendment to take the money that is being devoted to the Census Office and give it to the Secretary of Agriculture, that he might go on with the work, if it should prove to be an advantage to the country to know what it is, and give it to the people every two weeks.

Mr. SCOTT. Mr. Chairman, the gentleman admits, does he not, that such an amendment would not be germane to this bill?

Mr. MADDOX. Yes.

Mr. SIMS. Mr. Chairman, there seems to be confusion, at least to some extent, as to the functions of these two Departments. The Agricultural Department by the best methods obtainable ascertains the number of acres planted and the condition of the growing cotton up to May 25 of each year. Usually, on the 3d day of June this is made public to the whole world. But it is a mere estimate. It is not statistical further than are the estimates of the agents where the cotton is planted, because they do not actually survey the fields or anything of that kind. Then on the 3d day of July there is another estimate of the condition of the growing crop for the month of June, to the 25th. Then, the same for July and the same for August, and in October the last estimate is published, which is for September. The crop is practically done growing then. There is no need for

further estimate of the condition of the growing crop, and the estimate of the Agricultural Department of the probable yield is made usually on the 3d day of December. Why? After the estimate of growth comes out for September an early frost may damage the cotton, bad weather may injure or prevent the gathering and destroy much of it, so that the Agricultural Department can not make an intelligent estimate of the amount grown earlier than the 3d day of December; and when it does it is nothing but an estimate, and it is not pretended to be anything else. The Census Bureau estimates nothing. It reports the actual facts. Now, the Census Bureau gives the report of the amount of cotton ginned to the 1st day of September.

Mr. MADDIX. The gentleman says the Census Department gives the actual facts?

Mr. SIMS. Yes.

Mr. MADDIX. I just stated a proposition here where they said they could not give the actual facts.

Mr. SIMS. I will come to that and satisfy the gentleman, because I think he is mistaken about it or misinformed.

Mr. MADDIX. About what?

Mr. SIMS. About the telegram to the New Orleans convention.

Mr. MADDIX. I am not, unless it is printed wrong.

Mr. SIMS. The Census Bureau reports the amount of cotton ginned during the month of August; then it reports the amount of cotton ginned up to the 18th of October. It does not estimate, but it reports the actual facts ascertained by returns from the ginners who do the ginning. What could be more accurate, as the gentleman from Georgia [Mr. BARTLETT] said, than that? That is nobody's guess, that is nobody's estimate, but the return of a fact, and depends only for its accuracy upon the integrity of the men who make the reports. Then there is another report of the cotton ginned up to the 14th of November; then another one up to the 13th of December. There is another one up to the 16th of January, and then a final report at the end of the ginning season, of the cotton ginned—in no instance an estimate, but a report of actual facts. Now, that ought to be of benefit to both the consumer and the producer the world over. Why should this function, purely statistical, be taken from a purely statistical department and transferred to the Agricultural Department?—because there it will be done exactly in the same way and by the same methods. But if Congress thinks it wise to transfer this work to the Agricultural Department no objection will be interposed by the Director of the Census. The correspondents, the local agents, the county agents, have until the 28th of each month to complete their reports of the cotton ginned from the last period up to the next, which in the last instance was on the 16th of January.

Mr. MADDIX. Yes; if they will report it.

Mr. SIMS. They have that time to complete it, but many of them get through before that time and begin to make their returns, and when Mr. North was telegraphed to to furnish ginners' reports up to that time he wired back that only 150 had reported—he did not say a word about anybody refusing to report—and they were from the counties that ginned the least amount of cotton, that is, the smaller counties, which naturally would get their reports in earlier than the larger counties, where there are a larger number of gins, and no county can be given out until all the gins for that county have sent in reports or refused to do so.

Mr. MADDIX. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. Certainly.

Mr. MADDIX. Did he not in the last ginning report say that in a number of instances other counties had refused to give that report?

Mr. SIMS. I am going to come to that immediately; but he said if the convention desired he would make a report of the counties reporting to that date, which was made the next day, and by that time other counties had reported, so he was enabled to give 215 counties and he did so. But in the 215 counties given out 284 gins refused to make any report. The December report was that 400 out of over 30,000 refused to report. Well, to that extent the report was not complete, but as far as it was, it was better than anybody's guess—it was better than anybody's estimate possibly could be; but he in each case, instead of estimating or guessing how much was ginned by the ginners who failed to report, simply showed what they claimed to have ginned up to the time they made their last report.

Mr. Chairman, it has been urged that the estimate of the Secretary of Agriculture year before last was even more accurate than the ginners' report. Now, that is a mistake. It only results from the fact that gentlemen have not investigated it. The estimate given the 3d of December, 1903, for the cotton grown that year was 9,962,000 bales, speaking in round num-

bers. The final ginners' report showed only 9,851,000 bales in round numbers ginned at the time they made the final report; but the gentleman from Georgia knows, and every man from Mississippi knows, that ginning continues even up to the month of May, and so when the last ginners' report is made there is still unginced cotton, and if you are going to wait until the last bale has been ginned to make reports to the public, what good is it going to do the farmer or the consumer or anybody else? All the good, every benefit that can arise from it, must come from the earliest promulgation of the truth when ascertained. Now, is the truth going to hurt any industry? I can not imagine, except from shortsightedness, why ginners have refused to make reports. The insignificant failure of 400 out of over 30,000 does not materially affect the results, and the fact that 284 refused a few days ago out of about 8,000 reporting will not affect the price of cotton only to make the people who want to buy cotton believe that there is really more ginned than has been. Always when left to our imagination we imagine things worse than they are, and if the amount ginned had been small you know they would have reported it, and the very fact that they refused to report it showed they thought the report was so large it would hurt the market, and so imagination comes into play and the bear speculative element believe the amount these ginners refuse to report is really greater than the facts would show if they were brought out. It is shortsightedness, it is nonsense, which I think they will get over when they have time to think about the matter. Now, as to reporting about the condition of the growing crop, I have no objection to reporting the condition every two weeks, but is there so great a change in the growing cotton crop as to make the report even beneficial every two weeks? I have no objection on earth to it if it can be gotten out.

Mr. LIVINGSTON. The cotton growers say it is of benefit.

Mr. SIMS. If the cotton growers think this to be absolutely necessary, I say give it to them, but I can not see how the condition of the growing crop can so change in so short a time as to require the expenditure of public funds or to justify it in addition to the amount carried by this bill; but I am willing to incur the expense if the cotton growers want it, as they are better judges of what they need than I am.

Mr. Chairman, I now read from a newspaper a report of the action of the Greenville (S. C.) Cotton Exchange with regard to these ginners' reports:

UPHOLDS GIN REPORTS—GREENVILLE COTTON EXCHANGE DECLARES THAT DEPARTMENT'S WORK IS BENEFICIAL TO THE PRODUCER.

GREENVILLE, January 7.

At a meeting of the Greenville Cotton Exchange, held on the 5th day of January, 1905, the following resolutions were adopted:

Resolved, That we learn with solicitude and regret of the possible discontinuance of the issuance of ginners' reports by the Census Department, caused by the lack of cooperation and the assistance on the part of the ginners throughout the country, and an apprehension by the department that its work is disapproved of by the producers of cotton.

That we would regard the discontinuance of such reports as unfortunate for all interests in the cotton business, and as peculiarly so to the cotton producers.

That without either vouching for or questioning the accuracy of the recent ginners' report we have no hesitancy in declaring that the effect of such reports by the Government has been in general simply to give accurate and early information to the cotton world as to the true condition of the crop. This conduces to a more intelligent management of their business on the part of all interested in the staple, and, as a rule, redounded to the especial benefit of the producer. Prior to the promulgation of the cotton statistics by the Government, the cotton industry was the prey of the speculator and his inseparable ally, the fake estimator. Under their baleful manipulation short crops were frequently marketed at low prices incident to the belated discovery of the falsity of the estimates and the true condition of the crop only coming after the cotton had passed out of the hands of the producer. The statistics issued by the department have destroyed the influence of the speculative estimator, and placed the producer on terms of equality in point of information as to the crop with the balance of the cotton world.

That the abandonment by the department of the issuance of these statistics now, when the system inaugurated by it, after years of work and labor, has attained a fair degree of proficiency, would be a deplorable mistake, and we therefore earnestly request the Census Department not to discontinue the issuance of the ginners' reports, but simply to bend its every effort to insure the highest possible degree of accuracy in such reports, and we earnestly appeal to the ginner and producer of cotton throughout the South to aid the department by their support and cooperation.

Resolved, further, That we strongly condemn the indiscriminate abuse that has been heaped through the public press upon the Census Department for the issuance of ginners' reports. We do not believe that such abuses reflect the sentiment of the cotton producer. They accepted, certainly, without disapproval, if not with gratitude, all of the benefits that flowed last season from the early promulgation of true information as to the crop by the department, and they certainly should be many enough to accept without whining the disastrous result which has followed this season from the discharge of its duty by the department of the Government in a work which was inaugurated at their instance and for their benefit; for them not to do so is not consonant with the history or traditions of the southern cotton grower.

