

John Gretzer, jr., shall hereafter be held and considered to have been discharged from the military service of the United States as a private of Company D, First Regiment Nebraska Volunteer Infantry, on the 23d day of August, 1899, by reason of disability resulting from a wound incurred in that service and in the line of duty.

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

HENRY BEEGER.

The bill (H. R. 16266) to remove the charge of desertion from the record of Henry Beeger was considered as in Committee of the Whole. It provides that Henry Beeger shall be held and considered to have been honorably discharged from the service as a sergeant of Battery D, Second Artillery, as of date of January 20, 1851, and the Secretary of War is authorized to issue an honorable discharge in accordance with this act.

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

FREDERICK H. STAFFORD.

The bill (H. R. 15763) granting an honorable discharge to Frederick H. Stafford was considered as in Committee of the Whole. It provides that Frederick H. Stafford, late captain Company G, One hundred and thirty-ninth Regiment New York Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 2d day of September, 1864, and shall be entitled to all the rights and privileges and benefits that are now or may hereafter be provided by law for honorably discharged officers or soldiers of the United States.

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

BERT E. BARNES.

The bill (S. 7254) for the relief of Bert E. Barnes was considered as in Committee of the Whole. It authorizes the Secretary of War to amend the record of Bert E. Barnes so as to show him honorably discharged from Company D, Fifty-first Iowa Infantry, for disability contracted in line of duty.

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

AGREEMENT WITH SHOSHONE INDIANS.

The PRESIDING OFFICER. This completes the list. The Senate will now take up the bill which the Senator from Wyoming [Mr. CLARK] desires to have considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect; which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, in article 2, on page 11, line 7, after the words "Secretary of the Interior," to insert the following proviso:

And provided, That nothing herein contained shall impair the rights under the lease to Asmus Boysen, which has been approved by the Secretary of the Interior; but said lessee shall have for thirty days from the date of the approval of the surveys of said land a preferential right to locate, following the Government surveys, not to exceed 640 acres of contiguous mineral or coal lands in said reservation; that said Boysen at the time of entry of such land shall pay cash therefor at the rate of \$10 per acre and surrender said lease, and the same shall be canceled.

The amendment was agreed to.

The next amendment was, in article 3, on page 12, line 19, after the word "reserve," to strike out the following proviso:

Provided, That the constitution and laws of the State of Wyoming shall not operate to secure any rights having priority to those of members of the Shoshone tribe of Indians to the use of the waters within the territory hereby opened to sale and settlement, including Big Wind River and its tributaries, for purposes of irrigation of the lands comprised within such territory until such time as the United States shall have perfected allotments to the members of the Shoshone Indian tribe, either from the lands to be opened for settlement or within the diminished reservation of said Indians, and completed the necessary steps under the law to secure the desired water rights for the said allotments.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The preamble was agreed to.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, February 27, 1905, at 9 o'clock and 50 minutes a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 25, 1905.

The House met at 12 o'clock m.

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

The Journal of yesterday's proceedings was read and approved.

RESERVATION OF SOUTHEAST LADIES' GALLERY.

Mr. COOPER of Texas. Mr. Speaker, by special order of the House, 3 o'clock to-day has been set apart for appropriate exercises upon the acceptance of the statues of Sam Houston and Stephen F. Austin. I therefore ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the southeast ladies' gallery be reserved for the relatives of Sam Houston and Stephen F. Austin and for such citizens of Texas as may attend the exercises appropriate to the reception of the statues of Sam Houston and Stephen F. Austin.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

PUBLIC CONVENIENCE STATIONS IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up a conference report on the bill (S. 4156) for the establishment of public convenience stations in the District of Columbia.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4156) an act for the establishment of public-convenience stations in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered one, and agree to the same, with an amendment as follows: In line 13, of section 2, strike out the word "purchase" and insert in lieu thereof the word "approaches;" and the House agree to the same.

That the House recede from its amendment numbered two.

J. W. BABCOCK,
AMOS L. ALLEN,
W. S. COWHERD,

Managers on the part of the House.

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

Managers on the part of the Senate.

Statement of managers on the part of the House.

The Senate recedes from its disagreement to the amendment of the House, making the appropriation for maintenance available for the fiscal year 1906, and agrees to the same with an amendment, striking out the word "purchase" and inserting therefor the word "approaches," to correct an error in the language of the measure.

The House recedes from its amendment reducing the amount appropriated for maintenance, leaving the sum for this purpose as carried in the original Senate act.

The question was taken, and the conference report was agreed to.

GEORGE H. BRUSSTAR.

Mr. MIERS of Indiana. Mr. Speaker, I call up the conference report on the bill (H. R. 17117) granting an increase of pension to George H. Brusstar.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 17117, an act granting an increase of pension to George H. Brusstar, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to an amendment, inserting in lieu thereof, the word "thirty," and that the House agree to the same.

THOS. W. BRADLEY,
CHARLES E. FULLER,
ROBERT W. MIERS,

Managers on the part of the House.

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

Managers on the part of the Senate.

Statement of conferees on the part of the House.

This bill originally passed the House at \$24 per month, but was amended in the Senate to \$40 per month. The result of the conference is that the Senate recedes from its amendment of \$40 per month, and your conferees agree to an amendment at the rate of \$30 per month, instead of \$24 per month, as the bill originally passed the House.

THOMAS W. BRADLEY,
CHARLES E. FULLER,
ROBERT W. MIERS,

Managers on the part of the House.

The question was taken, and the report was agreed to.

RETURN OF BILL FROM THE PRESIDENT.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution. The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 15657) entitled "An act granting an increase of pension to William Tawney."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

TO REGULATE THE CONSTRUCTION OF BRIDGES OVER NAVIGABLE WATERS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 18993) to regulate the construction of bridges over navigable waters.

Be it enacted, etc., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

SEC. 2. That any bridge built in accordance with the provisions of this act shall be a lawful structure and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over any railroad, street railway, or public highway leading to said bridge; and the United States shall have the right to construct, maintain, and repair, without any charge therefor, telegraph and telephone lines across and upon said bridge and its approaches; and equal privileges in the use of said bridge and its approaches shall be granted to all telegraph and telephone companies.

SEC. 3. That no bridge erected or maintained under the provisions of this act shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge, erected in accordance with the provisions of this act, shall, in the opinion of the Secretary of War, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the drawspan of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of War, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructive, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes so required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of this act; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Commerce and Labor shall prescribe. If the bridge shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft. If tolls shall be charged for the transit over any bridge constructed under the provisions of this act of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, then the Secretary of War may, at any time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

SEC. 4. That whenever complaint shall be made to the Secretary of War that by reason of the placing in any navigable waters of the United States of any bridge, pier, or abutment, constructed in accordance with this act, the current of such waters has been so deflected from its natural course as to cause serious damage or danger to property by producing caving of banks or otherwise, the Secretary of War shall have the authority to cause the owner or persons operating such bridge to repair such damage or prevent such danger to property by such means as he shall direct, and within such time as he may name; and in default of compliance with the direction of the Secretary of War in that re-

gard the persons owning or operating such bridge shall be deemed guilty of a violation of the provisions of this act, and in addition shall be liable in any court of competent jurisdiction to the persons injured in a sum double the amount of the injury.

SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War or the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the person owning or controlling any such bridge and accessory work to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such bridge and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or bridge touches.

SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all bridges which may be built in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any bridge which shall have been constructed in accordance with its provisions.

SEC. 8. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

The amendment recommended by the committee was read, as follows:

Strike out section 4 and renumber the sections from section 3.

The SPEAKER. Is there objection?

Mr. SCUDDER. Reserving the right to object, I should like to inquire of the gentleman from Illinois whether this bill affects all navigable streams in the country?

Mr. MANN. This bill, Mr. Speaker, only affects acts of Congress which may hereafter be passed authorizing the construction of bridges. I may state to the gentleman the Secretary of War now has authority under existing law to grant a permit for the construction of a bridge across a river lying wholly within a State.

Mr. SCUDDER. I know of that provision of law, and I would like information whether this applies to the whole Union and to docks, wharves, bulkheads, and piers or only bridges.

Mr. MANN. This bill applies to bridges, and only applies, I may say to the gentleman from New York, to bridges which are hereafter authorized by Congress. The sole object and purpose of the bill is simply summed up in this, it avoids putting the same provisions in all the bridge bills which we do pass; so that hereafter, if this bill be enacted into law, it will be sufficient that a bridge bill provide that so-and-so be authorized to construct a bridge in accordance with the provisions of this act, and we avoid repeating these provisions and avoid a consumption of the time of the House and cumbering up the statute books.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from Illinois one question. I should like to know whether this will change in any way the powers and the rights of the Secretary of War now existing under law?

Mr. MANN. It will not.

Mr. WACHTER. Does it affect railroad bridges as well, and county bridges built over navigable waters?

Mr. MANN. It affects any kind of a bridge which requires the consent of Congress, and only applies when an act of Congress granting permission has been enacted.

The SPEAKER. Is there objection?

Mr. CLARK. Mr. Speaker, I should like to inquire, does this give the Secretary of War the right to give anybody permission to build a bridge across a navigable stream who wants to do so, without any further proceedings in Congress?

Mr. MANN. It does not.

Mr. CLARK. Well, what does it do?

Mr. MANN. If this bill passes, the provisions of this bill are those which the committees of Congress now insist shall go into

every bridge bill, or which are now in the acts of Congress affecting bridges. If this bill becomes a law it will only be necessary hereafter to bring in a bill something like this, "That the John Doe Railroad Company be, and it is hereby, authorized to construct, maintain, and operate a bridge across the Richard Roe River, at or near Black Acre, in the State of —, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved on the date of the approval of this act."

Mr. CLARK. If you have to go through that performance of getting a bill passed for each particular bridge, what good does this bill do?

Mr. MANN. It will save a great deal of time in the House and in the Senate, in the committees and in the War Department, besides preventing the cumbering up of the statute books. That is all it does.

Mr. STEPHENS of Texas. What effect does this bill have upon bridges built across rivers forming the boundaries between two States, or between a State and a Territory?

Mr. MANN. If you wish to build a bridge now across such a river you must come to Congress and get the authority, but when you come to Congress for that authority the committees having jurisdiction of the bill will insert these provisions in that bill. If this bill becomes a law you will still have to come to Congress for the authority, but your bill will be a short one, and these provisions will be in the general statute instead of in that particular bill. It is simply to save time and space.

Mr. STEENERSON. It seems to me from the reading of the bill that the United States circuit court is given exclusive jurisdiction of questions arising out of the construction of a bridge, whereas in an ordinary bridge bill I believe the State courts and the Federal court are given concurrent jurisdiction.

Mr. MANN. I may say to the gentleman on that point that the United States court is not given exclusive jurisdiction, but if a bridge crosses a river which forms the boundary line between two States the bill provides that the circuit court upon either end of the bridge may have jurisdiction, and the provision of the bill in that respect is taken from the existing statutes.

Mr. HUGHES of West Virginia. I want to ask the gentleman a question. This bill, I think, is a step in the right direction. The only objection I have to it is that it does not go far enough.

Mr. MANN. Then I hope the gentleman will not object, because we are not willing to go any further.

Mr. HUGHES of West Virginia. I think this bill ought to give the Secretary of War the right to grant these franchises when he deems it necessary.

Mr. MANN. Many other people think as the gentleman from West Virginia does, but the committees of Congress which have jurisdiction of these bills have many times seen cases where they thought the Secretary of War ought not to have that authority.

Mr. PARKER. I desire to call the attention of the gentleman to this fact, that this bill provides that no bridge can be built until certain plans have been approved, and then it provides that those plans shall not be deviated from unless the modification has been submitted to and received the approval of the Chief of Engineers and the Secretary of War; but there is no provision, such as there ought to be, allowing the Secretary of War before the erection of the bridge to change those plans and impose other arrangements.

I ask him, therefore, if he can not withhold this until we can perfect an amendment which would cover that, which I know is within the gentleman's views, because the third section provides only for modifications after the bridge is erected, and I have already been through the difficulty of having a bridge authorized by the Secretary of War, which was a pile bridge and which was remonstrated against by all the people plying on the river. The plans thereupon were modified by the Secretary of War; but no such power is given in this act.

Mr. MANN. Well, Mr. Speaker, I do not agree with the gentleman as to the power that is within the act. I think the act is sufficient, and to withhold the bill at this time would mean its defeat at this session of Congress.

Mr. PARKER. Will the gentleman allow an amendment covering that ground?

Mr. MANN. Oh, I do not think so at this time. I hope the gentleman will not offer it.

Mr. PARKER. It will be very short.

The SPEAKER. Is there objection?

Mr. RANDELL of Texas. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

FALSE EVIDENCE AS TO SECOND-CLASS MAIL MATTER.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7239) to amend section 13 of chapter 394 of the Supplement to the Revised

Statutes of the United States, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 13 of chapter 394 of the Supplement to the Revised Statutes of the United States be amended so as to read as follows: That any person who shall submit or cause to be submitted to any postmaster or to the Post-Office Department or any officer of the postal service any false evidence, relative to any publication for the purpose of securing the admission thereof at the second-class rate for transportation in the mails, shall be deemed guilty of a misdemeanor, and for every such offense, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$500.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I do not want to object now, but I desire to know what this bill does.

Mr. OVERSTREET. Mr. Speaker, this measure is recommended by the Post-Office Department, has passed the Senate, and has passed the House Committee on the Post-Office and Post-Roads unanimously, without any amendment. The only point that it affects is to strike from the present law the words "the character of," in the statute which provides a penalty upon the making of false statements or false evidence submitted when an application is made to obtain the privilege of second-class postage. Under the present construction of the existing law they are limited in the language to the character of the publication, which refers to the reading matter; but a false statement which might be made with respect to any other matter would not be prohibited by the law, and the striking out of the words "the character of" will leave the prohibition of the statute against any false statement which might be made by an applicant seeking the privilege of second-class mail.

Mr. BARTLETT. It is confined altogether to the second class?

Mr. OVERSTREET. Entirely so.

Mr. BARTLETT. I saw a statement in a newspaper some time ago that a sheriff in one of the counties of Michigan had been indicted by the grand jury of the United States court there because he transferred through the mail a false statement to the governor with reference to his transactions as sheriff in the county. I thought that was stretching the jurisdiction of the United States very far.

Mr. OVERSTREET. Under existing law before any person can obtain the privilege of second-class postage he must of course make an application, with certain evidence. If he makes a false statement about the transaction, we seek to prohibit it by this statute, but under the existing law the language, with reference to the false statement, is limited to a statement concerning the character of the publication, and would eliminate all other false statements which enter primarily into the essential features upon which the application would be made.

Mr. BARTLETT. Then, if a newspaper about to be published applied to the Post-Office Department to have that paper admitted as second-class matter and were to make what the Department considered a false statement with reference to its subscription list, do I understand this law would cover it?

Mr. OVERSTREET. It is not limited to the Department at all. It is a statute, and there would have to be proof of the falsity and the willfulness of the statement. That would have to be proven like any other criminal charge.

Mr. BARTLETT. I understand there is already a law which in a measure meets the proposition, but it does not do it completely.

Mr. OVERSTREET. It does not, and the principal features about which the false statements are made as a usual thing are not covered by the statute.

Mr. KLUTTZ. Mr. Speaker, I will state to the gentleman from Georgia [Mr. BARTLETT] that this bill has the unanimous report of the committee.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

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

On motion of Mr. OVERSTREET, a motion to reconsider the last vote was laid on the table.

AMENDING STATUTES RELATING TO THE POST-OFFICE DEPARTMENT.

Mr. OVERSTREET. Mr. Speaker, I also ask unanimous consent for the present consideration of the following Senate bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the consideration at this time of the Senate bill which the Clerk will report.

The Clerk read as follows:

An act (S. 3379) to amend section 66 of the act of June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department."

Be it enacted, etc., That whenever any of the sureties of postmasters, clerks, or other persons in the postal service, employed in the Post-

Office Department or elsewhere, notify the Postmaster-General of the desire to be released from their suretyship, or when the Postmaster-General deems a new bond necessary or expedient, he may require said person to execute such new bond with surety. When accepted by the Postmaster-General the new bond shall be as valid as the bond already given by such person; and the sureties of postmasters in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which may be done or committed subsequent to the last day of the quarter in which such new bond shall be executed and accepted, and the sureties of other persons in the prior bond shall be released from responsibility for all acts or defaults of such persons which may be done or committed subsequent to the day such new bond becomes operative. The Postmaster-General may authorize the cancellation of bonds of post-office clerks upon recommendation of the postmaster that bonds are no longer necessary.

The substitute was read, as follows:

That whenever any postmaster, clerk, carrier, or other person in the postal service, employed in the Post-Office Department or elsewhere, notifies the Postmaster-General of his desire to execute a new bond, or whenever any of the sureties of such postmaster, clerk, carrier, or other person, notifies the Postmaster-General of his desire to be released from such suretyship, or whenever the Postmaster-General deems a new bond necessary or expedient, the execution of the new bond may be directed by the Postmaster-General. When accepted by the Postmaster-General the sureties of postmasters in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which may be done or committed subsequent to the last day of the quarter in which such new bond shall be executed and accepted, and the sureties of other persons in the prior bond shall be released from responsibility for all acts or defaults of such persons which may be done or committed subsequent to the day such new bond becomes operative.

Mr. CLARK. Mr. Speaker, I would like to inquire of the gentleman how this changes existing law?

Mr. OVERSTREET. Mr. Speaker, the Senate bill, or the legislation sought to be adopted in the Senate bill, has been recommended by the Department, and the House Committee on Post-Offices and Post-Roads have unanimously reported a substitute which meets the feature, in our judgment, better than the Senate bill. Under the existing law the legal advisers of the Post-Office Department have held that when once a postmaster or any postal employee of whom any bond is exacted under the law has executed such bond that the liability continues as long as such employee is in the service, and if either upon the motion of the postmaster or employee himself, or upon the motion of the surety for a release, or by transfer of the employee or promotion of the employee to a different position the liability on the old bond has not ceased.

Therefore this law provides that if the postmaster or any other postal employee of whom a bond is properly required shall either on his own motion or upon the demand of the surety for release, or upon the requirement of the Postmaster-General, who may deem a new bond expedient, that in either one of those cases such new bond may be given with surety, and when it is given that the liability upon the old bond, so far as postmasters are concerned, shall cease and the liability upon the new bond shall begin at the beginning of the next quarter following the acceptance of the new bond; and, so far as all the other bonds are concerned, the liability on the old bond shall cease and the liability of the new bond shall begin upon the acceptance of the new bond.

Mr. CLARK. Well, now, this change in the law does not relieve the surety of the officer in question from any delinquency that he commits while the old bond is in existence?

Mr. OVERSTREET. Not at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. Mr. Speaker, the motion is upon the substitute?

The SPEAKER. The question is on agreeing to the substitute.

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

The bill as amended was ordered to be read a third time; and was read the third time, and passed.

The SPEAKER. Does the gentleman from Indiana desire to ask for a conference?

Mr. OVERSTREET. On the substitute, yes.

The SPEAKER. The gentleman from Indiana asks for a conference, and without objection a conference is ordered.

The SPEAKER announced as conferees on the part of the House Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee.

BRIDGES ACROSS NAVIGABLE STREAMS.

Mr. MANN. Mr. Speaker, I understand that the gentleman from Texas [Mr. RANDALL] is willing to withdraw his objection to the general bridge bill, which was just read by the Clerk.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

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

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

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

RELINQUISHING CERTAIN PROPERTIES IN PENSACOLA, FLA., TO JACOB LIPPS AND T. E. WELLES.

Mr. LAMAR of Florida. Mr. Speaker, I ask unanimous consent for the consideration of the bill S. 4699, favorably reported by the committee.

The SPEAKER. The gentleman from Florida asks unanimous consent for the consideration of the Senate bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 4699) to relinquish and quitclaim to Jacob Lipps, of Pensacola, Fla., his heirs and assigns, and T. E. Welles, of Pensacola, Fla., his heirs and assigns, respectively, all the right, title, interest, and claim of the United States in, to, and on certain properties in the city of Pensacola, Escambia County, Fla.

Be it enacted, etc., That the United States hereby relinquishes and quitclaims to Jacob Lipps, of Pensacola, Fla., his heirs and assigns, all the right, title, interest, and claim of the United States in, to, and on the following-described property, situated and lying in the city of Pensacola, county of Escambia, State of Florida, known and described as follows: Beginning at a point on the north side of Sarragossa street in said city of Pensacola 100 feet from the corner of Commendencia and Sarragossa streets; thence northward to a point on the north line of lot D; thence westward 8 feet 10 inches; thence southward 34 feet 7 inches; thence westward 15 feet; thence southward to the north line of Sarragossa street; thence along said north line of Sarragossa street 22 feet to the point of beginning.

Sec. 2. That the United States hereby relinquishes and quitclaims to T. E. Welles, of Pensacola, Fla., his heirs and assigns forever, all the right, title, interest, and claim of the United States in, to, and on the following-described property, situated and lying in the city of Pensacola, county of Escambia, State of Florida, known and described as follows: Beginning at the southwest corner of lot C, on the northeast corner of Jefferson and Sarragossa streets; thence running east along the northern line of Sarragossa street 134 feet 5 inches; thence running northwardly at right angles to the line of Sarragossa street 106 feet 7 inches; thence west 40 feet; thence south 10 feet; thence west 120 feet to Jefferson street; thence south along Jefferson street to the point of beginning.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; was read the third time, and passed.

GRANTING PERMISSION TO YING HSING WEN AND TING CHIA CHEN, OF CHINA, TO RECEIVE INSTRUCTION AT THE MILITARY ACADEMY AT WEST POINT.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the passage of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Ying Hsing Wen and Ting Chia Chen, of China, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Ying Hsing Wen and Ting Chia Chen shall agree to comply fully with all regulations for the police and discipline of the United States Military Academy, and shall be studious and give their utmost efforts to accomplish the courses in the various departments of instruction: *And provided further*, That in the case of the said Ying Hsing Wen and Ting Chia Chen the provisions of sections 1320 and 1321 of the Revised Statutes of the United States shall be suspended.

Mr. MADDOX. Mr. Speaker, I reserve the right to object until we can hear something about this.

Mr. GILBERT. So do I. Mr. Speaker, there are half a dozen of young men in my district that would be exceedingly anxious to attend West Point upon precisely the same terms, and while I do not desire to enter any captious objection to this resolution I would like to have some very lucid explanation as to why this resolution ought to pass.

Mr. HULL. Mr. Speaker, the resolution comes to the House from the Secretary of State. It is in usual form. It is requested by the Chinese minister.

Mr. MADDOX. Mr. Speaker, I want it understood I have the right to object.

The SPEAKER. The right to object is understood, of course.

Mr. HULL. Mr. Speaker, as I was saying, it comes from the Secretary of State, and I would ask that the letter of transmittal, both from the Chinese minister and the Secretary of State, be read. I desire to say before they are read, however, that this is a courtesy the Government has not yet refused to any friendly nation that has asked this permission.

Mr. GILBERT. Mr. Speaker, I would like to ask the gentleman from Iowa [Mr. HULL] how many foreigners are now attending that institution?

Mr. HULL. I should think five or six.

Mr. GILBERT. How many of them are from China?

Mr. HULL. None. This is the first request that China has ever made. Mr. Speaker, I ask that the correspondence be read.

Mr. CLARK. I would like to ask if there is plenty of room for these men?

Mr. HULL. My understanding is that there is room enough for these and all we have authorized. We have authorized two from the South American Republics this Congress.

Mr. CLARK. And it does not crowd our cadets?

Mr. HULL. It does not crowd our cadets out.

Mr. CHARLES B. LANDIS. Mr. Speaker, I would like to ask the gentleman from Iowa [Mr. HULL] if other nations extend this courtesy to young men from the United States?

Mr. HULL. England and France do. I do not know whether any other nations do or not.

The SPEAKER. The Clerk will read the letters referred to by the gentleman from Iowa [Mr. HULL].

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, February 24, 1905.

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

Sir: I have the honor to inclose herewith a copy of a note from the Chinese minister requesting, on behalf of his Government, that permission be granted to two Chinese young men, named Ying Hsing Wen and Ting Chia Chen, to enter the Military Academy at West Point in order to pursue the course of study prescribed at the academy.

The Secretary of War states in his letter, a copy of which is herewith inclosed, that his Department has no objection to the granting by Congress of the necessary permission for these young men to enter the Military Academy.

I have the honor to inclose herewith, for the consideration of the Committee on Military Affairs, a draft of a joint resolution usual in such cases, and to request that, if the committee agree thereto, it may be presented to Congress at its present session.

A letter similar to this has been addressed to the chairman of the Committee on Military Affairs of the Senate.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

No. 54.]

CHINESE LEGATION,
Washington, February 11, 1905.

Sir: The Imperial Chinese Government, greatly appreciating the high standard of excellency which marks the military education of the officers of the Army of the United States, and relying upon the friendly disposition which your Government has always manifested to China, has instructed me to make application for the admission of two Chinese young men to the Military Academy at West Point to pursue the course of study given at that institution.

Their names are Ying Hsing Wen and Ting Chia Chen, who are now in the United States. I may add that they will comply fully with all the requirements usual in the case of foreign students admitted to that institution, and that the Imperial Government will gratefully accept favorable action on its request as another evidence of the friendly spirit which animates the Government of the United States in its relations with my country.

Accept, sir, the renewed assurances of my highest consideration.
CHENTUNG LIANG-CHENG.

Hon. JOHN HAY,
Secretary of State.

Mr. MADDOX. Mr. Speaker, I object. I am like the gentleman from Kentucky [Mr. GILBERT]. I have five or six or ten men in my district that would be glad to take advantage of the same proposition.

Mr. HULL. I hope the gentleman from Georgia [Mr. MADDOX] will not object. It does not keep the young men he refers to out.

Mr. MADDOX. It does keep them out. No man can enter from any district in the United States unless he is appointed.

The SPEAKER. The gentleman from Georgia objects.

CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for present consideration of the bill (H. R. 17709) which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas [Mr. CURTIS] asks unanimous consent for the consideration of a bill which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Choctaw, Oklahoma and Gulf Railroad Company be, and it is hereby, authorized and empowered to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway, property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and the Chicago, Rock Island and Pacific Railway Company is hereby authorized and empowered to purchase, hold, maintain, and operate the railway heretofore constructed by the Choctaw, Oklahoma, and Gulf Railroad Company, subject, however, to all the conditions and limitations contained in the several acts of Congress authorizing the organization of the Choctaw, Oklahoma and Gulf Railroad Company and the construction of its lines in the Indian Territory: *Provided, however,* That before any such sale and conveyance shall be made the terms thereof shall be approved by a majority of the directors of the Choctaw, Oklahoma and Gulf Railroad Company.

Sec. 2. That all the provisions of any act of Congress inconsistent with this act be, and the same are hereby, repealed.

The SPEAKER. Is there objection?

Mr. LITTLE. I reserve the right to object.

Mr. WILLIAMS of Mississippi. I have not been able to gather in the hubbub going on exactly what this bill authorizes.

Mr. CURTIS. I will say to the gentleman that this bill authorizes the Choctaw, Oklahoma and Gulf Railroad Company to sell its road to the Rock Island Railroad Company. This railroad is now in the possession of the Rock Island Railway Company under a lease for nine hundred and ninety-nine years. This bill simply authorizes the purchase of the road. It is not

objected to by the Department, but is in fact recommended by it. Mr. REID was a member of the subcommittee, and the bill was unanimously reported by the subcommittee to the full committee, and the committee have unanimously reported it to this House.

Mr. WILLIAMS of Mississippi. Are the roads competing lines?

Mr. CURTIS. They are not in any way. One is a north and south road and the other runs east and west.

Mr. LITTLE. I desire to ask the gentleman from Kansas one question. Has the litigation in Arkansas been adjusted?

Mr. CURTIS. I have a dispatch from Mr. REID stating that it has been, and there is no objection to the passage of the bill.

Mr. LITTLE. My colleague [Mr. REID] was on the subcommittee that had charge of this bill.

Mr. CURTIS. He was.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman a question as to whether or not this in any way changes the line running into the State of Texas?

Mr. CURTIS. It does not, as I understand it.

Mr. STEPHENS of Texas. It only touches a few miles?

Mr. CURTIS. So I understand.

Mr. MACON. I would like to ask the gentleman from Kansas if there is anything in the charter granted to the Rock Island Railroad Company that prohibits it or exempts it from paying taxes?

Mr. CURTIS. The act authorizing the construction of the road does not exempt it from taxation, and the act in regard to the Choctaws reserves the right to impose additional taxes, and upon the organization of a State the same authority is extended to the State. I have not read the charter and know nothing about it, but I do know what the act authorizes.

Mr. MACON. You know nothing about that charter?

Mr. CURTIS. No, sir.

Mr. FINLEY. Do the present railroads in the Territories pay any taxes now?

Mr. CURTIS. Oh, yes. All railroad property in the Territory pays taxes now in the cities and towns. Schools are being maintained out of the taxes collected from the railroads and other property in cities. And the road is required to pay a certain amount for the use of the tribes through whose reservation the road runs.

Mr. FINLEY. What is the provision in any charter of the railroad in reference to the paying of taxes in the event this Territory is admitted into the Union as a State?

Mr. CURTIS. There is no exemption whatever. It will be subject to the laws of the State, and will pay taxes just the same. The act authorizes the State to impose additional taxes. (See act of February 18, 1888, vol. 25, p. 35.) It also provides for the regulation of charges for passengers and freight.

Mr. FINLEY. Is there a general reservation in this bill that Congress shall at all times have the right to alter or amend?

Mr. CURTIS. There is such a provision in the original bill.

Mr. FINLEY. Is that not repealed by this bill?

Mr. CURTIS. Only that part which might prevent the sale from one company to another.

Mr. FINLEY. Does this bill reserve to Congress the right to alter, amend, or repeal the act?

Mr. CURTIS. The original act does.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want attention just one minute. Reserving the right to object, I want to say this, especially to this side of the House: When these requests for unanimous consent come up it is presumed that the minority members of the committee have attended to their work, I take it for granted, and wherever a report comes in unanimously indorsed by the committee I feel myself absolved of the duty of objection, if they all agree to the measure. I want to say that, so that we can all keep it in mind.

Mr. GILBERT and Mr. HITCHCOCK rose.

The SPEAKER. To whom does the gentleman yield?

Mr. CURTIS. To the gentleman from Nebraska.

Mr. HITCHCOCK. I would like to inquire whether there is any provision in this bill authorizing the purchase which limits the amount for which the purchased railroad can be capitalized in additional stock that can be added?

Mr. CURTIS. There is nothing in this bill, but in the original bill there is a limitation. The act of August 24, 1884, requires the company to determine the amount of capital stock and bonds to be issued. The company could not fix the amount of capital stock in excess of the capital of said company, and no bonds could be issued except for value received in cash or property. But the Rock Island owns the road now and have a nine hundred and ninety-nine year lease of it, and this is simply a matter of accommodation in bookkeeping. It will save them the expenses of maintaining two offices and two sets of officers.

Mr. HITCHCOCK. I understand that one of the great evils

we are suffering from now in this country has been the over-capitalization of railroad property, and one of the means for capitalization is the acquisition of one railroad by another. Now, it seems to me that this bill provides for the acquisition of one railroad company by another—

Mr. CURTIS. But they are not competing lines.

Mr. HITCHCOCK. That makes no difference. Supposing this railroad is given authority by Congress by which a small road is added, or a large road, and twice the amount of capital stock is added, which are all added to the purchase, and then the road is required to pay dividends on unduly increased capital stock. It seems to me if Congress has the right to authorize the purchase of this road it also has the right, and it is its duty, to limit the capital stock which may be added by reason of the purchase.

Mr. CURTIS. The amount of stock is limited in the original act.

Mr. GARBER. This simply does away with bookkeeping in duplicate. The Rock Island controls and operates now, as it has for several years, the Choctaw road, and is known as the "Choctaw district" of that system.

Mr. CURTIS. That is so. There are limitations in the original act as to freight and passenger rates and the issuance of stock and bonds, and this bill does not in any way change those limitations. Nothing can be done without the approval of the directors of the company making the sale.

Mr. ZENOR. This matter was very carefully considered by the subcommittee, and the facts were pretty generally understood in the full committee. I wish simply to say that this is not the case of a merging of two railroad companies or of two competing lines. There is but a small portion of this Choctaw road that is constructed in the Indian Territory. It comes up and connects with what is known as the Rock Island Railroad, as I understand it, and creates simply a continuation of line. The sale is to be made subject to all the conditions and terms of the original charter granted to the Choctaw Nation. Therefore all the restrictions that are imposed by the charter upon the Choctaw company will continue in force and effect under the sale proposed to the Rock Island Railroad Company.

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

Mr. ZENOR. Yes.

Mr. SULZER. I want to ask the gentleman if the Indians are in favor of this?

Mr. ZENOR. This matter has been already determined, so far as the Indians are concerned, because the right of way has been granted to the Choctaw Railroad Company to build this road. The rights of the Indians are protected under the law which authorizes the construction of that road.

Mr. SULZER. Is this bill unanimously reported from the committee?

Mr. ZENOR. Unanimously reported from the committee.

Mr. SULZER. Is it approved by the Interior Department?

Mr. ZENOR. It is approved both by the Secretary of the Interior and by the Commissioner of Indian Affairs, who recommend the passage of the bill.

The SPEAKER. Is there objection?

Mr. HITCHCOCK. I object.

KLAMATH INDIAN RESERVATION, OREG.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18586) to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate and ascertain the reasonable value of the lands heretofore conveyed by the United States to the State of Oregon as a part of the grant of lands made to said State by the act of Congress approved July 2, 1864, entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State," and embraced within the boundaries of the original survey of the Klamath Indian Reservation in said State, and being the lands involved in the suit of *The United States v. The California and Oregon Land Company*, decided in favor of said company by the Supreme Court of the United States at the October term, 1903 (vol. 192, p. 355, U. S. Rep.), what part of said lands have been allotted to Indians and the value of the improvements thereon, and also for what price the said California and Oregon Land Company will convey the said lands to the United States, or on what terms the said company will exchange such lands for other lands, not allotted to Indians, within the original boundaries of said reservation. And it is hereby made the duty of the Secretary of the Interior to make a full and specific report to Congress, on or before the first day of the next session, in pursuance of the jurisdiction and duties imposed on him by this act.

The SPEAKER. Is there objection?

Mr. BABCOCK. Mr. Speaker, I should like to hear a statement from the gentleman from New York.

Mr. SHERMAN. Mr. Speaker, the United States long ago conveyed a large tract of land to the State of Oregon. The State of Oregon thereafter conveyed a large portion thereof to the California and Oregon Land Company in consideration of that company constructing certain roads. When the Klamath Indian Reservation was laid out, by an error it covered a portion of this land. The land company insisted upon their rights to the land, and the matter was taken to the United States court in an action brought by the United States, I suppose in the nature of ejectment. The court decided in favor of the land company—that they had the fee title to the 109,000 acres of land. The United States Supreme Court has affirmed the decision, and there the matter stands. This bill provides for an investigation by the Department to ascertain the value of the land and the improvements thereon. Twenty-four thousand acres of it, by the way, have since been allotted to the Indians. This bill provides for an investigation to determine the value of the improvements and to ascertain whether or not some arrangement may be made to trade with the Indians for other lands instead of those they are now occupying. It obligates the United States in no way. It simply provides for an investigation and a report to the next Congress.

The SPEAKER. Is there objection?

There was no objection.

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

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

DAM ACROSS ROCK RIVER AT LYNDON, ILL.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15440) authorizing the construction of a dam across Rock River at Lyndon, Ill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The bill as proposed to be amended by a committee substitute was read, as follows:

Be it enacted, etc., That permission be given to Edward A. Smith, Harvey S. Green, and John J. Hurlbert, of Morrison, Ill., of their assigns, to erect a dam with an 8-foot head across Rock River at or near Lyndon, Whiteside County, Ill., the south end of said dam to be located near the line between sections 21 and 22 in town 20 north of range 5 east of the fourth principal meridian, and the north end of said dam to intersect the bank of said river in section 21 in the same town, range, and meridian: *Provided*, That the plans for the construction of said dam shall be submitted to and approved by the Chief of Engineers and the Secretary of War, and until approved by them the construction of the dam shall not be commenced; and after such approval the plans shall not be changed, either before or after the completion of the structure, unless authorized by the Chief of Engineers and the Secretary of War, and the Secretary of War may at any time require and enforce, at the expense of the owners of the structure, such modifications and changes in said structure as he may deem advisable in the interest of navigation: *Provided further*, That the Secretary of War may at any time require the grantees under this act to construct at their own expense in connection with said dam suitable locks, canals, sluiceways, or other structures, for the passage of boats and other water craft, the said structures to be built upon plans which he may approve; and the said grantees shall maintain and operate said locks, canals, and other structures at their own expense, and shall pass all water craft through the same without delay and without any charge whatever as long as said dam is maintained; and if said dam and other structures shall be abandoned by the said grantees at any time, all portions thereof shall be promptly removed by the grantees at their own expense.

Sec. 2. That before entering upon the construction of the works herein authorized compensation shall be made to any person, firm, or corporation whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operations of the said works in accordance with the laws of the State where such lands or other property may be situated, and if any litigation arises from the construction, operation, or maintenance of the said works, cases may be tried in the proper courts, as now provided for that purpose in the State of Illinois and the courts of the United States.

Sec. 3. That such suitable fishways shall be constructed and maintained by the grantees under this act at their own expense as may be required from time to time by the United States Fish Commission.

Sec. 4. That this act shall be null and void if actual construction of the dam herein authorized be not commenced within two years and completed within four years from the date hereof.

Sec. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. PRINCE, a motion to reconsider the last vote was laid on the table.

Mr. McCLEARY of Minnesota was recognized.

Mr. WILLIAMS of Mississippi. Mr. Speaker, without being invidious and without knowledge of what the gentleman from

Minnesota wants, having spent an hour on unanimous consent matters, I think I had better call for the regular order.

The SPEAKER. The gentleman from Mississippi calls for the regular order. The regular order is the next bill under what is known as the "Dalzell order," and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14327) for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to examine and audit the accounts of licensed Indian traders Marion Wescott and F. F. Green, and of J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin at the Green Bay Agency, who purchased supplies and goods, wares, and merchandise of said traders and said Gauthier after the year 1880, and which have not been otherwise paid for.

Sec 2. That the said Secretary shall cause to be paid, out of the funds due to said Menominee tribe of Indians in the hands of the United States Government, such sums as he shall find to be justly due and owing from such Menominee Indians to the said Marion Wescott and F. F. Green as such licensed Indian traders, and to the said J. A. Leige, as assignee of Joseph F. Gauthier, a Menominee Indian, who likewise traded with his tribe, and shall charge the same when so paid to such Menominee tribe of Indians in his settlements with them.

Mr. MADDOX. Mr. Speaker, does this come up under the Dalzell order?

The SPEAKER. It does. It was passed without prejudice on a former occasion when consideration of these bills was being had.

Mr. MADDOX. From what committee does it come?

The SPEAKER. The Chair is not informed.

Mr. LACEY. The Committee on Indian Affairs.

Mr. FITZGERALD. Mr. Speaker, I hope this bill will not be pressed.

The SPEAKER. But the bill is up for consideration.

Mr. FITZGERALD. Yes; it is in order.

Mr. HOGG. Is there any objection to it?

Mr. BARTLETT. We want to know something about it.

Mr. HOGG. It is a bill that comes from the Committee on Indian Affairs, reported unanimously by that committee. It embraces accounts of Indian traders—those who were licensed—of, perhaps, altogether nearly \$40,000. At a time when these Indians were starving they undertook to furnish lumber, down timber, that they were entitled to remove, to the market. The traders furnished them with supplies necessary to carry on the business. The tribe, as I understand it, undertook to see that these parties supplying the necessities were reimbursed out of the sale of the timber. They went ahead, but the Government took all the money there was, and there was not much in it, and left the traders without any reimbursement whatever. The Indians could hardly live without it. This bill does not appropriate any money whatever. They failed to get a settlement with the Indian agent, and it run along until a subsequent administration of that office, and then they failed to get any settlement whatever. This thing has been running along ever since the goods were furnished, which was between 1882 and 1887. Up to the present time the Department is unable to determine these facts, or at least so state. All this bill provides is that the Department shall be authorized to investigate it. It does not appropriate any money, but simply authorizes the Department to investigate the accounts, and if they find the money is due, then the account shall be audited and allowed and paid out of the tribal fund. The tribe has something like \$2,000,000 coming to it, and this sum, if found due, is to be paid out of that tribal fund.

Mr. STEPHENS of Texas. As I understand, if the gentleman from Colorado will pardon me, this provides that the Secretary of the Interior shall investigate these accounts—see whether or not the accounts of these Indian traders should be paid out of the tribal fund going to this tribe.

Mr. HOGG. That is it.

Mr. STEPHENS of Texas. They have a fund coming to them from the sale of down timber. As I understand, the traders furnished supplies to these Indians who cut this timber and placed it in a position to be marketed. The Indians did cut and sell the timber, but the money was covered into the Indian fund, as the traders have never received pay for the supplies that they furnished the Indians while they were cutting and preparing this timber for the market.

Mr. HOGG. That is it.

Mr. STEPHENS of Texas. The bill proposes to permit the Secretary of the Interior to investigate the matter and see what amount shall be paid, if anything. I do not think there is any objection to the bill.

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

Mr. FITZGERALD. Mr. Speaker, I hope this bill will not

be passed. These are claims originating between 1879 and 1887. There is no statement of the amount which is claimed is due. I understand from the gentleman from Colorado [Mr. Hogg] that it amounts to between thirty and forty thousand dollars. There was never any contract made between the Indian tribes and these traders. Certain individual Indians did get supplies, and this is an attempt to charge the individual debts of some Indians against the tribal fund. The Department is opposed to this bill. It recommends that the bill be not passed. This account in no sense is a claim against the tribal fund. With that attitude on the part of the Department after investigation, of what use is it to pass a bill compelling it to investigate again and determine whether the fund of the Indians shall be utilized to pay this indebtedness? A memorandum has been prepared by the Department in opposition to this bill.

An identical bill with this bill was referred to the Secretary of the Interior and was adversely reported upon by him. I hope, under these circumstances, that the House will not pass this measure compelling the Department to again investigate a matter which it has already determined and declaring that if it finds to be a fact what it has already found is not a fact this \$40,000 should be paid out of the Indian funds. The only reason this bill can be considered at all is the fact that the money is to be paid out of the funds of the Indians and not out of the funds of the United States. If it was attempted to charge it up against the funds of the United States, it would not be considered here for an instant.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman if he will read the communication from the Department.

Mr. FITZGERALD. I have not the communication from the Department; I have here a memorandum which was prepared for the gentleman from Kansas [Mr. CURTIS] by the Department. The letter is not here, I understand, but this memorandum says:

H. R. 14327, a bill for the relief of Indian traders Marion Wescott, F. F. Greene, and J. A. Leige, assignees of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin, for supplies amounting to \$41,797.97, during the logging season of 1882 to 1886, for the Menominee Indians of Wisconsin, is identical with Senate bill 5676, upon which this office made an adverse report to the honorable Secretary of the Interior May 5, 1904, said bill having been referred to the Department for report by the chairman of the Senate Committee on Indian Affairs.

Now, it is that Senate bill which it is proposed to pass at this time. The memorandum says further:

Upon a report made by the United States Indian agent, Green Bay Agency, Wis., this office stated that in its opinion the whole matter of the claim of traders resolved itself into a debt between the individual Indians and the traders, in which the Menominee tribe as a party had no interest and should not be made a party thereto, and recommended that the proposed bill be not approved by the Department.

In the face of that statement from the Indian Office, I ask of what value would it be to pass this bill directing that office again to ascertain whether this was a claim against the tribal fund, and if it finds it to be a claim against the tribal fund, to pay it out of the tribal fund?

Mr. HOGG. Is it not true that the Department has never determined this matter by any sort of investigation? Is it not true that they could get no statement from the agent, and the matter was allowed to drift along until another agent was appointed?

Mr. FITZGERALD. I have no knowledge of that. I was not present when this bill was considered in the committee, as I recollect. Since it has been on the Calendar I have looked into it. This memorandum has been prepared by the Department and furnished to the gentleman from Kansas [Mr. CURTIS].

Mr. HOGG. Yes; but the fact appeared before the committee that no auditing was ever made of this bill by anybody, and it is for that reason that we want this bill passed in order that it may be audited.

Mr. FITZGERALD. The Department says now—this memorandum having been prepared since yesterday or the day before—that in its opinion the whole claim is one between the traders and the individual Indians, and should not be charged against the tribal funds; and in the face of that statement I can not see the propriety of passing this bill, compelling the Department again to investigate with a view of charging this claim against those funds. I call attention to the fact that after twenty years this claim comes here, amounting to \$42,000, to be charged against this fund.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman a question. Who will get this money in case this claim is allowed?

Mr. FITZGERALD. I could not tell that; that is beyond the information in my possession.

Mr. SULZER. This is another attempt, is it not, to rob the poor Indians?

Mr. FITZGERALD. Well, I hardly think I would use the same language as does my colleague the gentleman from New York, whatever my views might be.

Mr. SULZER. Same old scheme to get the Indians' money.

Mr. PAYNE. Mr. Speaker, I would like to ask whether this bill provides for an investigation as to whether the tribe ever made any contract for supplies?

Mr. HOGG. Certainly; that is the purpose.

Mr. PAYNE. The gentleman said it was for an accounting.

Mr. HOGG. Well, it is.

Mr. PAYNE. Of course an accounting would not involve that question.

Mr. HOGG. It embraces the payment of quite a long and considerable account between a great many individuals of this tribe. Now, the position, as indicated by the gentleman from New York [Mr. FITZGERALD], is that some question has arisen whether or not the tribe is responsible. The contention of the claimants is that the tribe met in regular council and authorized this before these people would furnish these goods, and that it therefore became a tribal debt. Since that time they have been unable to get any accounting. The Government has not seen fit to make an accounting, and it is for the purpose of securing this accounting and nothing else, to determine whether the tribe is responsible for this amount or not, and if so, in what amount, and authorizing such sum to be paid as they may find due. That is all there is to it.

Mr. LACEY. I would like to ask my colleague one further question, and that is, after this accounting has been made whether this bill does not also compel the payment of the account out of the tribal fund; that it is not merely a matter of accounting, but it also secures the payment?

Mr. HULL. Yes; the payment out of the fund. There is no question about that.

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.

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

Mr. FITZGERALD. Mr. Speaker, I move that the bill be recommitted to the Committee on Indian Affairs.

The SPEAKER. The gentleman from New York moves that the bill be recommitted to the Committee on Indian Affairs.

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. FITZGERALD. I ask for a division.

The SPEAKER. The gentleman from New York demands a division.

The House divided; and there were—ayes 43, noes 61.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. Hogg, a motion to reconsider the last vote was laid on the table.

G. G. MARTIN.

The next business under the special order was the bill (S. 2560) for the relief of G. G. Martin.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to G. G. Martin, late lieutenant-colonel First United States Colored Troops, an honorable discharge as of date December 31, 1863.

The bill was ordered to be read a third time; was read the third time, and passed.

JOHN JACOBY.

The next business under the special order was the bill (S. 3043) for the relief of the estate of the late John Jacoby.

The Clerk began the reading of the bill.

Mr. PAYNE. Mr. Speaker, I make the point that that bill does not come under this order.

The SPEAKER. The bill does not come within the rule.

BERT E. BARNES.

The next business under the special order was the bill (H. R. 19030) for the relief of Bert E. Barnes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized to amend the record of Bert E. Barnes so as to show him honorably discharged from Company D, Fifty-first Iowa Infantry, for disability contracted in line of duty.

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

THEODORE H. BISHOP.

The next business under the special order was the bill (H. R. 15251) for the relief of Theodore H. Bishop.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of disobedience to orders and absence without leave now standing against the record of Theodore H. Bishop, late of United States Navy, and issue to him an honorable discharge.

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

KENNETH M'ALPINE.

The next business under the special order was the bill (S. 6846) to reinstate Kenneth McAlpine as a lieutenant in the Navy.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Kenneth McAlpine a lieutenant on the active list of the Navy, to take rank as No. 1 on the list of lieutenants, the said Kenneth McAlpine having served for a period of twenty-five years and ten months, from September, 1877, to July, 1903, as an engineer officer in the Navy.

Sec. 2. That the said Kenneth McAlpine shall receive no pay or emolument except from the date of his appointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy, and to any grade to which he may hereafter be promoted. And that for the purpose of computing his pay his longevity shall be considered the same as if he had never been out of the service.

Sec. 3. That the said Kenneth McAlpine shall perform engineering duty only.

Mr. HULL. Mr. Speaker, I would like an explanation of that. It looks to me as if it were both a promotion and an increase of pay.

The SPEAKER. The Chair will state that after examination it seems to the Chair that it comes within the order.

The bill was ordered to be read a third time; and was read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. 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 sundry civil appropriation bill.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18969, the sundry civil appropriation bill, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill, the title of which will be reported by the Clerk.

The Clerk read as follows:

A bill (H. R. 18969) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

White Sulphur Springs (W. Va.) Station: Superintendent, \$1,500; fish-culturist, \$900; three laborers, at \$540 each; in all, \$4,020.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word for the purpose of putting in the RECORD a certain resolution, which I ask the Clerk to read. I shall detain the committee but a moment.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word, and asks that the Clerk read the resolution which he sends to the Clerk's desk.

Mr. BARTLETT. Mr. Chairman, I desire to call attention to the fact that at a meeting of the Georgia Peach Growers' Association, held in the city of Macon on the 22d, the resolution which the Clerk will read was unanimously passed by that association, which is taken from the Macon News.

The Clerk read as follows:

Resolved by the Georgia Peach Growers' Association in meeting regularly assembled. That we use all our influence to secure the passage of a bill in Congress putting all private car lines under the control of the Interstate Commerce Commission; that it is the sense of this meeting that our representatives in Congress be requested to favor the passage of such a bill and that each member of the association write to his Representative and Senator and urge his support of such a bill.

Mr. BARTLETT. Mr. Chairman, at that convention, in response to a letter from its secretary, a letter was written by myself upon the subject then to be discussed, and was read by the secretary of the association. In that letter I took the same position that I occupied upon the floor of this House when the railroad regulation bill was under discussion, on the 8th of February instant. I there occupied the position which I now occupy, and have always occupied, that it is the right of the United States Government to authorize the Interstate Commerce Commission to regulate the charges as well as the business of the private car lines engaged in interstate commerce. That has always been my position, and that is my position now. I have not had an opportunity to vote on that

proposition, but when I do I shall cast my vote for it. The bill recently passed by the House did not provide for the control of the private car lines, and I had no opportunity to so amend it.

I ask permission, Mr. Chairman, to insert in the RECORD the letter I hold in my hand and which was read before the convention to which I have referred, and which expresses my views on this subject.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 19, 1905.

Mr. F. W. HAZLEHURST,
Secretary and Treasurer Georgia Peach
Growers' Association, Macon, Ga.

DEAR SIR: I am in receipt of your favor of the 16th instant, inclosing copy of a letter addressed by you to Hon. E. B. Lewis, in reference to railroad-rate legislation, including the regulation of what are known as private car lines.

I send you, by this mail, a copy of the bill that passed the House, known as the "Esch-Townsend" bill, and also copy of a bill that was introduced by Mr. STEVENS of Minnesota, which seeks to correct what are known as "the private car line evils."

I made a speech on the Esch-Townsend bill, which I forward to you, and hope it will reach you before the meeting of your association on the 22d instant. From this speech you will observe what my views are on the subject.

I voted for the bill which passed the House—not because I was satisfied with it, but because it was the best I could vote for, the rule under which the bill was considered not permitting any amendment to it. If I could have had my way, I would have embraced in this bill a distinct proposition to give the Interstate Commerce Commission the right to inquire into and consider complaints made against private car lines, and to determine whether their rates are reasonable or unreasonable, just as in the case of railroads. It was claimed by some of the advocates of the bill that passed the House that the first section of the bill would extend the power of the Interstate Commerce Commission to investigate the rates of private car lines, but I do not believe that to be true, and I do not think the courts would so construe it.

In presenting my views on the subject I did not discuss at length the subject of the regulation of private car lines, because I did not believe that that proposition was embraced in the bill; but, as at present advised, I am of the opinion that the private car lines should be brought under the jurisdiction and supervision of the Interstate Commerce Commission, and shall so vote, unless convinced that it is not to the best interests of my constituents to do so. While I hold no extreme views on the subject of railroad legislation, I have always held that the great transportation companies, performing, as they do, a public service, and the agencies they employ or permit to be used over their lines are proper subjects for regulation by the States within their jurisdiction, and by the Congress of the United States where these transportation companies and the agencies used by them are engaged in interstate business. This right of the States and of the United States Government to thus regulate and control these transportation companies and agencies used by them is one clearly within the sovereign power of the States and of the United States and violates no privilege or right which these companies should be permitted to enjoy. Whenever these companies undertake to do this public business by authority and permission of the sovereign authority, whether State or national, they engage in such business with full knowledge that the sovereign, whether State or national, within their respective spheres, have the right under the fundamental law of the States and of the United States to regulate that business.

Having this unquestioned right, whenever the transportation companies exact of the people excessive rates and charges, or make discriminations, or grant rebates to favored shippers, it becomes the duty of the law-making power representing the people to correct these evils, and, while this power should be exercised with care, having due regard to the great interests of the railroads and transportation companies and special car lines, the legislators should also have regard for the rights and interests of the shippers, because the shipper is compelled to have his produce transported to market, and the railroads and the agencies they use, or permit to be used on their lines, are the only means by which the producer and shipper can reach the markets. It is the history of railroad corporations and others engaged in serving the public that, when they have a monopoly of such business, with full license and without the restraining hand of the sovereign power of the Government upon them, excesses will grow up and evils will exist which must be corrected. As for myself, I believe that everyone should be left free to carry on the business he may select legitimately and properly, and that the Government ought not to interfere either to increase or diminish the business of the private citizen, but the business of the transportation companies and the agencies they use, or permit to be used on their lines, is not a private business, but is a public business, and is operated primarily for the benefit of the public, under the charters which such companies obtain from the sovereign power; and when these companies thus undertake to do a public business and perform a public service, then I believe they must submit to the control of the Government—certainly to such an extent that the Government shall prevent the charging of excessive rates or the continuation of practices which work to the injury of the public.

Of course I am not as yet fully informed as to the extent of the evils of the private car lines. I am endeavoring to inform myself, and shall be glad to have any information that the Fruit Growers' Association and other shippers who use these private car lines may convey to me. I assure you that I will give such information or suggestions my careful consideration.

My prime object shall be to vote for such legislation as will correct the evils suggested in your letter to Mr. Lewis, or any other evils against which the shippers have a right to complain. The correction of these evils, so far as I am concerned, does not require the abolition or destruction of the private car lines. They have undoubtedly been of great service to the public in the transportation of fruit, vegetables, etc., and they can continue to be of great service. I am perfectly satisfied that they shall make the business one of profit to themselves as well as to the shipper, but when the question is presented to me, and

the facts demonstrate that the evils against which the shippers and producers complain exist, I shall be willing to do all in my power to remedy such evils by a just and fair regulation of this business. I am but a Representative of the people, and desire to carry out their wishes in this as in all other matters, if I can find out what they are. I do not mean by this that any unjust or extreme demand by my constituents should necessarily be supported by me; I do not believe they would make any such demand upon their Representative, but I do believe that when they shall call my attention, as their Representative in Congress, to evils and wrongs that exist in the matter of transportation of their products to the markets, to excessive charges for transportation, and to practices which discriminate against them, and thereby compel them to pay more than a reasonable and just rate for transportation, it becomes my duty as a Member of Congress, exercising the right which Congress has under the Constitution, to correct these evils and abuses by constitutional legislation, and by a reasonable and just regulation of such rates, and the prohibition of practices which discriminate against the shipper, or which unjustly oppress him.

The railroads themselves ought to provide for the expeditious, prompt, and proper transportation of freight along their lines, including fruits, vegetables, and things of that sort. Whenever they undertake to carry on the business of transportation it becomes their duty to provide the necessary facilities for such transportation, and if they choose rather to contract with special car lines for the transportation of a special class of freight, requiring refrigerator cars or other special equipment, then the citizen should have the right to have these special car lines and their rates of transportation controlled and regulated by the Government. It is but a necessary sequence that the citizen has the right to have such rates regulated and controlled by the Government when the transportation companies permit the special cars to be operated on their lines. This is certainly a conservative view, as conservative, in fact, as those engaged in the transportation business of the country ought to expect any man to maintain who desires to see fair dealing between the shippers and the transportation companies.

The railroad companies themselves have expressed their willingness and desire that the private car lines and fast freight lines doing an interstate business should be brought within the jurisdiction of the Interstate Commerce Commission and under the control of that Commission. It was so stated before the committees of the House and Senate having this matter under consideration. Mr. Samuel Spencer, the president of the Southern Railway Company, who said that he spoke for his own company and a large number of other railroad companies, stated to the committee of the House, as one of his suggestions as to what Congress should do:

"Bring the private car lines, the fast freight lines, and the water lines doing an interstate business through traffic within the jurisdiction of the interstate-commerce act."

The Interstate Commerce Commission has for a number of years called attention to the evils existing in the matter of private car lines and suggested that Congress should correct them. The Industrial Commission, appointed by Congress several years ago, after inquiring into the matter for several years, made a report to Congress in 1902, in which they called especial attention to these private car lines and the abuses that existed in their operation and their charges upon the shippers, and recommended that they be brought within the provisions of the interstate-commerce act.

The Democratic party, in its platforms of 1896, 1900, and 1904, demanded such an enlargement of the scope of the interstate-commerce law as would enable the Commission to protect the people from unjust and unfair transportation rates; and the President, in his message on the 6th of December last, especially called attention to these private car lines and recommended that they be brought within the jurisdiction of the Interstate Commerce Commission. He was not the pioneer by any means in this proposed legislation, but he simply advanced and stood upon ground that had previously been occupied by others.

So far as I am concerned, as a Representative of the people, if I remain of the opinion as I am at present, that the private car lines should be controlled and regulated, I shall vote that way, believing such a course to be for the interests of my constituents and the public generally.

I have endeavored to give you my views on the subject at length, and of course you can make such use of this letter as you see proper.

Very truly, yours,

CHARLES L. BARTLETT.

Mr. BARTLETT. Mr. Chairman, I will not now further discuss the proposition that the Congress of the United States, under the Constitution, has the right to regulate the agencies now being used in interstate commerce and known as private car lines. In my own judgment that question is one not now debatable. This power of Congress being admitted, the only question to be determined is whether it shall be exercised and how. For myself, I shall favor the proposition, when presented, to extend to the Interstate Commerce Commission the same power and control over private car lines, which it has or should have to inquire into and regulate the rates of the great interstate railways over which these private car lines operate their cars.

Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] desires to make a pro forma amendment.

Mr. MANN. Mr. Chairman, I introduced in the House yesterday two bills, one to prevent common carriers avoiding their common-law liabilities, and the other for the regulation of freight rates, upon which bills I wish to extend a few remarks in the RECORD. And I ask unanimous consent to do so.

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. MANN] the nature of his request.

Mr. MANN. I say that I introduced in the House yesterday two bills on the subject of common carriers, and I wish to extend my remarks in the RECORD sufficiently to explain those bills.

Mr. SULZER. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN]

asks unanimous consent to extend in the Record remarks upon the subject which he has indicated. Is there objection?

There was no objection.

The CHAIRMAN. The pro forma amendment offered by the gentleman from Illinois [Mr. MANN] will be considered as withdrawn.

The Clerk read as follows:

Fish hatchery, Clackamas, Oreg.: For the purchase of land and construction of buildings at Clackamas and auxiliary stations, \$5,000.

Mr. MARTIN. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota [Mr. MARTIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 21, page 64, insert:

"Fish hatchery, Spearfish, S. Dak.: For the purchase of additional lands, construction of buildings, repair of damage caused by flood, and protection of station against floods, \$11,000."

Mr. HEMENWAY. Mr. Chairman, I would like to ask the gentleman from South Dakota [Mr. MARTIN] if the provision in the bill provides for the purchase of additional land?

Mr. MARTIN. This is the exact estimate, the exact language of the Treasury estimate. Estimates were for \$17,500 for this item.

Mr. HEMENWAY. And the gentleman's amendment is \$11,000?

Mr. MARTIN. Eleven thousand dollars.

Mr. HEMENWAY. This is made necessary by floods, as I understand it?

Mr. MARTIN. Something over \$5,000 is made necessary by the floods. The balance is for rounding out the plant, the finishing of the superintendent's cottage, the building of a barn, and other improvements in rounding out the station. The station had a very small initial appropriation. Some additional amounts have been allowed since, but the request or estimate was for \$5,000 for certain buildings, giving the items, and \$1,000 for additional land, and the balance, up to \$17,500, for building a bulkhead for protection against flood, and so forth. There was a very serious flood there.

None of the buildings were injured by the flood. They are high above the flood line of the stream. So are the upper ponds. The flood water cut into the Government land on the lower bench near the creek and injured two or three of the lower ponds. It is proposed to repair these ponds and build a stone bulkhead to protect against high water in the future.

The first hatchery plants have usually cost about \$40,000 to construct, and the amount now asked will not make the cost of the Spearfish hatchery in excess of the usual expenditure.

The Spearfish is one of the most beautiful mountain streams in the United States. It has its source in clear, cold springs in the interior of the Black Hills. It carries a volume of over 2,000 miner's inches at low water. The hatchery is supplied with purest water from independent springs owned by the Government. The product of the hatchery is some 3,000,000 young trout per annum. These are distributed throughout the many ideal trout streams of the Black Hills and in the waters of the Rocky Mountains and Sierra Nevadas. This hatchery and two others, one at Bozeman, Mont., and one at Leadville, Colo., are the only hatcheries in the intermountain States. They are about 800 miles apart and are all necessary in order to keep the streams of the West and Northwest properly supplied with fish.

Mr. HEMENWAY. Mr. Chairman, the recommendation was for \$17,500. The committee has received information since passing upon the item, and they have no objection to the amendment.

Mr. BARTLETT. I understand the committee make no objection to the item.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota [Mr. MARTIN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the protection of the salmon fisheries of Alaska, including salaries of one agent, at \$2,500, and one assistant agent, at \$2,000: *Provided*, That hereafter the agent and assistant agent provided for by law shall be appointed by the Secretary of Commerce and Labor, \$7,000.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against the language on lines 6, 7, and 8. Why is that change made?

Mr. HEMENWAY. I do not catch the statement of the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] raises a point of order against lines 6, 7, and 8, on page 65.

Mr. FITZGERALD. Providing that agent and assistant agent of fish hatcheries in Alaska be appointed by the Secretary of Commerce and Labor.

Mr. HEMENWAY. These agents are now appointed by the President. For that reason they do not feel the same obligation as the head of the bureau of fisheries as they would if they were appointed by the Secretary of Commerce and Labor.

Mr. FITZGERALD. Who are they appointed by?

Mr. HEMENWAY. They are appointed by the President now, and this seeks to make the appointment by the Secretary of Commerce and Labor.

Mr. FITZGERALD. Does it change the manner in which the officers are to be appointed so that they must be confirmed by the Senate, or are the appointments simply made by the President?

Mr. HEMENWAY. They are made by the President. I suppose they have to be confirmed by the Senate, but they are not officers of sufficient importance to be appointed by the President and have to be confirmed by the Senate. They should be appointed by the Secretary of Commerce and Labor, and ought to be responsible to him.

Mr. FITZGERALD. Are they under the civil service?

Mr. HEMENWAY. They are not.

Mr. FITZGERALD. Will they be if they are changed as proposed?

Mr. HEMENWAY. No.

Mr. BABCOCK. Mr. Chairman, I desire to ask the gentleman from Indiana as to whether there is not an error in this section. I find that it provides for the salary of one agent at \$2,500 and one assistant agent at \$2,000, which is \$4,500, but the total given is \$7,000.

Mr. HEMENWAY. There were some other items included.

Mr. FITZGERALD. This agent and assistant agent are appointed by the President for some specific time, are they not?

Mr. HEMENWAY. I think not. I do not think there is any fixed time.

Mr. FITZGERALD. If they were appointed by the Secretary of Commerce and Labor, would not they become necessarily civil-service employees?

Mr. HEMENWAY. This does not change their status. The only object is to make them responsible to the Secretary of Commerce and Labor, being appointed by him.

Mr. FITZGERALD. That will not affect the men now in office?

Mr. HEMENWAY. I think not.

Mr. FITZGERALD. I think I will insist on the point of order.

Mr. HEMENWAY. I think the gentleman makes a mistake in insisting on the point of order, unless he has some well-defined purpose in view.

Mr. FITZGERALD. Why, it seems to me that the next step will be to cover these men into the civil service.

Mr. HEMENWAY. Oh, no; there is no such purpose.

Mr. FITZGERALD. I can not understand why a man should feel any more responsibility in the performance of the duties of his office if appointed by a member of the Cabinet than he would if appointed by the President of the United States. The contrary, I think, is true.

Mr. HEMENWAY. The gentleman can understand that if he were in charge of a great business he would rather appoint his own employees than have them appointed by some one else.

Mr. FITZGERALD. The President will appoint men recommended by the Secretary of Commerce and Labor, will he not?

Mr. HEMENWAY. I do not know anything about that. I have not the slightest idea about the work of the place. It is recommended by the Secretary of Commerce and Labor and by the Commissioner of Fish and Fisheries that these appointments be made by the Secretary of Commerce and Labor, and the reason given is that the appointments being made by him, he would have better control of the men. They report to him; they are under him; and there is no reason why a \$1,800 or \$2,000 man under the Secretary of Commerce and Labor should be appointed by the President when there are many employees under the Secretary of Commerce and Labor now receiving larger salaries that are appointed by the Secretary of Commerce and Labor. Then, Mr. Chairman, the gentleman, as I understood, withdrew his point of order, and there was further discussion on the item; and it now comes too late.

Mr. FITZGERALD. I think not.

The CHAIRMAN. The Chair thinks not.

Mr. FITZGERALD. I will insist upon my point of order, I will say to the gentleman from Indiana, unless there is some very good reason that make it inadvisable that they should be appointed by the President.

Mr. HEMENWAY. I will say to the gentleman that I do not care to waste any time on it. I care very little about the point,

and if the gentleman wants to make the point of order he can do so.

Mr. FITZGERALD. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHOBER. Mr. Chairman, I did not catch what the gentleman from Indiana said about the appropriation of \$7,000 for these two agents. I think he made some explanation to the gentleman from Wisconsin, but I did not hear.

The Clerk read as follows:

Contingent expenses shipping service: For rent, stationery, and other requisites for the transaction of the business of shipping commissioners' offices, \$7,000; and this sum shall be in full for all such expenses for the fiscal year 1905, and shall be so disbursed as to prevent a deficiency therein.

Mr. HEMENWAY. Mr. Chairman, I have an amendment to offer, which is simply to correct the date.

The Clerk read as follows:

Page 66, line 18, strike out the word "five" and insert in lieu thereof the word "six."

The amendment was agreed to.

The Clerk read as follows:

Toward the construction of the fireproof building for committee rooms and offices for the House of Representatives, provided for in the sundry civil act approved March 3, 1903, including not exceeding \$500 for the purchase of necessary technical and other books, \$980,000, to continue available until expended; and the said office building when complete, and the employment of all services that may be appropriated for by Congress, necessary for its protection, care, and operation shall, subject to the approval and direction of the Committee on Rules of the House of Representatives, be under the control and supervision of the Superintendent of the Capitol Building and Grounds, who shall submit annually to Congress estimates in detail for all such services and for other expenses in connection with said building and necessary for its use and occupancy; and said Committee on Rules shall from time to time prescribe rules and regulations to govern said superintendent in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and spaces in said building.

Mr. BABCOCK. I make the point of order against the part of page 67 indicated.

The Clerk read as follows:

I make the point of order against that part of page 67, after the word "expended," in line 12, down to and including line 25.

Mr. BABCOCK. Mr. Chairman, my point of order is that is new legislation, and not in accord with the rules of the House.

Mr. HEMENWAY. There is no doubt it is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file and other plats constituting a part of the records of said office, and to furnish local land offices with the same, \$2,500.

Mr. MONDELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 71, line 15, strike out the word "two" and insert in lieu thereof the word "three."

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order.

Mr. MONDELL. Mr. Chairman, this increases the appropriation for reproducing plats of surveys from \$2,500 to \$3,500.

This appropriation is used for the purpose of making photolithographic copies of township plats. It is an expense which is returned to the Treasury ultimately, so that there is in the end no outlay on the part of the Government. This reproduction of township plats by photolithographic process enables the General Land Office to sell to settlers, at 25 cents each, photolithographic plats that would cost from \$2 to \$6.50 apiece if made in the form of tracings. There is great demand for these plats.

Mr. HEMENWAY. I do not oppose the amendment.

The CHAIRMAN. The point of order is overruled. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Transcripts of records and plats, General Land Office: For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, \$18,720: *Provided*, That persons employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of \$2 per day while actually employed, at such times and for such periods as the exigencies of the work may demand: *Provided further*, That not more than one-twelfth of this appropriation shall be expended in any one month of the year for which it is available.