That, composed as this exchange is of cotton factors, cotton producers, and cotton buyers, and located as it is in the heart of the cotton-

producing country, we believe that it voices the sentiment of the intelligent, conservative thought of the cotton growers of the South.

"Resolved, That a copy of these resolutions be sent to Mr. S. D. N. North, Director of the Census, and that a copy be sent to Congressman BURLINSON, whose efforts to extend the operations of the department so as to comprise reliable statistics as to the reserve stocks of cotton in the hands of the manufacturers we heartily commend."

Mr. Chairman, these resolutions express the real sentiment of the southern cotton producer, but in addition to the above I now read from an interview of the gentleman from Alabama, the Hon. SYDNEY J. BOWIE, bearing on the same subject:

MR. BOWIE WARNS COTTON PLANTERS.

SYDNEY J. BOWIE, a member of the House Committee on Agriculture, speaking of the letter of Director North to the Hon. ALBERT BURLINSON, of Texas, in regard to cotton-gin reports which were given to the Associated Press day before yesterday, said:

"I fully indorse the statements of Director North. No deadlier blow has been aimed at the prosperity of the South than the persistent attempt of interested parties to discredit the work of the Census Bureau and the Department of Agriculture in perfecting a system by which reliable and truthful reports on the condition of the cotton crops have at last been approximately realized.

"These same parties who are now industriously engaged in working up a sentiment among ginner and cotton growers to withhold reports as to the actual condition of the crops upon the alleged ground of injury to the farmer have for the past five years persistently denounced and slandered the Department of Agriculture because its previous reports have helped the farmer.

"ESTIMATES GOING TO BE MADE.

"Everybody knows that the cotton-crop estimate is going to be made. Everybody knows that spinners and their paid allies in this country for more than a quarter of a century have willfully and fraudulently misrepresented the actual condition of the crops to the end that farmers will be forced to sell their holdings at ruinously low prices, and that these false reports have cost the cotton growers of the South untold millions of dollars every year.

"The scheme of these people to depress the price of cotton and keep it below the cost of production, regardless of the law of supply and demand, has for the past three years been so checkmated by the Department of Agriculture and the Census Bureau that prosperity has been more abundant in the South than at any time since the war. Unable themselves to discredit the Government reports, the agents in this country of foreign purchasers have engaged in a propaganda with the intent and effect of misleading southern ginner and growers into withholding information, thereby securing a discontinuance of impartial reports from reliable sources and reenthroning the agents of alien spinners and enabling them to again thrive and flourish in their nefarious work.

"WILL NOT CEASE.

"Does anybody believe that if the Government reports cease or are discredited that all reports will cease? Not a bit of it. The reports will continue, but instead of being impartial, reliable, and close to the truth Mr. Neal and his kind will begin once more to issue inspired estimates that will overstate the production a million or more of bales every year, thereby cheating the South again out of countless millions of dollars.

"The question is whether the southern cotton growers will fall into the trap? I do not believe they will. I believe it is to their interests to know the truth, and let the law of supply and demand regulate the price, as it will when the truth is known.

"BUT ONE COURSE.

"There is but one course for southern planters to pursue. It has been proved too often to be any longer disputed, that an excessive production is ruinous to the price. The farmers have the situation in their own hands. They can reduce acreage and restore the price to a fair, a remunerative level, or they can plant far more than the world needs and lose on every bale they raise.

"More than at any previous time in our history is that fact understood in the South. When the planting season is over and it is shown that the acreage has been substantially reduced, then the price will advance not only for next year's crop, but for what is left of this."

Mr. Chairman, if my time permitted I would like very much to go more extensively into the whole question of Government crop reporting, reporting by ginner, cotton consumption, and growth of the cotton trade, and hope to do so at no distant day when the House is in Committee of the Whole for general debate. But before resuming my seat I wish to call attention to the oft-repeated insinuations appearing in the newspapers from time to time to the effect that the information given out by the Department of Agriculture at stated periods as to the condition of the growing crop and finally as to the estimated yield "leaks," and that some favored operator is thus enabled to know in advance what the Government report is going to be, and is thus enabled by means of this advance information to make large sums of money. These same insinuations have been made as to the ginner's reports. It has so often been explained how the Agricultural report is made up and promulgated so as to make "leakage" impossible that it is unnecessary to go over that matter again, but not so as to the ginner's reports. I may be pardoned, therefore, for taking time to state how this is done. When the reports from county agents come in as to the ginning reported in the period required, one half the reports for a State are given to one clerk or set of clerks. When the tabulation is completed, it is put into a safe and locked up. The same is done as to the other half of the State. This method is pursued as to all the States, and in the morning of the day the report is made public the reports by half States are taken from the safe and all brought together in one room, which is closed and never opened until the additions are completed and the total results are ascertained, which is then given to the world at the mo-

ment previously designated, which is immediately telegraphed to all the cotton exchanges by the Director of the Census.

The Director of the Census does not know in advance of this final addition of the half State reports what the total is, and could not give out in advance the completed report.

Mr. Chairman, it is exceedingly unfortunate that the suspicions of a confiding public should be aroused as to the honesty and fidelity of these public servants by the repeated utterances of these insinuations as to "leakage." I have met Mr. Hyde only once, and then only for a few moments, and can hardly claim the honor of an acquaintance. I have often met Mr. North, and feel that I know him very well, but have no personal interest in either. But knowing as I do that if these gentlemen, or either of them, would take advantage of the information that comes to them by reason of their official positions that they can make vast fortunes by permitting operators on the cotton exchanges to operate for joint benefit upon mere hints in advance of these reports as to what they will be, and not having yielded to this temptation is to me the highest possible evidence of the falsity of these infamous charges. I am told that both these gentlemen are in moderate circumstances as to this world's goods. I know both are hard-working men, depending upon a moderate salary for a living. If these gentlemen had been dishonest the last two cotton years, on account of the very short crop of one and the very large crop of the other they could have made millions of dollars simply by being parties to cotton operations, based upon the advance information that could have been thus utilized for their private gain.

Mr. Chairman, we often hear it said that after a gentleman has served in this House for a number of years and retires poor that it was an evidence of his honesty. I would like to know what possible position a Member of this House can have that affords so great an opportunity to make private gain of his official position as does the positions of Mr. Hyde and Mr. North? Then why should we not judge them by the same rule by which we are judged?

Mr. LIVINGSTON. Mr. Chairman, I offer the following amendment.

Mr. SIMS. Well, Mr. Chairman, I had not completed my remarks, and I ask leave to complete and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LIVINGSTON. I ask the Clerk to take the amendment there. My amendment is as follows:

After the word "Columbia," in line 7, page 50, insert:

One hundred thousand dollars is hereby appropriated to enable the Secretary of Agriculture to make reports on the cotton crop twice a month during the growing and gathering of the cotton.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn and the question is upon agreeing to the amendment proposed by the gentleman from Georgia.

Mr. SCOTT. I desire to say simply that I think it would be a monumental mistake to adopt the resolution offered by the gentleman from Georgia [Mr. LIVINGSTON]. This is not a new matter. It has been presented, as the gentleman has said here, time and again to the Statistical Bureau and other officials of the Department.

Mr. LIVINGSTON. If the gentleman from Kansas [Mr. SCOTT] is going to oppose my amendment, I shall ask the privilege of replying to it. I supposed that the amendment was to go to the House without debate, and if the gentleman from Kansas desires to make a speech, I also ask to be heard.

The CHAIRMAN. The gentleman from Georgia [Mr. LIVINGSTON] declines to yield.

Mr. SCOTT. If only a minute can be given, I will not reply if the gentleman from Georgia [Mr. LIVINGSTON] has not time in which to reply.

Mr. WADSWORTH. Mr. Chairman, I raise a point of order. This is new legislation and changes the present law from monthly to semimonthly.

The CHAIRMAN. Will the gentleman from New York [Mr. WADSWORTH] state what the existing law is?

Mr. WADSWORTH. The same question as arose the other time is the existing law in the appropriation bill.

Mr. LIVINGSTON. It dies with the year for which it was made.

Mr. WADSWORTH. The gentleman is mistaken.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. LIVINGSTON].

The question being taken, the Chairman announced that the yeas seemed to have it.

Mr. LIVINGSTON demanded a division; and there were—
ayes 29, noes 52.

Accordingly the amendment was rejected.

Mr. BELL of California rose.

The CHAIRMAN. For what purpose does the gentleman from California [Mr. BELL] rise?

Mr. BELL of California. Mr. Chairman, I desire to ask the unanimous consent of the committee to extend my remarks of yesterday afternoon in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. BELL] asks unanimous consent of the committee to extend his remarks of yesterday in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I desire to ask unanimous consent to include in my remarks of this morning a telegram which I have just received from the governor of South Carolina in reference to the rice situation.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to include in his remarks of to-day a telegram received from the governor of South Carolina in reference to the rice situation. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I see in line 21 of this section, which provides for the collection of these statistics, the words "and necessary traveling expenses." I would like to ask the gentleman from New York, the chairman of the committee [Mr. WADSWORTH], if he does not think that is a very broad term?