Mr. FITZGERALD. I move to strike out the last word, for the purpose of asking the gentleman from Indiana if this, in fact, is not an appropriation to continue permanently these clerks who have been there for a number of years and who are

not employed from time to time, as the exigencies of the service demand, as stated in this paragraph?

Mr. HEMENWAY. It is carried just as it is in the present appropriation act. I understand they are employed at \$2 a day as typewriters to get out this work. It is a service that pays back to the Government a great deal more than the expense of it. My notion is—I am not sure that I am right about it—that these are clerks who are employed without regard to the civil service.

Mr. FITZGERALD. My information is that there are a number of clerks who a number of years ago were appointed up there for temporary duty; that they were not appointed under the civil service; that they have been continued from year to year, and that they are doing the same character of work that a number of other clerks who are paid proper compensations are doing, and that these clerks either should be paid decent salaries or else they should not be retained there at all.

Mr. HEMENWAY. I struck the appropriation out of the bill four or five years ago, and I know there was great pressure brought to bear by these people, who said it would put them out of the service and result in great hardship, and so forth. So the amendment was put back in the bill on the floor of the House. The gentleman is right. There are a number of clerks employed there, receiving \$2 a day, and I have no doubt some of them are very competent to earn larger salaries.

Mr. FITZGERALD. I wish to repeat again, I understand that these clerks at this compensation are not paid adequately, and for the purpose of testing the sense of the committee I wish to offer an amendment.

Mr. HEMENWAY. I shall object to any amendment raising this pay. The gentleman from Wyoming [Mr. MONDELL] had them under his employ for a while, and possibly he can give us some information as to what they do.

The CHAIRMAN. Does the gentleman from New York withdraw his pro forma amendment?

Mr. FITZGERALD. I do.

Mr. MONDELL. These clerks receive inadequate compensation. There is no question about that; but this is not regular and steady work. This force is increased and decreased as there is a demand for their services. It would be impossible to maintain a corps of clerks at a fixed number without very much greater expense to the Government than the expense under this item.

Mr. MANN. Is the gentleman from Wyoming aware of the fact that this bill provides that they can only spend one-twelfth of this appropriation in any one month?

Mr. MONDELL. That is true; but they can expend less than one-twelfth of it in any one month, and they often do.

Mr. MANN. I think the gentleman will find that they expend it all.

Mr. HEMENWAY. The result of their work last year brought to the Government \$23,675.

Mr. MANN. The result of the work of this Bureau brought it in, not the result of their work.

Mr. HEMENWAY. The gentleman is mistaken. The report here shows that the money paid to the receiving clerk of the General Land Office and covered into the Treasury by him on account of transcripts of records and plats furnished under the provisions of the act of April 2, 1888, during the fiscal year 1904, just ended, amounts to \$23,675. The net surplus receipts over expenditures for the said year, 1904, amounted to \$9,207.

Mr. MONDELL. I will say, Mr. Chairman, that the class of work performed by these clerks differs from the regular work of the various divisions of the General Land Office. The work does bring in a considerable return to the Government, and it is a class of work that can be performed by a corps of clerks which may be increased or decreased more economically to the Government, at least, than by a corps of clerks of a fixed number. While it is true their salaries are low, considering the class of work they perform, I do not believe that we could better the service by transferring this corps to the classified service or by making it permanent.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On line 9 strike out the word "two" and insert the word "three;" so as to read "\$3 a day."

Mr. HEMENWAY. Mr. Chairman, I make a point of order that that is a change of existing law.

The CHAIRMAN. What has been the compensation in former bills?

Mr. HEMENWAY. Two dollars a day.

Mr. FITZGERALD. Mr. Chairman, I call attention to the fact that this proviso is a limitation upon this appropriation. If we can limit it by restricting the pay to \$2 a day, we can limit

it by restricting it to \$3 a day, or \$1.50 a day. This is a limitation upon the appropriation.

The CHAIRMAN. The Chair thinks not. The Chair thinks that fixing a salary is not a limitation. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I simply wish to say that several years ago I had struck out on a point of order—and this is subject to a point of order, and was so held by the Chair at that time—this item and a number of other items in the bill similar to it.

I think that is the reference that the gentleman from Indiana made. It never went out of the law because the item was restored in the Senate, but at that time I had occasion to look up this matter of the clerks. There is a definite number. It is not so many this month and another number next month and a less one the next month, as suggested by the gentleman from Wyoming. There is a fixed number of clerks maintained right along, and their salary has been the same for years, and the same sum has been appropriated.

Mr. HEMENWAY. I will suggest that that was fixed after the gentleman made the point of order, for the reason that the appropriation was \$10,000, and they would spend it all in the first half of the year; so we ascertained as nearly as possible the number of people they had and put this limitation on.

Mr. MANN. I am not criticising the limitation. I will say, for the benefit of the gentleman from Indiana, that at that time I asked the Department to furnish me with a list of the clerks employed under the per diem allowance, and I found that there were not five employed in any one division, but some were employed in every division. They would employ clerks under this division and put them at work in other divisions that had nothing to do with this work.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York will offer an amendment, which the Clerk will report.

The Clerk read as follows:

In line 13, page 72, insert: "Provided, That whenever any vacancy occurs in the places provided for herein, such vacancy shall not be filled.

Mr. HEMENWAY. I make a point of order against that amendment that it is a change of existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I wish to call attention to the fact that there is no existing law; that this provision is all the authorization there is.

The CHAIRMAN. It has been carried in the bill year after year. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. My attention has been called to the condition of these clerks. I understand as the gentleman from Illinois does, that there are a certain number of clerks who originally were put in this office because the exigencies of the service required that they should be employed there temporarily. The exigency passed long since, but these clerks have been retained. There are a number of clerks engaged particularly in this work and in different offices of the Department of the Interior at a salary of \$2 a day. They have no fixed tenure of office; they are at the will of the chief of these different divisions. Their compensation is grossly inadequate compared with other clerks doing similar work side by side with them in the office. I think the chairman of this committee should adopt some such amendment as this so that when these clerks who were brought in there and have been kept there leave the service, for whatever cause, that this system of employing clerks should cease, and if this Department requires additional help it should be given to it at decent wages.

My attention has been called to the condition of some of these clerks, and their condition is very pitiable. I am sure the gentleman from Indiana, if he were to familiarize himself with the facts, would not care to have the situation continued. I do not know how many there may be of these clerks, but those who are there should have their salaries increased, or when a vacancy occurs, the employment should cease; and if the Department needs additional help they should be employed under the general law.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, \$300,000, at rates not exceeding \$9 per linear mile for standard and meander lines, \$7 for township, and \$5 for section lines: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the acts approved February 22, 1889, and the acts approved July 3 and July 10, 1890; and, second, to surveying under such other acts as provide for land grants to the several States and Territories, except railroad land grants and such indemnity lands as the

several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture and lines of reservations, except forest reservations, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding \$13 per linear mile for standard and meander lines, \$11 for township, and \$7 for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior at rates not exceeding \$18 per linear mile for standard and meander lines, \$15 for township, and \$12 for section lines: *Provided further*, That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding \$25 per linear mile for standard and meander lines, \$23 for township, and \$20 for section lines; the provisions of section 2411, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon, are hereby extended to all of the above-named States and Territories and district. And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation not exceeding \$6 per day, and such per diem allowance in lieu of subsistence not exceeding \$3, while engaged in field examinations, as he may prescribe, said per diem allowance to be also made to such clerks who are competent surveyors who may be detailed to make field examinations, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making by such competent surveyors fragmentary surveys, office examination of surveying returns, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 72, line 15, strike out "three" and insert in lieu thereof the word "four."

Mr. MONDELL. Mr. Chairman, the proposed amendment increases the appropriation for public-land surveys \$100,000, and I hesitate about offering an amendment increasing by this large amount an item in a bill which has been as very carefully prepared as this bill has, but in view of the numerous items that a bill of this kind carries it is manifestly impossible for the committee to have full and complete knowledge of the reasonableness of every item. I want to call attention to the fact that my amendment leaves the appropriation \$36,000 less than it was last year and that it raises the item to the amount asked by the Secretary of the Interior. Now, the estimate of the Secretary of the Interior was low in the extreme, as was stated by the Assistant Commissioner in the hearings. In the first place, let it be remembered that no estimates were made by the surveyors-general of the various States, except where settlers have applied for land surveys. Their estimates this year amount to \$600,000 for surveys where settlers who were already on the land had applied to have the land surveyed. Add to that \$100,000, which is the estimated amount required for examinations, for fragmentary surveys, for the purpose of examining into the bona fides of applications for surveys, and we have \$700,000. In addition to that, this Congress has provided for resurveys amounting to \$134,000.

If one-half of those resurveys were to be executed this year the total amount required for lands where settlers have applied for surveys, for examinations, and fragmentary surveys, for half of the surveys authorized by this Congress, would amount to \$800,000, and the Commissioner has asked for only \$400,000, one-half of the amount which really ought to be expended. We have in the United States, exclusive of Alaska, and of lands open to entry, over 210,000,000 acres unsurveyed, and with an appropriation of \$400,000 this year it would require a like appropriation for thirty years to survey the remaining unsurveyed lands in the United States, exclusive of Alaska, without mentioning resurveys and fragmentary surveys. Now, these land surveys are the foundation of all settlement. There can be little permanent settlement and development in the West until the surveys have been executed. Formerly the amount available for surveys was much larger than recent years and we did survey vast tracts where there was little settlement, but in late years no surveys have been executed except where settlers have applied for them and where the examiners for the Department have, by examinations in the field, proven the bona fides of those applications, so that we are sure that this appropriation will not be used except in those cases where there are settlers on the lands and where the surveys must be executed if they are to be allowed to make their entries

and secure title to their lands. The amount we now ask is \$200,000 less than would be required to survey the lands which settlers have applied for, without taking into consideration the resurveys which have been provided for by this Congress, and without taking into consideration the \$100,000 required for fragmentary surveys, examinations of bona fides, and the surveys of fragmentary tracts. In other words, what we ask for now is one-half what we ought to have to carry on the surveys as they should be carried on. The estimate of the Commissioner was an exceedingly conservative one, and I hope that the committee will see its way clear to agree to the amendment.

Mr. DIXON. Mr. Chairman, I sincerely hope that this amendment will prevail. There is not a Congressman from the West whose mail is not overwhelmed and flooded with letters from actual settlers wanting to know why their lands can not be surveyed, so that they can get title. In the bill which has been reported \$100,000 has been stricken from the recommendation of the Commissioner of the Land Office, and at the rate of surveys allowed for this year it will take sixty-five years to finish surveying the State of Montana. The bill as reported will provide for the surveys of only thirty-seven townships of land—in the pro rata portion allowed in the estimate of the Department for the whole State of Montana—during the ensuing year, while there are petitions on file from hundreds of bona fide settlers praying that their lands may be surveyed, so that they may obtain title. We appropriate here \$100,000,000 for battle ships for a navy, \$17,000,000 for rivers and harbors, and hundreds and thousands of bona fide settlers in the West are living there year after year with no remedy in sight, asking only that the amount of \$100,000 shall be added, as asked for by the Department. I sincerely hope the amendment will prevail.

Mr. LIND. Mr. Chairman, will the gentleman from Montana yield to a question?

Mr. DIXON. Certainly.

Mr. LIND. Is it not a fact that the Department recommended \$100,000 more than the bill carries?

Mr. DIXON. Yes; and then based the recommendation on only two-thirds of the amount for surveys petitioned for by settlers. They cut it down 33½ per cent in the Department.

Mr. LIND. Mr. Chairman, I would like to ask the chairman of the committee why this estimate was cut.

Mr. HEMENWAY. Pardon me.

Mr. LIND. I would like to ask why this estimate was cut.

Mr. HEMENWAY. I would say to the gentleman that something like \$9,000,000 have been cut below the estimates, and this is one of the cuts. We have been appropriating for many years, ranging all the way from \$50,000 a year up to \$400,000 a year. In 1903 our appropriation was \$325,000. Now, as I understand it, nearly all the agricultural lands in the Western States have been taken up and surveyed, and they are spending large sums of money here in making surveys that seem to us to be unnecessary at this time, and the committee believing that with \$300,000 the necessary surveys could be made reduced the estimate from \$400,000 to the \$300,000 recommended by the committee.

Mr. MONDELL. Will the gentleman allow me? Did the committee take into consideration the fact that no surveys are made in these days except where settlers have applied for the surveys, and even then, if there be any doubt of the bona fide character of the settlement, not until examinations have been made in the field of the bona fides of those applications, and that this Congress has authorized a hundred and forty-one thousand dollars worth of resurveys, and that, with the appropriation raised as we propose to raise it, it will only take care of one-half the demand and one-half of what Congress has provided for?

Mr. HEMENWAY. Therein the trouble comes. Congress is all the time recommending resurveys. When on earth will we get a survey that will not have to be resurveyed over and over again? It looks to me that the \$300,000 appropriation would take care of all necessary surveys. The gentleman has been in charge of the Land Office. I believe that was his position—

Mr. MONDELL. In a minor capacity.

Mr. HEMENWAY. But we find in the items for survey we are spending a world of money. Through this item we are spending a lot of money for surveys, and it looks like throughout every department of the Government this question of surveys gets in until there is no end of the amount of money we are paying right along. This appropriation has run for 1894, \$200,000; for 1895, \$250,000; 1896, \$250,000, and so on down. All along the line, in every department of the Government, they make the statement that the appropriations must be increased all the time. Now, then, there must be a cut somewhere. The committee, after giving this careful consideration, believed that

with \$300,000 the necessary surveys next year could be made, so they cut off the estimate on this item \$100,000.

Mr. LITTLEFIELD. And the bill carries nearly \$8,000,000 more than last year, in the aggregate.

Mr. HEMENWAY. The bill carries \$8,000,000 more than last year.

Mr. LITTLEFIELD. Notwithstanding these cuts you have made.

Mr. MONDELL. Will the gentleman allow me to answer the questions which he propounded? The gentleman asks, first, When will we get through making resurveys? Now, in the first place, this item will not allow for the survey of any large portion of the resurveys provided by Congress. We will get through making resurveys when we have resurveyed the old, faulty surveys made twenty-five or thirty years ago, when there were no examinations made of surveys. The committee wants to understand that there are no resurveys made, never have been, and probably never will be, of any land surveyed within the last twenty years, or since we adopted the policy of examination in the field of all land surveys. Resurveys are only required on the old surveys where there was no examination in the field and where, as a matter of fact, a surveyor, in many instances, never crossed the country which he claimed to have surveyed, so that the matter of resurveys should not be raised in connection with this item. Now, the gentleman suggests we are appropriating large sums for topographical and geological surveys. Now, I have no disposition to criticize those items, but they are, after all, as compared with land surveys, somewhat in the nature of luxuries. We wish to have the topographic surveys extended, for they are of great value. Yet the settlement and development of the country depend to a less degree upon the extension of topographic and geological surveys than upon land surveys.

The settlement and development of all the West depend upon the extension of the public-lands surveys. The State of Montana to-day has 53,000,000 acres unsurveyed out of her 100,000,000 acres. Several of the Western States and Territories are but half surveyed at this time. The settlement and development of that region is more rapid to-day than it ever has been before. The settlers are going into the mountain valleys. They are attempting to farm, develop, cultivate, and reclaim where they never have attempted it before, and not a penny is expended or will be expended under this appropriation except where the settler is already on the ground and where he is demanding that the Government survey his lands. And even with the increase we ask only half of the surveys can be made that are asked for by settlers and provided for by Congress. And certainly this committee can not afford to cut down an item which goes to the very foundation of the settlement and development of the western country.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to call the attention of the gentleman from Montana [Mr. MONDELL] to some statements here:

And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation not exceeding \$6 per day, and such per diem allowance in lieu of subsistence not exceeding \$3, while engaged in field examinations, as he may prescribe, said per diem allowance to be also made to such clerks who are competent surveyors who may be detailed to make field examinations, in order—

For what?—

to test the accuracy of the work in the field and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors and for examinations of surveys heretofore made and reported to be defective or fraudulent and inspecting mineral deposits, etc.

Now, the point is this. A vast deal of imperfect surveying has been done. The Government has expended more money in surveying than it could expend judiciously and accurately in its work. Now, what? It asks \$400,000, a part of which shall be used—how much is not stated—not to resurvey, you say, but to see whether the surveys already made are accurate. By whom? By the Government; by the Secretary of the Interior. Do you want to expend \$400,000 to go over the work done and repeat the operation? Is it not better to go slowly and be sure you are right, give them less money and let them do well the work they have to do, and not come in here next year and ask a hundred thousand dollars, more or less, to test whether the work made this year has been accurate or not? In other words, it is up to the Department of the Interior to do its work and do it right, and not ask the Congress to make an appropriation by which to do it over again in order to make it right.

Mr. MONDELL. Mr. Chairman, I think the gentleman from Michigan [Mr. GARDNER] misconstrues the meaning of the section or the part of the section which he has just read. No part

of the appropriation herein proposed is used to test the accuracy of any survey that has been accepted by the Government. The gentleman certainly will not criticize the field examination of surveys, which examination makes it impossible for a fraudulent or erroneous survey to be executed and accepted. The item for examination in the field is used in this way: A contract is let to a deputy surveyor, who is a sworn officer of the Government, though not under Government pay. He is a contractor. The contract is let generally for not to exceed \$5,000 to any one person, or the amount that a deputy surveyor can execute in one surveying season. When that deputy surveyor calls to the attention of the surveyor-general of the State the fact that he has completed his survey in the field, then one of these examiners is sent into the field to examine the lines of survey. He takes up the lines of survey hit or miss. He does not rerun all of them, but he endeavors to examine the survey in several places and on different sides and to examine its accuracy, and upon examination he reports to the Department, and upon that report the survey is either accepted or the surveyor is ordered into the field for the purpose of correcting his survey.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. MONDELL. Division!

The committee divided; and there were—ayes 43, yeas 22.

So the amendment was agreed to.

The Clerk read as follows:

For topographical surveys in various portions of the United States, \$300,000, to be immediately available.

Mr. ADAMSON. Mr. Chairman, I offer the amendment that I send to the Clerk's desk.

The Clerk read as follows:

Page 77, line 4, strike out the words "three hundred" and insert the words "three hundred and fifty."

Mr. ADAMSON. Mr. Chairman, I send to the Clerk's desk a memorial presented by the geologists and mineralogists of the several States. It is in the form of a letter addressed to the Speaker of the House, with some statement of information compiled by these aforesaid gentlemen. I ask unanimous consent that it may be read at the Clerk's desk without being charged to my time.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the memorial be read without being charged against his time. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

FEBRUARY 23, 1905.

THE SPEAKER HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: In order that the Director of the United States Geological Survey may prepare more rapidly the topographic map of the United States, we respectfully ask that the appropriation for topographic surveys be largely increased.

This work can not be done by the several States, as years would be required for training men and organizing a system such as the General Government has already in force; and the methods and results in surveying, engraving, and publishing would be so diverse that the value of the maps, both for local and national purposes, would be comparatively small.

The making of the topographic map of the United States is, therefore, necessarily a great national undertaking, to serve as a basis for the great national industrial developments in mining, agriculture, forestry, road building, water supplies and navigation, and in military operations; and we would respectfully urge that Congress provide for the more rapid prosecution of this work by increasing the appropriation therefor, in order that the present generation of workers may receive more of its benefits as the needed efficient guide in all these developments—developments which to-day are being delayed and seriously hampered by the lack of good topographic maps of the country.

I. C. White, State geologist of West Virginia; W. B. Clark, State geologist of Maryland; E. A. Birge, State geologist of Wisconsin; Edward Orton, State geologist of Ohio; Frank A. Wilder, State geologist of Iowa; W. B. Blatchley, State geologist of Indiana; W. B. Phillips, State geologist of Texas; J. A. Holmes, State geologist of North Carolina; E. A. Smith, State geologist of Alabama; Alfred C. Lane, State geologist of Michigan; E. R. Buckley, State geologist of Missouri; G. H. Perkins, State geologist of Vermont; Lesley A. Lee, State geologist of Maine; Wm. North Rice, State geologist of Connecticut; Erasmus Haworth, State geologist of Kansas; C. J. Norwood, State geologist of Kentucky; H. B. Kimmel, State geologist of New Jersey; Thos. L. Watson, State geologist of Virginia; Earl Sionn, State geologist of South Carolina; Chas. N. Gould, Territorial geologist of Oklahoma; Wm. P. Blake, Territorial geologist of Oklahoma; E. H. Barbour, geologist, Lincoln, Nebr.; E. F. White, commissioner of mines of Colorado; J. W. Finch, State geologist of Colorado; H. C. Beeler, State geologist of Wyoming; Louis E. Aubury, State mineralogist of California; J. N. Pew, chairman geologist and topographic survey commission of Pennsylvania; Henry A. Van Alstyne, State engineer of New York; F. W. Hodgdon, chief engineer, Massachusetts harbor and land commission.

TOPOGRAPHIC SURVEYS.

[Sundry civil bill, p. 77.]

(1) Why the desired increase in the appropriations was not included in the estimates from the Interior Department.—The Secretary of the Interior and the Director of the Geological Survey, in their desire to follow conservative lines, have carried out the President's general request in not asking for increased appropriations when it was possible to avoid doing so. Consequently no increase in the appropriation for topographic surveys was included in the estimates.

(2) The demand for additional topographic surveys comes not from Washington, but from the people.—The demand for this increase in the appropriation for making the topographic surveys of the country comes directly from the people living in the many different States and Territories who are trying to build up the varied industries of the country.

It comes from the State geologists and mining commissioners, who are trying to build up the mineral industries of the country.

It comes from the commissioners of agriculture and others, who are trying to build up the agricultural interests of the country.

It comes from those who are endeavoring to develop the forests.

It comes from the State engineers, who are trying to develop the water supplies and water powers of the country.

It comes from the road builders in different parts of the country.

It comes from the engineers of the Army, who are endeavoring to construct the much-needed military maps of the country.

APPROPRIATION FOR UNITED STATES GEOLOGICAL SURVEY.

[Sundry civil bill, page 77, line 4.]

Increase of appropriation for topographic surveys from \$300,000 to \$350,000.

Since 1902 there has been no increase in the appropriation for topographic surveys, the amount standing at \$300,000 per annum—a sum sufficient to permit the allotment of not over \$6,000 annually to the work in each State and Territory; a sum too small to permit work in more than one Congressional District annually in each State, whereas the demands for surveys by Members of Congress in behalf of their constituents require several times this amount.

In the first twenty-five years of its existence the topographic branch of the Geological Survey has mapped nearly 1,000,000 square miles, which is about one-fourth of the area of the United States, including Alaska. At this rate it will be seventy-five years before the whole country is mapped. Meantime, the immediate demand for the work is pressing, and important developments in all parts of the country are being held back and hampered by the lack of good maps.

The appropriation for this work should be increased this year at least \$50,000. The larger facilities for the efficient doing of this additional work are immediately available, so that no time need be lost. Without increase of appropriation the Survey is falling behind in the topographic work—doing less each year, because of the demand for a higher grade of work, which makes the funds go a less distance.

The development of our natural resources and industries is being retarded for lack of topographic maps, while the United States is to-day more deficient in military maps than is any other great country.

They are being called for in every section of the country, and by the War, Post-Office, and Agricultural Departments; they are needed for public road improvement, in railway development, as a basis for soil examination and other agricultural development, for water-supply developments for towns and cities, for forest examinations and improvements, as guides in the planning and operation of rural free-delivery routes, and for many other purposes.

Mr. ADAMSON. Mr. Chairman, the paragraph itself practically recites the purposes of this appropriation as well as the benefits expected therefrom. The fact that \$300,000 has been appropriated annually for three or four years is argument enough that it is a good thing. The only objection to it is there is not enough of it. It does not get along fast enough nor extend far enough in the distribution of the benefits of the Geological Survey to the people throughout the country. For eight years I have been endeavoring to secure only one of these quadrangles, and each time I have been assured that it would be done as soon as the funds were available. Many other Representatives here have had the same experience and received the same assurance. That it was impossible to do all the work at once, of course we knew. According to the figures read from the desk, at the present rate of progress it will require just seventy-five years to complete the topographical map of the United States—too late to confer very material advantage upon this and the next two generations, perhaps. Fifty thousand dollars is a small increase when you take into consideration the great and important work to be accomplished and the much larger sums often appropriated for purposes not half so worthy or necessary. The present appropriation permits less than one quadrangle per annum to be undertaken in each State. Considering the vast revenues of the Government, the vast and varied interests of the country, the multitudes of different people, classes, and professions concerned and to be affected by this survey, the vast local utility as well as general advantage to accrue therefrom, we can afford a little bit of an increase, a small modicum, so as to gratify the people in those localities that are most loudly demanding an extension of this survey.

I appeared before the Committee on Appropriations and requested this increase after the Director of the Geological Survey had assured me he did not have money enough to begin all the necessary work demanded and would not have it unless this appropriation should be increased. I received the reply, among others, that they would not increase it, because estimates had not been submitted asking that an increase be made. Of course I understand that, as of course every bureau and Department is now trying to economize, trying to cut off expenses. The

Director of the Geological Survey can not increase the estimates without the approval of the Secretary. The Secretary, in a general effort to hold down the expenses, would not wish to increase the recommendation, yet the Director tells us that our requests are meritorious and that if we can increase the appropriation he can and will extend the survey; and we, representing the people, come here and ask for this increase, backed up by the popular will, from every State and Territory, from all over the country—the geologists, the mineralogists, the road builders, those interested in extending rural free delivery, those interested in the various water supplies, railroad building, and everything else—and ask this House to increase this appropriation \$50,000. Let not those who have already been served object to extending the system to us and our people, who have thus far been neglected. [Loud applause.]

Mr. GILLETT of Massachusetts. Mr. Chairman, it would of course be very pleasant if this appropriation could be made large enough to go all around. It would be pleasant if each one of us could have some of it in his district. It would be pleasanter still if we could appropriate money enough to justify a complete survey of the whole United States this year. But we all appreciate that that is impossible. The question for us to decide is how much is a reasonable amount for us to appropriate to keep on extending this survey in which the United States is engaged. Now, as the gentleman from Wyoming said in discussing the last amendment, this topographical survey is after all a luxury. It is not a necessity. It is an excellent thing for our communities, for our corporations, for our roads; but it is not necessary for the development of the country. It is only a luxury. Now, the committee has felt that for the last twenty years that this appropriation—

Mr. SHERLEY. Will the gentleman state how much of this luxury the State of Massachusetts has had?

Mr. GILLETT of Massachusetts. I have not the least idea.

Mr. SHERLEY. Has not the whole State been mapped?

Mr. GILLETT of Massachusetts. I think not.

Mr. SHERLEY. I thought the gentleman was informed.

Mr. GILLETT of Massachusetts. I have no idea what localities have been surveyed and what not.

I am very strongly of this impression, however, that the State of Massachusetts has cooperated with the Survey and paid half of the expenses and has already done as much as the United States has. A good many of the States have been doing that same thing for years.

Mr. WILLIAMS of Mississippi. Does not the Bureau demand that?

Mr. GILLETT of Massachusetts. It does not. I think it would be a good plan if the Bureau would demand it.

Mr. WILLIAMS of Mississippi. Practically it has done no work where the State has not?

Mr. GILLETT of Massachusetts. Yes; last year the Bureau had \$300,000 and they only received from the States \$100,000, showing that they only received one-third as much as the Government appropriated. I think it would be a good plan if the Bureau would say that they would only expend the money where the State would contribute one-half, but they have not done so as yet.

But, Mr. Chairman, the development of this Survey shows that until 1903 we never expended more than \$250,000. Then the Treasury being flush, we increased the appropriation to \$300,000, and for the last three years we have had \$300,000 a year, and that is all the Survey estimated and asked for this year. Now, this year the Treasury is pinched, and the committee thought that if we were to make any change this year, instead of increasing the appropriation, we should diminish it, but we have given the same amount this year that we have for the last three years—the most that we have ever given. We do not think this year is the time when we should increase the appropriation, and therefore I hope that the amendment offered by the gentleman from Georgia will fail.

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. LITTLEFIELD. I would like to inquire whether this appropriation is equal in amount to the recommendation of the Department?

Mr. GILLETT of Massachusetts. I have already said that it was exactly the amount estimated for and asked by the Department.

Mr. LITTLEFIELD. So that the committee has reported all that the Department wants?

Mr. GILLETT of Massachusetts. Everything that they ask.

Mr. THOMAS of North Carolina. Mr. Chairman, I move to strike out the last word. I think this is a question of necessity and is not a question of luxury. I think the records will bear me out in the statement that there has been no increase in

this appropriation for soil-surface maps or topographical surveys since 1902, and, with the growth of the country, something should be done, and done now, to meet the demands of the people for the increase of this appropriation. There is a growing and increasing demand for this work of the Government.

Mr. GILLETT of Massachusetts. This is quite distinct from the soil maps. Those are made by the Agricultural Department. Mr. THOMAS of North Carolina. I understand very well the distinction, Mr. Chairman. Certainly these topographical surveys have to do with the soil, and they are demanded by the agricultural people of the country.

Mr. HEMENWAY. The gentleman is mistaken. The topographical maps have nothing to do with the soil.

Mr. WILLIAMS of Mississippi. If the gentleman from Indiana will pardon me, they have practically very much to do with it. The Agricultural Department has uniformly refused to make a soil survey where there is no topographical map.

Mr. THOMAS of North Carolina. That is true.

Mr. WILLIAMS of Mississippi. Down in Mississippi, for example, they were extending the soil map until they came to a certain line where there were no topographical surveys made by the State or National Government, and they therefore quit—and they were sensible in doing so—because they had to make two surveys at the same time, and it cost more money, and they preferred to use their money where the topographical survey had already been made.

Mr. THOMAS of North Carolina. They are used, Mr. Chairman, as the basis of the soil surveys or soil examinations and other agricultural developments.

Now, since 1902 there has been no increase for these topographical maps, and, as stated by the gentleman from Georgia [Mr. ADAMSON], they are demanded by the people of the country, and are needed for public road improvements, in railway development, as a basis for soil examination, for water-supply developments for towns and cities, for forest examinations and improvements, and as guides in the planning and operation of rural free-delivery routes. I hope the amendment offered by the gentleman from Georgia [Mr. ADAMSON] will prevail, and that the appropriation will be increased. I would be glad to discuss the matter further, but we are anxious to get a vote and the sense of the committee upon this proposition.

The industrial development of the whole country demands larger appropriations for these topographical maps; State geologists and commissioners of agriculture demand more money for this important work, and the people of the country demand it.

Mr. FINLEY. Mr. Chairman, I think that this amendment should prevail, notwithstanding the fact that the full amount of the estimate is contained in this bill. Why, Mr. Chairman, it is true that there was a demand upon the various Departments this year for economy, and while it is true that the Geological Survey asked for \$300,000, which is no more than has been granted for several years past, it is also true that other Departments of the Government have asked for a great deal more than has been appropriated for during the past three years. I do not think that anyone will dispute the proposition that topographical surveys are necessary. There can be no geological surveys without a topographical survey having first been had. Not only is this true, but in the various areas of the United States where there are minerals to-day the areas that show the greatest development are those areas where topographical surveys have been made. These surveys are the foundation for geological surveys and the geological surveys are necessary for any intelligent investigation of the mineral resources of any community.

Now, I know in the South, in the particular section where I live, there is to-day a demand that makes it a necessity if the mineral interests are to be developed. There was mined in South Carolina last year 40 per cent of all the gold produced in the United States east of the Mississippi River. There has been no geological survey there, and it is a necessity. In that section there are deposits of tin of commercial importance. Only last year one man mined and shipped two carloads of tin ore from Gaffney, S. C., to Cornwall, England, at a profit of \$12,000 on the two carloads.

Mr. HEMENWAY. Mr. Chairman, let me ask the gentleman right there. The gentleman made a profit of how many thousand dollars?

Mr. FINLEY. Twelve thousand dollars on two carloads.

Mr. HEMENWAY. Had he better not do a little surveying for himself in place of asking the Government to keep on making these surveys in order that private individuals may make large profits?

Mr. FINLEY. Well, my friend, Captain Ross, who has made this find, and has been so fortunate, is not here asking the Government for a survey, but the people of that section who believe that they have tin wish a geological survey for the

purpose of prospecting the matter intelligently. The same is true as to monazite and copper. Not only is this true as to minerals, but it is also true as to water powers, and to-day in all that northern section of South Carolina, and the southern and western sections of North Carolina, it is of the utmost importance that intelligent surveys be made of the water powers. So, Mr. Chairman, I submit that it is a necessity, and we are not here asking the Congress of the United States to appropriate money for an unnecessary purpose. While it is argued that other States contribute, I ask, Is it fair and right for the Government of the United States to appropriate money for a public purpose and then to provide in effect that that money shall only be expended in States where the States chip in, go in copartnership with the Government, so to speak? That would mean that the wealthy States, the States having the ability to do that, would obtain all of the benefits of this class of appropriations. This policy is unsound from the standpoint of every sound theory of government that I am acquainted with. I hope the amendment will prevail.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word. I do not know what the Department may have included in the original estimate as the amount desired, but I do know that the Department does desire and does ask for more money, and I feel that it ought to have it.

Mr. HEMENWAY. Mr. Chairman, I will ask the gentleman where he gets his information. We have before us the estimates in which the Department asks for so much money. Now, if the head of the Geological Survey, or the Secretary of the Interior, outside of his estimates, comes lobbying around with the Members of Congress we ought to know it. We ought to know whether or not they submit their estimates, or whether it comes in the way of lobbying with Members of Congress after estimates have been submitted to the House. [Applause.]

Mr. OLMSTED. Well, Mr. Chairman, the chairman of the Committee on Appropriations, the gentleman from Indiana [Mr. HEMENWAY], may accuse gentlemen without information on the subject.

Mr. HEMENWAY. I am asking the gentleman. We have the estimate here, and the gentleman makes the statement that notwithstanding the estimates he knows that they want more money. I ask the gentleman how he knows it?

Mr. OLMSTED. I know it, and I think the gentleman knows it, and we all know it.

Mr. HEMENWAY. Upon the other hand, I do not know it. Upon the other hand, the gentleman in charge of the survey insists that he does not lobby with Members of Congress after making his estimates.

Mr. OLMSTED. I am not accusing any member of any Department with lobbying with Members, but I say that I know, and I think the chairman of the Committee on Appropriations knows, that that Department would like to have had a larger sum in this bill for this purpose, and I submit that there is no appropriation carried by this bill, and I might almost add by any other bill, that results in affording such useful information upon so many subjects to so many people in the United States as does this appropriation for topographical surveys. These surveys to help develop the water supply of the country, which is becoming a question of the greatest importance in many parts; they help to develop the agricultural resources; they help to develop the mineral resources; they help to develop the transportation resources; they help in very many ways. They are so important that some at least of the States, my own in particular, are willing to contribute to help the Government in the same direction. Without taking up the time of the committee, I venture to express the hope that this amendment will be agreed to.

Mr. HEMENWAY rose.

Mr. SHACKLEFORD. Mr. Chairman, I want to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. HEMENWAY. Mr. Chairman, since 1901—and I want the attention of the House—we have met with criticism, and especially we have met with criticism from the Democratic side of this House, because of extravagant appropriations. Only a few minutes ago a hundred thousand dollars was voted into this bill, and we succeeded in securing from the Democratic side of the House just two votes against it.

These gentlemen are great at standing for economy and talking for economy and criticising this side of the House when Congress adjourns, saying that we have made extravagant appropriations. Yet when the time comes to vote, when you can vote appropriations off or vote them on, only two gentlemen on that side stand up when a hundred thousand dollars are added to this bill.

Now, during the last five years—from 1901 to 1905—we have increased the appropriation for the Geological Survey \$498,000.

In five years this appropriation has moved up \$498,000. We have this condition presented to Congress: Every dollar the Director of the Geological Survey asks for on this item is given, and yet we have coming from that side of the House a proposition to go him one better, and then we have from our own side of the House the statement that notwithstanding the estimate is given, they want more money. Yes; they want more money!

In the last Congress we decreased the estimates \$42,000,000; but notwithstanding that fact, when this fiscal year closes we will have a deficiency of \$20,000,000; and from the other side of the House the other day I heard some one saying, "Didn't you Republicans say you could keep within the revenues?"

Mr. WILLIAMS of Mississippi. Mr. Chairman—

Mr. HEMENWAY. I will yield directly. Keep within the revenue! When you have a chance to vote to help keep within the revenue, why do you not do it?

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

Mr. HEMENWAY. Why do you vote for every increase in the appropriations that is suggested in Committee of the Whole, where there is no record vote, and then when the time comes hold up your hands and say, "Why didn't you keep down the appropriations?"

Mr. VANDIVER. Will the gentleman yield?

Mr. HEMENWAY. No; I do not yield. When we come to this vote, let us see how many of you gentlemen will vote to increase the estimate made here by the Director of the Geological Survey.

Mr. VANDIVER. Will the gentleman yield?

Mr. HEMENWAY. I decline to yield to the gentleman. What is the increase wanted for? Why, I see before me the representative of one of the great western cities, who appeared before the committee the other day. He wanted more money for topographical surveys. Why? He said they are building interurban railroads throughout the country, and it is a great advantage to them. Why, yes, the Government makes the survey for them. When they get the topographical survey they do not have to make their own survey. He says, "We are building highways, and it is a great advantage to us." Yes; the Government makes the surveys, and they do not have to make any surveys for the highways. It is a great advantage to the railroads generally. Yes; the topographical survey of the Government obviates the necessity of their having to make surveys. Of course it is of great advantage to them; but because that is true, are we going to vote into this bill a larger sum of money than that asked for by the Director of the Geological Survey himself? I do not believe that Congress is going to do that. I do not believe that these gentlemen who profess to stand for economy, when efforts are being made not only by the Republican members of the Committee on Appropriations, but by the Democratic members of that committee—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEMENWAY. I ask for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he may proceed for five minutes. Is there objection? The Chair hears none.

Mr. VANDIVER. Reserving the right to object, I want the gentleman to answer a question.

Mr. HEMENWAY. Do not reserve any right to object, but object if you want to. I do not answer questions under such a condition.

Mr. VANDIVER. Then I object.

Mr. COOPER of Texas. Mr. Chairman, I call attention to the fact that a special order was fixed for 3 o'clock for the exercises appropriate to the reception and acceptance from the State of Texas of the statues of Sam Houston and Stephen F. Austin.

Mr. HEMENWAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas calls the attention of the Chair to the fact that a special order of the House has been made for 3 o'clock.

Mr. HEMENWAY. That being the case, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, 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. 18969, the sundry civil appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 14749) to enable the people of Okla-

homa 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, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BEVERIDGE, Mr. NELSON, and Mr. BATE as the conferees of the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16986) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. KITTREDGE, Mr. MILLARD, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 107.

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 copies of the Report on the Progress of the Beet-Sugar Industry in the United States in 1904, 1,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 8,000 copies for use of the Department of Agriculture.

PETER F. POLK.

By unanimous consent, at the request of Mr. CROWLEY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Peter F. Polk (H. R. 15537, Fifty-seventh Congress), no adverse report having been made thereon.

S. R. COOPER.

By unanimous consent, at the request of Mr. RIXEY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of S. R. Cooper (H. R. 2299, Fifty-eighth Congress), no adverse report having been made thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution:

IN THE SENATE OF THE UNITED STATES,
February 25, 1905.

Resolved, That on Monday next, the 27th day of February, at 10 o'clock a. m., the Senate shall proceed to vote, without debate, on the several articles of impeachment. The Presiding Officer shall direct the Secretary to read the several articles of impeachment in their regular order. After the reading of each article the Presiding Officer shall put the question following: "Senators, how say you; is the respondent, Charles Swayne, guilty or not guilty as charged in this article?" The Secretary will proceed to call the roll for the responses of Senators.

Whereupon, when his name is called, each Senator shall arise in his place and give his response "Guilty," or "Not guilty," and the Secretary shall record the same.

Resolved, That the Secretary notify the House of Representatives of the foregoing.

Attest:

CHAS. G. BENNETT, Secretary.

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. 2531. An act to divide Washington into two judicial districts;

H. R. 17579. An act to create a new division of the western judicial district of Louisiana and to provide for terms of court at Lake Charles, La., and for other purposes; and

H. R. 7022. An act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

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

S. 7157. An act to amend an act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, approved February 12, 1901;

S. 6314. An act for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts; and

S. 4782. An act for the conveyance of public lands belonging to the United States in the State of New York.

STATUES OF SAM HOUSTON AND STEPHEN F. AUSTIN.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That the exercises appropriate to the reception and acceptance from the State of Texas of the statues of Sam Houston and Stephen F. Austin, erected in Statuary Hall in the Capitol, be made the special order for Saturday, the 25th day of February, at 3 o'clock p. m.

The SPEAKER. The gentleman from Texas [Mr. GARNER] will please take the chair. [Applause.]

Mr. COOPER of Texas. Mr. Speaker, I offer the following resolutions.

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

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to the State of Texas for providing the statues of Sam Houston and Stephen F. Austin, illustrious for their historic renown and distinguished in civic services.

Resolved, That a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Texas.

Mr. COOPER of Texas. Mr. Speaker, all civilized and semi-civilized peoples have made the effort to perpetuate in some tangible form the memory of their great and noble dead. This memorial sometimes assumes the form of a monument, sometimes the form of a tomb, or temple, or a pyramid, or a relief upon the walls of a palace, temple, or tomb. Often, however, it takes the form of a statue chiseled from stone or hammered from metal.

Even before the dawn of history, when civilization, as we know it, first began to lift its head above the hilltops of ancient Judea and Phœnicia, Egypt, that enigma of the ages, already hoary with its untold centuries of civic and political life, was filled with colossal images of its earlier kings, whose epitaphs were carved in a language even then dying with age. In later centuries the kings of Assyria, and, still later, those of Persia, followed the example of the Egyptians and wrought out impressive images of their kings in metal and marble.

In the ancient temples of India are found statues of unknown antiquity commemorative of the virtues of Brahma or Buddha. The totem poles of Alaska, the rude images of ancient Peru, the primitive attempts at sculpture among the Aztecs of Mexico, alike attest that even among savages and semicivilized peoples this custom prevailed, and that it is born of a universal instinct.

In ancient Greece commemorative sculpture reached its freest and fullest expression. The Greeks at first filled Athens with the images of every god and goddess, every faun and satyr, every naiad and nymph known to their mythology. But the Greek mind was expansive and original. It had repudiated the doctrine of monarchy and kingly assumption of divine right to rule, and had established the first democracy. Recognizing that a good citizen might deserve the gratitude and remembrance of his countrymen as truly as might a king, the Greeks preserved memories of their poets, their historians, their philosophers, and their military heroes.

Rome and the modern world have feebly copied Greece in thus honoring those whose eminent services to their country or to humanity have entitled them to such recognition.

The Government of the United States, appreciating the historical value to future generations of the collection of the statues of those who were prominent in our earlier history, has invited each State in the Federal Union to erect in Statuary Hall two statues in honor of those two of her citizens whom it might deem most worthy of that distinguished honor.

In hearty compliance with this invitation the State of Texas has placed in that hall the statues of Sam Houston and Stephen F. Austin.

The early history of Texas was stirring and eventful. On the borderland between the widely different—often antagonistic—civilizations of the progressive Saxons and the conservative Latin it was first a theater on which the scenes of exploration, colonization, oppression, insurrection, revolution, invasion, and independence were presented in quick succession. Then for a few perilous years it existed as an independent Republic, threatened by Mexico, courted by European nations, but long repulsed by the United States in its efforts to secure a union with that country. Then came annexation, followed by a war with Mexico, which permanently determined its international boundary and forever fixed its place as a member of the American Union. Superadded to the incessant activity born of this stirring social and political life was the necessity of protecting the country from the repeated raids of the Indians. These original owners of the soil hovered like a dark storm cloud over the western frontier, and many a trail of blood and fire marked their savage inroads across the steadily advancing line of settlements.

This strenuous life called for and called forth men of great

and versatile talent. The enterprise of the pioneer, the daring of the scout, the industry and skill of the farmer, the courage of the soldier, the wisdom of the legislator, the genius of leadership, the talent for organization, the skill and tact of diplomacy were all needed to shape the destinies of the young State. There was no lack of able men, gifted by nature and trained in this practical school, to supply every social and political need.

Rich in men of the highest type, bewildered by an imposing array of sons worthy of every honor, our State has found it no easy task to make the selection imposed by the act of Congress, but the task has been simplified by the reflection that the fame of those not thus selected is in no degree dependent upon memorials like these, but is secure in the records of history and in the memories of their admiring fellow-citizens.

Stephen F. Austin and Sam Houston! The founder and the preserver! Each the complement of the other. Without Austin to build States, no Houston would be needed to liberate them from oppression or to defend them from aggression; and without the sheltering and conserving genius of a Houston, vain would be the work of those who lay the foundations of States amid the solitude and savagery of the desert. Happy and wise then was the choice that linked these two great characters together in a common memorial, as the two great originals were associated in working out, in different ways, a common destiny for one of the greatest of the American Commonwealths. [Applause.]

STEPHEN F. AUSTIN.

The two distinguished men whose statues have been presented here were born in the same State (Virginia) in the same year, 1793. Though thus of the same age, yet Austin's connection with Texas history began many years before the arrival of his great colleague, and death removed him from the scene of their common labors more than a quarter of a century before the career of Houston was ended. Yet, in the 43 years of his life, he earned as sound a title as that of any man of his generation to the grateful remembrance of the people of Texas.

A popular historian, in contemplating the work of this famous pioneer, said:

If he who, by conquest, wins an empire, receives the world's applause, how much more is due to those who, by unceasing toil, lay in the wilderness the foundations for an infant colony, and build thereon a vigorous and happy State! Surely there is not among men a more honorable destiny than to be the peaceful founder and builder of a new Commonwealth. Such was the destiny of Stephen F. Austin.

No truer estimate than this can be made of the work of Austin. While he was yet a young man, the dying request of his father, Moses Austin, led him to come to Texas to complete a scheme of colonization into which his father had entered. Soon after his arrival in Texas, in the summer of 1821, changes in the organic form of the Mexican Government made it necessary for him to go in person, by the most primitive modes of travel, to the City of Mexico, more than 1,000 miles distant, to secure a confirmation of the contract made with his father. Successive Mexican revolutions brought on several forms of government, each of which invalidated the acts of its predecessor; and Austin was thus compelled to remain at the Mexican capital more than two years. Such, however, was his diplomatic ability that he succeeded in securing from each dominant faction, in due succession, a full ratification of the contract originally made with his father by the Mexican Government. Returning to Texas he found his colony rapidly disintegrating through the influence of a lawless element that had entered Texas during his absence. His contract with Mexico had conferred upon him judicial and military powers which rendered him almost independent of the local government. This fortunate circumstance not only gave free scope for the exercise of his great administrative abilities, but it brought order, peace, and prosperity to the colony. Violence and lawlessness disappeared under his rigid but just rule. Industry was encouraged, providence and thrift were inculcated, trade was fostered, public spirit awakened, civic pride developed by his precept and example. He neglected marriage. He built no home for himself, but lived among his colonists as a common guest of the community, heartily welcome at every fireside. He lived among them as a father and friend, a trusted counselor in every trouble, a faithful nurse in sickness, a provider in time of need, a guard in the hour of danger, an umpire whose ever-just and ever-satisfactory award settled disputes, a judge whose decision ever found unquestioned acceptance among the litigants, a patriarch whose paternal influence bound together his widely scattered people in the bonds of a common brotherhood. [Applause.]

But Austin's diplomatic skill fully equaled his ability as an executive. At the head of a commission sent by the Mexican State of Texas to the Mexican capital, after much suffering and great trials, he secured such modifications of existing federal

legislation as would secure the people of Texas in the enjoyment under the Mexican flag of a more liberal measure of political justice.

At the outbreak of the Texas revolution Austin returned to Texas, and was at once sent to the United States as a commissioner to secure the recognition of Texan independence, and his able presentation of his country's cause paved the way, first for the recognition of Texan independence, and, later, for annexation to the United States.

The organization of a permanent government for the new Republic of Texas and the conclusion of a treaty of peace with Mexico divested Austin's mission of its importance, and he returned to Texas to find, to his great joy, that the country had at last secured a form of government which guaranteed its people every right for which its sons had so valiantly contended in arms. A few months afterwards he was stricken down and quickly passed away, amid the lamentations of all the people of the State he had founded.

His life was indeed that "simple life" of which we have heard so much in praise, and yet it was one of ceaseless toil, varied duties, great responsibilities, arduous privation, dangerous adventure, and frequent disappointment. It called for great industry, unlimited patience, high diplomatic talent, unwearied persistence, a broad sympathy for his fellow-man, and a sublime effacement of self and self-interest that he might the more thoroughly consecrate himself to his noble mission. How well he succeeded the world knows.

He left no wife and children to perpetuate his name and race; but a nation wept at the news of the death of their gentle, patient, sympathetic, self-denying friend and counselor; and to-day, after the lapse of three score years and ten, no name is more fragrant with pleasant memories in Texan hearts or evokes a more ardent sense of gratitude and regret than that of Stephen F. Austin.

SAM HOUSTON.

The life of Sam Houston was one full of romance, and yet characterized by seriousness of purpose and clouded by tragic incident. Born in Virginia in 1793, he removed to Tennessee in early life and there lived near the Cherokee Indians. The primitive life of these simple people made a deep impression on his youthful mind, and there is little doubt that this influence abided with him through life.

The time and place of Houston's early life concurred to fit him for the career which subsequently opened up to him. During his early youth and young manhood there raged about him and throughout the entire country a storm of discussion of the meaning and interpretation of the provisions of the lately adopted Federal Constitution. Chief Justice Marshall sat upon the Supreme Bench. Jefferson was still living and teaching the doctrines of the Declaration of Independence. Hamilton had but lately died, but he had left behind him a school of admirers to echo his advocacy of centralization and life tenure, his distrust of the people, and his reluctance to admit them to a full control of the Government. The Kentucky and Virginia resolutions and the alien and sedition laws lashed public sentiment into a fervor of excitement. The wisdom of the Louisiana purchase was still in debate. The war of 1812, the Hartford convention, and the Government's Indian policy kept popular interest wide awake, while looming up into the foreground of the near future were the Monroe doctrine, the Missouri compromise, nullification, and the United States Bank. Into this whirlpool of political turmoil had fate cast Houston's youth and early manhood. His mind grasped, in comprehensive outline, the salient features of each question, and his whole public career was characterized by rugged strength of conviction, clearness of statement and understanding, and a controlling regard for the public interest. As a fearless and faithful soldier for five years on the Indian frontier, he gained the knowledge of the art of war, which no doubt proved of great value to him when years afterwards upon the plains of Texas, with an army far inferior in numbers, discipline, and equipment, he confronted and afterwards crushed the Mexican army under Santa Ana, the vaunted "Napoleon of the West." Resigning from the United States Army, he chose the law for his profession, and entered a career seemingly full of promise. He rose rapidly to distinction in his profession.

He was the pupil, if not the protégé, of Jackson, and his lifelong friend, personally and politically, and from Jackson, to some extent, was gathered that spirit of independence and firmness which strongly marked his whole official life. Houston was elected to Congress from the State of Tennessee in 1823 and again in 1825. He left Congress in 1827 to accept the governorship of Tennessee, to which high position the people of that State had called him.

Two years later, under the shadow of a great domestic sorrow, he resigned his place as governor and sought seclusion among his old friends, the Cherokee Indians, in the Indian Territory. From the solitude of his secluded life among the Cherokees he heard the first faint murmurs of the coming Texas revolution. With his strong sense of justice he recognized the right of the questions involved in that revolution, and with characteristic promptness he removed to Texas in 1832 and espoused the cause of right and justice.

Within a year from the date of his arrival in Texas he was made a member of the first (San Felipe) constitutional convention and placed at the head of the military arm of the provisional government then and there instituted.

He was also a member of the second convention (New Washington). This body adopted a declaration of independence, and Houston was again chosen commander in chief of the Texas forces then being marshaled to resist the invasion of the Mexican army under Santa Ana. The world knows the history of that campaign, of the battle of San Jacinto, the annihilation of the Mexican army, the capture of their commander in chief, and the subsequent and consequent recognition of Texan independence.

Houston's victory at San Jacinto was so complete that even the enemy accepted it as final and not another gun was fired on Texas soil.

It would have been strange if, after his eminent services to his newly adopted State, Houston had not been chosen as the first President of the new-risen Republic of Texas, which his generalship had saved from extinction. He served the Republic in that capacity from 1836 to 1838. His policy was marked by the same traits that characterized his official life in all other stations—economy in public expenditures, justice in dealing with the Indians, strict regard for private right with all classes of citizens, and a tenacious adherence to whatever course he had once decided on as right. Men of this character invariably meet with bitter opposition, and Houston was no exception to the rule. Yet he retained that thorough respect from his critics which honesty of conviction always inspires; and the wisdom of his administration as the first President of the Texan Republic was attested by the fact that he left the Republic at peace with the Indians, friendly with Mexico, and with its treasury obligations at par.

From 1839 to 1841 he was a member of the Texan Congress, was reelected President of Texas in 1841, and during the dark days of the Republic's infancy, when it was encompassed by financial and political dangers and seemed on the verge of ruin, Houston's strong personality, his steadfast faith in his country's future, and his strong persistence saved the Republic from abdicating its place among the nations and seeking absorption into some European state.

Foreseeing with prophetic eye the brilliant destiny awaiting the American Union, and recognizing the superior political and commercial advantages that would accrue to the Texan people by the consolidation of their Republic with its more powerful northern neighbor, he took the first step toward annexation and remained a steadfast advocate of that policy until its final consummation.

The new State of Texas, in prompt and liberal recognition of his distinguished services, sent him to the United States Senate, where for twelve years he was a central figure in a body of men numbering among themselves some of the ablest statesmen of American political history. With Calhoun and Webster, Clay and Benton, he discussed the great questions of that day; and linked with them in their strenuous official careers during his earthly life, he now shares with them the full measure of political immortality.

The closing act of his official life was in strict keeping with the character of the man. Being required to take the oath of allegiance to the new Confederacy into which Texas had entered, he could not stultify himself by casting lightly aside the fruits of that union with the United States for which he had long and successfully labored. He declined to take the oath, resigned his position as governor of Texas, and retired to the shades of private life, carrying with him the unstinted respect, the high admiration, and the profound gratitude of all his fellow-citizens.

In 1863, amid the fierce clamor of that great civil war, which perhaps forms the most memorable landmark in the march of the Anglo-Saxon people up the centuries of political progress, Houston passed into the calm and peace of that world peopled by the spirits of "the just made perfect." In a simple grave, devoid of show, lie the remains of the plain man and citizen who in life shunned all pretense and display. Around him, spread out in the golden glory of a southern sun, stretches out, in boundless reaches of plain and prairie and plateau, the mag-

nificent State he helped into being, protected in its infancy, and ably represented in these Halls in its early maturity.

AUSTIN AND HOUSTON.

Mr. Speaker, the generation that knew these men and loved them and honored them has nearly passed away, and a swarming population is now building the superstructure of a mighty State on the foundations so solidly laid by Austin and Houston. Two beautiful cities and two popular counties preserve on Texan soil the names of her two noble sons, and their statues, chiseled in marble, perpetuate their memories here; but if, as has been said, the most enduring monuments are those we build in the hearts of men, then the fame of Austin and Houston is indeed secure, for as long as the great Commonwealth by the southern sea stands as a bulwark of freedom and a monument of heroic achievement, so long will the names of these two men endure.

Austin and Houston! The founder and the liberator! Fellow-citizens of the United States, admit these statues to their rightful place in this Hall of Fame. Texas offers them as her proud contribution to this impressive symposium of American greatness. As the countless hosts of visitors from every land pass through that Hall these memorials will impress upon them the fact that, despite all our commercialism and love of wealth and show, the American people still measure men by their merit, and that they honor, without respect to birth or class, those who have served their country well. And if the evil day should ever come—in some far-off century, if at all, we hope—when our ideals shall have changed and our free Republic shall be replaced by the rule of a man or class, may these statues still look down from their pedestals into the upturned faces below and tell in speechless eloquence of that happy long ago when this circle of heroes and statesmen and sages lived upon earth and each gave his life's best work to found and perpetuate a Government which, ruled by right and justice, will reflect the glory of God and promote the good of man. [Loud applause.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, Texas, imperial in her area and resources, honors herself when she places the statues of Sam Houston and Stephen F. Austin in the Memorial Hall of this Capitol. Others have spoken to-day, and still others will yet speak of both of these men, but in what I shall say I shall refer alone to Houston. In the brief time allotted reference can be made to only a comparatively few of the incidents and events in his long, varied, unique, and sometimes thrilling career, and they can barely be mentioned, while much, very much, that is of surpassing interest and importance in his life must necessarily be omitted. It is peculiarly appropriate that Texas should honor Sam Houston, for while he was born in Virginia and grew to manhood in Tennessee, and there won the very highest position in the State, and in fact to all intents and purposes made himself a Tennessean, yet at last it was in Texas, before and after she became a State of the American Union, that he reached the zenith of his fame. It was in Texas that he not only won renown for himself, but made the very name Texas a synonym for all that stands for patriotism, courage, and heroism. I shall not put forth the claim that Houston alone won this glorious distinction for Texas, for there were other heroes and patriots, whose names I have not time to barely mention here and now, who justly shared it with him. There is one, however, I am constrained to name, because he too was a Tennessean, a native of that State. I refer to the immortal Davy Crockett. [Applause.] He was born in Tennessee, and represented one of her districts on this floor for three Congresses. He was at last drawn to Texas by her thrilling story and the burning desire to assist her in her heroic struggle for liberty and independence. At the Alamo he gave his life to Texas. Houston and Crockett! What a priceless legacy Tennessee bequeathed to Texas in these two men—men whose names stand for courage, duty, and heroism, and are indissolubly associated with both States!

Houston was born March 2, 1793, in Rockbridge County, Va., and was of Scotch-Irish descent. When he was quite young, his father died and his mother removed with him, when he was only 12 years of age, to Blount County, Tenn., and located near the line of the Cherokee Indians. As a boy he spent much of his time with these Indians, became warmly attached to them, and was adopted by one of the chiefs. His early life was spent there in their new home on the banks of the beautiful stream which gave its name to the State, and he was a frequent inmate of the wigwags of this Indian tribe. It was here that he first tasted the pleasures of that romantic and undisciplined mode of life characteristic of the red man, and which possessed a strong fascination for him, as it has often been shown to possess even for those reared in the lap of luxurious indulgence. At the age of 20 years he enlisted in the Seventh United States Infantry

and fought with desperate bravery through the Creek war. In the battle of the Horse Shoe, where he was badly wounded, he attracted the attention of General Jackson, who caused him to be commissioned as a second lieutenant in the Regular Army. His wounds were so severe that he was borne to the home of his mother in East Tennessee on a litter. In 1818 he was promoted to be a first lieutenant. Soon after this promotion, and while John C. Calhoun was Secretary of War, his conduct in connection with the smuggling of negroes from Florida into the United States was criticised by the War Department, and he resigned from the Army. An investigation was had, and it was conclusively shown that the charge against him was unfounded, that he had actually endeavored to prevent the smuggling, and he was completely exonerated. He then made his home in Nashville, Tenn., where he studied the law. In 1819 he was elected district attorney; was early thereafter appointed adjutant-general of the State, and in 1821 was elected major-general of State Militia over strong opposition. He was elected to Congress from the Nashville district, in which General Jackson resided, in 1823, and was reelected in 1825.

During his second term he fought a duel with Gen. Wm. White, of Nashville, whom he wounded. As a member of the House he met his old comrade and commander, General Jackson, who was then a United States Senator from Tennessee, and as they each served on the Military Committee of their respective Houses, they were frequently officially brought together. In Congress he acted with Jackson, and in opposition to the policies of John Quincy Adams and Mr. Clay, and gave high evidence of ability and statesmanship. In 1827 he was the successful candidate for governor of Tennessee, defeating Willie Blount and Newton Cannon, both men of much ability, and each of whom at different times was chosen governor of the State. In all of these contests he was the ardent friend and partisan of General Jackson, which fact doubtless had influence in aiding him in each contest to win the victory. While governor of Tennessee, in January, 1829, he married Miss Eliza Allen, the daughter of a highly influential and prominent family in Sumner County. Three months thereafter he suddenly separated from his wife, resigned from the office of governor, and without a word of explanation left the State, and went to the territory west of the Mississippi River, and again settled among the Cherokee Indians, making his home with the old Indian chief who had adopted him in early life. His resignation was highly sensational, and throughout the State of Tennessee a storm of vituperation was raised against him that was not easily quelled. Governor Houston, with emphasis, declined to give to the public any reason or cause for his course, yet he did not hesitate to say that the cause of the separation from his wife in no way affected her character. On the date of his separation from his wife he addressed a letter to the speaker of the senate of the Tennessee legislature, Mr. Hall, who was to succeed him under the law in the office of governor. This letter has remained buried in the archives of the Tennessee Historical Society at Nashville, and I believe was never published until recently, when a prominent gentleman (A. S. Colyar) at Nashville, a man of ability and literary attainment, gave it to the public in a valuable work written by himself, entitled the "Life and Times of Andrew Jackson." He says of this letter that "the original is in a small, round hand, signed in clear, bold hand, without an error in spelling or punctuation, and would pass for the product of a man of high literary attainment. In sentiment, delicate in touching his great family affliction and beautifully remembering the nation's great soldier, who had been more than a father to him, and in separating from a people who had so honored him, no attainment in literature could improve it." I will reproduce this letter, as it will assist in illustrating the character of this many-sided man. It is as follows:

EXECUTIVE OFFICE,
Nashville, Tenn., April 16, 1829.

SIR: It has become my duty to resign the office of chief magistrate of the State, and to place in your hand the authority and responsibility, which on such an event devolves on you by the provisions of the constitution. In dissolving the political connection which has so long and in such a variety of forms existed between the people of Tennessee and myself, no private affliction, however deep or incurable, can forbid an expression of the grateful recollections so eminently due to the kind partialities of an indulgent public. From my earliest youth, whatever of talent was committed to my care, has been honestly cultivated and expended for the common good; and at no period of a life, which has certainly been marked by a full portion of interesting events, have any views of private interest or private ambition been permitted to mingle in the higher duties of public trust. In reviewing the past I can only regret that my capacity for being useful was so unequal to the devotion of my heart, and it is one of the few consolations of my life, that even had I been blessed with ability equal to my zeal, my country's generous support in every vicissitude of life has been more than equal to them both. That veneration for public opinion by which I have measured every act of my official life, has taught me to hold no delegated power which would not daily be renewed by my constituents, could the choice

be daily submitted to a sensible expression of their will. And although shielded by a perfect consciousness of undiminished claim to the confidence and support of my fellow-citizens, and delicately circumstanced as I am and by my own misfortunes more than the fault or contrivance of any one, overwhelmed by sudden calamities, it is certainly due to myself and more respectful to the world, that I retire from a position which, in the public judgment, I might seem to occupy by questionable authority. It yields me no small share of comfort, so far as I am able of taking comfort from any circumstance, that in resigning my executive charge, I am placing it in the hands of one whose integrity and worth have been long tried; who understands and will pursue the true interests of the State; and who, in the hour of success and in the hour of adversity, has been the consistent and valued friend of the great and good man, now enjoying the triumph of his virtues in the conscious security of a nation's gratitude.

SAM HOUSTON.

To Gen. WM. HALL,
Speaker of the Senate, Tennessee.

I wish here to emphasize one passage in this letter, as I deem it worthy of especial notice, and it may be commended to all politicians. It seems to me to be the refinement of delicate sentiment. The clause of his letter to which I refer is this: "That veneration for public opinion by which I have measured every act of my official life has taught me to hold no delegated power which would not daily be renewed by my constituents could the choice be daily submitted to a sensible expression of their will."

Houston was of a tall and commanding figure, imposing in appearance, pleasant and affable in demeanor, and of popular manners. Public speaking and political oratory had not been so fully developed in his day as now, and yet as an attorney and in other ways he had shown that he possessed oratorical powers of no mean order. He was, however, more a man of action than of words. In 1832 he made a visit to Washington on business of the Indians. He came clothed in the garb of the Indian, and was kindly received by almost everyone, and particularly by President Jackson, who, of course, knew him well. While in Washington on this visit he was charged by William Stanberry, a Member of Congress from Ohio, with attempting to obtain a fraudulent contract for furnishing Indian supplies. He felt himself insulted by Mr. Stanberry, for which he attacked and beat him severely. He was arraigned for this offense at the bar of the House, was tried, and was reprimanded and fined, but the fine was remitted by the President.

His trial before the House lasted for about four weeks, during which period there was much bitterness shown in the debates on the subject, the friends of the Administration of President Jackson usually taking Houston's side of the controversy. The President himself was outspoken in his behalf, and did not find fault with him for his assault on the member of the House. It is alleged that he said that "After a few more examples of the same kind, members of Congress would learn to keep civil tongues in their heads." On leaving Washington for his Indian home after this trial he passed through Tennessee, and was received throughout the State wherever he went with flattering demonstrations of regard. He was urged to remain in the State, but chose not to stay, preferring to return to his wigwam in the Indian Nation. After returning to the Indians and remaining a while in Arkansas, he determined to leave that region and remove to Texas, where he was to find a broader field and wider opportunities for the display of the strong and excellent qualities of mind he possessed, and where he no doubt thought he would be the better enabled to accomplish his destiny.

While in Arkansas he met Elias Rector, afterwards governor of that State, and Albert Pike, both men more or less resembling himself in spirit and resolution, and between whom and himself strong ties of friendship were formed. General Pike a few years before his death related the following incident in the life of Houston:

Houston was leaving Arkansas for his new home in Texas, and circumstances threw Rector and himself together for a ride on horseback of a day or two, when their paths were to separate, each to go his way. Rector was then United States marshal of the Territory. The horse upon which he was mounted was a stronger and better one than was Houston's. The latter, it seems, was mounted on a small pony that had suffered the misfortune of losing his tail. As they were about to separate, Houston proposed a trade of their horses, because, as he said, his had no tail with which to defend himself from the flies, which were a sore pest in the southern country whither he was journeying, and Rector consented. They dismounted and proceeded to make the exchange, each keeping his own bridle and saddle. While on the ground, and as he was about to bid his friend Rector good-by, he made a little speech in the nature of an apostrophe to his pony, the title to which had passed from him. General Pike said he could not give Houston's speech in the exact words he used, but that in substance it was as follows: "Jack, my faithful old servant, you and I must part. We have

been friends a long time and have been mutually beneficial to each other. You have been a good servant to me; but, Jack, there comes a time in the life of every man when he and his friends must separate. Though you have served me long and faithfully, and we have been true friends, the time has now come when we must take final leave of each other. At such a time it is but just, my good old companion, that I should give expression to my feelings. You are a faithful pony. You are a hardy pony. You are a sure-footed pony. But cruel man has made you defenseless against the common enemy of your kind, the pesky flies. This is the hot season, and where I am going they are very thick. Against these pests the Almighty saw fit in his wisdom to give you defense, but man has taken it from you, and against them without a tail you are helpless. I must therefore with pain and anguish part with you." When he was ready to mount and leave Rector, the latter said to him, "Houston, I wish to give you something as a keepsake before we separate, and I have nothing that will do for the gift except my razor. I never saw a better one. They say one ought not to give his friends an edged tool as it might cut friendship, but this one will not cut your friendship and mine." Houston accepted the razor and said, "Rector, I accept your gift and, mark my words, if I have good luck this razor will sometime shave the chin of the President of a republic." [Applause.] The dream of a republic for Texas was even then in the mind of this remarkable man, and in visions thereof he saw himself as its President. His friend Rector probably thought it was a hallucination of his eccentric friend, but he lived to see the dream, if it were a dream, of Houston a living reality. He went directly to Texas. It was not long after his arrival before a convention was called to meet at San Filipe de Austin. It met April 1, 1833, and Houston was chosen a member of it. This convention adopted a constitution, but not until Houston had had inserted in it a provision forbidding the establishment of banks by the legislature. He was then elected attorney-general of a portion of Texas, and was chosen a member of the "general consultation" of 1835 that met to establish a provisional government. He did not at that time favor absolute independence, but was elected commander in chief of the army of Texas.

A convention of which he was a member met at New Washington and adopted a declaration of absolute independence March 2, 1836, which also reelected him commander in chief. Following this action on the part of Texas came war with Mexico, in which Houston took a prominent and highly honorable part. The Mexican army, commanded by Santa Ana, invaded Texas and achieved several important and bloody victories, but on April 21, 1836, their army, 1,800 strong, met the Texans, 750 strong, under Houston; on the banks of the San Jacinto, and after a fierce conflict the Mexicans were totally routed, losing 650 killed and 730 prisoners, their general, Santa Ana, being among the captured. When the numbers engaged are taken into account, history does not record a more brilliant achievement. Houston was himself wounded by a shot in his ankle, which fractured the bone. The result of this battle was the complete rout of the Mexican army, and it gave independence to Texas. The Republic of Texas was promptly recognized by England, France, Belgium, and the United States. Houston, by reason of his physical condition, was taken to New Orleans for medical treatment. The election of the first regular president of Texas was appointed for the first Monday of September, 1836. The candidates were Sam Houston, Steven F. Austin, and Henry Smith. Houston was elected, receiving 4,374 votes out of 5,014, the whole number cast. He at once appointed his two late opponents, Austin and Smith, to the principal offices in his cabinet. During his term of office he set to work to secure the admission of Texas into our Union of States. He placed her financial affairs on a healthy basis, her paper was at par, she was at peace, not only with Mexico, but with the Indian tribes. When he retired from the Presidency he served two years in the Texas Congress, and in 1841 was again elected President of the Republic.