The CHAIRMAN. In what line does the gentleman find that?

Mr. BARTLETT. In lines 20 and 21, page 49, of the bill.

Mr. WADSWORTH. Does the gentleman desire to insert the words "actual and"?

Mr. BARTLETT. Who determines it?

Mr. WADSWORTH. The Secretary of Agriculture determines it.

Mr. BARTLETT. I am informed that this Statistician had a very pleasant time in Europe last year, which the Government paid for.

Mr. WADSWORTH. I dare say he had. Has the gentleman any information on it—that is, anything except rumor—that he was not traveling on anything except business?

Mr. BARTLETT. I did not say that, but if the Government would limit the per diem expenses—

Mr. WADSWORTH. Let me say to the gentleman from Georgia [Mr. BARTLETT] that in one or two other cases, at the suggestion of the gentleman from Georgia [Mr. LIVINGSTON], we inserted the words "actual and;" so that it should read "actual and necessary expenses."

Mr. BARTLETT. It does not read that way here.

Mr. WADSWORTH. But I say I have no objection, if you desire to offer an amendment, to insert the words "actual and," so that it will read "actual and necessary traveling expenses."

Mr. BARTLETT. Then I move, Mr. Chairman, to amend by inserting after the word "elsewhere," on line 20, page 49, the words "actual and."

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Georgia [Mr. BARTLETT] will be withdrawn. The gentleman from Georgia [Mr. BARTLETT] offers an amendment, which the Clerk will read.

The Clerk read as follows:

In line 20, page 49, after the word "elsewhere," insert the words "actual and;" so that it will read "actual and necessary traveling expenses."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Georgia [Mr. BARTLETT]. The amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to turn back to page 42, line 19, in order that the gentleman from Massachusetts [Mr. ROBERTS] may offer an amendment, which was practically agreed to, but which was overlooked.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 42. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 42, line 19, after the word "dollars," insert: "Provided, That of this sum the Secretary of Agriculture may, if he deems it wise to do so, expend not to exceed \$10,000 for the investigation and introduction of parasites and other natral enemies of the gypsy and brown-tail moth."

Mr. WADSWORTH. Mr. Chairman, the committee has had that under consideration, and accepts it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Public roads: To enable the Secretary of Agriculture to make inquiries in regard to the systems of road management throughout the United States; to furnish expert advice on road building; to make investigations in regard to the best methods of road making; and the best kinds of road-making materials in the several States; to investigate the chemical and physical character of road materials; for the employment of local and special agents, clerks, assistants, and other labor required in the city of Washington and elsewhere; for collating, digesting, reporting, and illustrating the results of such investigations and experiments; for preparing, publishing, and distributing bulletins and reports; for necessary office fixtures and supplies, apparatus, and materials; telegraph and telephone service, traveling and other necessary expenses, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, \$27,660.

Mr. VANDIVER. Mr. Chairman, I desire to offer the following amendment, striking out the last paragraph and inserting the following.

The Clerk read as follows:

Page 58, strike out, beginning with line 11, down to and including line 2 on page 59, both inclusive, and insert in lieu thereof the following:

"That there shall be established in the Department of Agriculture a bureau to be known as the Bureau of Public Highways.

"Sec. 2. That the object and purpose of said Bureau shall be to cooperate with the various States and Territories of the United States in the construction and improvement of permanent public roads according to the provisions of this act; to make investigations and experiments in regard to the best methods of road making and the best road-making materials; to cooperate with the various States and Territories of the United States in the construction of object-lesson roads; to publish and distribute bulletins and reports on the subject of roads and road improvement; to bring about, as far as may be, a uniform system for the repair, improvement, and construction of the public roads throughout the United States.

"Sec. 3. That the said Bureau shall consist of three commissioners, to be known as 'Commissioners of Highways,' two of whom shall be appointed by the President, by and with the advice and consent of the Senate, in the following manner: One from the political party in control of the executive branch of the Government, who shall be the chairman of the Commission; one from the largest minority political party. Both of the aforesaid Commissioners shall have practical knowledge of road engineering and construction and shall receive a salary of \$5,000 per annum each. The President shall detail to serve as the third member of said Commission an officer of the Engineer Corps of the United States Army on the active or retired list of rank not below that of captain, who shall receive, in addition to the pay allowance of his rank in the United States Army, a sum sufficient to make \$5,000 per annum. The said Commissioners of Highways shall appoint, subject to the approval of the Secretary of Agriculture, such other officers, agents, and servants as may be required to carry into effect the provisions of this act: *Provided*, That the said Commissioners of Highways shall be under the general supervision of the Secretary of Agriculture, who shall exercise general jurisdiction over all matters and acts coming under their control by virtue of this enactment.

"Sec. 4. That after the expiration of six months from the date of the approval of this act, any State, or civil subdivision thereof, through the proper officers having jurisdiction of the public roads, may apply for aid in the improvement or construction of the public roads or sections thereof located in said State.

"Sec. 5. That the said commissioners of highways shall make and promulgate all needful rules and regulations under which the various States and Territories, or civil subdivisions thereof, may apply for and receive the benefits of this act. The said rules and regulations shall be approved by the Secretary of Agriculture.

"Sec. 6. That no State, or civil subdivision thereof, shall be entitled to receive the benefits of this act until it shall have established, to the satisfaction of the said commissioners of highways: First, that the highway or section thereof sought to be improved or constructed is of sufficient public importance as to come within the purview of this act, taking into account the use, location, and value of such highway, or section thereof, for the purposes of common traffic and travel and for the delivery of the mail of the United States; second, that the requisite right of way for the improvement and construction of the highway or section thereof has been secured; third, that the highway or section thereof when constructed or improved will be maintained and kept in repair without recourse upon the United States; fourth, that the State, or civil subdivision thereof, has made provision satisfactory to said Commission for the payment of its portion of the total cost of the improvement or construction as provided for in this act.

"Sec. 7. That one-half of the expense of the improvement or construction of any public highway of any State or civil subdivision thereof that may receive the benefits of this act shall be paid by the Treasurer of the United States, upon the warrant of the Secretary of Agriculture issued upon the requisition of said Commissioners of Highways, out of any specific appropriation made to carry out the provisions of this act, and that one-half of the expense thereof shall be paid by the State or civil subdivisions thereof in which the highway or section thereof is located: *Provided*, That nothing contained shall prevent the said States from distributing their portion of the cost among their several civil subdivisions: *Provided further*, That nothing herein contained shall prevent the said States, or civil subdivisions thereof, from receiving credit for all labor, material, and machinery used in the construction or improvement of said highway or section thereof: *Provided further*, That no money shall be advanced by the United States in payment of its proportion of the expense of the improvement or construction as herein provided for, except as the work of actual construction progresses, and in no case shall the payment or payments made prior to the completion of the work be in excess of 90 per cent of the value of the work actually performed.

"Sec. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act, the sum of \$24,000,000, the said appropriation to be available at the rate of \$8,000,000 a year during the years

1905, 1906, and 1907. If any of the appropriation herein made is not expended in the year named, that portion not expended shall become available in the succeeding year. This appropriation shall be distributed in the following manner: No State shall receive in any one year less than \$100,000 of the sum hereby appropriated, nor a larger proportion of the sum hereby appropriated than its population bears to the total population of the United States, based upon the census of 1900: *Provided*, That in computing the population of any State or Territory no city thereof shall be accredited with more than 10,000 inhabitants."

Mr. MADDIX (during the reading). Mr. Chairman, I would like to inquire what this is? [Laughter.]

The CHAIRMAN. An amendment offered by the gentleman from Missouri.

Mr. MADDIX. Has the point of order been made against the amendment?

Mr. WADSWORTH. I am going to make the point of order as soon as it is read. I reserve the point of order. I make the point of order, but reserve it, as the gentleman from Missouri wants to say a few words on the subject.

The CHAIRMAN. It is very evident to the Chair that the amendment is subject to the point of order, and it is not necessary that it should be read any further in view of that fact. Does the gentleman from Missouri desire to be heard on the amendment?

Mr. VANDIVER. I desire to have it read, and desire to be heard a few minutes on it, with the consent of the gentleman.

The CHAIRMAN. The point of order is reserved.

Mr. VANDIVER. I consent to have it printed in the RECORD instead of being read.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the remainder of the amendment be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The whole amendment is as printed above.

[Mr. VANDIVER addressed the committee. See Appendix.]

Mr. WADSWORTH. Now, Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed and completed the reading of the bill.

Mr. WADSWORTH. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that as amended the bill do pass.

• The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any one of the amendments? If not, the vote will be taken upon the amendments in gross.

The amendments were 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.

On motion of Mr. WADSWORTH, a motion to reconsider the last vote was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent to call up the bill making appropriations for the Army, in order that it may be sent to conference. It has come over from the Senate.

The SPEAKER. The gentleman from Iowa asks unanimous consent to call up the army appropriation bill, with Senate amendments, to disagree to the Senate amendments and ask for a conference.

Mr. WILLIAMS of Mississippi. Mr. Speaker, upon the proposition relating to the assignment of retired officers (the gentleman knows the proposition to which I refer) I understand that the Senate made an amendment.

Mr. HULL. Yes.

Mr. WILLIAMS of Mississippi. I believe that a motion to concur in whole or in part takes precedence of the motion to nonconcur and send to conference. I would like to have the gentleman state the amendment which the Senate made.

Mr. HULL. Mr. Speaker, as I understand, the Senate proposed to amend the House provision so that hereafter officers detailed—

Mr. WILLIAMS of Mississippi. Officers hereafter detailed.

Mr. HULL. Hereafter detailed shall not have any increased allowance beyond that provided for by the House bill; but the effect of their amendment would be that all general officers who

have been heretofore detailed would have the increased pay and allowances, amounting to the difference between the active and the retired pay. In other words, if the Senate amendment is agreed to and any general officer is detailed hereafter, he will simply get his retired allowance if he is above the grade of lieutenant-colonel when serving with the militia. For all other details they would all get full pay.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am referring now to the amendment contained in the proviso on page 13 of the bill I hold in my hand. As I understand it, the provision as amended by the Senate reads as follows:

Provided, That retired officers of the Army above the grade of major shall, when hereafter assigned to active duty in connection with the organized militia in the several States and Territories upon the request of the governor thereof, receive their full retired pay, and also commutation of quarters, unless Government quarters are available, and shall receive no further pay or allowances: *Provided further*, That a lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list.

Now, is that the amendment?

Mr. HULL. That is the amendment.

Mr. WILLIAMS of Mississippi. Mr. Speaker, that being the amendment, it seems to me that we can all unite and concur in the Senate amendment. It obviates the difficulties which I thought stood in the pathway, or ought to stand in the pathway, of the adoption of the proviso as it was agreed upon by the House; and I will ask the gentleman [Mr. HULL] who is chairman of the Military Committee whether it would not be well now to concur in this amendment? Then the gentleman can make his motion to nonconcur in the balance of the Senate amendments and go to conference; and if he will not make the motion—I would rather he would do it—to concur in this Senate amendment, I shall make the motion myself.

Mr. HULL. Mr. Speaker, I am absolutely opposed to the Senate amendment, and therefore I will not move to concur. I will say to the gentleman from Mississippi that if this legislation is proper at all it is just as proper to apply it to those who have assignments now as it would be to those who may be assigned hereafter. It seems to me if the Senate amendment says anything it says that this is a good provision of law, that we ought to save this money if we can to the country; but that the fellows who have succeeded in getting this extra pay should be permitted to keep what they are not morally entitled to, I am not in favor of it all. The House of course can do as it pleases on all these questions. I am only stating my individual position, and shall not consent to perpetrate what I believe to be wrong and unwise legislation, not to characterize it by stronger terms.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I shall move to concur. Does the gentleman remember the number of the amendment?

The SPEAKER. The request of the gentleman from Iowa is for unanimous consent to nonconcur in all the amendments and ask for a conference. Unanimous consent has not yet been given.

Mr. WILLIAMS of Mississippi. Well, Mr. Speaker, I will object. If the gentleman will put his request in a different way, the way suggested by me, I will agree to it.

Mr. HULL. If the gentleman from Mississippi objects, I ask that it go to the Committee on Military Affairs.

The SPEAKER. The bill will be referred to the Committee on Military Affairs.

Mr. CLARK. Mr. Speaker, before that is done, I would like to ask one question of the chairman of the committee.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I would like to say this: The gentleman has said that if this is good legislation, it ought to be retroactive—that is the substance of what he has said—ought to apply retroactively to assignments already made. I submit to the House that it is a very general principle that even good legislation is not made retroactive, if it penalizes anybody or deprives anybody of any emolument or anything else, by analogy to the criminal laws, which are retroactive, are called *ex post facto*. It is contrary to the best practice of legislative bodies to make any sort of legislation retroactive. Now, in this case this Senate amendment does away with the objection to the House amendment.

Mr. HULL. It is not retroactive in any sense at all. The assignment is temporary.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry. If I am not mistaken, the gentleman from Iowa has made a motion that the bill go to the Committee on Military Affairs.

Mr. HULL. I understand that it goes there under the rule when objection is made.

The SPEAKER. The gentleman from Iowa asked unanimous consent to nonconcur in all the Senate amendments and ask for a conference. That requires unanimous consent. Without

that the bill goes, under the rule, to the Committee on Military Affairs.

Mr. WILLIAMS of Mississippi. I was seeking to get the facts, and I understood the gentleman from Iowa to make that request. In view of his suggestion and the rule I can not say anything further at this time.

Mr. HULL. I made it as a suggestion and not a motion.

Mr. CLARK. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. The gentleman can do so by unanimous consent. Anything touching the bill now is by unanimous consent.

Mr. CLARK. Does this amendment mean that if one of the retired officers accepts service with the militia of a State the State authorities shall not pay him?

Mr. HULL. No, they can pay him what they please; there is no limitation on that. It only applies to pay from the Federal Treasury.

DAM ACROSS THE MISSISSIPPI RIVER.

Mr. MARSH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15284, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 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.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman what this is. It seems to be a rather peculiar bill, granting the right to a private corporation, as I understand it, to dam the Mississippi River.

Mr. MARSH. It has the unanimous consent and approval of the committee.

Mr. WILLIAMS of Mississippi. Is the river navigable at this point?

Mr. MARSH. Yes; and it provides for the improvement of navigation; it absolutely wipes out of existence the greatest obstruction to the navigation of the river, the Des Moines rapids. Now, in low water there is a foot and a half of water, and when this proposition shall have been carried into operation there will be 28 and 34 feet of water. It has the approval of the War Department, of the Engineer Department, and has been carefully and thoroughly scrutinized, and is the unanimous report of the Committee on Interstate and Foreign Commerce.

Mr. BAKER. Mr. Speaker, reserving the right to object, I want to ask a question. I understand this confers a right upon a private water company.

Mr. MARSH. This bill confers a right upon a public corporation organized under the laws of the State.

Mr. BAKER. That does not alter the fact that it is a private company.

Mr. MARSH. Organized under the laws of the State of Illinois.

Mr. BAKER. Is not the stock of the corporation held by private individuals?

Mr. MARSH. That company proposes to improve the navigation of the river, spending therefor over \$1,000,000, under the direction and control of the Secretary of War, in constructing a dam and lock through which the navigation of that river can be greatly facilitated over the conditions that now exist.

Mr. BAKER. Will not this water be sold by the company to consumers?

Mr. MARSH. The electrical power generated by virtue of this dam and the water that flows in the river will be utilized for manufacturing purposes, and of course will be sold by the company that incurs the expense of its construction.

The SPEAKER. Is there objection?

Mr. BAKER. Mr. Speaker, it seems to me from all I can understand of the bill—and it seems to me that an attempt is being made here in my immediate neighborhood to prevent my understanding it—that a private corporation is going to profit from this special privilege, and is going to profit to a very large extent. Until I can know something more of the merits of the bill, I object.

The SPEAKER. The gentleman from New York objects.

BRIDGE ACROSS ARKANSAS RIVER AT VANBUREN, ARK.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17784) to authorize the construction of a bridge across the Arkansas River at or near Vanburen, Ark., which I send to the desk and ask to have read.

The Clerk read the bill and amendments thereto at length.

The SPEAKER. Is there objection to the present consideration of the bill just reported by the Clerk?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were 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. LITTLE, a motion to reconsider the last vote was laid on the table.

MEMORIAL SERVICES, MATTHEW STANLEY QUAY.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that Sunday, February 19, at noon, be set aside for memorial services in honor of MATTHEW STANLEY QUAY, late a Senator from the State of Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that Sunday, the 19th of February, at noon, be set aside for memorial services in honor of MATTHEW STANLEY QUAY, late a Senator from the State of Pennsylvania. Is there objection?

There was no objection, and it was so ordered.

TO BRIDGE DOG RIVER, STATE OF MISSISSIPPI.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17789) to amend an act entitled "An act to authorize W. Denny & Co. to bridge Dog River, in the State of Mississippi," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That W. Denny & Co., a corporation of the State of Mississippi, its successors and assigns, be, and is hereby, authorized to construct and maintain the bridge mentioned in the act approved April 11, 1904, entitled "An act to authorize W. Denny & Co. to bridge Dog River, in the State of Mississippi," under and subject to the provisions of said act: *Provided*, That the actual construction of the bridge therein authorized be commenced within one year and completed within three years from the date of approval of this act.

The SPEAKER. Is there objection to the present consideration of the bill just reported?

There was no objection.