Although he had been out of the Presidency for only about two years, he found important errors of his predecessor to correct. By unwise and unfortunate management, strife and conflicts with the Indians had been stirred up, and the public debt, which was insignificant when Houston retired two years before, had increased to nearly \$5,000,000. He enforced while in office the most rigid economy; reduced all salaries, including his own, about one-half; abolished all offices not strictly required for the service, and permitted no appropriation to be made except those necessary for the existence of his government, and at the same time restored amicable relations with the Indians. In June, 1842, the Texas Congress passed a bill declaring him Dictator, and voted 10,000,000 acres of land to resist the threatened Mexican invasion. Houston vetoed these measures, and

the trouble with Mexico was averted by him. While President he put into effective play some of his powers as a diplomat. He was sincerely desirous of having Texas annexed to our Union, and had allowed no opportunity to escape him while serving Texas to advance this project. He was a farsighted statesman, and realized in its fullest importance the advantages of having the protecting arm of our Government extended over her. He was acquainted with her vast resources, and knew that under the benignant rule of this Government with her genial climate and her fertile soil she would be speedily developed, and that the interest likewise of the United States would be promoted by annexation.

As a means of inducement to the United States to give encouragement to him and his collaborators in their efforts for annexation, he began coquetting in a diplomatic way with France, England, and Spain. He knew that the pronounced opposition of the United States to the intrusion of any European nation into American territory could not be overcome, and in diplomatic fashion he availed himself of this feeling and prejudice to quicken the sense of this country in favor of annexation. At the time of which I speak the question of the annexation of Texas was becoming a burning issue in the political parties of this country. The efforts of those favoring annexation with us, and those in Texas who followed the lead of Houston, were successful, and on December 29, 1845, Texas entered our Union as a State. By this action, the second time in her history, she became a part of the United States. She had been once before under our flag, and had been unwisely or improvidently ceded away to a foreign power, but now she was in the Union as a sovereign State, and in to stay. This was the first instance in our history that a State has been admitted as such, without having gone through a probationary term as a Territory. This accession to our territory was under President Polk's administration, and it was characterized by him as a bloodless achievement. He said no arm of force had been raised by the United States to produce the result; that the sword had no part in the victory; that we had not sought to extend our territorial possessions by conquest, or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our federative union.

If we consider the extent of territory involved in the annexation, its prospective influence on America, the means by which it has been accomplished, springing purely from the choice of the people themselves to share the blessings of our Union, the history of the world may be challenged to furnish a parallel. And he said in contemplating the grandeur of this event, it is not to be forgotten that the result was achieved in despite of the diplomatic interference of European monarchies. Even France, the country which had been our ancient ally, the country which has a common interest with us in maintaining the freedom of the seas, the country which, by the cession of Louisiana, first opened to us access to the Gulf of Mexico, the country with which we have been every year drawing more and more closely the bonds of successful commerce, most unexpectedly, and to our unfeigned regret, took part in an effort to prevent annexation and to impose on Texas, as a condition of the recognition of her independence by Mexico, that she would never join herself to the United States. We may rejoice that the tranquil and pervading influence of the American principle of self-government was sufficient to defeat the purposes of British and French interference, and that the almost unanimous voice of the people of Texas has given to that interference a peaceful and effective rebuke. From this example European Governments may learn how vain diplomatic arts and intrigues must ever prove upon this continent against that system of self-government which seems natural to our soil, and which will ever resist foreign interference. And he bespoke for Texas at the hands of Congress a liberal and generous spirit in all that concerns her interest and prosperity, to the end that she should never have cause to regret that she had united her "lone star" to our glorious constellation.

Houston was one of her two first United States Senators, taking his seat in March, 1846, and serving until 1859. He was warmly attached to the Union of the States, as is shown by his votes and speeches in the Senate. He opposed the repeal of the Missouri Compromise, the Kansas-Nebraska bill, and voted against the Lecompton constitution of 1857, which provided for slavery in Kansas, and in this displeased many of his Southern colleagues. He advocated the admission of California as a free State, and the construction of the Pacific railroad through Texas. He was always the friend of the Indians and of measures in the Senate that tended to the betterment of their condition. It was a favorite expression of his that "no treaty made and carried out in good faith had ever been violated by the Indians." He was popular with both of the great political par-

flies, as shown by the fact that he was considered available by members of each as a candidate for President. Votes were cast for him for the presidential nomination by delegates in the convention of the Democratic party in 1852, and in that of the American party in 1856. In the convention of the Union or Whig party in 1860, at Baltimore, in which John Bell, of Tennessee, received the nomination for President, Houston was his chief opponent. The delegates from Tennessee placed Mr. Bell forward, while those from Texas presented Houston, who was supported also by the delegation from New York. In this convention the cry was union against disunion. On the second ballot Mr. Bell was nominated, receiving 68½ votes, while Houston received 57 votes. In that emergency it so happened that the vote of Tennessee was decisive of the result. It was cast for Mr. Bell, and it defeated Houston. One delegate from Tennessee did break away from his colleagues and voted for Houston, and it is certainly true that Mr. Bell, who was the idol of his party in the State, was the only man who could have received the vote of Tennessee over him.

In the election for governor of Texas in 1857 he was defeated, but in 1859 he was again chosen to that office. This time he became the seventh governor of Texas, as he had been the seventh governor of Tennessee. As I have already indicated, he was warmly attached to the union of the States, and while he greatly deplored the election of Mr. Lincoln as the result of the national contest in 1860, he declared that in his election alone he saw no grounds for secession. After the secession of the State of Texas, in 1861, he refused to take the oath of office to the Confederate government and was deposed from his office as governor of the State. The Government at Washington thereupon offered to assist him, but he firmly declined such aid. On May 10, 1861, he spoke publicly at Independence, Tex. In this speech he entered upon the defense of his position and that of those who acted with him in their conduct toward the war. He said, "the voice of hope was weak, since drowned by the guns of Fort Sumter. The time has come when a man's section is his country. I stand by mine. Whether we have opposed this secession movement or favored it, we must alike meet its consequences. It is no time to turn back now." And thus, like many others of which he was only the type, however devoted and ardent was their love and veneration for the union of the States, the guns of Fort Sumter silenced their opposition to the efforts of their States to separate from the Union, and henceforward they submitted, as he did, silently to the inevitable, while many others who felt as he did in the beginning drew their swords and went forth to battle to defend their section from what they considered the unconstitutional, unwarranted, and unjustifiable assault made upon it. Houston took no active part in public affairs after retiring from the office of governor. On July 26, 1863, at Huntsville, Walker County, Tex., he died. The marble shafts set up in yonder hall in commemoration of Sam Houston and Steven F. Austin will perish and moulder into dust long before their acts and deeds, and those of their collaborators, in behalf of Texas shall be forgotten; and longer still will it be before the results of those acts and deeds shall cease to be felt and shall cease to bring rich and countless blessings to their posterity. [Loud applause.]

Mr. BURGESS. Mr. Speaker, the act of Congress creating Statuary Hall as a place in which each State of the Union could place the statue of two of its citizens is grounded upon a wise patriotism, in that it tends to both State and national pride, to the uplift of our national character, to the increased tension of "the mystic cords of memory stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land." The place selected is one of the most appropriate to further the purpose; namely, the old Hall of the House of Representatives.

That gifted writer, who has so often entertained and instructed us by his articles in the Washington Post—Savoyard—recently says of this Hall:

This Hall is the famous echo chamber, according to Captain Kennedy, the chief of the National Capitol guides, the most perfect in the world. It was in this Hall that some of the most illustrious men in all parliamentary history engaged in forensic combat. Here Clay was five times chosen Speaker. Here was debated the issues represented by Jefferson and the elder Adams, Jackson and the younger Adams, alien and sedition, embargo and war, the tariff of 1828, the force bill of 1831 and the compromise of 1832, the Mexican war and the Wilmot proviso, the compromise of 1850 and the Kansas-Nebraska bill, the Dred Scott decision and Lecompton, secession and the war of 1861—all these were here debated, and numberless other kindred political issues that necessarily arise in a free country, where parties have their germ in the individualism of the citizen or the paternalism of the government.

Volumes might be written of the men who made this old Hall historic and illustrious. Here Randolph lorded it as has no other man, and here the younger Adams earned the title "old man eloquent." Here he assailed Webster and was assailed by Evans. It was here that Marshall and Wise encountered the old statesman in debates on the

twenty-first rule, and flew at each other's throats in discussions of the vetoes of President Tyler. And here Douglas flashed his nearly maiden blade in a discussion of the Texas boundary with the veteran who, as Secretary of State in Monroe's Cabinet, had claimed all Texas. It was here that S. S. Prentiss made the most eloquent speech Congress ever heard, if we are to believe tradition.

Mr. Speaker, Texas has availed herself of the privilege of this act and has caused to be placed in this Hall statues of two of her most illustrious citizens—Sam Houston and Stephen Fuller Austin.

Perhaps no Commonwealth owes a deeper or wider debt of gratitude to other States and other lands for the gift of splendid sons and daughters to uplift and adorn her citizenship than does the State which, in part, I have the honor here to represent. Almost every State in the Union, and almost every civilized country in Europe, has contributed to the best of the citizenship of Texas, and we have, doubtless, the most commingled blood on the face of the earth. The deepest debt of gratitude, perhaps, she owes for such gifts is to those two splendid Commonwealths—Tennessee and Missouri. [Applause.] For the first gave her Sam Houston and the second Stephen F. Austin.

It is not my purpose to speak at length as to the character and capacity of these two illustrious men or to recount in detail the heroic events in which each bore so potent and conspicuous a part.

Sam Houston had a most remarkable, a most romantic, a most successful career. He was governor of Tennessee; he was commander in chief of the Texas revolutionary army, the first President of the Republic of Texas, governor of the State of Texas, and a Senator from that State in the Senate of the United States. In all these positions he filled them to the fullest measure of patriotic duty. The memory of his life, his character, and his services to our State constitutes the chief link in quite a long chain that binds together the hearts of all Tennesseans and Texans in bonds of affection.

Stephen F. Austin was also a man of very fine ability and of spotless character. His father was a native of the State of Connecticut, emigrated to Virginia, and thence to Missouri. While a resident of that State he conceived the idea of securing colonial grants of land in the territory now known as Texas, and this idea so possessed him that he undertook what in those times was a long and perilous journey in furtherance of this plan. He traveled to Texas, and in December of the year 1820 he reached Bexar. Here he discussed the purpose of his journey with Baron de Bastrop, whom he had previously known at New Orleans, and he was introduced to Governor Martinez, to whom he explained his desire. A memorial was drawn up, and, after approval by the local authorities, was forwarded to the commander of the northeastern internal provinces. This memorial asked for permission to colonize 300 families. This commandant-general, Don Joaquin Arredondo, then resided at Monterey, and the distance required considerable time for an answer to be returned. Austin, leaving the matter with the Baron de Bastrop to act as his agent, set out on his return in January, 1821. He traveled back home, doubtless with bright hopes of the good fortune that awaited him and his posterity in this beautiful land through which he had journeyed. But it was not to be. By cold and exposure on this trip he sickened and died. A few days before his death, however, he received the welcome news of the approval of his application to plant a colony in Texas, and he died leaving both as a deathbed injunction and as a glorious inheritance as well to this son of his this enterprise which he had so successfully inaugurated. The son was seized with the same ardor which possessed the father and he journeyed down to Texas and founded a colony under the first colonial charter by which white settlement was authoritatively made in Texas. This grant to found a colony in Texas bore date January 17, 1821, and it provided that the colonists should be Roman Catholics, or agree to become such before they entered Spanish territory; that they should furnish evidence of their good character and habits and take oath of fidelity to the King to defend the government and political constitution of the Spanish monarchy.

From that time to the date of his death, with untiring zeal, with the loftiest patriotism, with the greatest conservative ability, he labored to build up that Territory in the best interest of all the colonists who flocked not only to his standard but to the standards of many others who followed in his wake. His wise counsel was ever a tower of strength to the struggling colonists through all that stormy period which led to the establishment of the Texan Republic. Yoakum, who wrote one of the earliest and best histories of Texas, says of Austin:

Although Austin's powers were almost absolute, he governed with parental mildness. His soul was absorbed in the great business of the successful completion of his enterprise. He was esteemed by each colonist, not so much as a ruler as a father and friend. By example and precept he inspired them with the love of order and industry.

The same historian pays his memory this beautiful tribute:

If he who by conquest wins an empire and receives the world's applause, how much more is due to those who, by unceasing toil, lay in the wilderness the foundation for an infant colony, and build thereon a vigorous and happy State! Surely there is not among men a more honorable destiny than to be the peaceful founder and builder of a new empire. Such was that of the younger Austin.

About these two men—Houston and Austin—cluster a series of events as remarkable as any recorded in the history of the world.

These two great men are gone. If they could return now to the scene of their heroic action and behold the State which they founded and for which they fought, what joy would animate them! Now they would behold a great State of the Union, inhabited by more than 3,000,000 people, cultivating more acres of land than any State of the American Union; the greatest agricultural and stock-raising State in this Union; a State annually bringing into the channels of American commerce more gold from Europe than any other State; a State whose population is more happily distributed than any other territory in the world; a State whose internal government, whose low taxation, whose educational funds and institutions, whose administration of justice, are second to none. And, standing in the proud present, thinking of the glorious past, the contemplation of the future would stagger even these far-seeing intellects. For no human vision can foretell what the resistless sweep of civilization and progress shall accomplish in the coming years in the State of the Lone Star, with a territory comprising so much fertile soil, of such various adaptability to all the forms of agriculture possible on the western continent; with a great Gulf coast upon which mouths to the open sea are calling for the commerce of so vast an area to pour it out into the markets of the world, and which invite in return so much of imports to so large a section. When the Gulf of Mexico becomes, as it surely will, the Mediterranean of the Western Continent, and factories mingle with agriculture, a progress and a power will be ours far beyond our ken. Those of us who live there pray that our patriotism and that of our posterity may be equal to the discharge of all the great tasks that our great future will hold for us. May the spirit of our fathers fall with tender benediction and inspiring purpose upon us and our children forever.

Texas has not only a glorious but a unique history. She comprises the only territory upon the surface of the globe which has a history that parallels in patriotic purpose, struggle, and achievement that of the thirteen colonies of America. These thirteen colonies were peopled by lovers of liberty, who came from almost every section of the Old World to find in the New a religious and civil liberty which they yearned for, but could not secure in the Old. Oppression and tyranny gradually followed them across the Atlantic, and laid the "mailed hand" with ever-tightening grip upon them and their descendants. That spirit of liberty, which is immortal, was so widely disseminated among the colonists as that resistance to oppression became the birth cry of revolution. Those brave spirits, whose splendid capacity was often excelled by their unselfish courage, formulated in the open, wrote and signed a bold, defiant declaration of their independence, and successfully achieved it by a war never excelled in privation and patriotism. They ordained a constitution for the preservation of that independence they had achieved and the conservation of that liberty which they loved. They selected a flag typical of the Government which they thus established, and in its blue field they pinned thirteen stars, one for each State in the great Republic which they had organized. In that war they had their Lexington, which gave tongue to the revolution; Saratoga, which brightened their hopes, and Yorktown, which brought assurance of success. They had their Bunker Hill, Monmouth, and Trenton, and the pathetic privations of Valley Forge, where the soldiers of the Revolution verily trod the Valley of the Shadow of Death—all memorable in those glorious annals which record the struggles of patriots to secure liberty.

Some years after, away down by the Gulf of Mexico, in as fair a land as ever was kissed by the rays of the sun, brave, adventurous spirits went to settle, to make homes for themselves and their children. From the territory of the great Middle West, from the shores of the Atlantic, from almost every State and Territory of the Union they came to this fair land and settled in what is now known as Texas—what was then Mexican territory. They settled originally under the fairest promises of just treatment by the parent Government with respect to all the rights which affected their life, their liberty, and their property. But here, too, the hand of tyranny was laid upon them, as had been the case with the thirteen colonies. The same love of liberty, the same reckless devotion to human rights throbbed in the bosoms of these colonists that had been so potent among those of the thirteen colonies. Revolution

came here as the result. These colonists met in the open and they wrote a declaration of independence, and achieved it by a short, desperate, but decisive war. They ordained a constitution, they selected a flag typical of the Republic which they had founded. This flag had a blue field, wherein gleamed a lone star, which stood for the sovereignty of the Republic for which they had sacrificed so much. They had their Gonzales, where the first shot was fired in resistance to tyranny and lit a fire of freedom that could not be quenched; their Alamo and Goliad. The desperate valor of the one and the merciless butchery of the other made the glory of their San Jacinto possible, for they gave that battle cry "Remember the Alamo and Goliad" to Sam Houston's army—the most stirring, vengeful, animating war cry that ever fell from patriot warriors' lips since the dawn of history.

As I believe, in the providence of God the time came when the people of the United States and the people of the Republic of Texas agreed to unite under one flag of the United States, and the Republic of Texas took its lone star from the flag of its republic and pinned it in the blue field with the stars of the States of the Union, to mingle with them in the same flag and under the same Constitution, in a common glorious destiny. May the radiance of these stars light the liberty for which they stand to the remotest corners of the earth. May the sweet lilies of peace, rooted in the blood of revolution shed for freedom's sake, exhale their fragrance in the hearts of men, till the nations of the world shall catch step to that sacred song which in the long ago echoed over Judea's hills, "On earth peace, good will toward men." [Loud applause.]

Mr. CLARK. Mr. Speaker, I shall attempt no panegyric upon Texas or upon Texans. They need none. Even if they did, her Representatives here are amply qualified and always willing to sound her praises, which no tongue or pen can exhaust. The intense State pride which was erstwhile characteristic in an extraordinary degree of Virginians, South Carolinians, and Massachusetts people is eclipsed by that of the citizens of the Lone Star State. They are fully justified in that laudable feeling, for State pride is patriotism. Here is a fine mot by Henry Ward Beecher: "When I see a man who has nothing good to say of the place he came from, I want to know what mean thing he did there." [Applause.] Most assuredly the great preacher would have had no occasion to complain of a Texan on that score, for he is as thoroughly enamored of his State as is any youth of his sweetheart or any man of his wife. In his eyes she is perfection itself. His passion for her approximates idolatry. And who shall blame him for his towering pride in and his undying affection for that mammoth Commonwealth? With a most glorious past, with a most prosperous present, Texas faces a future to which none but the greatest of the major prophets and the sublimest of the epic poets could do justice. It makes even a hardheaded, unimaginative outside admirer and friend dizzy to contemplate by the eye of faith the Texas that is to be. [Applause.] So I reluctantly leave Texas to the Texans on this occasion, though no orator could desire a nobler theme.

The law gives to each State the right to erect in Statuary Hall the statues of two, and only two, of her distinguished citizens; but Fortune, generous to imperial Missouri in this as in all things else, has placed five of her illustrious sons in that goodly company. Missouri herself contributed statues of Col. Thomas Hart Benton and Gen. Francis Preston Blair. Illinois sent that of Gen. James Shields, a hero in two wars, who represented in the Senate of the United States Illinois, Minnesota, and Missouri—a record never equaled and perhaps never to be equaled. West Virginia is represented by Senator John E. Kenna, who was reared in Missouri. Now comes Texas the magnificent and brings still another Missourian, Stephen Fuller Austin, to stand forever as one of her chosen representatives in that group of renowned historic characters. As his companion in perpetual glory she dedicates Gen. Sam Houston, statesman, soldier, orator, "the liberator of Texas," than whom even good Sir Walter himself never drew a more fascinating, a more romantic, or a braver figure. [Applause.]

The coming of Austin to join Benton, Blair, Shields, and Kenna suggests a thought not much enlarged upon in the books, but of vast importance, and that is that Missouri has been lavish of her children in building up the West, Southwest, and Northwest. There is scarcely a city, town, hamlet, ranch, or mining camp from the Mississippi to the Pacific and from the British line to the Gulf in which the sentence "I am a Missourian" would not prove an "open sesame." There is not a trail beyond the "Father of Waters" which has not been reddened with the blood of her sons in the triumphal progress of Caucasian civilization; and contemplating the splendid States which she helped to plant in that rich wilderness, she rejoices in her sacrifices. If Virginia deserves the proud title of "Mother

of Presidents," Missouri may without arrogance lay claim to that of "The mother of States." [Applause.]

In the entire range of profane literature there is nothing superior to Lord Bacon's essays. In the one on Honor and Reputation he says, inter alia:

The true marshaling of the degrees of sovereign honor are these: In the first place are "conditores imperiorum," founders of states and commonwealths, such as were Romulus, Cyrus, Caesar, Ottoman, Ismael.

If the father of the inductive philosophy were rewriting that essay in our day, he would undoubtedly add to the foregoing list of state builders our Revolutionary fathers and those indomitable men who laid broad and deep the foundations of Texas and who achieved her independence.

There is no chapter in the annals of mankind more thrilling than the story of how Texans won their freedom. Dull must be the brain, cold must be the heart, of him who can think of the heroism at Goliad, at the Alamo, and at San Jacinto and not rejoice at being kindred in blood, in faith, in aspiration, and in the sacred love of liberty to the unconquerable men who fought and bled and died upon those bloody fields. From the ground which they immortalized and glorified by their sufferings and their valor Texas sprang full armed, as Minerva from the brain of Jove. So long as courage and fortitude are prized among men, so long as the hope of freedom endures, the names of Houston, Austin, Bowie, Travis, Burleson, Mirabeau B. Lamar, Sidney Sherman, Deaf Smith, and Davy Crockett will be cherished as household words. [Applause.]

Stephen F. Austin, to whom Texas is this day paying a most unusual but well-deserved honor, was the son of Moses Austin, a pioneer in improved methods in lead smelting—a most important fact in our industrial and commercial history. The elder Austin has a better claim, perhaps, to be called the father of Texas than any other man who ever lived.

Before going to Texas Stephen F. Austin was a member of the Missouri legislature, while his father was interested in lead mining in Washington County, Mo. Later the younger Austin was a United States judge in Arkansas. At the dying request of his father he continued the work of colonization in Texas, which the elder Austin had begun. He took with him to the Brazos 300 Missouri families, among the foremost of the State. "It is a fact well authenticated that not a single member of Austin's colony was ever charged with theft or misdemeanor, nor did any of them ever occupy a felon's cell," a truth of which both Missouri and Texas may well be proud.

President Roosevelt says, in his life of Benton, that when a thousand Missourians loaded their wives and children, their guns and household goods, together with the implements of husbandry into their wagons, and marched with their flocks and herds to Oregon, settling there as permanent residents, they determined at once and forever the ownership of the entire Oregon country, which had been occupied jointly and quarreled over rancorously for many years by Great Britain and the United States. This remark applies with equal force to the migration of Austin and his little band of Missourians into Texas. What these two small companies of Missourians accomplished in Oregon and in Texas is likely to be repeated on a larger scale to the north of us, for the stream of our people now pouring into Manitoba will in all human probability in a few years Americanize all of Great Britain's North American possessions and make them constituent members of the great Republic—a consummation devoutly to be wished.

Old Ben Hardin, one of Kentucky's greatest characters and most skillful lawyers, was wont to say that "blood is thicker than water." So, when Texas threw off the Mexican yoke and began her war for independence, from no State did she receive more sympathy and more aid than from Missouri. When our troubles were brewing with Mexico no men ever were more eager to fight than were the Missourians; when the call for volunteers was made thrice as many Missourians rushed to the standards as could be accepted; and from the beginning of hostilities to the hour when our flag floated in triumph over Santa Ana's capitol, they fought with the traditional courage of their race.

The cause which impelled the Missourians to participate so enthusiastically in that war was thus eloquently stated by the late Senator George Graham Vest, in his brilliant oration on Thomas H. Benton:

No man who ever existed in the public life of this country more completely and apparently committed suicide than Thomas H. Benton. He knew as well or better than any other man what the prejudice and opinions of the people of Missouri were on the subject of slavery, and their sympathy with their brethren of the Southern States that had gone to Texas, thrown off the yoke and established an independent State. But more than this, he knew there was not a family in western Missouri that had not lost father, brother, husband, or son upon the Santa Fe trail, fighting those murderous savages, who attacked every trapper and every caravan too small to resist them, and that the people of Missouri firmly believed that the Mexicans had incited the Indians to make these attacks. It was well known that the merchants of Santa

Fe, Albuquerque, and Tamaulipas, and the other northern Mexican States objected to the trade between Missouri and New Mexico. It was extremely lucrative to these Mexican merchants to have a monopoly of the sale of goods to their own people, and whenever any of these murderous Indians were made prisoners by the Missourians there were always found among them Mexicans dressed like the Indians, appealing to their passions and prejudices and leading them on to these terrible outrages.

Geographical monuments are the most durable ever devised by the wit of man. Marble and granite will crumble into dust; portraits will fade away; the corroding touch of time will destroy brass or bronze; but great cities and counties will survive to remotest generations. Texas has been wise beyond her sisters in naming her cities and counties for her pioneer State builders. So long as the counties of Houston and Austin are on the map, so long as the ambitious cities of Houston and Austin lift their spires to heaven, the names of those twain will linger upon the tongues of men.

The exceptional strength of the Texas delegation in both branches of Congress has long been noted by even casual observers.

It so happened that in the autumn of 1899 I participated in a Democratic love feast at the State fair at Dallas.

On the return trip one of my traveling companions was my friend, Maj. Harvey W. Salmon, of Missouri, who, by reason of his service in the Confederate army, of his commercial relations, and of his political activity, has a wide acquaintance in the Southwest. We fell to talking of the extraordinary number of Texans of a high order of ability still in the prime of life, whereupon he gave this explanation of that pleasing fact. He said that originally Texas was settled by the very cream of the human race from America and Europe, and that during the evil days of reconstruction conditions were so bad in the other southern States that thousands of the flower of southern youth immigrated to Texas, expecting to sojourn there only till the storm blew over, but once there they loved the State so well that they remained permanently, thereby contributing largely by their talents and their achievements to the wonderful development of all things Texan. That was an explanation which explained.

There is a reason for every human thought, word, and act, if we could only ascertain it. The reasons why I am speaking here to-day are these: The story of Texas has always appealed with irresistible force to my imagination and to my heart. Texas and Missouri are bound together by geography, by community of interest, and by ties of blood. According to the census of 1900, out of her population of 3,048,828, more than 56,000 were Missourians born—that is, one out of every fifty-four. Two out of six of my first cousins on my mother's side are Texans by adoption. The Texans at home have welcomed me with open arms when I have visited the State. Texans here have treated me almost as a kinsman ever since my advent in Washington. I shall always count it among the richest blessings of my life that during my first service here Judge David Browning Culberson, one of the greatest men I ever knew [applause]—God bless him in his grave—was my immediate neighbor in the House. One of the best, truest, and most unselfish friends I ever had or ever expect to have is the lion-hearted young Texan, JOSEPH WELDON BAILEY. [Applause.]

Stephen F. Austin was a Missourian—one of the most distinguished of that splendid breed of men. In addition to all this Austin was an alumnus of Transylvania University, now Kentucky University, at which famous seat of learning I spent three of the happiest, most laborious, and most profitable years of a busy life. The two most celebrated names on the roster of her students were those of Jefferson Davis and Stephen F. Austin. [Applause.] Frequently when I can snatch a moment from this strenuous life my heart fondly travels back over mountain, vale, and river to the days of my youth about Lexington.

Still o'er these scenes my memory wakes,
And fondly broods with miser care;
Time but the impression stronger makes,
As streams their channels deeper wear.

The intellectuality and scholarship of pioneers in general, and Texas pioneers in particular have been much underrated. Of course there were ignoramuses and unlettered boors among them, just as there were among the barons who forced Magna Charta from King John at Runnymede. There were also among these western pioneers men of brains, of learning, and of manners which would have graced any society in the world.

My friend ROBERT L. HENRY, of Texas, told me these interesting facts. He says that when, in 1859, Hon. A. W. Terrell, a Missourian, was district judge in Texas, and came to empanel a grand jury composed of sixteen members, he noted among them twelve college and university graduates. Colonel Terrell is a profound scholar, a brilliant orator, and has held many positions of honor and of trust. He was minister to Turkey during Cleveland's Administration, and has mingled much

with the great; but it is doubtful if in any circle in which he has moved he ever came in contact with any coterie of men who were blessed with a higher average rate of education or native ability than that grand jury in the wilds of Texas in antebellum days.

Mr. HENRY also declares that after a thorough investigation into the matter he is satisfied that the signers of the Texan declaration of independence were of the same high character as the signers of the American Declaration, endowed with equal mentality and educational equipment.

I love to think of the bold, adventurous men who blazed the pathway of civilization across the continent to the shores of the peaceful ocean. They, and not the politicians of this era, made this a world power. We owe them a debt of gratitude which we can never repay except by being model citizens. They had none of the ordinary incentives to high endeavor. They acted their parts in a rude age, upon an obscure stage, far from the teeming centers of population and publicity, with no Boswell to follow at their heels to record their words, with no newspaper correspondents to blazon their deeds. No trumpet of fame sounded in their ears, cheering them on in their onerous, hazardous, self-appointed task; but they wrought nobly for their country and their kind.

Standing by the humble graves of western pioneers, I have often recalled the noble lines of Gray:

Nor you, ye proud, impute to these the fault,
If memory o'er their tomb no trophies raise,
Where thro' the long-drawn aisle and fretted vault,
The pealing anthem swells the note of praise.
Perhaps in this neglected spot is laid
Some heart once pregnant with celestial fire;
Hands that the rod of empire might have sway'd,
Or wak'd to ecstasy the living lyre.
Some village Hampden that with dauntless breast
The little tyrant of his fields withstood,
Some mute inglorious Milton here may rest,
Some Cromwell guiltless of his country's blood.

Mr. Speaker, we are all proud of our several States, but prouder still to be citizens of this mighty Republic, built not for a day, but for all time, and destined under God to be the dominating influence of all the centuries yet to be.

Four States are squarely in the race for first place in the rare and radiant sisterhood—New York, Illinois, Missouri, and Texas. All good Missourians hope that Missouri may win the greatly coveted prize; but if it be decreed by Fate, to whose mandates even the haughtiest and most powerful must bow, that she shall be outstripped in this contest of glory, she will yield the palm of victory with more grace and less regret to the colossal Commonwealth which this day pays her highest tribute to Sam Houston and Stephen F. Austin than she would to any other, because Missouri feels that Texas is bone of her bone and flesh of her flesh. [Loud applause.]

Mr. STEPHENS of Texas. Mr. Speaker, the Texas legislature, in presenting the United States with the statues of her two most worthy citizens, had a very delicate task to perform.

The Lone Star State has a perfect galaxy of gifted and patriotic sons to choose from; but a selection had to be made, and the people of Texas without a dissenting voice, so far as I know, have approved the wisdom of its legislature in selecting Stephen F. Austin and Sam Houston as the proper persons to represent her in the American Valhalla known as "Statuary Hall."

Forty years ago Congress set apart and dedicated the old House of Representatives in this magnificent Capitol building as a Statuary Hall, and each State legislature is permitted to select two of its citizens for this honor.

While all true Texans thus delight to honor Houston and Austin, they do not forget their long list of brave and noble sons, many of whom sleep in unmarked or unknown graves. Of these silent slumberers it can only be said that—

No slab of pallid marble,
With white and ghostly head,
Tells the wanderers of our vale
The virtues of our dead.
The wild flowers be their tombstone,
And dewdrops pure and bright
Their epitaph the angels wrote
In the stillness of the night.

Mr. Speaker, Texas has a unique and strange history. The self-sacrificing devotion and heroic deeds of her noble sons have been seldom equaled and never surpassed in the world's history. Their actions are the pride and the priceless heritage of every Texan.

Cabeza De Vaca first visited Texas in 1528, and La Salle made the first settlement on the Lavaca River in February in 1685, for the French, and named the fort St. Louis. This fort was destroyed by the Indians and La Salle was killed, and the remnant of his followers captured by the Spaniards.

In 1691 Governor Teran, governor of Coahuila and Texas, planted several settlements in Texas, but they were soon driven out by starvation and hostile Indians.

In 1714 Crozat, to whom Louis the Fourteenth, of France, granted the territory east of the Rio Grande, sent St. Denis to the Rio Grande to take possession of Texas. In 1717 this aroused the Spaniards and they established a number of missions in Texas, among which was the famous Alamo, at San Antonio. France continued to assert her claim to Texas, and in 1730 the Indians tried to drive out both French and Spaniards, but did not succeed.

In 1762 France ceded Louisiana to Spain, and in 1800 Spain re-ceded it to France. The sale by France of Louisiana to the United States made it necessary to define the boundaries between France and Spain, and in 1819 the Sabine River was agreed upon between the United States and Spain as the boundary.

From 1821 to 1834 colonists from the United States settled southeast Texas. The colony of Stephen F. Austin was the first and most important. It covered the lower Brazos and Colorado rivers, including the land where the city of Austin now stands.

In 1830 the Mexican Congress prohibited further immigration from the United States, and in 1833 the people of Texas tried to secure from Santa Ana a separate State government, but failed, and in 1835 Texas revolted.

In 1836 (April 21) Gen. Sam Houston defeated the Mexican army at San Jacinto and captured Santa Ana. This victory, one of the decisive battles of history, ended the war and secured the independence of Texas. On March 2, 1836, Texas declared her independence, and on September 2, 1836, adopted a constitution and elected Houston President of the Republic, and Austin was chosen secretary of state.

The electors at this election declared in favor of annexation to the United States.

The United States refused to annex Texas, because President Van Buren declined the proposition on account of the slavery question.

Again, in 1844, the antislavery sentiment prevented annexation. In 1845 President Polk secured its annexation and the war with Mexico followed. In 1861 Texas seceded from the Union and joined the Southern Confederacy, and from June, 1865, to March, 1867, it was under a provisional government, and from that date until September, 1869, was under a military government, when it was restored to the Union.

Mr. Speaker, this brief history shows that Texas had five separate and distinct governments and gave allegiance to five separate flags in less than half a century. She was first under the Spanish flag, and so remained until Mexico rebelled against Spain and formed a separate government in 1824. Texas was from that time until 1836 under the Mexican flag, at which time she rebelled against Mexico and became a separate republic under the Lone Star flag.

See! Just above th' horizon's farthest edge
A lone star rises in the gloomy night;
Dimly and tremblingly its rays are seen,
Shining through cloud rifts or concealed from sight;
Faintly it glimmers o'er the Alamo;
Redly it gleams above Jacinto's field;
Higher it rises—now, brave hearts, rejoice—
'Tis fixed in beauty on heaven's azure shield.

In 1845 she was annexed to the United States by a vote of her people and the consent of the Congresses of the two Republics.

From 1845 to 1861 Texas was a part of the United States, and the Stars and Stripes became its flag by voluntary adoption.

In 1861 Texas seceded from the Union and joined the Confederate States government and substituted the Confederate stars and bars for Old Glory, and after the fall of the Confederacy Texas resumed her place in the Union. Thus it is seen that the Spanish, the Mexican, the Texan Republic, the United States, and the Southern Confederate flags floated in rapid succession over the imperial domain of the Lone Star State. Mr. Speaker, it was in this history-making epoch that Houston and Austin lived and wrought so well for their adopted country. What State in the Union has a history so rich in great events and so fruitful of great results? What State can approach the Lone Star State in the heroism and dauntless courage of its pioneers, in the magnitude of its territory, the diversity and richness of its soil, the salubrity of its climate, the diversification of its crops, the healthfulness of its inhabitants, and its wonderful natural resources in timber, coal, iron, oil, and minerals?

Mr. Speaker, for this imperial domain we owe Houston, Austin, and their compatriots a debt of gratitude never to be discharged. Let us contrast and compare the lives of these distinguished Texans. They were each born in the year 1793 in the State of Virginia, Austin near Austinville, and Houston in Rockbridge County.

Their fathers were veterans of the Revolutionary war. Houston's ancestors were of Scotch origin; Austin's were of the sturdy New England stock. Austin was a graduate of Transylvania University, while Houston was not a graduate, but in his youth he preferred chasing the deer with his Indian friends to engaging in the pursuit of knowledge in the schools. Houston, whose family had removed to Tennessee, was a sergeant in the war of 1812 and was the best drilled officer in his regiment. He served under General Jackson in his campaign against the Creek Indians and was dangerously wounded in the battle of Horse Shoe Bend, in Alabama.

During these years Austin, whose father had removed to Missouri, was, when only 20 years of age, elected to its Territorial legislature and served several terms, and greatly distinguished himself therein.

Houston, on resigning from the Army, had studied law and began its practice at Lebanon, Tenn., and became a very successful advocate. In 1823 he was elected to Congress and served two terms; in 1827 he was elected governor of Tennessee, and in 1832 removed to Texas and made it his future home.

In 1821 Austin removed to Texas, and was the first American to plant an Anglo-Saxon colony in Texas. At that time the settlement at Nacogdoches was the only settlement between the Sabine and San Antonio.

Austin's father, Moses Austin, had received a grant of land from Mexico for this colony, but died and left his son, Stephen F., to carry out the project, and he proved himself equal to the emergency and planted a colony that remains to-day, thus proving anew the untiring energy and courage possessed by this sturdy and determined man, as well as this further fact, well established by history, that when the Anglo-Saxon conquers a country and makes it his home, he keeps it. Texas had been claimed alternately for centuries by France and Spain; but it still remained for Austin and the Anglo-American colonist to conquer, civilize, hold, and Christianize this magnificent domain. In the year 1835 Austin was chosen to command the army of Texas, and he conducted a short but successful and brilliant campaign against the Mexicans at San Antonio, thus showing that he possessed military genius of a high order. On November 28, 1835, he was appointed a commissioner to the United States for the purpose of securing funds to carry on the war. His mission was a delicate and difficult one. He secured many loans of money, and pledged his private fortune as security for repayment, and while on this mission, at Louisville, Ky., he made an address in behalf of Texas, in which he said:

In doing this [referring to the rebellion of Texas against Mexico] the first step is to show, as I trust I shall be able by a succinct statement of facts, that our cause is just and is the cause of light and liberty, the same holy cause for which our forefathers fought and bled; the same cause that has an advocate in the bosom of every freeman, no matter in what country or by what people it may be contended for.

He did not return to Texas until after the battle of San Jacinto, but became a candidate that year for President of the Republic of Texas. General Houston was his opponent and defeated him by a small majority.

Under the new order of things Austin became the secretary of state and entered immediately upon his duties. A prime measure with the administration was to secure the annexation of Texas to the American Union. The people had almost unanimously approved that measure at the late election. One of the first acts of the secretary was to prepare instructions for the diplomatic agents to be sent to Washington. He was a good part of three days, and portions of nights, engaged in this work. The accommodations for the Government at Columbia were very inadequate. The weather was cold, and Austin was compelled to write in a room without fire.

The exposure in an unfinished and unfurnished room brought on a cold, which was succeeded by an attack of pneumonia, of which he died at the house of George B. McKinstry, in Columbia, December 27, 1836. The following order was immediately issued from the war department:

The father of Texas is no more. The first pioneer of the wilderness has departed. Stephen F. Austin, secretary of state, expired this day at half-past 12 o'clock at Columbia. As a testimony of respect to his high standing, undeviating moral rectitude, and as a mark of the nation's gratitude for his untiring and invaluable services, all officers, civil and military, are requested to wear crape on the right arm for the space of thirty days. All officers commanding posts, garrisons, or detachments will, as soon as information is received of this melancholy event, cause twenty-three guns to be fired, with an interval of five minutes between each; and also have the garrison and regimental colors hung with black during the space of mourning for the illustrious dead.

By order of the President:

WILLIAM S. FISHER, *Secretary of War.*

His remains were accompanied by President Houston and his cabinet, both houses of Congress, and other officers of the Government to the family burying ground at Peach Point, Brazoria County.

Thus it appears that this pioneer and patriot died from ex-

posure while endeavoring to secure the annexation of Texas to the American Union.

He had sacrificed the best years of his life for his beloved Texas. He made a long and dangerous journey to Mexico for his people and was there cruelly imprisoned by Santa Ana for many months.

He opposed taking up arms against Mexico as long as there was any hope of securing justice from that country; but when the struggle for liberty and independence could no longer be averted he did everything in his power to throw off the Mexican yoke and create the Lone Star Republic.

He lived long enough to see Texas become an independent Republic. No blot ever rested on the name or character of this unselfish patriot, hero, and statesman. To no one more justly belongs the name of "the father of Texas" than to Stephen F. Austin, and it is well that the beautiful capital city in the greatest State in the greatest Government on earth should bear the name of Austin.

Mr. Speaker, further comparing the lives and services of Houston and Austin, we find but few points of analogy in their providential work and character. Austin was the pioneer and colonizer, the Capt. John Smith, while Sam Houston was the Washington of Texas. They were the respective leaders of the citizen soldiers who conquered the Indians, Spaniards, and Mexicans then inhabiting Texas and brought into this Union its future empire State. For, Mr. Speaker, if I may indulge in prophecy, I would state that in my judgment Texas will during this century surpass every State in this Union in population, in wealth, and in material prosperity. Mr. Speaker, I have a deep personal pride in the heroic history of Texas. I was born within its borders. My parents and grandparents were among the men and women who founded and defended it. My maternal grandfather, James Truit, was a member of the Congress of the Lone Star Republic and served therein with Sam Houston, while my paternal grandfather, John Stephens, served with him under General Jackson in the war of 1812 and in the Indian war that I have before alluded to. They were, therefore, his close personal and political friends.

Mr. Speaker, Stephen F. Austin was the right man to lead and defend a colony in a new country, and there to organize society and found a State, while Houston was the brave and experienced soldier, the liberty-loving patriot and statesman, ever ready to fight the battles of liberty and establish in an alien land, by revolution if needs be, the principles of the American Constitution. Houston has the matchless distinction of having been a governor, a Congressman, and an officer in the army of two republics, as well as the further distinction of having been the President of one republic and a Senator in another. When the civil war broke out he was the governor of Texas, and when the State he had aided in founding seceded from the Union and joined the Southern Confederacy he refused to take the oath of allegiance to the new government and retired to private life.

In a speech made at this time he became a true prophet. He said that his "misguided countrymen were then, in the madness of the hour, incapable of calmly comprehending the danger of the coming war. But when Texas and the sunny southland should be overrun with Federal soldiers, and the best blood of the South spilled on the battlefield, the negro slaves set free, martial law proclaimed in every Southern State, and all southern men disfranchised, and the negroes given the ballot, then, and only then, would his fellow-citizens see that Sam Houston was right in opposing secession and the war." Mr. Speaker, we know that this prophecy came true. But Providence, perhaps kindly, on July 26, 1863, removed this prophet and patriot from earthly scenes. He died while the civil war was raging on every hand and before the dark days of reconstruction, so well foretold by him, had actually come.

Mr. Speaker, General Houston's retirement during the civil war was not a happy one. He looked upon secession as an accomplished fact; he viewed with inexpressible grief the war measures adopted by both contending armies; he feared that republican institutions would be superseded by two centralized despotisms in which the liberties of the people would be swept away; and the prospect saddened him. His last appearance before a public audience was in the city of Houston, on March 18, 1863, and in the opening paragraph of his speech said:

Ladies and fellow-citizens: With feelings of pleasure and friendly greeting, I once again stand before this large assemblage, who, from their homes and daily toil, have come to greet once again the man who so often has known their kindness and affections. I can feel that even yet I hold a place in their high regard.

This manifestation is the highest compliment that can be paid to the citizen and patriot.

As you have gathered here to listen to the sentiments of my heart, knowing that the days draw nigh unto me when all thoughts of ambition and worldly pride give place to the earnestness of age, I know you will bear with me while, with calmness and without the fervor

and eloquence of youth, I express those sentiments which seem natural to my mind, in view of the condition of the country.

I have been buffeted by the waves as I have been borne along time's ocean until shattered and worn I approach the narrow isthmus which divides it from the sea of eternity beyond.

Ere I step forward to journey through the pilgrimage of death I would say that all my thoughts and hopes are with my country.

If one impulse rises above another, it is for the happiness of these people. The welfare and glory of Texas will be the uppermost thought while the spark of life lingers in this breast.

Mr. Speaker, it appears that these noble characters—Houston and Austin—whom we to-day delight to honor, when they finally found themselves standing on the verge of the dark river each spoke and thought of the future happiness, honor, and glory of Texas; and may we not indulge the fond hope that they now from a higher sphere, with clear and unclouded vision, delight in seeing a reunited country and in realizing that their beloved Texas is one of the brightest stars in the constellation of States in this the greatest Republic on earth?

Mr. Speaker, the present occasion naturally suggests an inquiry into the plan and the purpose of Congress in establishing the national Statuary Hall. The movement originated in the act of July 2, 1864, which authorized the President—

To invite each and all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives, in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national Statuary Hall, for the purposes herein indicated.

Mr. Speaker, Mr. Morrill, in the Senate of the United States on February 18, 1889, in his speech on the reception of the statue of General Cass, speaking of Statuary Hall, said:

We have much reason to believe that the grand old Hall will ere long be adorned by such notable figures possibly as would be that of Benton, from Missouri; Charles Carroll and William Wirt, of Maryland; Morton and Hendricks, of Indiana; Webster, from New Hampshire; Mason, from North Carolina; Clay, from Kentucky; Calhoun, from South Carolina; Cranford and Troup, from Georgia; Austin and Sam Houston, from Texas; Madison and Patrick Henry, from Virginia.

Mr. Speaker, Mr. Morrill's wise selection of Austin and Houston for companionship with the great statesmen named by him but accentuates the wisdom of the Texas legislature in afterwards confirming his choice. Mr. Speaker, in conclusion, and as part of my remarks on this occasion, I will submit the following list of statues now in Statuary Hall, showing their names, States, and Congressional services. [Loud applause.]

Statues in Statuary Hall, United States Capitol.

Statue.	State.	Congressional service.
Roger Sherman	Connecticut	House of Representatives, 1791-1793.
Jonathan Trumbull	do	House of Representatives, First, Second, and Third; Senate, 1795-96.
James Shields	Illinois	Senate, 1849-1855, Illinois; 1853-59, Minnesota; 1871, Missouri.
O. P. Morton	Indiana	Senate, 1867-1877.
John J. Ingalls	Kansas	Senate, 1873-1889.
John Winthrop	Massachusetts	No service.
Samuel Adams	do	Do.
John Hanson	Maryland	Continental Congress.
Charles Carroll	do	Senate, First Congress; resigned, 1792.
William King	Maine	No service.
Lewis Cass	Michigan	Senate, 1845-1848.
Thomas H. Benton	Missouri	House of Representatives, Thirty-third.
F. P. Blair	do	House of Representatives, Thirty-fifth to Thirty-eighth; Senate, 1871-1873.
John Starke	New Hampshire	No service.
Daniel Webster	do	House of Representatives, Thirteenth, Fourteenth, Eighteenth, and Nineteenth; Senate, 1827-1850.
Richard Stockton	New Jersey	No service.
Phil Kearny	do	Do.
R. R. Livingston	New York	Do.
George Clinton	do	Do.
James A. Garfield	Ohio	House of Representatives, Thirtieth to Forty-sixth; Senate, 1881.
William Allen	do	House of Representatives, Thirty-sixth and Thirty-seventh; Senate, 1845-1848.
Robert Fulton	Pennsylvania	No service.
J. P. G. Muhlenberg	do	House of Representatives, First, Third, and Sixth.
Nathanael Greene	Rhode Island	No service.
Roger Williams	do	Do.
Sam Houston	Texas	House of Representatives, 1823-1825; Senate, 1846-1859.
Stephen Austin	do	No service.
Jacob Collamer	Vermont	House of Representatives, Twenty-eighth and Thirtieth.
Ethan Allen	do	No service.
John E. Kenna	West Virginia	House of Representatives, Forty-sixth, Forty-seventh, and Forty-eighth; Senate, 1883-1893.
F. H. Pierpont	do	No service.
Père Marquette	Wisconsin	Do.
Frances E. Willard	Illinois	Do.

The statues of Washington, Jefferson, Hamilton, Lincoln, Grant, and Baker, of Oregon, were not presented by their States, and are not, therefore, included in the above list.

The following are not represented in Statuary Hall: Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Washington, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, Wyoming, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Utah, and Virginia.

SAM HOUSTON, THE HERO, THE STATESMAN, AND THE PATRIOT.

Mr. GIBSON. Mr. Speaker, whenever and wherever there is an assemblage of people to do homage to the name of Sam Houston, Tennessee enters her appearance and claims the right to tender her tribute to his fame and deposit her wreath in his honor. Tennessee received Houston to her bosom while he was yet in his infancy and trained him up to manhood and bestowed her honors upon him, fitting him to perform the part of a star actor on that grand Texan stage where his audience was the whole world, and his triumphs established first an independent nation and afterwards added another star to the great American constellation and a new page of glory to the grand volume of human freedom.

Houston was a soldier of soldiers. His father was a soldier and served in Morgan's brigade of riflemen during the Revolutionary war and continued in the Army as major after the close of the war and died while so serving. Tradition describes him as a man of large frame, commanding presence, indomitable courage, and a passion for military life. Sam Houston's mother also was of Roman mold, remarkable for her magnificent physique and distinguished for her impressive and dignified appearance, her great force of character, and her purity and benevolence.

With such parentage Sam Houston could not well have been otherwise than the great man he became. Removing from Virginia to Tennessee in 1806, when 13 years old, with his widowed mother and her family, they settled in Blount County, near the Tennessee River, on the Cherokee frontier, and undertook to wrest a living from the wilderness.

I will not undertake to recount his career in Tennessee further than to state that while living in Tennessee he was elected district attorney, major-general, Member of Congress, and governor; but I must not omit his record as a soldier in the Indian wars under General Jackson. In 1813, when 20 years old, then living in my county of Blount, he enlisted in the Army, and was present the following year at the battle of Tohopeka, or the Horseshoe bend, on the Tallapoosa River, in Alabama. Houston's intrepidity in this great battle was such as to attract the attention of the whole country. Maj. L. P. Montgomery, another Tennessean, was the first man to mount the high breastworks erected by the Indians and was at once shot dead. The next man to climb the breastworks was Sam Houston, and the next moment a barbed arrow pierced his thigh. Disregarding the wound, he leaped down among the Indians and beat them off until his men had time to climb over and join him. Notwithstanding this terrible wound he continued in the thickest of the battle until shot down by two bullet wounds in his right shoulder, when he was carried off the field and laid upon the ground to die. From these wounds he never fully recovered; they discharged more or less almost every day until he died, forty-nine years afterwards, and his linen was wet with the discharge in the hour of his death.

Houston was a born warrior, and when the sounds of battle in Texas reached his ears he could not refrain from participation in the struggle there for independence. He was at once put in command of the Texan army. A black cloud rested on the cause of the struggling patriots. David Crockett, also a Tennessean, and his compatriots had all been killed in the Alamo while battling for the freedom of Texas, and Fannin and his army had been treacherously massacred at Goliad after they had surrendered.

THE STAR OF TEXAS.

The star of Texas was a mere mirage, an unsteady ignis fatuus scintillating amid the exhalations and vapors arising from political commotions, more a dream of aspiring patriotism than a substantial reality, until Sam Houston's foot struck the soil of the struggling territory, and then its star rose visible and clear above the horizon; and when he was put in command of the Texan army that star rose still higher and shone with greater brilliancy and attracted greater attention; and when he turned that army's face toward the invading Mexicans that star, instinct with fate, blazed with a glorious effulgence prophetic of victory and empire; and when Houston and his heroic compatriots stood at nightfall victorious on the field of battle at the San Jacinto, that star rose majestically to the zenith, a luminary of resplendent magnificence, and Texas was forever free, the Alamo and Goliad had been avenged, and the lone star of Texas had become the star of empire.

Texas was peopled by heroes. Down to the day she estab-

lished her independence no coward had ever set foot upon her soil. The men who died fighting in the Alamo, the men who were slaughtered at Goliad, the men who faced the appalling perils of campaigning on the Texan frontiers, the men who triumphantly charged the Mexican army at San Jacinto, were as valiant and fearless as ever faced death on the field of battle, and their devotion to the cause of liberty as intense as ever inspired the hearts of patriot heroes since the days of Marathon and Thermopylae. And, Mr. Speaker, when in distant ages the sons of Texas shall assemble, as assemble they will, to do honor to Houston and his heroic compatriots and commemorate their mighty triumph at San Jacinto, then will it be said of them, "There were giants in the earth in those days." [Applause.]

HOUSTON'S STRENUOUS LIFE.

Sam Houston led a strenuous life. Born and cradled in Virginia, he crossed the mountains with his strenuous widowed mother and settled in Tennessee when he was 13, taught the "three R's" in a log schoolhouse when 18, enlisted in the Army when 20, campaigned against the Creek Indians and received three wounds in battle when 21, was United States Indian agent when 24, made adjutant-general of Tennessee when 25, a district attorney of Tennessee when 26, major-general of the State when 28, Member of Congress from Tennessee when 30, and governor of Tennessee when 34. Soon afterwards he left Tennessee, crossed the Mississippi River and joined the Cherokee Indians, whom he had known well in his boyhood. Next we find him here in Washington fighting before Congress and the Departments in behalf of the Cherokee, exposing the frauds perpetrated against them, and denouncing in thundering tones and fiery words the perpetrators of these frauds, their aiders and abettors. As champion of the Cherokee and vindicator of their rights and avenger of their wrongs, he found himself encompassed by unscrupulous adversaries, and in the struggle he waged, among other deeds of violence, he knocked down a Member of Congress, for which offense he was tried before the bar of the House of Representatives and fined \$500, which fine President Jackson remitted, to the extravagant delight of his friends and the mortification and humiliation of his enemies. The next year Houston went to Texas, and in 1835 we find him commander in chief of the Texan army of independence; in 1836 we find him at the head of that army charging, like a god of war and as an avenger of the Texan heroes who died at Goliad and in the Alamo, upon Santa Ana and the Mexican invaders entrenched on the San Jacinto, and winning a victory, against great odds, so complete and so decisive that no second battle was necessary and the independence of Texas was won. In 1836 we find him president of the republic of Texas; in 1846 we find Texas a State of the American Union and Sam Houston its first Senator in the Senate of the United States; in 1854 we find him pleading the cause of the Union before the American people; in 1861 we find him again back in Texas and again its governor, trying to stay the rising tide of secession, but trying in vain, and at last overwhelmed by the irresistible inundation.

One continual struggle marked his career, and one continual storm of abuse and vilification pitilessly assailed him, even when engaged in the noblest efforts to sustain the most righteous and patriotic causes. Envy wagged at him her spiteful tongue, calumny hurled at him her poisoned darts, political malice showered upon him its most fiery invectives and its most bitter vituperations.

Fully and most bitterly did he realize that—

He who ascends to mountain tops shall find
The loftiest peaks most wrapped in clouds and snow;
He who surpasses or subdues mankind
Must look down on the hate of those below.

HOUSTON'S PERSONAL APPEARANCE.

Having seen Houston while I was a boy, I feel constrained to say that the marble statue of him we are this day accepting, while probably picturing him in his youth, does not do full justice to the magnificent physique he possessed when in after days he became the hero of two nations. Houston was a man of majestic proportions, and wherever he went never failed to impress all beholders with the conviction that he was one of the giants of the earth. His appearance is thus described by one who heard him speak at Galveston a few days before Texas joined the Confederacy:

There he stood, an old man of 70 years, on a balcony 10 feet above the heads of the thousands assembled to hear him, where every eye could scan his magnificent form, 6 feet and 3 inches high, straight as an arrow, with deep-set and penetrating eyes looking out from heavy and thundering eyebrows, a high open forehead, with something of the infinite intellectual there, crowned with white locks partly erect, and a voice of the deep basso tone, which shook and commanded the soul of the hearer; added to all this a powerful manner, made up of deliberation, self-possession, and restrained majesty of action, leaving the hearer impressed with the feeling that more of his power was hidden than revealed.

HOUSTON THE COMPEER OF REGULUS AND WEBSTER.

The picture of Regulus standing in chains before the Roman senate and counseling the senators against making peace with Carthage (he well knowing at the time that he was pronouncing his own doom), and his voluntary return to Carthage to submit to a most cruel death—this picture has from my early boyhood thrilled me with its heroic and patriotic sublimity. The picture of Daniel Webster standing on the floor of the American Senate, bound by his oath to the Constitution, pleading for the passage of the bills necessitated by that Constitution in the interest of slavery, well knowing that he was pronouncing his political doom, but preferring his love for the Union to his love for his State—not that he loved his State less, but that he loved his country more—this act of political self-sacrifice has always in my eyes stood forth on the canvas of history as the sublimest picture in the whole record of the American Senate.

The picture of Sam Houston, governor of Texas, sitting in the gubernatorial office, whittling his pine stick, while the State convention in the hall over his head was calling upon him to come forward and take an oath of allegiance to the Confederate States, and while the multitude were singing hosannas to the Confederate banner, Houston refusing to notice the call, and thereby forfeiting the great office he held because of his overmastering love for the old Union, not that he loved Texas less, but that he loved Texas more as a State of the old Union than as a State of the new Confederacy—this picture of the old hero and statesman, suffering voluntary political martyrdom rather than forswear the country and flag of his fathers, in whose defense he had shed his young blood and to the advancement of whose welfare he had devoted the best years of a long, active, and glorious life—this picture of Sam Houston is well worthy to stand beside those of Regulus and Webster as grandly illustrative of the sublimity of heroic, self-sacrificing patriotism.

HOUSTON A PROPHET OF PROGRESS.

Houston had a prophetic eye; he foresaw the greatness and glory of his country; he vigorously advocated the construction of a railroad from the Mississippi to the Pacific; his patriotic and prophetic spirit saw the great tide of American population and American civilization spreading over the prairies, over the plains, over the mountains, over the valleys to the shores of the Pacific, and from the Arctic Ocean to the Isthmus of Panama. Like his great commander and friend, Andrew Jackson, he believed in the "manifest destiny" of the American Republic and in "expanding the area of freedom." He dreamed of these tremendous events; he talked of them; he made speeches in advocacy of them; he fought to promote them; he shed his blood in support of them, and he died praying that in the providence of God they might all be realized.

The great crevasse in the levee of the Republic through which flowed, as with apparently irresistible force, the mighty tides of secession, inundating one-third of the Union, and sweeping over his own State, bearing down all opposition from the Potomac to the Rio Grande and overwhelming the champions of the Union everywhere except in the mountains, carried along on its foaming crest the grand old hero of Tohopeka and San Jacinto.

Houston worshiped the Union with the devotion of a saint; but he worshiped Texas also. Texas was, as it were, his child. It was the scene of his greatest exploits. His valor and wisdom had made Texas an independent nation, and it was long his supreme ambition to see her a member of the glorious sisterhood of the United States. When the object of this ambition was consummated by the annexation of Texas, when he saw the lone star of Texas join, as though by divine power, the grand and glittering constellation of the American Union, and when he found himself a Senator from Texas in the Senate of the United States, in the company of Webster, Clay, and Calhoun, Thomas H. Benton, Lewis Cass, John J. Crittenden, Reverdy Johnson, Daniel S. Dickinson, and other illustrious statesmen, his happiness was complete, his most improbable dream had been substantiated, his most magnificent aspirations had been consummated, and he realized with a glow of patriotic gratitude, not unmixed with a justifiable pride, that he at last had received the full measure of compensation for all his labors and dangers, for all the blood he had shed on the fields of battle and all the agonies he had endured on the bed of suffering, thus demonstrating that in his case, at least, republics had not been ungrateful. The zenith of his greatness and his fame had been reached. The clock of destiny had sounded high noon in the career of Sam Houston. [Loud applause.]

Mr. FIELD. Mr. Speaker, in the Memorial Hall of the Republic, in the silent assemblage of the nation's great ones, in sculptured marble, wearing the garb of the pioneers of the wilderness, typical of the age and time in which they lived, stand Stephen F. Austin, the father of Texas, and Sam Houston, the right arm of the infant Republic, placed there by the

wishes of 3,000,000 of happy, prosperous people, their beneficiaries, as evidence of their admiration and devotion, and as a declaration to all the world that these are the greatest of all of Texas's mighty dead. Their brave hearts no longer beat; their strong arms are rigid, their lips forever sealed, and yet eloquent in marble, they bring back to memory the most luminous and glorious pages in American history. But for the courage, the statesmanship, and self-sacrificing devotion of Stephen F. Austin to the early colonists of Texas they would have been driven from the fair land to which he had led them, and Texas, like her sister Coahuila, would now be a State of the Mexican Republic; and but for the wise counsel, the strong arm, and bright blade of Sam Houston at San Jacinto the lone star of the infant Republic, dazzling in beauty as it was, would have faded from the galaxy of nations before it added new luster to the flag of our great Republic.

These statues of Texas's greatest heroes, however, were not placed in the nation's Pantheon as reminders of their heroic acts and deeds alone, but as the grandest types of the age and scenes in which they lived and moved, and the most perfect exponents of the glory of the past—the heroic days of Texas. Far back in the remote ages of romance and chivalry the Spanish conqueror, with bloody sword, rifled the treasures of the Montezumas, and in his eager march and search for gold faced the rising sun and crossed the great River of the North far into the plains of Texas, where since creation's dawn silence and peace had reigned; and following close in the soldiers' wake came the devout, mysterious monk, to heal the wounds of war, to bear the Messiah's message and teach the arts of peace, whose monuments remain in those quaint mission castles from the Rio Grande to the Salado, and "whose dismantled ruins still keep the memory of those adventurous days."

Spanish oppression filled the land with grief for many hundred years until the pious priest Dolores raised the standard of revolt, proclaimed the magic word of liberty, which, though crushed out many times, at last bore fruit, which now appears in the stable government beyond the Rio Grande. Texas, for many hundred years, remained the home of the wild beasts and the savage tribes of the plains, until Moses Austin, the father of Stephen F. Austin, obtained permission from the Mexican Government to locate 300 families as colonists in that vast wilderness. He viewed the land, but was not permitted to possess it; but died, broken down by many hardships, leaving to his son, as his last injunction, to carry out his plans. How well he did it we need but look upon that great State, its fruitful fields, its prosperous people, growing cities, and unlimited resources, to realize.

What was said of Epaminondas, as the greatest of the Greeks, could with truth be said of Stephen F. Austin, "A faithful portrait of his mind and heart would be his only eulogy." Stephen F. Austin, in January, 1822, established on the waters of the Brazos his first colony, the beginning of Anglo-American civilization in Texas, and from that time on to the close of his useful and eventful life to its development and extension he devoted all of his energy and great ability. He was the colonists' truest friend; in all assemblies their most trusted counselor, and their leader in battle, except when performing duties even of greater importance. When first the colonists' rights were threatened by revolutionists in Mexico, he journeyed to the Mexican capital, arriving there alone and a stranger, with no knowledge of the language or customs of the people. He displayed such ability and statesmanship that he not only secured additional privileges for the colonists, but shaped the policy of the Mexican Government and largely framed the Mexican constitution of 1824. And it is worthy of note, and evidences the devotion and loyalty of the colonists of Texas to constitutional government, that though this constitution ignored the inalienable rights of every English-speaking man—the right of habeas corpus and trial by jury—still Austin and his colonists, true to their compact, defended it against all the revolutions of Mexico, until Santa Ana declared himself military dictator, set aside the constitution of 1824, and subjugated every State in Mexico except Texas, and was then marching with his hitherto invincible army upon the doomed city of San Antonio. Under the despotism of Santa Ana events were rapidly moving to a revolution in Texas. The blood of patriots had been shed, and the soil of Texas was thenceforth dedicated to liberty.

Austin, hoping to avert the threatened revolution and ameliorate the intolerable oppression of the colonists, again journeyed alone and in disguise across the great plains to the City of Mexico; but despotism was then supreme. He was thrown into prison, and remained a captive for two and one-half years, a hostage of his people, which restrained action on the part of the

Texans. Independence had not yet been declared, and all of the battles of 1835—Gonzalas, Conception, the Grass Fight, the storming of Bexar by old Ben Milam and his followers—were fought in defense of their rights under the constitution of 1824, and Travis and Bowie and Crockett and Bonham and all of the immortals at the Alamo "fell with the flag of the constitution of 1824 floating over their heads, when four days before, but unknown to them, the banner of a free republic—the Lone Star of Texas—had been unfurled on the banks of the Brazos."

Santa Ana was marching on the Alamo; there was no longer a peace party in Texas. Austin and Houston now advised for Texas independence, and were as enthusiastic even as Archer (the Mirabeau of the revolution), the Whartons, and others of their followers; and on the ever memorable day of March 2, 1836, the declaration of independence was declared, and on the 16th the constitution of the new republic was adopted. Texas was born in the midst of revolution and of peril, and soon the bloodiest chapters in the book of time were to be written and the most heroic acts performed in the history of the world.

Did time permit me, I would like to speak at length of the battles and the heroes of the revolution; how old Ben Milam, to settle controversy, cut the Gordian knot by drawing a line upon the ground, stepping across, and calling, "Who will follow old Ben Milam?" and 300 more, as brave as he, stepped across, and the storming of Bexar commenced. Five days and nights the assault went on, from house to house, through narrow streets and plazas broad. Old Milam fell, but Johnson onward led the charge until victory was won, and 500 Mexicans, with many dead behind, marched out with banners trailing across the Rio Grande, and there remained no hostile foe in Texas.

At the Alamo, liberty's purest shrine, the fruitful theme of eloquence, poetry, and song; how Travis and his immortals, conscious of their doom, sent the last message back that they would never surrender or retreat, and when surrender was demanded answered back with a cannon shot; how the "stillness of that Sabbath dawn was broken by the trumpet's blast, and every band broke forth in the shrill and terrible strains of the deguello (dä-gwäl-yō), the music of merciless murder," and 10,000 Mexicans rushed on; at last broke down the southern gate, and like a stream long pent up, the murderous tide poured in. Brave Travis fell near the outer wall by his cannon, no longer useful; Bowie, though sick, piled many a ghastly corpse around him ere he died; and where the dead lay thickest old Davy Crockett fell. In thirty minutes 177 Texans fell, with gun in hand; none escaped, and none in flight sought safety, but round them lay 500 of the foe. I would like to speak, too, of Goliad, of Fannin and his murdered martyrs, and then of Houston, of Burleson, and Lamar, and San Jacinto's field, where the twin sisters spoke in deadly chorus—where Goliad and the Alamo were avenged and Texas, in heroic battle, achieved her sovereign independence. But these fruitful themes of eloquence I must leave to others, for want of time.

Mr. Speaker, Texas was not bought with gold, but by the blood of heroes won, and she is worth the price, every drop, as precious as it was. Look at the fair land—an empire in vast extent, reaching northward from the Gulf; 700 miles from east to west, 900 north and south, as beautiful and productive as any part of earth. In the South and East, when the earth was new, with the profuse hand of nature was scattered abroad the seed of the pine tree, the cypress, and the oak, from whose great forests come the thousands of happy homes of the western settlers. Moving to the north rolls out those beautiful prairies where, in the dim distance, the verdure of the earth seems to mingle itself with the azure of the sky; stretching far, far to the west those immense plains, where countless cattle roam, behind whose mountain barriers the setting sun descends; and when the tide comes in at early night, the Gulf breeze unobstructed moves far to the north, bringing refreshing sleep to weary man and beast, and gentle showers quickening into life all nature's growth. Her fertile bosom would feed all the hungry of the nation, and clothe them, too, and give them shelter from the winter's storm. Deep down within her bosom she holds the treasures of her mines, and gas, and gushing oil, and, like a rich and prudent mother, gives them to her children from time to time as her treasures they explore; and hugh granite mountains to build and beautify her future cities, too. In this fair land there is no place for any future State. There 3,000,000 people dwell; in many things of different minds and views, each intent upon his own, in one thing only, in mind, in heart, in firm resolve, united that in the superstructure of that great State no contraction shall be made, but they will build as long and wide as are the foundations which their fathers laid and cemented with their blood, from the Sabine to the Rio Grande, from the Red River to the rolling Gulf. [Loud applause.]

Mr. PINCKNEY. Mr. Speaker, the great State of Texas chose well when she elected, out of all the noble sons who have helped spread glory upon the pages of her history, who have shed their blood and died upon her battlefields that she might live and attain her liberty, or who have distinguished themselves in the councils of the nation, the men for whom this hour is set apart to honor.

I say she chose well when she selected to grace the halls of the nation's Capitol the statues of Stephen Fuller Austin, her first and most deserving love, and Sam Houston, her most renowned chieftain, the leader and commander of her armies in the days of her momentous struggle for liberty.

These two men justly deserve that this honor should be conferred to their memory, because of the deeds they performed for her in the beginning of her life, that life which has grown so beautifully grand in so short a time.

Eighty-three years ago the vast domain over which the lone star flag of Texas floats in fadeless glory, stretching from Red River to the Gulf and from the Sabine to the Rio Grande, was a wilderness inhabited only by savage tribes and over which in freedom roamed the wild horse and the buffalo. The plowshare was unfelt by her rich and alluvial soil, and the merry song and laughter of the plowboy broke not her lonely solitude. To-day all is bustle, a land of life, prosperity, and happiness. Thousands of homes stand upon her hillsides or nestle in her valleys. Her countless towns and cities, her waving fields of grain, her cotton, rice, and cane, all speak in thunderous tones of her matchless growth and energy.