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. BOWERS, a motion to reconsider the last vote was laid on the table.

DAM ACROSS THE MISSISSIPPI RIVER.

Mr. MARSH. Mr. Speaker, the gentleman from New York [Mr. BAKER] now withdraws his objection to the present consideration of the bill (H. R. 15284) which was under consideration a moment ago.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAKER. Mr. Speaker, just one moment, in order to make my position clear. I am told, and I now find it so stated in the report, that the people of the cities affected by the bill are in favor of it. That being so, of course I withdraw my objection to it, because my objection to such legislation is always based on the ground that the people of the localities affected should be shown to favor such legislation before a bill is even considered by a committee of this House.

Mr. JONES of Washington. Mr. Speaker, I understand this bill affects the navigation of the Mississippi River. How does the Committee on Interstate and Foreign Commerce get jurisdiction of this measure?

The SPEAKER. The Chair will state to the gentleman from Washington [Mr. JONES] that the attention of the Chair, so far as the Chair recollects, was not directed to this bill at the time it was referred. Since the bill was reported the attention of the Chair was first called to it to-day, and the Chair has given some little attention to the question of the jurisdiction of the respective committees. A bright man could very clearly claim that the jurisdiction should be with the Committee on Interstate and Foreign Commerce under the rules on the one hand, or with the Committee on Rivers and Harbors on the other. In point of fact, it did go to the Committee on Interstate and Foreign Commerce.

Is there objection? [After a pause.] The Chair hears none. Without objection the substitute amendment will be reported instead of the original bill. The Chair hears no objection, and the Clerk will report the substitute.

The Clerk read as follows:

Be it enacted, etc., That the assent of Congress is hereby given to the Keokuk and Hamilton Water Power Company, a corporation created and organized under the laws of the State of Illinois, its successors and

assigns, to erect, construct, operate, and maintain a dam, with its crest at an elevation of from 30 to 35 feet above standard low water, across the Mississippi River at or near the foot of the Des Moines Rapids, from Keokuk, Iowa, to Hamilton, Ill., and to construct, operate, and maintain power stations on or in connection with the said dam, with suitable accessories for the development of water power, and the generation, use, and transmission therefrom of electric energy and power to be derived from the Des Moines Rapids on the Mississippi River: *Provided*, That in lieu of the three locks and the dry dock, with their appurtenances, now owned and operated by the United States, at the Des Moines Rapids Canal, the said Keokuk and Hamilton Water Power Company shall build, coincidentally with the construction of the said dam and appurtenances, at locations approved by the Secretary of War, a lock and dry dock with their appurtenances; the said lock shall be of such a kind and size and shall have such appurtenances and equipment as shall conveniently and safely accommodate the present and prospective commerce of the Mississippi River; the said dry dock and its appurtenances shall be such as to give space, facilities, and conveniences for the repair of vessels at least equal to those afforded by the existing Government dry dock and shops at the Des Moines Rapids Canal: *And provided further*, That the said dam and appurtenant works shall be so designed, located, constructed, maintained, and operated, and the said lock and dry dock, with their appurtenances, shall be so designed, located, constructed, and equipped as to permit at all times during the season of navigation, and at any stage of water, the safe and convenient navigation of steamboats and other vessels, or of rafts and barges, through the portion of the Mississippi River now occupied by the Des Moines Rapids, as well as through the entire length of the pool formed by the said dam: *And provided further*, That detailed plans for the construction and operation of the said dam, lock, dry dock, and appurtenant works shall be submitted to and approved by the Secretary of War before the commencement of any portion of the said works; and the said works shall be constructed under the supervision of some engineer officer of the Army designated for that purpose, and that after the approval of the said plans no deviation therefrom shall be made without the prior approval of the Secretary of War of any such deviation: *And provided further*, That compensation shall be made by the said Keokuk and Hamilton Water Power Company to all persons, firms, or corporations whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said works in accordance with the laws of the State where such lands or other property may be situated; but the United States shall not be held to have incurred any liability for such damages by the passage of this act: *And provided further*, That when the said dam, lock, dry dock, and appurtenant works shall have been completed to the satisfaction of the Secretary of War the United States shall have the ownership and control of the said lock, dry dock, and their appurtenances, and operate and maintain the same.

Sec. 2. That the withdrawal of water from the Mississippi River and the discharge of water into the said river, for the purpose of operating the said power stations and appurtenant works, shall be under the direction and control of the Secretary of War, and shall at no time be such as to impede or interfere with the safe and convenient navigation of the said river by means of steamboats or other vessels, or by rafts or barges: *Provided*, That the said company shall construct such suitable fishways as may be required from time to time by the Secretary of Commerce and Labor.

Sec. 3. That, except as provided for below in this section, the Keokuk and Hamilton Water Power Company shall bear the entire cost of locating, constructing, maintaining, and operating the structures and appurtenances provided for in this act: *Provided*, That the United States shall bear the cost of the supervision of the work by an engineer officer of the Army as provided for in section 1 of this act, and also the cost of maintaining and operating the lock and dry dock with their appurtenances, after their completion and due acceptance by the Secretary of War on behalf of the United States: *And provided further*, That the Keokuk and Hamilton Water Power Company shall provide, in connection with such lock, dry dock, and appurtenances, a suitable power plant for operating and lighting the same, according to plans and specifications submitted to and approved by the Secretary of War.

Sec. 4. That the act entitled "An act granting to the Keokuk and Hamilton Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Ill.," approved February 8, 1901, is hereby repealed.

Sec. 5. That this act shall be null and void if actual construction of the works herein authorized be not commenced within five years and completed within ten years from the date hereof.

Sec. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The question was taken, and the substitute amendment was agreed to.

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

On motion of Mr. MARSH, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

Mr. CANDLER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CANDLER. Mr. Speaker, I ask unanimous consent that I may have leave to extend my remarks in the RECORD on the agricultural appropriation bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that he may extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

W. R. AKERS.

The SPEAKER laid before the House the bill H. R. 3950, an act for the relief of W. R. Akers, of Alliance, Nebr., with a Senate amendment.

The Senate amendment was read.

Mr. KINKAID. Mr. Speaker, I move that the House do concur in the Senate amendment.

The question was taken, and the amendment was concurred in.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with accompanying documents, referred to the Committee on Labor, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith certain reports by the Commissioner of Labor and the Attorney-General on the labor disturbances in Colorado, together with copies of correspondence between the President and the Attorney-General and the Commissioner of Labor upon the matter; and copies of correspondence between the Secretary of War and the governor of Colorado as to the request of the governor of Colorado for aid by the National Executive in dealing with the labor disturbances.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 27, 1905.

SENATE BILL AND JOINT RESOLUTION REFERRED.

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

S. R. 96. Joint resolution authorizing temporary use of certain vacant houses in square 686 in the city of Washington, and for other purposes—to the Committee on the District of Columbia.

S. 6733. An act for the relief of M. L. Skidmore—to the Committee on Claims.

Senate concurrent resolution 98:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to submit plans and estimates for changing the location of that portion of the south pier of the harbor at Waukegan, Ill., which it is necessary to rebuild on account of its decayed condition, and for constructing said portion of the south pier farther south, so as to secure more space for the construction of docks—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 95:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of the late John James Ingalls 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the governor of Kansas; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing—

to the Committee on Printing.

S. 6834. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota—to the Committee on Interstate and Foreign Commerce.

Also the bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906, with Senate amendments—to the Committee on Military Affairs.

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. 15308. An act granting an increase of pension to Francis M. Prewett;

H. R. 9553. An act granting an increase of pension to Hattie L. Rich;

H. R. 16945. An act granting an increase of pension to Alvin B. Franklin;

H. R. 15893. An act granting an increase of pension to James A. McClung;

H. R. 16124. An act granting an increase of pension to John Morgan;

H. R. 14662. An act granting an increase of pension to Aaron Fanshaw;

H. R. 4322. An act granting an increase of pension to Francis M. Hay;

H. R. 1491. An act granting an increase of pension to Martin L. Pembleton;

H. R. 963. An act granting an increase of pension to Ava D. Benjamin;

H. R. 5822. An act granting an increase of pension to Eveline V. Ferguson;

H. R. 3286. An act granting an increase of pension to Jacob F. French;

H. R. 2476. An act granting an increase of pension to Sampson T. Grove;

H. R. 968. An act granting an increase of pension to Charles W. Young;

H. R. 4242. An act granting an increase of pension to Annie M. Wallace;

H. R. 1445. An act granting an increase of pension to John Ellis;

H. R. 9774. An act granting an increase of pension to James M. Prince;

- H. R. 14140. An act granting an increase of pension to William Y. Clinton;
 H. R. 5997. An act granting an increase of pension to James Hammonds;
 H. R. 2469. An act granting an increase of pension to William Stone;
 H. R. 11090. An act granting an increase of pension to Joseph Reese;
 H. R. 9696. An act granting an increase of pension to Henry S. Austin;
 H. R. 11016. An act granting an increase of pension to Samuel P. Short;
 H. R. 10360. An act granting an increase of pension to Mary Flynn;
 H. R. 1573. An act granting an increase of pension to Cyrus Hurd;
 H. R. 4900. An act granting an increase of pension to Sarah Hodgson;
 H. R. 4169. An act granting an increase of pension to Thomas J. Brooks;
 H. R. 2781. An act granting an increase of pension to Alta Mira Parsons;
 H. R. 130. An act granting an increase of pension to Washington I. Cook;
 H. R. 4595. An act granting an increase of pension to Charles D. Fortney;
 H. R. 16157. An act granting an increase of pension to Charles W. Martin;
 H. R. 11015. An act granting an increase of pension to Joseph Wardle;
 H. R. 2993. An act granting an increase of pension to Lewis Townsend;
 H. R. 1901. An act granting an increase of pension to Warren F. Barnes;
 H. R. 16483. An act granting an increase of pension to James H. Silcott;
 H. R. 3831. An act granting an increase of pension to John W. Hartley;
 H. R. 4676. An act granting an increase of pension to James B. Judson;
 H. R. 723. An act granting an increase of pension to Thomas Smart;
 H. R. 4942. An act granting an increase of pension to Adam Hand;
 H. R. 5383. An act granting an increase of pension to Samuel Shafer;
 H. R. 5243. An act granting an increase of pension to Hiram Qualk;
 H. R. 4873. An act granting an increase of pension to John McKenzie;
 H. R. 5951. An act granting an increase of pension to Joseph M. White;
 H. R. 606. An act granting an increase of pension to Vincent M. Cartwright;
 H. R. 15784. An act granting an increase of pension to Joseph Wingate;
 H. R. 16387. An act granting an increase of pension to Sarah F. Mathison;
 H. R. 15850. An act granting an increase of pension to Samuel Shadman;
 H. R. 16303. An act granting an increase of pension to Joseph W. Tyler;
 H. R. 17093. An act granting an increase of pension to Felix Monaghan;
 H. R. 666. An act granting an increase of pension to Eva M. Kingsbury;
 H. R. 3373. An act granting an increase of pension to Jacob Cochran;
 H. R. 16666. An act granting an increase of pension to Alfreda B. Coburn;
 H. R. 2191. An act granting an increase of pension to William C. Pollard;
 H. R. 15871. An act granting an increase of pension to John Leonard;
 H. R. 15783. An act granting an increase of pension to Charles J. Richards;
 H. R. 16171. An act granting an increase of pension to Sarah D. Tarver;
 H. R. 16077. An act granting an increase of pension to Andrew J. Clark;
 H. R. 16260. An act granting an increase of pension to Frederick Hark;
 H. R. 15892. An act granting an increase of pension to Martha F. Field;
 H. R. 14799. An act granting an increase of pension to Napoleon B. Wing;
 H. R. 16259. An act granting an increase of pension to John Walz;
 H. R. 16594. An act granting an increase of pension to Jacob A. Kryer;
 H. R. 16442. An act granting an increase of pension to Catherine E. Ray;
 H. R. 14889. An act granting an increase of pension to Alfred W. Dearborn;
 H. R. 15197. An act granting an increase of pension to Calvin C. Griffith;
 H. R. 13620. An act granting an increase of pension to Silas W. Squires;
 H. R. 15344. An act granting an increase of pension to William B. Atwater;
 H. R. 16125. An act granting an increase of pension to Eugene C. Moger;
 H. R. 16481. An act granting an increase of pension to Frederick M. Halbritter;
 H. R. 15732. An act granting an increase of pension to Edwin O. Pierce;
 H. R. 16141. An act granting an increase of pension to John Parks;
 H. R. 12254. An act granting an increase of pension to Matthew H. Bevan;
 H. R. 15244. An act granting an increase of pension to Rebecca V. Mackenzie;
 H. R. 16199. An act granting an increase of pension to Joseph McGuckian;
 H. R. 15930. An act granting an increase of pension to William H. Cray;
 H. R. 14936. An act granting an increase of pension to James T. Wolverton;
 H. R. 15660. An act granting an increase of pension to Jacob R. Sharretts;
 H. R. 15760. An act granting an increase of pension to John W. Strayer;
 H. R. 15762. An act granting an increase of pension to James L. Olmsted;
 H. R. 8917. An act granting an increase of pension to Michael Marx;
 H. R. 16263. An act granting an increase of pension to Llewellyn Niles;
 H. R. 16894. An act granting an increase of pension to Jeremiah Conner, alias James Boone;
 H. R. 15782. An act granting an increase of pension to Charles H. Warner;
 H. R. 15872. An act granting an increase of pension to Marvin Welton;
 H. R. 15786. An act granting an increase of pension to Horatio W. Longa;
 H. R. 13682. An act granting an increase of pension to William E. Wheeler;
 H. R. 7987. An act granting an increase of pension to Francis Scott;
 H. R. 8049. An act granting an increase of pension to John S. Parker;
 H. R. 11492. An act granting an increase of pension to Samuel B. Bartley;
 H. R. 9860. An act granting an increase of pension to Augustus Colvin;
 H. R. 16172. An act granting an increase of pension to Georgia A. Warren;
 H. R. 13170. An act granting an increase of pension to Ruth M. Shepley, now Haskell;
 H. R. 9621. An act granting an increase of pension to William Lance;
 H. R. 15686. An act granting an increase of pension to Anna A. Dunn;
 H. R. 16108. An act granting an increase of pension to Andrew S. Ray;
 H. R. 13658. An act granting an increase of pension to Henry Smith;
 H. R. 15030. An act granting an increase of pension to David Rothschild;
 H. R. 16809. An act granting an increase of pension to Patrick Cotter;
 H. R. 15855. An act granting an increase of pension to Loren Austin;
 H. R. 16348. An act granting an increase of pension to Johnson Anderson;
 H. R. 9939. An act granting an increase of pension to Martha Higgins;

H. R. 15781. An act granting an increase of pension to Granville F. Plummer;
 H. R. 16480. An act granting an increase of pension to Preston Glover;
 H. R. 15722. An act granting an increase of pension to David Guthrie;
 H. R. 16173. An act granting an increase of pension to Allen Riggs;
 H. R. 17241. An act granting an increase of pension to David A. Miller;
 H. R. 132. An act granting an increase of pension to James P. Griffith;
 H. R. 2946. An act granting an increase of pension to Albert Webb;
 H. R. 16807. An act granting an increase of pension to Elmer C. Jordan;
 H. R. 16506. An act granting an increase of pension to Samuel B. Gray;
 H. R. 5884. An act granting an increase of pension to Samuel K. White;
 H. R. 13241. An act granting an increase of pension to David Deardourff;
 H. R. 5153. An act granting an increase of pension to Jonathan Stewart;
 H. R. 6310. An act granting an increase of pension to Robert Clarke;
 H. R. 14635. An act granting an increase of pension to Alexander Moore;
 H. R. 8708. An act granting an increase of pension to David C. Posey;
 H. R. 1324. An act granting an increase of pension to Thomas Skidmore;
 H. R. 6354. An act granting an increase of pension to George M. Simmons;
 H. R. 3002. An act granting an increase of pension to Samuel Tillinghast;
 H. R. 14489. An act granting an increase of pension to John M. Porter;
 H. R. 5821. An act granting a pension to Mary A. Johns;
 H. R. 4927. An act granting an increase of pension to Eugene P. Tewksbury;
 H. R. 5286. An act granting an increase of pension to Obadiah J. Merrill;
 H. R. 5123. An act granting a pension to Maria Eldred, formerly Maria Olmsted;
 H. R. 10680. An act granting an increase of pension to Samuel B. Coe;
 H. R. 15864. An act granting a pension to Margaret La Parle;
 H. R. 16087. An act granting an increase of pension to Harriet H. Brady;
 H. R. 9906. An act granting an increase of pension to Thomas P. Dunn;
 H. R. 14919. An act granting a pension to Kearney May;
 H. R. 1286. An act granting an increase of pension to John Brasch;
 H. R. 4552. An act granting an increase of pension to Orin P. Stoffer;
 H. R. 16053. An act granting an increase of pension to Florence Emery Blake;
 H. R. 7000. An act granting an increase of pension to John White;
 H. R. 2046. An act granting an increase of pension to Peter W. Kreeger;
 H. R. 16194. An act granting an increase of pension to James Gwyn;
 H. R. 15733. An act granting an increase of pension to Peter Horth;
 H. R. 8859. An act granting an increase of pension to Charles J. Esty;
 H. R. 16704. An act granting an increase of pension to Michael Lewis;
 H. R. 4194. An act granting a pension to Elizabeth Neilan;
 H. R. 4627. An act granting a pension to Annie Young;
 H. R. 16904. An act granting a pension to Louis Sherard;
 H. R. 3799. An act granting a pension to Emma Cortright;
 H. R. 16715. An act granting a pension to Helen Calvert;
 H. R. 16683. An act granting a pension to Jesse Peters;
 H. R. 16109. An act granting a pension to Alice W. T. Groesbeck;
 H. R. 12818. An act granting a pension to Nichols M. Brockway;
 H. R. 13910. An act granting a pension to Henry E. Wright;
 H. R. 9824. An act granting a pension to William Hayes;
 H. R. 8460. An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture;