Austin found it in 1821 a wilderness, broad and dense. Yet, in 1836, when he died, he left it a free and independent republic, acknowledged by the world, and ready to take her place in the catalogue of nations. His was the matchless mind and resistless energy that directed her hardy people and molded them for their high destiny, and when the people of to-day and those to come look upon the memorials to the nation's great they will gaze upon none grander or more worthy than Austin, the father of Texas.

Who has accomplished more and brought forth greater results than did Austin in the forty-three years of his life? Who ever sacrificed more for a cause and fought adversity more calmly or with a firmer determination than that which he began at the request of his father, who first conceived the idea of founding a colony in the wilds of Texas?

Stephen F. Austin was born in Wythe County, Va., on the 3d day of November, 1793, his father being Moses Austin, a native of Connecticut, and his mother, Miss Mary Brown, of Philadelphia. When Stephen was 6 years of age his parents removed to Missouri, whence, at 11 years of age, he was sent to Connecticut to school, where he remained three years. He then finished his education at Transylvania College, Kentucky. At 20 years of age he was a licensed lawyer and member of the legislature of the Territory of Missouri. At 27 he was a United States district judge for the Territory of Arkansas. He had gained the respect and confidence of noted men. He had attained high position in the service of his country. His prospects for glory, fame, and leadership, for a life of ease and prosperity, were all that he could wish, yet when the call of filial duty reached him there was no hesitation and no regret.

The restless spirit of his father in 1820 had led him to seek and secure a grant of land in Texas and permission to make settlements, but before he could put his scheme into execution the hardships of the trip to the Mexican authorities, which he was compelled to undergo, proved too much for his endurance, and he died, leaving a request that his son should carry his plans into execution. Without delay or protest, young Austin hastened to the seat of government and secured from the Mexican authorities a renewal to him of his father's grant, selected the lands between the Colorado and Brazos rivers for his colony, and on the 1st day of January, 1822, landed his first settlers upon the banks of the Brazos and began the settlement and development of Texas.

Soon others, inspired by his success, followed his example, and the solitude of the wilderness began to give slowly way before the sturdy energy of the hardy natives of the young Republic lying to the north, who comprised the bulk of immigration to Texas, and where had been molded the principles of liberty which sustained them in the dark hours of their later struggles.

The hardships of pioneer life are ever marked and many, but when to the vicissitudes of nature there are added the troubles of an unstable and sometimes oppressive government these hardships become much magnified and call for constant watchfulness and care.

Mexico, which had but recently thrown off the Spanish yoke, was in a formative, even somewhat chaotic state, and changes of administration were frequent. It thus happened that Austin, ever watchful of his colony's interest, was compelled, soon

after his settlement was made, to visit the seat of government. Nothing daunted at the prospect, he traveled the 1,200 miles that intervened on horseback and alone. He stayed for twelve months at the capital, and by his tact and energy had all his grants renewed, his powers for good enlarged, and returned to his colony the representative of his Government and clothed with almost absolute authority.

Then began that period when the wise exertion of his power as impresario of his colony and his judicious administration of its public affairs endeared him to the hearts of his people and inspired them with boundless love and confidence, a love and confidence that remained unshaken to the end. His colony was made the model of all others that followed, and his leadership became the example and inspiration of every colony throughout the State.

For a time everything went well. The colonists were gradually overcoming their initial hardships. The Mexican laws encouraged immigration, and settlement followed settlement in rapid succession. No foreboding of evil clouded the apparently brilliant prospects. But soon there came a change. Texas had for governmental purposes been attached to the neighboring State of Coahuila, but had been promised in the beginning that as soon as her population became sufficiently numerous she would have separate government.

This arrangement soon became, for obvious reasons, very inconvenient and annoying to the colonists. Their general laws were written in a language foreign to them, and the seat of government 800 miles away, and reached only after weeks of travel and hardship. Her vote in the common council was only two, while Coahuila had ten, which brutal majority was often used to her sore disadvantage. This condition of affairs soon became so irritating to the minds of a people reared in the pure air of liberty and justice that efforts were made to obtain separation, but they were to no avail. Meanwhile the steady inpour of immigration from the North began to alarm the Mexican Government, which began to fear the results to itself from the infusion of the ideas of liberty, and laws were passed restraining further immigration. Mutterings of wrath became heard over the colonies, the demand for separation from Coahuila became urgent, and at last, in 1833, a convention was called at San Felipe de Austin, the capital of Austin's colony, and a petition was formulated, setting forth the reasons for such separation, and asking relief of the Mexican Government. Austin was chosen to present the petition, and with a characteristic spirit of energy and self-sacrifice made preparation for the long and arduous journey to the capital. But there, also, had come a change. The spirit of the dictator, Santa Ana, ruled the nation, and his anger was aroused against the proud-spirited, tyrant-resisting people of Texas. Austin was thrown into prison and remained for two years, ever on occasion advocating the cause of his people and his adopted State.

The thought of final separation from the mother country had not as yet permeated the brain of the Texas citizenship, but when the manner in which their petition and their representative had been received became known to them the mutterings of the coming storm became louder and more persistent. When, after two years of obstinate persistence in a policy of oppression, the dictator of Mexico realized at last the serious aspect of affairs and released Austin with many assurances of confidence and esteem and many promises of reforms, the wave of revolution had reached such height and momentum that it could not be calmed or stayed. Austin hastened home to prepare his people for the coming struggle. He told them that Santa Ana had usurped the supreme authority, had overridden all law, and was intent upon the destruction of the colonies, and that the time for action in defense had come. The people rallied to the call. Austin was chosen commander in chief of the army, which was quickly organized, and under his direction were fought the battles of Gonzales and Concepcion—the Lexington and Concord of Texas—and the opening blows of the struggle which ended on the glorious field of San Jacinto.

Soon a provisional government was organized and preparations for the struggle began to be made. Weak and isolated as they were, the colonists realized that in order to cope with their powerful adversary they must receive assistance, and the Macedonian cry went to the people of the young giant republican Government to the north. Feeling that wise, tactful, and energetic representation could secure for them the much-needed assistance, all eyes in Texas were turned upon Austin to help them in their trying hour, and he was asked to go. Without hesitation or protest, but in the full realization of his duty, Austin laid down the commission of commander in chief and departed upon his mission, and by his representations and efforts resulted the financial aid and volunteer assistance that made San Jacinto possible.

And now, Mr. Speaker, upon the arena of action appears

that other gigantic figure which illumines the pages of early Texas history.

Sam Houston, who divides with Stephen Austin the honors we would pay to-day to Texas heroes, was born in Rockbridge County, Va., in the year 1793, on a day made ever memorable by the Texas declaration of independence, the 2d day of March. It thus happens that grand old Virginia, the mother of heroes and statesmen, gave to Texas and to the world the two men Texas holds most dear and the memories of whose achievement will go down the ages.

His father was a soldier of the Revolution and his mother was Elizabeth Paxton. Her husband dying, Mrs. Houston removed to Tennessee when Sam was 13 years of age. He was a bold and headstrong boy, of an imperious will, and born to rule. He joined the Army of the United States under Andrew Jackson, fought and was wounded at the battle of Horseshoe Bend, where, by his daring and gallantry upon the field, he won promotion and the lasting friendship of his great chief.

At the age of 30 he was in the Congress of the United States, and in 1827 was elected governor of Tennessee. This office he soon resigned and went to live with a tribe of Indians, whose friendship he had gained when he was a boy, and in 1832 came to Texas and cast his lot with the colonists of that province, where his wise counsel and military training soon brought him into prominence.

When, therefore, the resignation of Austin necessitated the choice of another commander in chief, all eyes were turned to Houston, and he was unanimously chosen to serve. Accepting the position, he at once set about to organize his forces and get them in hand.

Meanwhile events were fast transpiring in the history of the province. Santa Ana had suddenly appeared before San Antonio, the principal town of the province, and after a brief siege carried the Alamo by storm and put its garrison to the sword. Its glorious defense is without a parallel in history, and the names of Crockett, Travis, Bonham, and Bowie, who there suffered heroic martyrdom and placed their lives as a willing sacrifice upon their country's altar, are emblazoned in undying characters in the halls of the world's heroic dead.

Fannin had fallen at Goliad, and his little band of patriots had been ruthlessly massacred, and the victorious army of the conqueror was sweeping in three divisions toward the Sabine boundary. Terror and consternation seized upon all. It took strategy and generalship to meet the forces that were now being hurled against the devoted patriots of Texas. Sam Houston, stern, rugged, and brave, was the one man equal to the occasion. Feeling his little force to be too weak to meet the enemy, he retired, vigilant and grim, before it, ever watchful to turn and strike when the opportunity presented. Santa Ana marched to San Felipe; Houston diverged to the left and traveled up the Brazos.

Santa Ana, with the main body of his army, crossed that stream and threw himself between Houston and the seat of government, but Houston remained firm and the government moved. He was molding his army into that resistless machine which later was to cover itself with fadeless glory on the memorable field of San Jacinto. The Alamo had fallen on the 6th of March, 1836, and Fannin had been massacred a few days later, yet by the 21st of April Houston, by his resistless energy and generalship, had so inspired his countrymen that there had rallied to him an army of 800 men whom he had molded into a machine and inspired with a deathless zeal in the service of his country. He had so maneuvered that army as to lure his foe away from his support, and they were at last face to face upon a battleground of Houston's own choosing.

Let me quote you, Mr. Speaker, the language of Hon. Guy M. Bryan, a nephew of Stephen F. Austin, and himself a soldier of the republic, delivered before the Texas veterans, May, 1873, in description of this battle:

I need not tell you of that glorious onset and rout of the enemy. Texans would have won that battle had the whole Mexican army been there, instead of the sixteen hundred they killed, wounded, or captured. Under the thrilling cries of "Remember the Alamo!" "Remember Goliad!" with the conviction of success, with the high-souled determination and enthusiastic energy inspired by the past, a full knowledge of the awful responsibility of the present, with the cries of fleeing wives and children sounding in their ears, with bated breath and pallid cheeks they sprang forward to the charge to conquer or to die.

What Waterloo was to Napoleon was San Jacinto to Santa Ana. What Bannockburn was to Scotland was San Jacinto to Texas.

On that glorious day all that Austin had planned and worked for was accomplished. Sam Houston had proven himself a matchless leader. At the close of that fated day a new era had opened for Texas and a new star had risen in the firmament of nations. The army of Santa Ana had been routed, and Sam Houston had won.

Mr. Speaker, I have tried in a brief way to touch upon some of the reasons why upon these two men fell the unanimous choice of the people of Texas when it came to select its representatives in Statuary Hall of the nation's Capitol. The allusions must of necessity be brief and the descriptions meager. The knightly figure of Austin presents itself at every turn of the early pages of Texas history. His was the mind and energy that molded and guided its early growth, and the impress of his mind and thought is found in the principles of its early government, and the influence of his kindly spirit, his farseeing grasp of the possibilities of the future are shown in the great and lasting institutions that have arisen in the country that he founded. He did not live to see the complete fulfillment of all his hopes and aspirations, but he died in the full knowledge that he had founded an empire whose glorious history and mighty achievement were to call forth the plaudits and challenge the admiration of the world. He died in 1836, shortly after the establishment of the new government, full of glory, and in the full confidence and love of his people.

He died, and yet he lives in undiminishing glory. For him and in his honor is the capital named, and for him and in his honor is named the county in which the historic town of San Felipe, his seat of government, is situated. His memory is graven upon tablets of stone and in the hearts of his countrymen. He lives and lives forever.

He will live upon the lips of children,
Live in manhood's deepest prime;
In the high, pure heart of woman,
Fadeless in his deeds sublime.

Houston lived to reap the full, rich reward of his matchless genius. Ever full of that rugged manhood and tireless energy that enabled him to mold and shape his little army for its heroic struggle, wise and conservative in all things, he was the one man to take up the work of Austin and carry it forward to the end.

And Texas honored him with her confidence and her love. She made him the first President when she became a Republic, and she elected him again to the same position. She elected him as her governor when she joined the galaxy of States in our great Republic, and she sent him as her Senator in the nation's council, to watch and work for her welfare. Even when, under the gathering clouds of civil war, the stern Roman-like principles of his nature caused him to take a stand at variance with his people, he was allowed to retire to the shades of private life, his name unsullied, and the memory of his heroic greatness remained a heritage to his country. Full of years and honors, at his home in Huntsville he laid aside the cares of the world, and "soothed and sustained by an unfaltering trust, wrapped the drapery of his couch about him and lay down to pleasant dreams."

As in the case of Austin, so in the case of Houston Texas has sought to honor him in no uncertain way. The city of Houston, named in his honor, is the metropolis of our Lone Star State. The county of Houston is princely in its extent and progressive in its development. Sam Houston Normal Institute, for the education of the State's teachers, stands the peer of any institution of its kind in the country.

Thus has Texas sought to honor her heroic dead. And she comes now to-day to offer another testimonial of her love and reverence in the form of the beautiful statues which are to-day presented to the National Government. And it is with pardonable pride that I say to-day, Mr. Speaker, that these are not ordinary works of art. They are the artistic creations of one in whose veins flows the proud blood of a marshal of France, and who could, if she would, show proofs of as proud a lineage as ever held itself before the pages of European history. She is a citizen of our Lone Star State, and Texas is proud to own her. She has brought fame to herself and honor to her State, and these two creations will ever stand as deathless monuments to her artistic power.

And now, Mr. Speaker, in the name of Texas we deliver into your charge and into the nation's care the statues of our great and honored dead—Austin, the father of his country, and Houston, the hero of San Jacinto. [Loud applause.]

Mr. WALLACE. Mr. Speaker, we to-day formally accept from the State of Texas the statues of Stephen F. Austin and Sam Houston, epoch makers in the history of the country. On his departure from Tennessee, under the shadow of a great sorrow, Houston dwelled with the Indians for a season in Arkansas Territory. Moses Austin traversed the same with chain and compass, Stephen, his son, following in his footsteps and sharing his hardships. Later he exercised the functions of judge. A town in my State, not so pretentious as the capital of Texas, likewise bears the name of Austin. So Arkansas may share with Virginia and Tennessee and Missouri

and Texas, something of homage and kinship with these names—names not born to die. Of Houston it is said he "was the most imposing in personal appearance in all Texas. His eagle eye read men at a glance. His majestic personality enabled him to control the excited masses at critical periods when no other man could. His penetrating vision grasped the whole of Texas—her resources and capabilities of the present and future—a grasp that was only relaxed by death." And of Austin, "that he had more culture and possessed a more refined and loftier spiritual image." Wars and treaties and history I shall leave largely to the historian and those inclined to thread the narrative here. Upon the brow of Houston, with his stern virtues and diversified occupations, I shall attempt to wreath the laurel leaf. In private life he was gentle, chivalric, and courtly. In Texas he wore buckskin breeches and a Mexican blanket, which tempted General Jackson to remark: "There is one man at least in Texas of whom God Almighty, and not the tailor, had the making." [Laughter.] With personal courage that never failed him, with humanity that never sought innocent blood, with honor unsullied by successes or reverses, he began and ended his life a benefactor of his race.

Houston was admitted to the bar on one-third the time prescribed by his preceptor. Soon he came to practice at the Nashville bar, which was conspicuous for talent and forensic power. So many duties, civic and military, crowded into his life that he abandoned his profession too early, perhaps, to be accredited a great lawyer, but not before he had achieved wide distinction and phenomenal success. Mastering the details of complicated cases, he was strong in their presentation to court and jury. His powers of analysis and penetration, supplemented by his rare gifts of speech, made him a "foeman worthy the steel of all comers"—the Achilles of some vanquished Hector in almost every legal battle. He comprehended the science, acted out the great principles of the law. He depended on no "cork sinker" of the jury panel for success; despised mean advantage and petit jealousies among associates at the bar. His relations toward his professional brothers were open and manly. His bearing before the court and jury was dignified and courtly. He descended not to low abuse, but was unsparing in his arraignment of a false witness. Around him he invoked all the ghostly horrors that broke the sleeping hours of the "false and perjured Clarence." Superb lawyer and brilliant advocate, in all the service that made him perhaps the unchallenged promise of the Tennessee bar, it can not be said, he ever

"Crooked the pregnant hinges of the knee,
That thrift might follow fawning."

Houston had no early military training, save that gained by experience among the Indians and heroic discipline under General Jackson—his antetype and his model. When first enlisted his friends rebuked him. But it was no part of his nature to abandon the course upon which he had determined, and his answer was: "You don't know me now, but you shall hear of me." But his mother said: "My son, take this musket; never disgrace it, for I would rather all my sons should fill one honorable grave than turn a single back to the foe. My cabin door is open to brave men, but eternally shut against cowards." Words worthy the Greek matron, as paraphrased by Montgomery:

Then said the mother to her son,
And pointed to his shield,
"Come with it, when the battle's done,
Or on it, from the field."

[Applause.]

Oh, a mother's courage, a mother's love! They stumble not where man falls; falter not where man fails, and over the wreck of his earthly ambitions and the night of his earthly woes, shine as a beacon of destiny, a star of inspiration and hope. Who shall doubt that the memory of that voice haunted him from the moment he was stricken with wounds almost mortal at Tohopeka until, at San Jacinto, immortality crowned him her own? One said of him that he always slept with one eye open. He said that, while the policy of warfare with his associates—Fannin, Bowie, and Crockett—was to divide, advance, and conquer, his own was to concentrate, retreat, and conquer.

He was not unlike the later Jackson. Mysterious, incomprehensible to his foes, he won advantage at a move, victory at a blow. Sword and prayer were his weapons, and he mingled them with the lurid lightnings that played upon the battle cloud and thundered in the storm of war. Those who may have followed closely his career—first living in peace with then battling against and again dwelling in exile with the red man—must look with wonder on this strange, unfathomable character—romantic as it was daring, weird as it was bold,

admirable as it was unconquerable! But here I must take refuge in the lines of the poet who said:

Nature ne'er meant her secrets to be found,
And man's a riddle which man can't expound.

With opportunity at hand, had he made law alone his profession, he could have been Choate or Grundy. Had he made oratory alone his profession, he could have been Wise or Clay. Had he made war alone his business, he could have been Washington or Jackson. Had he made statecraft alone his business, he could have been Adams or Madison. But whatever doubt may exist of his ability to have equaled any of these, one thing is certain, that in the multiplied stations of honor and endurance he bore, in the successes and victories he won, not one of these men could ever have been Sam Houston. [Applause.]

Well may history rest his fame at San Jacinto. There culminated the struggle which divested Texas of a hostile foe, detained Santa Anna as a hostage for peace and independence, builded a republic and immortalized its builder. The more remote but not less important sequence was the annexation of Texas to the American Union. The Stars and Stripes floated over the halls of the Montezumas and the domain of our Republic was augmented by concessions of territory stretching away to the Rio Grande and Pacific; and Mexico, then a mockery of civil government, was constructed into a modern republic, welcomed to the family of nations, and honored by the powers of the earth. A blue shaft, rising in broad stretches of magnificent environment at San Jacinto, and speaking through its granite silence the people's love for their patriot son, may lose its majesty, and its strength, but the name wrought deep in its polished shaft, but deeper wrought in the hearts and consciences of men, shall endure until God's hand shall rend the firmament and God's voice shall rock the earth and in the tumult of dissolving nature time's last revolution "breaks on eternity's wave." [Applause.]

Austin's idea, which prevailed for a time, was to establish a local state government under the Mexican constitution of 1824. Houston's idea was to establish a republic or a state absolutely independent and defiant of the Central Mexican government, with the ultimate object of annexation to the United States. The Republic was established and modeled after our form of government. Houston was the first President. He found the young Republic pledged to the payment of a debt of \$3,000,000. His administration fixed its eyes first on land robbers. Then a small impost duty was imposed, an ad valorem tax levied, and land scrip issued and put upon the market for sale. He kept peace with the enemies of the Republic, and started it well on the way to a high and noble destiny. He was succeeded by Mirabeau Lamar, whose first official declaration was that the "sword should mark the boundaries of the Republic;" which at once incurred the hostility of Mexicans and Indians alike.

At the close of his administration the public debt had increased from three to eight millions, and Texas had a population of only 55,000. The popular will cried out for Houston, and he again became president. He at once inaugurated administrative reforms to correct existing abuses, and at the end of his term in 1844 saw his Republic at peace with Mexico and the Indian tribes and a "cash balance" in her treasury. As a statesman, there was nothing of the iconoclast in his nature. On the contrary, he was of the type of creative, constructive publicists. If Austin laid the corner stone, Houston erected the superstructure and fashioned into splendid proportions this magnificent structure of a Republic and a State. He laid his impress there, and Texas will go down the years as the superb embodiment of his martial spirit, the composite ideal of his statesmanship, and the fairest gem of his handiwork. [Applause.]

Efforts on the part of Houston and others to annex Texas to the United States were thrice denied by this country. As a diplomat, Houston paid court to France and England, and otherwise exerted his subtle and powerful influence to stimulate the jealousy of this country against any European nation that designed a foothold in the Western Hemisphere. Soon James K. Polk and the Democratic party espoused the cause of annexation and triumphed at the polls. Strange enough, when the final steps were taken in 1845 to annex Texas, Houston seemed to oppose or take no part in it. For this he was abused and denounced by his friends. In response to the matter of paying court to France and England, afterwards in a speech he illustrated his position as follows: "Suppose," said he, "a charming lady has two suitors. One of them, she is inclined to believe, would make the better husband, but is a little slow to make interesting propositions. Don't you think, if she were a skillful practitioner at Cupid's court, she would pretend that she loved the other 'feller' the best and be sure that her favorite would

know it? If ladies are justified in making use of coquetry in securing their annexation to good and agreeable husbands, you must excuse me for making use of the same means to annex Texas to the United States." [Laughter and applause.] Annexation was the ambition, the passion of his life. His great heart beat with unmistakable emotion when he looked upon the "lone star" of his Republic gleaming in the noble group that formed the coats of arms of the States of this Union! But alas for the mutability of human success. The blight of war came in 1861, and hearing the signal guns proclaim the withdrawal of Texas from the Union he exclaimed: "My heart is broken;" and those who knew him best record that Houston was never himself again. [Applause.]

But, Mr. Speaker, Texas has men to-day, if not still tarrying in the flesh, might pose in marble with the group of immortals in Statuary Hall. There is Reagan, at the head of a numerous list. [Applause.] With her vast stretches of prairie, bouyancy of life and luxuriant landscape, fields of grain and shrines of memories, one can but exclaim—great is Texas! But greater than Texas are her men, and greater than the men are the noble women of Texas. [Applause.] At every point of struggle and hour of trial the "Daughters of the Republic of Texas," though called not by the sterner name of hero, filled the measure of all that heroes were, all that heroes mean. [Applause.] Watchers in the night of war; toilers in the day of hope, dauntless soldiers in the army of home, they prayed with words of fire, loved with hearts of gold. At tidings good, tears of joy danced in laughing eyes; at tidings ill, tears of sorrow like molten fire streamed down pale and withered cheek. And what magic, what miracles wrought by these tears upon fathers and sons in the bloody charge, in the battle's storm.

As the astronomer takes the level of the sea to measure all important heights and depths, so must we take the plane upon which men move to measure the influence of their lives upon humankind. A giant gloried in the strength of his own great arm and was slain by the shepherd youth. Byron dazzled the world with his genius, overshadowed Walter Scott as poet, and put him to the task of giving the world among the richest of its types of romance. But who is prepared to say mankind gained more in the birth than in the death of Byron?

Newton mounted to the stars and saw the forces that bound all nature in harmony and system. In it he saw the hand of the Creator and blessed mankind by his living. Sam Houston, a decade before his death, listened to a discourse from the text: "Better is he that ruleth his spirit than he who taketh a city." It soon "fastened conviction" upon him, and he lived a Christian; died not only as a philosopher, but almost like a god. [Applause.]

Mr. Speaker, I have seen part of a summer's sky overcast with cloud and the gentle showers fall and the raindrops sparkle as so many diamonds on tree and shrub and flower, and I believed it beautiful. I have fancied myriad forms in the strange phenomena of the heavens, and believed it grand. I have looked on the mellow glow of sunset and believed it challenged the utmost stretch of my fancy for the beautiful; but the most charming picture, perhaps, that may challenge the imagination is a shaft of light spanning from the effigies of earth to heaven, and human souls, loosed from their mortal environment, ascending that shaft to the God who gave them.

Let this be the vision we have of the great souls, now, perhaps, not less the idols of their eternal than erstwhile of their earthly homes. Let it be they abide in peace by the fountain of living waters, and where the skies bend softest and the flowers bloom eternal. Noble and cultured Austin! Great and picturesque Houston! By the work of this day we but recall the magic of thy genius, but review the pioneer pageant of thy march from cradle to grave. It has not been left for us to add one cubit to statures, like gods descended, stood in the councils, moved the hearts, and molded the judgments of men. It has not been left for us to immortalize thy names, for beyond our feeble reach they are graven on the tablets and shrined in the hearts of nations. It has not been left for us to wreathe thy brows with lintels that defy the touch of time, for the world has crowned them with laurels that shall endure forever. It has not been left for us to broaden the pedestals nor place the capstones on the pyramids of thy fame, for thine own hands have builded the one as broad as earth and the other as high as heaven. But it has been left for us to glory in the fact of birth in a land dowered with the knightly genius of thy patriotism and the peerless chivalry of thy deeds. Caesar nor Napoleon inspired not his armed legions with such spirit for war as thou hast wrought in thy countrymen for peace, nor waged such victories in battle as thou hast won in the forum, nor massed such power for oppression as thou hast arrayed for freedom, nor transmitted such glory to the nations as thy example to posterity! [Loud applause.]

Mr. GILLESPIE. Mr. Speaker, by the act of Congress passed in 1864 each State of the Union is invited to place in Statuary Hall of this Capitol the statues of two of her sons renowned in civil or military life. Texas has accepted this invitation and presented to the nation the statues of Stephen F. Austin and Sam Houston. Austin, the revered father of Texas, and Houston, her matchless defender and preserver. Texas is most fortunate in her choice, and the nation may be congratulated upon it, for the lives of these two men furnish forcible examples of those noble deeds and high resolves which shone so resplendently in the lives of the founders of this nation, and have ever been and ever will be cherished as the most sacred memories of our people. They also furnish the highest hope and surest inspiration for the preservation of our liberties. Austin's life embodies hope; Houston's, courage. Hope and courage are the parent virtues of our race. Hope plants, courage defends.

Both these men were born in Virginia the same year. Houston, March 2, 1793; Austin, November 3. Houston's parents moved to Virginia from Pennsylvania; Austin's, from Connecticut and New Jersey. They were both of the stock we call Scotch-Irish. The hearts of their Old-World ancestors were set on fire for religious freedom by the eloquence of John Knox. They migrated from Scotland to the north of Ireland, whence they largely peopled these shores and constitute our best citizens. They have been found wherever privation was to be endured, the forest to be felled, cities to be founded, States to be built, the savage to be driven back, liberty to be defended, or God to be worshipped.

Mr. Speaker, in reviewing the early history of Texas from the time her life-giving sunshine first enveloped the frail form of Stephen F. Austin and her healthful breezes first cooled his patriot brow, on through his wonderful labor of love and sacrifice, on yet through the time when the fair form of Texas liberty first attracted the eye and engaged the heart of Sam Houston and caused him to throw his strong arms around her, on until Texas took her place in the Union of our fathers. When we review these things we are brought face to face with the ever-watchful care of Almighty God, who numbers the very hairs of our head and without whose knowledge a sparrow falls not to the ground. How he fitted the means to the end. To accomplish what Austin accomplished required the use of every virtue of head and heart, and Austin possessed them. He was modest and unassuming; he was candid, sincere, plain, and direct; he was painstaking, cautious, and watchful; he was patient and industrious; he possessed the sublimest moral courage and the noblest spirit of self-sacrifice; he was well educated, skillful and sagacious; his language and conduct were pure and chaste; he was both a statesman and a patriot. Men delighted to intrust him with their lives, their property, their fortunes. He ruled by love. His colony absorbed his very being. But every human life has its limitations, beyond which it can not pass. So Austin had his. Although he possessed the power of a military dictator over his people he never once exerted it. He established courts; even-handed justice was meted out to all.

The civil administration of his colony is one of the proudest monuments to his genius and patriotism. But other colonies were established in Texas and other settlements made after Austin had founded his—notably De Witt's colony, whose capital was Gonzales, and the settlement of Victoria, southwest of Austin's colony, and those of Nacogdoches and San Augustine, in east Texas. New settlers were constantly arriving. Many of them were young, bold, ambitious spirits; many also were reckless and lawless. At the beginning of the revolution in Texas, in 1835, when the purpose of Santa Ana to disarm the Texans and hold the province in absolute subjection to his will, or to drive out the American settlers with fire and sword, was made manifest, it became necessary for all the people of Texas to act together. The situation demanded a leader. Why not Austin?

The newcomers knew not Austin. He had no military experience; his presence was not commanding; the gift of eloquence was not his; his modesty and retiring manners were interpreted for weakness. Austin himself turned to Houston, and Houston was there! Houston was a man of magnificent presence. He was 6 feet 2 inches in height, of a large, perfectly formed frame, erect as it was possible for a man to be, grace in every movement, a voice full of deliberation and melody, his eye penetrating and kind. He was described substantially as above by ex-Governor Roberts, of Texas. Besides his personal appearance, nature had filled his soul with eloquence and it burst forth as naturally as water from the mountain's side.

Courage was also his natural attribute. His fame, too, had preceded him to Texas. The strange life of his boyhood among the Indians; his daring acts of valor at Horseshoe Bend under the very eye of Andrew Jackson; Jackson's friendship for him;

his sudden rise to the governorship of Tennessee; the separation from his wife; the consequent convulsions produced in Tennessee; the sudden dashing from his lips the cup of fortune and quitting the State of Tennessee as a citizen forever, taking up his life again among the Indians; his visit to Washington in their behalf; his famous trial by Congress for assaulting a Member in Washington; the triumphal issue of this trial—the fame of these things preceded Houston to Texas, and when he stood among her people there was about him an irresistible fascination and attraction for all men. There he stood, a prince among men, God's best endowed, and nature's nobleman. Yes, he stood there clad in buckskin with an Indian blanket thrown across his shoulder, a dress suited to his day and work.

As of Austin so of Houston it can be said that none but Houston could have accomplished Houston's work. Every accident of Houston's history was preparatory to his great work in Texas. For the little band of patriots to successfully cope with Mexico the Indians must be kept down. Houston, before he began his famous campaign ending with San Jacinto, made a treaty with the Indians which they faithfully kept. Houston's knowledge of the Indian character was most profound; he was their sincere friend. It is said that the Indians never broke a treaty they made with Houston. His greatest efforts in the United States Senate were in behalf of the Indians. He believed the Indian capable of high development if properly treated. He mourned till the last over the Indian's fate. This is a description of an eyewitness to a meeting in Washington between Houston and a party of Indians while Houston was Senator:

During the latter part of June, 1846, General Morehead arrived at Washington with a party of wild Indians from Texas, belonging to more than a dozen tribes. We saw their meeting with General Houston. One and all ran to him and clasped him in their brawny arms and hugged him like bears to their naked breasts and called him "father." Beneath the copper skin and thick paint the blood rushed and their faces changed; the lip of many a warrior trembled, although the Indian may not weep. These wild men knew him and revered him as one who was too directly descended from the Great Spirit to be approached with familiarity, and yet they loved him so well they could not help it. These were the men "he had been too subtle for on the warpath, too powerful in battle, too magnanimous in victory, too wise in council, and too true in faith." They had flung away their arms in Texas, and with the Comanche chief who headed their file they had come to Washington to see their "father." I said these iron warriors shed no tears when they met their old friend, but white men who stood by will tell what they did. We were there, and have witnessed few scenes in which mingled more of what is called the "moral sublime." In the gigantic form of Houston, on whose ample brow the beneficent love of a father was struggling with the sternness of the patriotic warrior, we saw civilization awing the savage at his feet. We needed no interpreter to tell us that this impressive supremacy was gained in the forest.

Houston, in the United States Senate, thus poured out the lamentation of his soul over the Indian's fate:

As a race they have withered from the land. Their arrows are broken and their springs are dried up; their cabins are in the dust. Their council fire has long since gone out on the shore, and their war cry is fast dying out to the untrodden West. Slowly and sadly they climb the mountains and read their doom in the setting sun. They are shrinking before the mighty tide which is pressing them away; they must soon hear the roar of the last wave, which will settle over them forever. Ages hence the inquisitive white man, as he stands by some growing city, will ponder on the structure of their disturbed remains and wonder to what manner of person they belonged. They will live only in the songs and chronicles of their exterminators. Let these be faithful to their rude virtues as men, and pay due tribute to their unhappy fate as a people.

Preparatory to Houston's power over the Indians we have his life among them. For his power over men we may trace the cause beyond his fame, his eloquence, and his personality. Here is what is said of his father:

His father was a man of moderate fortune; indeed, he seems to have possessed the means only of a comfortable subsistence. He was known only for one passion, and this was for military life. He had borne his part in the Revolution, and was successively the inspector of General Bowyer's and General Moore's brigades. The latter post he held till his death, which took place in 1807, while he was on a tour of inspection among the Allegheny Mountains. He was a man of powerful frame, fine bearing, and indomitable courage. These qualities his son inherited, and they were the only legacy he had to leave him.

And this of his mother:

His mother was an extraordinary woman. She was distinguished by a full, rather tall, and matronly form, a fine carriage, and an impressive, dignified countenance. She was gifted with intellectual and moral qualities, which elevated her in a still more striking manner above most of her sex. Her life shone with purity and benevolence, and yet she was nerved with a stern fortitude, which never gave way in the midst of the wild scenes that chequered the history of the frontier settler. Her beneficence was universal, and her name was called with gratitude by the poor and suffering. Many years afterwards her son returned from his distant exile to weep by her bedside when she came to die.

Houston was educated in no school but the wilderness; he had access to no books but Nature, Pope's Iliad, and the Bible. The hunger of his soul was his only teacher. Houston awoke to consciousness in the days that were resounding with the praise of the heroes of the Revolution, many of whom were still living, from whose lips he heard their wonderful story, and it never fell

upon more willing ears. At the close of his life he said of these early heroes in a public address to the people of Texas:

I stand the last almost of a race who learned from their lips the lessons of human freedom.

This, too, was a school in which he was taught. He possessed a fine memory. That he had a strong mind and could go by leaps and bounds where the average mind must plod along is abundantly shown by his writings, State papers, and speeches, no less than his quick step to the front as a lawyer when he took up that profession in Tennessee.