H. R. 10712. An act granting a pension to Henrietta Weidner;
 H. R. 7074. An act granting an increase of pension to Jesse Sims;
 H. R. 9552. An act granting an increase of pension to Peter Williams; and
 H. R. 15190. An act granting an increase of pension to James M. Paul.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. HUNT was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of bill (H. R. 4236) relative to mutilated currency belonging to Mary Kilcullen, Fifty-eighth Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 54 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 Acting Secretary of the Navy, transmitting an amended report of the expenditures to date on the vessels *Tennessee, Washington, Dubuque, and Paducah*—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for the construction of the Federal building at Jacksonville, Fla.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Assistant Secretary of Commerce and Labor, submitting a statement of expenditures on account of contingent expenses in the Department from July 1, 1903, to December 31, 1904—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3456) to designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes, reported the same with amendment, accompanied by a report (No. 4003); 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 House (H. R. 17992) to permit the legislative assembly of the Territory of Oklahoma to make appropriations for the erection of buildings for the Agricultural and Mechanical College of said Territory, reported the same without amendment, accompanied by a report (No. 4005); which said bill and report were referred to the House Calendar.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 15009) providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes, reported the same with amendment, accompanied by a report (No. 4006); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,
 Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 17132) for the relief of Mitsui Bussan Kaisha, reported the same without amendment, accompanied by a report (No. 4004); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16304) granting a pension to Mary Damm—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18413) granting an increase of pension to Samuel Lewis—Committee on Invalid Pensions discharged, and 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. GUDGER: A bill (H. R. 18419) to establish a fish hatchery and fish station in the Tenth Congressional district of the State of North Carolina—to the Committee on the Merchant Marine and Fisheries.

By Mr. McGUIRE: A bill (H. R. 18420) conferring jurisdiction upon the district court of Noble County, Oklahoma Territory, to try persons charged with offenses against the laws of the United States in what was formerly the Ponca, Otoe, and Missouri Indian reservations, in the Territory of Oklahoma—to the Committee on Indian Affairs.

By Mr. RODENBERG: A bill (H. R. 18421) to amend section 4386 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Arizona: A bill (H. R. 18422) granting authority to the Territorial legislature of the Territory of Oklahoma to organize counties and establish county seats—to the Committee on the Territories.

By Mr. SHULL: A bill (H. R. 18423) to supplement and amend "An act to regulate commerce," approved February 4, 1887, and amendments thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A bill (H. R. 18424) relating to the band of the United States Marine Corps, and to competition of naval and military bands with civilian musicians—to the Committee on Naval Affairs.

By Mr. GILLETT of California: A bill (H. R. 18425) directing the Secretary of War to appoint a board consisting of three engineers of the United States to examine the Sacramento River, California, and its tributaries with a view to improving navigation—to the Committee on Rivers and Harbors.

By Mr. CURTIS (by request): A bill (H. R. 18426) to establish a United States court and recording district at the town of Slumkee, Indian Territory—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: A bill (H. R. 18427) for the establishment of an automatic signal at Bakers Island, Salem Harbor, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Pennsylvania: A bill (H. R. 18428) to authorize the Leckrone and Little Whiteley Railroad Company to construct and maintain a bridge across the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: A bill (H. R. 18464) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota—to the Committee on the Public Lands.

By Mr. VOLSTEAD: A bill (H. R. 18465) to authorize the redemption of documentary and proprietary stamps—to the Committee on Ways and Means.

Also, a bill (H. R. 18466) to amend an act to regulate commerce, approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A joint resolution (H. J. Res. 209) empowering the Commissioners of the District of Columbia to make regulations respecting places on streets, sidewalks, or reservations used for market purposes—to the Committee on the District of Columbia.

By Mr. SULLOWAY: A resolution (H. Res. 471) to pay Herman Gauss for extra services as assistant clerk, by detail, to the Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. LOUDENSLAGER: A resolution (H. Res. 472) to pay D. S. Porter for extra services as assistant clerk, by detail, to the Committee on Pensions—to the Committee on Accounts.

By Mr. SHOBER: A resolution (H. Res. 473) directing the Committee on the District of Columbia to inquire into the rates of the Chesapeake and Potomac Telephone Company—to the Committee on the District of Columbia.

By Mr. OTJEN: Memorial from the legislature of the State of Wisconsin, asking Congress to amend the interstate-commerce laws, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIDSON: Memorial from the State of Wisconsin, asking Congress to amend the interstate-commerce laws, etc.—to the Committee on Interstate and Foreign Commerce.

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. BENTON: A bill (H. R. 18429) granting an increase of pension to Solomon Fry—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 18430) for the relief of Eliza E. Hebert—to the Committee on War Claims.

By Mr. BURLEIGH: A bill (H. R. 18431) granting a pension to Albert M. Carter—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 18432) granting a pension to Myrtle Cole—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 18433) granting an increase of pension to Bethel Coopwood—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 18434) granting a pension to Sophronia E. Wilshire—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 18435) granting an increase of pension to William E. Mason—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18436) granting a pension to Isaac N. Peters—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 18437) to authorize the President to restore First Lieut. James D. Watson, United States Army, to his proper place on the lineal list in the Artillery Corps of the Army—to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: A bill (H. R. 18438) granting an increase of pension to Catherine Loxley—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 18439) granting a pension to Edward Anderson—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 18440) granting an increase of pension to George Sowerwine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18441) granting an increase of pension to Lucinda Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18442) granting an increase of pension to Gustavus A. Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18443) granting an increase of pension to W. E. McRobert—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 18444) granting a pension to Charlotte E. Brockway—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18445) granting a pension to Minnie Grant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18446) granting a pension to Ebbie Wells—to the Committee on Invalid Pensions.

By Mr. LITTLE (by request): A bill (H. R. 18447) granting an increase of pension to George W. B. Meadows—to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 18448) granting an increase of pension to James A. Smith—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 18449) granting an increase of pension to Bernard Brady—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 18450) granting an increase of pension to Joe V. Meigs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18451) granting a pension to John R. Bouldry—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 18452) for the relief of J. M. Carney—to the Committee on Claims.

By Mr. SNOOK: A bill (H. R. 18453) granting an increase of pension to Jacob C. Ryan—to the Committee on Pensions.

By Mr. SPALDING: A bill (H. R. 18454) granting an increase of pension to Harvey Smith—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 18455) for the relief of J. S. Huron—to the Committee on Claims.

By Mr. TRIMBLE: A bill (H. R. 18456) granting an increase of pension to Amos Brough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18457) granting an increase of pension to Alexander Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18458) granting an increase of pension to Samuel D. McMeekin—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 18459) granting an increase of pension to Henry Brown—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 18460) granting an increase of pension to Thomas Sellers—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 18461) granting an increase of pension to Alfred T. Reiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18462) granting an increase of pension to Rachel Milhorn—to the Committee on Pensions.

Also, a bill (H. R. 18463) granting a pension to John Drew—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of the senate and assembly of Wisconsin in joint session, favoring legislation regulating freight rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New Orleans Board of Trade, against navigation, without competent pilotage, of deep-draft seagoing vessels in or through the jetties of South Pass at the mouth of the Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of citizens of Beach, Ind. T., asking postponement of Indian Territory statehood—to the Committee on the Territories.

Also, petition of the Jacksonville (Fla.) Board of Trade, against enactment of bill H. R. 17587—to the Committee on the Merchant Marine and Fisheries.

By Mr. BENTON: Paper to accompany bill for relief of Solomon Fry—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: Petition of citizens of Louisiana, urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Petition of C. D. Lord et al., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cigar Makers' Local Union No. 143, of Lincoln, Nebr., against a reduction of the tariff on tobacco from the Philippines—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Petition of the Shanesville (Ohio) Grange, favoring the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVEY of Louisiana: Petition of the New Orleans Board of Trade, against legislation not exacting competent pilotage of deep-draft vessels through the jetties or South Pass at the mouth of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. DRESSER: Petition of Valley Grange, No. 1190, of McKean County, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of Pomona Grange, of McKean County, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. DRISCOLL: Petition of East Clay Grange, No. 469, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Syracuse (N. Y.) Chamber of Commerce, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. D. House et al., of Comillus, N. Y., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of the United Chinese Society of Hawaii, for the enactment of legislation permitting Chinese immigration to Hawaii—to the Committee on Insular Affairs.

Also, petition of the National Business League, urging legislation on the freight-rate problem—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Paper to accompany bill for relief of John Salisbury—to the Committee on Invalid Pensions.

Also, resolution of the convention of the American Federation of Labor at San Francisco, in November, Indorsing bill H. R. 12534—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of citizens of Colusa, Ill., opposing passage of bill H. R. 4859—to the Committee on the District of Columbia.

Also, resolution adopted by National Business League at Chicago, Ill., favoring Government regulation of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Resolutions adopted by the National Business League at Chicago, Ill., favoring regulation of railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Paper to accompany bill for relief of Jackson McCreary—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of the Commissioners of Pilotage and Pilots of Charleston, S. C., against discrimination relative to sailing vessels in the coasting trade (H. R. 7298)—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON: Petition of citizens of Fenntville, Mich., opposing a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HEMENWAY: Petition of the State Legion of Home Guards of Warrick County, Ind., asking an appropriation for reimbursement for services rendered during the civil war—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of citizens of Wayne County, Iowa, favoring passage of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: Petition of the Ladies' Missionary Society of the Second Baptist Church of Bridgeport, Conn., favoring a constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

By Mr. HINSHAW: Petition of Pawnee Lodge, No. 373, Brotherhood of Locomotive Firemen, of Fairbury, Nebr., asking action on bill H. R. 7041—to the Committee on the Judiciary.

By Mr. HITT: Petition of Racine (Wis.) Division of the Brotherhood of Locomotive Engineers, of Freeport, Ill., favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. HUMPHREYS of Mississippi: Petition of Pauline A. Bowles, requesting reference of her claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. HUNT: Petition of Western Retail Implement and Vehicle Dealers' Association, favoring an amendment to bill S. 1261, denying use of the mails to certain classes of literature—to the Committee on the Post-Office and Post-Roads.

By Mr. HUGHES of New Jersey: Petition of the Brotherhood of Locomotive Engineers, Nos. 157, 53, and 135, all of Jersey City, N. J., requesting action on the bill to pension engineers who served on railroads during the civil war—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of citizens of Jefferson County, N. Y., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: Petition of the Manufacturers and Producers' Association of California, against making of arbitrary rates of freight by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. KYLE: Petition of Bradford Grange, No. 877, Patrons of Husbandry, of Madison County, Ohio, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. LEFEAN: Petition of Cigar Makers' Union No. 242, of York, Pa., against a reduction of the tariff on tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of G. W. Perkins, of Chicago, Ill., against a reduction of the tariff on tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of the Patriotic Order Sons of America of Windsor, York County, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America of Benair, York County, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp, No. 370, Patriotic Order Sons of America, of Bendersville, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LAMAR: Paper to accompany bill for relief of Jabez Goodman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Brian B. Tully—to the Committee on Pensions.

By Mr. MARSHALL: Petition of representative farmers of the Northwest, against the "drawback" system and favoring equitable adjustment of freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Tristate Grain and Stock Growers' Association of Minnesota, North Dakota, and South Dakota, against special legislation for importing seed wheat from Canada free of duty—to the Committee on Ways and Means.

Also, petition of the Tristate Grain and Stock Growers' Association of Minnesota, North Dakota, and South Dakota, asking an appropriation adequate to enable the Department of Agriculture to meet demands for the advancement of the farming interests of the Northwest—to the Committee on Agriculture.

Also, petition of the Tristate Grain and Stock Growers' Association of Minnesota, South Dakota, and North Dakota, favoring the Adams bill—to the Committee on Agriculture.

Also, petition of the Tristate Grain and Stock Growers' Association of Minnesota, South Dakota, and North Dakota, against any modification of our present oleomargarine law—to the Committee on Agriculture.

By Mr. MOON: Paper to accompany bill for relief of James A. Smith—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Resolution of the Interstate Commerce Law Convention held at St. Louis October 28 and 29, 1904, favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petition of C. F. Sullivan et al., of Kewanee, Ill., against any reduction of tariff on tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of citizens of Clyde, N. Y., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Auburn, N. Y., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. POWERS of Massachusetts: Paper to accompany bill for relief of John R. Bonedry, of Weymouth, Mass.—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Kerr Post, No. 529, of Rome City, Ind., favoring bill H. R. 12041—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of the Denver Chamber of Commerce and Board of Trade, against reduction of tariff on raw and refined sugar—to the Committee on Ways and Means.

By Mr. RYAN: Petition of New York City Division, No. 54, Order of Railway Conductors, favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, a petition of the Lunkenheimer Company, of Cincinnati, Ohio, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Geneva Red Cross Lithia Water Company, favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: Petition of the Tristate Grain Growers' Convention, at Fargo, N. Dak., favoring appropriations for experiment stations and national grain inspection—to the Committee on Agriculture.

Also, petition of the Tristate Grain Growers' Convention, against rebates or drawbacks on wheat—to the Committee on Ways and Means.

Also, petition of the Tristate Grain Growers' Convention, at Fargo, N. Dak., favoring the Adams bill—to the Committee on Agriculture.

Also, petition of the Tristate Grain Growers' Convention, at Fargo, N. Dak., against change in the oleomargarine law—to the Committee on Agriculture.

Also, petition of the Tristate Grain Growers' Convention, protesting against free seed wheat—to the Committee on Agriculture.

By Mr. SHEPPARD: Paper to accompany bill for relief of J. M. Carney—to the Committee on Claims.

By Mr. STEENERSON: Resolution of citizens of Polk and Norman counties, protesting against restoration of the army beer saloon—to the Committee on Military Affairs.

Also, resolution of the Tristate Grain and Stock Growers' Association, protesting against importation of seed wheat—to the Committee on Ways and Means.

Also, resolution of the Tristate Grain and Stock Growers' Association, urging an appropriation for advancement of the farming interest—to the Committee on Agriculture.

Also, resolution of the Tristate Grain Association, against changing the oleomargarine law—to the Committee on Agriculture.

By Mr. SULLIVAN: Petition of the Denver (Colo.) Chamber of Commerce and Board of Trade, against reduction of tariff on sugar from the Philippines—to the Committee on Ways and Means.

By Mr. WEBB: Paper to accompany bill for relief of Henry Brown—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany bill for relief of Rachel Milhorn—to the Committee on Pensions.

Also, paper to accompany bill for relief of Alfred T. Rely, of Iola, Ill.—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, January 28, 1905.

Rev. EDWARD E. HALE, the Chaplain of the Senate, offered the following prayer:

Let us now praise famous men. The Lord hath wrought great glory by them, through His great power from the beginning.

Men renowned for their power, giving counsel by their understanding, leaders of the people by their counsel and by their knowledge of learning meet for the people—wise and eloquent in their instructions.

All these were honored in their generations and were the glory of their times. The people will tell of their wisdom and the congregation will show forth their praise.

Father, we ask Thee to keep green and fresh the memories of such fathers in the past, of those whom we have seen with our eyes and have heard with our ears, that in all coming time such men's lives may live among the children and the children's children.

Teach us to-day, teach all this people, that Thou art pleased to do Thy work by the agency of Thy children who enter into Thy service and go about a Father's business. Show us how

they can be strong with Thy strength, wise in Thy wisdom, and interpret Thy law.

Keep green and fresh for us the memory of him whom we do not see here, but whom we loved to see; whom we do not hear, but whom we remember, that this Senate, that the people of this country, may be loyal as he to friends, to Senate, to country, and to the world. It is not in vain for us that Thou hast sent forth such children to interpret Thy purpose and to carry out Thy law.

First and last and always show us that Thy law may be our law, that Thy kingdom may come, and that we are to enter into Thy service, that it may come the sooner. We ask it in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is done in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever. Amen.

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

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

PROTECTION OF TREASURY VAULTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of a bill appropriating \$60,000 to install and maintain electric burglar-alarm devices in connection with vaults and safes in buildings under his control; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

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 the Trustees of the Methodist Episcopal Church of Oldtown, Md., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also 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 the Trustees of the Diocese of East Carolina of the Protestant Episcopal Church v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. PLATT of Connecticut presented the credentials of Morgan G. Bulkeley, chosen by the legislature of the State of Connecticut a Senator from that State for the term beginning March 4, 1905; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. PROCTOR presented the petition of M. L. Ellis and sundry other citizens of Poultney, Vt., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a memorial of the State executive committee of the Woman's Christian Temperance Union of Vermont, remonstrating against the repeal of the present anticontainment law; which was referred to the Committee on Military Affairs.

Mr. GAMBLE presented petitions of A. D. Goddard and sundry other citizens of Hot Springs, S. Dak., and a petition of the congregation of the Congregational Church of Mission Hill, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and also to prohibit the manufacture and sale of intoxicating liquors in the Territory of Oklahoma and the Indian Territory when admitted to statehood; which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 153, Cigar Makers' International Union of America, of Sioux Falls, S. Dak., remonstrating against any reduction of the duty on tobacco and cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the National Association of Retail Druggists of Brookings, S. Dak., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a memorial of the Tri-State Grain and Stock Growers' Association of Minnesota, North and South Dakota, remonstrating against the enactment of legislation pro-