Houston must be torn loose from Tennessee. We therefore have the separation from his wife, the consequent turning aloose the tongue of slander all over the State. This brought envy and jealousy to the front. All Tennessee was stirred. Houston and anti-Houston parties were formed, until a situation was produced which, if persisted in, appeared to Houston would put him in the attitude of warring against a woman. His chivalrous soul shrank from this, and he suddenly resigned the office of governor and sought refuge from this great secret sorrow around the council fires of the old Indian chief who had been the friend of his boyhood. And here, too, Houston must have the opportunity to convince the Indians that not only could he enter into their lives with them as a boy, but that as a man he could undertake great things for them at Washington and even suffer persecution for their sake, which he did.

Before Houston left Washington the last time, before going to Texas, President Jackson offered him different honorable positions, but owing to the charges against him in Tennessee and also the accusations made against him by the friends of the dishonest Indian agents whom he had caused to be expelled from the service, he thought that his acceptance of a position under the President might embarrass the latter, so he refused. Therefore, when he left Washington this time it was again to go into voluntary exile so far as the white man was concerned. But he had agreed with the President to go on a secret mission to the Comanche Indians at San Antonio, Tex. Also he had in mind the selection of a cattle ranch. So his first trip into Texas in December, 1832, was for this purpose. He passed through Nacogdoches, Tex., on his way to San Antonio, had his meeting with the Indians at the latter place, and passed again on his way back through Nacogdoches. When he reached this place he was given such a warm welcome by the inhabitants, and so besought by them to become one of their number, that he consented. It was also explained to him that delegates were to be elected right away to a constitutional convention at San Felipe de Austin, April 1, 1833, and requested him to permit his name to be used as a candidate for delegate. He consented to this. This circumstance doubtless aroused the slumbering ambition of his soul. Who could more clearly than Houston see the possibilities that lay before him in the event he cast his fortunes with these pioneer patriots? They saw in him their leader; he saw in them his opportunity, and Houston was himself again. He went on to Natchitoches, La., to give the United States Government the result of his conference with the Indians and returned to Nacogdoches to find that he had been unanimously elected a delegate to the convention at San Felipe de Austin. Houston attended this convention, and there, so far as history tells us, met for the first time Stephen F. Austin. And this convention was the first deliberative assembly composed of men of the Anglo-Saxon race that ever met within the dominion of Mexico and the first step in that great movement that never stopped until it reached the Pacific Ocean.

This convention adopted a constitution for Texas as a separate State of Mexico, and also a memorial to the central government praying that Texas might be admitted as a separate Mexican State. Stephen F. Austin was appointed one of three commissioners to convey this constitution and memorial to the City of Mexico and urge the admission of Texas into the Mexican Union. Houston and Austin both had no other purpose at this time than the advancement of the interests of Texas as a Mexican State. Austin had always been true to the constitution of Mexico, which was adopted in 1824, and which provided for a republican form of government, and was modeled after that of the United States. It is believed that Austin himself drew the draft of this constitution while he was in the City of Mexico, 1822 to 1824, whither he had gone to protect the rights of his colonists, and it is known that while there he drew the plan of colonization provided for in that constitution and that his opinions were sought and highly prized by the statesmen of Mexico. In all the shifting scenes of the government in Mexico from 1824 to 1835 Austin only contended for the rights of Texas under the constitution of 1824. While the military of the Texas province was against Santa Ana, the colonists, under Austin's lead, were with him, because Santa Ana pretended to be the friend of the constitution of 1824, and not until he clearly showed in

1833 and afterwards that he intended to overthrow this constitution and have himself declared military dictator of Mexico did Austin lose the hope of securing the rights of Texas under the government of Mexico and advise the Texans to declare for independence.

When Austin reached Mexico with the constitution and memorial of 1833 he was received coldly and given to understand that the actions of the Texans were offensive to Santa Ana, who was then the government. He remained in Mexico long enough to become thoroughly convinced of the real designs of Santa Ana. When he did become so convinced he wrote a letter back home advising Texas of the true situation and probably suggesting defensive measures. This letter was intercepted by the Mexican authorities and declared to be treasonable. Austin was on his way home and had gotten as far as Saltillo, where he was arrested and taken back to Mexico and confined in a dark camp prison for several months. After a while the rigor of his imprisonment was relieved, but he was still kept a prisoner. He was anxious for a trial, but no court would try him. Finally Santa Ana released him, and he returned to Texas in 1835. When the news of Austin's persecution by Santa Ana reached Texas the people became very indignant and arose as one man for protection against the tyranny of Santa Ana, who also issued an idiotic demanding of the Texans the surrender of their small arms. This, if carried out, would leave them defenseless against the Indians, as well as many of them without the means of procuring subsistence, since they lived upon the meat of wild animals. The revolution was now on. Committees of safety were formed. A consultation convention was called to meet at Washington about October 1, 1835. This convention met. About this time the Mexican soldiers undertook to carry off a small 4-pound cannon from Gonzales, the capital of De Witt's colony. This cannon was used as protection against Indians. The citizens resisted its removal. This was the first struggle of the revolution. The Texans triumphed. Austin appeared and was made commander in chief of the army of Texas. Houston, in the meantime, had been declared commander in chief of the army of Texas east of the Trinity. Houston made several eloquent speeches at different assemblies urging deliberation on the part of the Texans. Austin's troops had captured San Antonio and Goliad.

The consultation convention met at Washington and changed to San Felipe. From this place Austin invited them to his camp near San Antonio. Houston and the majority of the convention went. Austin offered to surrender his command to Houston, who refused it. A council of war was held, and it was decided to leave it to the 800 men of the army whether a provisional government should be established. The army decided unanimously for a provisional government. The members of the convention then went back to San Felipe, reorganized, and provided for a provisional government and elected Houston commander in chief of the army of Texas, and Austin as a commissioner to the United States to secure aid for Texas.

Events rapidly developed. The declaration of independence was adopted March 2, 1836. Santa Ana invaded Texas with an army of 7,000 men. The Goliad and Alamo tragedies occurred. Houston's famous retreat, starting with an army of 374 men, pursued by Santa Ana with 5,000. On this retreat Houston's army grew to 700. Santa Ana divided his army into three divisions, which became widely separated. Only one division, led by Santa Ana himself, numbering about 1,500, immediately followed Houston.

Learning this, Houston turned to meet his enemy. The two armies faced each other on the field of San Jacinto the day before the battle. The next morning the sun arose without a cloud to break his beams. The Mexicans were entrenched behind a breastwork made up of camp equipage, saddles, and such scanty material as was convenient. The Texans had been complaining at their long retreat. They were anxious for the fray. It was difficult to restrain them the day before when they first faced the Mexicans. They had everything to fight for—their homes, their country, their honor, their vengeance, their liberty, their religion. They were drawn up in line of battle. Houston's eloquence stirred them. The order to charge was given. They rushed upon their enemy like demons. The first volley of the Mexicans missed them, and they rushed on over the enemy's breastwork. A slaughter, a rout began; within twenty minutes the field was won, won to the everlasting renown of the Anglo-Saxon, won to human freedom, and to the highest and best civilization the world ever saw.

Lieutenant Sylvester, volunteer from Ohio, captured Santa Ana. He was carried to Houston. Houston's magnanimous treatment of his fallen foe; his sagacity in protecting him from the just wrath of the Texans, his extreme care for the com-

fort of Santa Ana—this conduct has won for Houston the praise of all true men. It reveals what manner of man was beneath the buckskin dress, and is an honor to humanity.

This victory lifted Houston into the arena of national politics, where he easily impressed himself upon the country as a wise and sagacious statesman, also his broad American spirit was revealed to the world. Houston was almost unanimously elected the first president of the republic, with so great a name in Texas as that of Stephen F. Austin used in opposition to him. However, Austin made no efforts in his own behalf. Houston offered Austin the choice of two positions—secretary of state and minister to the United States. The latter was more preferable to Austin, because the long confinement in the Mexican prison and the strain of the revolution had undermined his constitution and his health had given way. He felt that he needed rest. But the people, too often unmindful of the welfare of their benefactors, clamored for Austin to take the position of secretary. Austin knew more about their land titles and internal affairs than any living man. Austin yielded to their demands and offered himself a further sacrifice for the people of Texas. The burden was too heavy for his frail frame, and he died December 27, 1836, and President Houston issued the following order:

WAR DEPARTMENT, COLUMBIA, December 27, 1836.

The father of Texas is no more.

The first pioneer of the wilderness has departed. Gen. Stephen F. Austin, secretary of state, expired this day at half past 12 o'clock, at Columbia.

As a testimony of respect to his high standing, undeviating moral rectitude, and as a mark of the nation's gratitude for his untiring zeal and invaluable services, all officers, civil and military, are requested to wear crape on the right arm for the space of thirty days. All officers commanding posts, garrisons, or detachments will, as soon as information is received of the melancholy event, cause thirty-three guns to be fired, with an interval of five minutes between each, and also have the garrison and regimental colors hung with black during the space of mourning for the illustrious dead.

By order of the president:

WILLIAM S. FISHER, Secretary of War.

This was gathered unto his fathers Stephen F. Austin, whose memory shall be cherished by men as long as gratitude shall dwell in their hearts, and they shall love truth, purity, honor, the noble, and the true. He sowed and the seed fell upon good ground, and the whole nation is now reaping the harvest of his labors.

Houston's history, from his election as president of the Republic of Texas until his death, is but the history of Texas as a republic and a State. His first and controlling purpose was to have Texas admitted into this Union. He at first assumed the attitude of a suppliant. When he saw that was a failure he took an indifferent, independent, almost defiant, position. He very adroitly let it be understood that England or France was anxious to form an alliance with Texas. He managed to place before the people of the United States the great advantage Texas would be to either England or France. He even went so far as to direct his minister at Washington to withdraw the application of Texas for admission into the Union and give out the statement that the next advance toward that end must come from the United States. Houston had attracted to Texas the eyes of the ambitious statesmen of England and France by first gaining their respect. He did this in a very able appeal to the civilized powers of the world, asking them to intervene to stop Mexico from pursuing her barbarous methods of warfare against Texas in violation of all laws of civilized nations—that is, not by marching her armies into Texas and trying her fortunes in honorable battle with those of the little republic, but by sending raiding bands across the Rio Grande, whose only object was to plunder and murder the peaceful inhabitants of Texas. This address gave the history of Texas as only Houston could write it.

This plan of Houston's was successful. The first great object of his ambition after San Jacinto was accomplished. Texas became a member of this Union and Houston and Rusk were her first Senators. Both of Houston's administrations of the affairs of the Republic were marked by conservatism and the highest devotion to the best interests of the people of Texas. Wherever his policies were pursued, order and stability and prosperity resulted; when his advice was ignored, dissensions arose, wild schemes were resorted to, and disorder prevailed. Houston's broad American spirit shone most resplendent when he took his position in the Senate of the United States. He was an uncompromising friend of the Federal Union. He was the everlasting foe to sectional jealousies, animosities, and dissensions. He was opposed to secession. He loved the Union. He believed with all his soul that the peace, happiness, and prosperity of the American people, not less than the hope of human freedom everywhere, depended upon the preservation of this Union. History affords no better example of sublime moral courage than that Hous-

ton gave to the world in the closing days of his life. He loved the South, he loved Texas, but his judgment and his conscience marked out for him the path of duty. He thought secession was wrong in principle, and, if admitted, meant the destruction of all government on this continent. While in the Senate he threw his whole force against the current of this movement, and afterwards, while a candidate for governor of Texas, and while governor of Texas, he exerted all the powers of his soul, mind, and body, save a resort to force, to keep Texas in the Union. But the tide was too strong, even he could not stay it; but he would not go with it, and quitted the capital of his State forever and retired to his modest home to die, July 25, 1863, the uncompromising friend of the American Union.

Thus the child of the wilderness, the brave soldier of Tohopeka, the governor of two States, the president of one republic, the United States Senator, the hero of San Jacinto, was gathered unto his fathers. Two purer, nobler, braver spirits never blessed the earth than Stephen F. Austin and Samuel Houston. [Loud applause.]

Mr. SLAYDEN. Mr. Speaker, few countries have a more picturesque and interesting history than Texas. It has all the elements of an absorbing drama. High courage, devotion to duty, carnage of the battlefield, and the intellectual play of the council chamber are a few of the chapters one may read in the history of the State. Making due allowance for the partiality of a devoted son of the great Commonwealth who has enjoyed her favor, I feel that I am well within the truth when I say that her history, which is certainly unique, should command the admiration of all Americans.

Once a province of Spain, she was coveted and claimed by France. Then a part of the first Mexican Republic, she suffered for a few years the vicissitudes of that country, to emerge in 1836 an independent nation. Nine years later by a solemn treaty between the high contracting parties she became a State of the American Union. For four years she gave her allegiance to the Confederacy of the South, but is now back in the Union, where, in the fullness of time, she is destined to become the dominant partner of the Federal alliance.

The introduction of Anglo-American civilization into Texas began in a feeble way about the close of the eighteenth century. But the colonization of that day was desultory and unimportant. Now and then an individual or a few individuals, conscious only of a selfish purpose but none the less instruments of civilization, as we understand the term, invaded the wilderness west of the Sabine. Occasionally organized bodies of men, in whom it was hard to distinguish the quality of trader from that of filibuster, marched and fought their way to the West.

The Spanish authorities were jealous and watchful, and when they could do so drove these invaders back to the Valley of the Mississippi.

The political nature of these expeditions to Texas is conspicuously shown in that which set out from Natchez in 1819, under the command of Col. James Long. His party, after many adventures and hardships, finally reached Nacogdoches, then the most important place in Texas after San Antonio de Bexar, where they proclaimed the Republic of Texas. As Colonel Long only had seventy-five men, and as he failed to enlist the support of the Republicans who were supposed to be in Texas, or other help, the puny Republic did not survive its early infancy.

It would be tedious, and for this occasion unprofitable, to trace the history of Texas through the bewildering maze of revolution and counter revolution of the Mexico of that period.

The meager resources of the Texans contrast strangely with the mighty enterprises in which they engaged. Only the sacrifices and sublime courage with which they supported their plans saved them from the ridicule of historians.

In all the vast and fertile area of the province of Texas there were then only about 4,000 people, including Indians. Scattered as they were, cohesive action, either for the defense of their property and lives or for political aggression, was almost impossible. Yet the poverty of their numbers and circumstance did not prevent them from entertaining dreams of empire. The territory and the fruits of what was to become, a generation later, the independent Republic of Texas were battled for by adventurers from everywhere during this period.

Lafitte, the pirate, who had been expelled from Baratavia, near the mouth of the Mississippi, but who had taken time from his illicit trade to help repel the British at New Orleans; Mina, a Spanish soldier, who had reached some distinction during the Peninsular war, and Lallemand and Rigault, from the armies of Napoleon, with a horde of American adventurers, were striking if not honorable figures of that time.

Stretching from the Sabine to the Rio Grande and from the Gulf to and beyond Red River on the north was a land as fair and as rich as ever tempted the cupidity of man. It had a

climate of unsurpassed excellence. Rich and succulent grasses sustained vast herds of wild horses; the buffalo and deer were in countless numbers on every prairie; the air of spring-time, then as now, was redolent with the perfume of flowers, beautiful and abundant, and every tree and bush had its chorus of singing birds.

The land-hungry Americans could not be kept from such a paradise. Comfort and independence beckoned them on.

Yet it remained for Moses Austin, a Missouri merchant, and his immortal son, Stephen, to do peaceably in a few years what organized filibusters had tried in vain to accomplish.

The difficulties in the way of the peaceable American colonists were many. The people and the Government of Mexico were Catholic in religion. The majority of the Americans, particularly the class from which such colonists could be drawn, were Protestants. Texas was a province of the Kingdom of Spain, while the American immigrants were Republicans after the manner of Jefferson. In fact, every condition save the fertility of the soil and the beauty of the climate was calculated to repel emigration from the States of the American Union. Gradually the French and Spanish titles in North America had been relinquished to the irresistible Anglo-American. The transfer of Louisiana and of the Floridas were significant facts of recent history which did not allay the jealous apprehension of the Mexican authorities. To this unpromising field the Austins applied their energies and talents.

While Sam Houston is easily the most picturesque and eminent figure we have, the profound student of Texas history will find no difficulty in reaching the conclusion that citizens of the State owe an equal debt of gratitude to the Austins—father and son.

In speaking of these two really great men Professor Garrison, of the university which their labors helped to create, says:

It is only of late that the world, with the results before its eyes, has begun to realize what they accomplished. If they themselves, upon the threshold of their undertaking, could have looked forward to the revolution of 1836, annexation, the Mexican war, the acquisitions made by the treaty of Guadalupe Hidalgo, and the marvelous development of Texas and California, they must have been staggered by the consequences that were to flow from their enterprise. Yet this chain of events has followed "as night the day" the work planned and begun by Moses Austin and carried out by his son Stephen.

Dr. Garrison, who has gone to the root of things in his study of Texas history, declares the work of the Austins to have been of "vast and manifest importance." He calls them the makers of Anglo-American Texas.

Moses Austin, who for years had been a merchant in Virginia and Missouri, traveled on horseback from what is now Washington County, Mo., to San Antonio—a distance of about a thousand miles—in order to arrange with the authorities of Spain for the introduction of a colony.

Having overcome the objection of the governor, his petition for a contract to settle 300 families in Texas was indorsed and forwarded to the national capital for approval. There were the usual delays in the Mexican capital, and Austin decided to return to his home in Missouri to await the arrival of the papers from Mexico. In crossing Texas to Natchitoches he was robbed and abandoned by his Indian guides and wandered about for days, subsisting on roots and nuts until discovered and rescued by white trappers. He suffered so from the hardships and exposures of the journey that he died soon after reaching Missouri. But just before his death he learned that his petition had been granted. To his son, Stephen Fuller Austin, he bequeathed the contract and its responsibilities.

No trust was ever put into safer hands. In him were fortunately combined the vigor of youth and the wisdom of age.

He immediately proceeded to San Antonio by way of Nacogdoches, where he met the commissioners who had been sent by the Spanish authorities to confer with his father.

After the official formalities had been settled he proceeded to the execution of the contract. In December, 1821, settlers were brought in and placed on the land.

The lot of the American pioneer has not always been a happy one. As disasters came to the settlers at Jamestown, so did they also come to those upon the Colorado. The wisest forethought and the most prudent administration could not avoid some degree of disaster, and so, in the next year or two, many of the less hardy emigrants returned to the United States. Supplies that had been shipped from New Orleans did not arrive, seed were scarce, crops failed, and the savages were annoying. But during all these trying times Austin never wavered in his faith nor ceased his exertions for the benefit of the settlement.

It was particularly unfortunate that at this crisis in the affairs of the colony he was compelled to go to the City of Mexico to have his grant confirmed and to receive instructions concerning its administration. He at once undertook the overland

trip of 1,200 miles, through a country infested by robbers, where law was only occasionally administered and order rarely known.

The historian suggests a picture of northern Mexico of that day when he says that by "good fortune Austin got safely through." He was detained in the Mexican capital for nearly a year. It was during that year and under the most trying circumstances that the mettle of the man was shown. Political conditions in Mexico at that time were possibly without parallel in any other part of the world. The concession to Moses Austin had been made by the Kingdom of Spain. When Stephen F. Austin reached the capital of Mexico he dealt with the republic which followed the expulsion of the Spaniards. Then came the empire of Iturbide, which endured for a few months only. It was succeeded by another so-called republic that was born in a revolution headed by Antonio Lopez de Santa Ana, whose subsequent connection with the history of Texas did not increase his reputation.

During this epoch of turbulent and rapidly changing governments Austin never lost sight of the purpose of his visit to Mexico. He always kept in mind his duty to the colonists whom he had brought to Texas. When his contract was annulled by one government, he secured its renewal by another. He was diligent, and above all he was diplomatic. Each administration in its turn yielded its respect and confidence to the quiet, persistent American. Like St. Paul, he was all things to all men. When the opportunity offered he advanced his enterprise.

When circumstances demanded delay he was patient. He devoted his leisure to the study of the Spanish language and became expert in its use. He made himself acquainted with the laws of Spain and of Mexico, and so much did he impress himself upon the leading men of Mexico that he is said to have been an important factor in writing the constitution of 1824, a violation of which by the Federal Government is given as the technical cause of the revolution of 1836.

When Austin returned to Texas from Mexico he was authorized by the Federal Government to exercise administrative, military, and judicial functions. In fact, he was made dictator for the colony. He was that rare person, a benevolent dictator in whom, some have contended, the ideal government is to be found. But under this governor, who had been clothed with such extraordinary powers, free speech, popular elections, and democratic government were the practice.

Such independence of thought and freedom of movement as characterized the Texans were hardly guaranties of continued loyalty to the revolutionary government in the remote capital of Mexico. The American colonists were hardly fit material out of which to make loyal subjects of a Spanish monarch or contented citizens in an unstable and badly administered republic. They were descendants of the men who fired the first shot at Lexington and of those whose bloody feet stained the snows of Valley Forge and compelled the surrender of Cornwallis at Yorktown. They were in training for the sacrifice of the Alamo and the success of San Jacinto. With such a setting, with such actors, and under such conditions, a severance of the political ties which bound Texas to Mexico was only a question of time.

The obligations of the contract were not always respected by the Government of Mexico, and, although Austin tried loyally to discharge his duty and to induce the colonists to a full appreciation of theirs, friction increased between the people and the Federal authorities. Convention succeeded convention, in all of which the Texans set out their grievances and asked for relief. These petitions were either denied, ignored, or grudgingly and partially granted. Always the impending conflict was made more apparent and open revolt brought nearer and nearer.

In December, 1832, the most romantic and conspicuous figure of all her history came to Texas. Sam Houston—for it is he of whom I now speak—came with the halo of romance and a great reputation as a statesman and soldier. He had been governor of Tennessee for two years, a Member of Congress, and was a soldier of experience. After resigning the governorship of the State of Tennessee in 1829 he sought his old friends, the Cherokees, and was formally received into citizenship by that tribe. After remaining with them for more than three years he yielded to the importunities of his friends in Texas and began the really great work of his life. His first public appearance in Texas was in the convention at San Felipe in 1833. He had only been in the State about three months, but men of his experience and ability were not so abundant that they could be overlooked. In those days of quick development the new citizen of to-day became the old inhabitant of to-morrow. The Texans were divided into two parties, one clamoring for war, and the other pleading for peace.

Austin, who was a lawyer and an ex-judge, trained to the observance of all laws, as well as a man of supersensitive conscience, was the most conservative figure in Texas at that time. He admitted his obligations to the Mexican Government and tried to live up to the contract. It was his influence that delayed the open revolt.

By 1835 the demand for separation was so general and the reasons for it so abundant that even Austin gave way before the resistless tide. Indignities from Santa Ana, who had succeeded to the presidency of Mexico, added to the wrath of the Texans. Men like Henry Smith and William B. Travis, who were leaders of the war party, were urging a declaration of independence. Austin, who some time before had gone to Mexico to try to ameliorate the condition of his colony, and who had been imprisoned for some months while in Mexico, returned during the summer of 1835 to find his and other colonies in a state of almost open revolt. He was made chairman of the committee of safety in the fall of 1835, and on the 19th of September of that year issued an address to the people of Texas advising them that war was inevitable and urging the immediate organization of military companies.

That the enterprise in which they were about to engage was desperate could not be denied. An orator of the day, in discussing the situation, said:

And is the population of Texas sufficient? We presume it may be said with tolerable accuracy that we are 50,000 people, counting Indians. Ten hundred thousand make one million, and the smallest nation that sustains its relations with the powers of Christendom numbers, I believe, one and one-half million souls.

Texas, then, contains less than one-twentieth of the population of the most insignificant among the nations of the earth. The population of Mexico is over 7,000,000. The disparity, therefore, is 140 to 1. We are proud to claim for the citizens of Texas much gallantry and much greater aptitude for war than can be accredited to their antagonists; but 140 to 1 is fearful odds.

The towering form of Thermopylae, which stands preeminent among the monuments of ancient glory, was achieved against mighty odds, but not such odds as this.

But the counsels of the prudent were not regarded. The revolution was on, and the first blood was shed at Gonzales, on the 2d of October, 1835. Thereafter events marched rapidly.

Gonzales was followed by the fight at the mission Concepcion, near San Antonio, which later was the scene of the most remarkable battle in the world's history.

From Gonzales and Concepcion to San Jacinto was, by the calendar, only about six months, but the period of gestation was long enough for the birth of a nation. It covers the siege and massacre of the Alamo. It runs to the triumph of Houston's army over Santa Ana. It was long enough to show that Texans knew how to fight and die. It sufficed to prove their wise generosity to a fallen foe, whose murder of the immortals of the Alamo had placed him beyond the right of any such consideration.

It brought to the surface a large number of men of talent. To call the roll would be tedious, but out of the many I hope I may be pardoned for mentioning the names of Bowie, Crockett, Milam, Fannin, and Travis among those whose talents were exercised only in a military way. The soldier-statesman class embraced, among others, Rusk, Burnet, Lamar, Sherman, Burleson, and Zavalla.

After the battle of San Jacinto, Houston and his colleagues devoted themselves to the work of putting the new Republic on a solid foundation.

Ill-health denied to Austin the share in this work for which his talents and training gave him special fitness. He died on the 29th of December, in the same year that witnessed the birth of the new Republic. Just as much as any man who dies on the field of battle Stephen F. Austin gave his life to the State he had loved and for which he had fought and sacrificed. Hardships that can not be understood by people who do not know the frontier and the foul air of the Mexican prisons had done their work.

His place in history was justly given by President Sam Houston, whose proclamation of sorrow said: "The father of Texas is no more. The first pioneer of the wilderness has departed."

Slowly the work of the pioneer is coming to be appreciated. No longer is he regarded as merely a man who opens new territory to commerce. He laid the foundations of government, and on his labors much of the glory and prosperity of this great country is based. Chiefest among the pioneers is Stephen Fuller Austin.

Of the brilliant career of Houston you have just been told by the eloquent gentlemen who have preceded me. I very much hope that what they have said and what, in a feeble way, I have hinted at may induce a closer study of Texas history.

If you want an illustration of courage and devotion to duty, where can you find one to match the story of the Alamo?

For days a mere handful of men—178, but all dauntless he-

roes—withstood the assaults of an enemy which numbered thousands. They scorned all suggestions of capitulation, and in the end all perished.

“Greater love hath no man than this, that a man lay down his life for his friends.”

If your faith in Democracy ever falters, read the story of Texas and learn how a few scattered Americans in the face of great obstacles showed the true genius for government by bringing order out of chaos, and through it all obeyed the popular will.

We present to the Federal Union images of two of our great Texans, and rejoice in the knowledge that they are fit for the noble company they are to keep forevermore.

[Loud applause.]

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent that my colleague, Mr. SHEPPARD, may print his remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COOPER of Texas. Mr. Speaker, I have had handed me a statement of the statues in Statuary Hall. As a public document I would like for it to be printed in the Record, and I ask unanimous consent that it may be printed.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

The statement is as follows:

Statues in Statuary Hall, United States Capitol, from July 2, 1864, to February 25, 1906.

[The number of States having only one is 5, marked thus *.]

Statue.	State.	Congressional service.
Roger Sherman	Connecticut	House of Representatives, 1791-1793.
Jonathan Trumbull	do	House of Representatives, First, Second, and Third; Senate, 1795-96.
James Shields	Illinois	Senate, 1849-1855, Illinois; 1858-59, Minnesota; 1879, Missouri.
Frances E. Willard	do	No service in Congress.
Oliver P. Morton	Indiana*	Senate, 1867-1877.
John J. Ingalls	Kansas*	Senate, 1873-1889.
John Winthrop	Massachusetts	No service in Congress; governor.
Samuel Adams	do	Delegate to Continental Congress, 1774-1781.
John Hanson	Maryland	Delegate to Continental Congress, 1781-1783.
Charles Carroll	do	Senate, First Congress; resigned 1792.
William King	Maine*	Governor.
Lewis Cass	Michigan*	Senate, 1845-1848, 1849-1857.
Thomas H. Benton	Missouri	House of Representatives, Thirty-third Congress; Senate, 1821-1851.
Francis P. Blair	do	House of Representatives, Thirty-fifth to Thirty-eighth; Senate, 1871-1873.
John Starke	New Hampshire	No service in Congress.
Daniel Webster	do	House of Representatives, Thirteenth, Fourteenth, Eighteenth, and Nineteenth; Senate, 1827, 1845-1850.
Richard Stockton	New Jersey	Delegate Continental Congress, 1776-1777.
Phil Kearny	do	No service in Congress.
Robert R. Livingston	New York	Delegate to Continental Congress, 1775, 1777-1779, 1781.
George Clinton	do	Delegate to Continental Congress; Vice-President, 1804-1808.
James A. Garfield	Ohio	House of Representatives, Thirty-eighth to Forty-sixth; Senate, 1881, and President, 1881.
William Allen	do	House of Representatives, Twenty-third; Senate, 1837-1849, and governor, 1874-1876.
Robert Fulton	Pennsylvania	No service in Congress.
John Peter G. Muhlenberg	do	House of Representatives, First, Third, and Sixth, and Senator.
Nathanael Greene	Rhode Island	No service in Congress.
Roger Williams	do	Do.
Sam Houston	Texas	House of Representatives from Tennessee, 1823; Senate, Texas, 1846-1859.
Stephen F. Austin	do	No service in Congress.
Jacob Collamer	Vermont	House of Representatives, Twenty-eighth, Twenty-ninth, and Thirtieth; Senate, 1855-1865.
Ethan Allen	do	No service in Congress.
John E. Kenna	West Virginia	House of Representatives, Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth; Senate, 1883-1893.
Francis H. Pierpont	do	No service in Congress; governor.
Père Marquette	Wisconsin*	No service in Congress.

The following are not represented in Statuary Hall: Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Washington, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, Wyoming, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Utah, and Virginia. Total, 26 States.

The number of States having their quota is 14.

The SPEAKER pro tempore. The question is on the adoption of the resolutions.

The question was taken, and the resolutions were unanimously adopted.

Mr. COOPER of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a statement of the documents received and distributed by his Department during the year 1904—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of War, recommending an appropriation for the public building at Jacksonville, Fla.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency appropriation for supplies for the Quartermaster's Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with a letter from the Attorney-General, a list of judgments against the United States by circuit and district courts—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Zilpha*, Samuel Briard, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5768) to provide for an additional judge of the district court of the United States for the district of New Jersey, reported the same without amendment, accompanied by a report (No. 4857); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2207) to fix the compensation of criers and bailiffs in the United States courts, reported the same without amendment, accompanied by a report (No. 4859); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4100) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes, with amendments of the Senate thereto, reported the same, accompanied by a report (No. 4860); which said bill, amendments, 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. BRANDEGEE, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 6846) to reinstate Kenneth McAlpine as a lieutenant in the Navy, reported the same without amendment, accompanied by a report (No. 4858); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7357) granting a pension to Georgia A. Whitehead, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JAMES: A bill (H. R. 19140) to authorize Trigg County, Ky., to bridge the Cumberland River at or near Canton, Trigg County, Ky.—to the Committee on Interstate and Foreign Commerce.

By Mr. FINLEY: A bill (H. R. 19141) relating to the removal of civil cases from the State courts to the United States courts—to the Committee on the Judiciary.

By Mr. McNARY: A bill (H. R. 19144) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, as to import duties on hides, harness, leather, boots, and shoes—to the Committee on Ways and Means.

Also, a bill (H. R. 19145) to amend the customs drawback law—to the Committee on Ways and Means.

Also, a bill (H. R. 19146) to amend the customs drawback law—to the Committee on Ways and Means.

Also, a bill (H. R. 19147) to amend the customs drawback law—to the Committee on Ways and Means.

Also, a bill (H. R. 19148) to amend the customs drawback law—to the Committee on Ways and Means.

Also, a bill (H. R. 19149) to amend the customs drawback law—to the Committee on Ways and Means.

By Mr. BABCOCK: A resolution (H. Res. 533) relating to the resolution adopted by the House February 2, 1905—to the Committee on Accounts.

By Mr. WM. ALDEN SMITH: A resolution (H. Res. 535) directing the Clerk of the House to pay a certain sum of money to Charles Douglas—to the Committee on Accounts.

By Mr. BOWERSOCK: A memorial from the legislative assembly of the State of Kansas, asking amendment of the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, memorial from the legislative assembly of the State of Kansas, asking that United States Senators be elected by direct vote of the people—to the Committee on Election of President, Vice-President and Representatives in Congress.

By Mr. MURDOCK: Memorial from the senate and house of the legislature of the State of Kansas, favoring the use of part of the reclamation fund in developing the underflow of the Arkansas Valley in Kansas—to the Committee on Irrigation of Arid Lands.

Also, memorial of the senate and house of the legislature of Kansas, favoring Senate bill 1640 and requesting its passage—to the Committee on Claims.

Also, memorial of the legislative assembly of the State of Kansas, favoring immediate steps for procuring an amendment to the Constitution of the United States providing for the election of United States Senators by the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, memorial from the legislative assembly of the State of Kansas, indorsing the recommendations of President Roosevelt as to proposed methods of legislative dealing with corporations engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, memorial from the legislative assembly of the State of Kansas, in favor of the immediate passage of a bill empowering the Interstate Commerce Commission to determine and order just and equitable rates for the transportation of persons and property—to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL: Memorial from the legislative assembly of the State of Kansas, asking that United States Senators be elected by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, memorial from the legislative assembly of the State of Kansas, asking that greater powers be granted the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. REEDER: Memorial from the legislative assembly of the State of Kansas, asking that the United States Senators be elected by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, memorial from the legislative assembly of the State of Kansas, asking that greater powers be conferred on the Interstate Commerce Commission—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. BURLEIGH: A bill (H. R. 19142) granting an increase of pension to George F. Bachelder—to the Committee on Invalid Pensions.

By Mr. SOUTHALL: A bill (H. R. 19143) to allow Simeon H. Wootten pay for property destroyed by the Federal Army after the war—to the Committee on War Claims.

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 legislature of New Mexico, protesting against the establishment of a leper colony within the limits of said Territory—to the Committee on the Territories.

Also, petition of the Kansas State Temperance Union, favoring bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of the Barbers' Union Business Association, of Savannah, Ga., for a constitutional amendment for the prevention of barber's itch and kindred diseases—to the Committee on the Judiciary.

Also, petition of citizens of Wayne, Clinton County, Pa., favoring equitable railway rates—to the Committee on Interstate and Foreign Commerce.

Also, concurrent resolution of the Kansas legislature, favoring power of Interstate Commerce Commission to fix railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BEIDLER: Petition of citizens of Cuyahoga, Ohio, favoring railway-rate legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Wisconsin: Petition of citizens of Wood County, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: Petition of Lafayette (Ind.) Subdivision, No. 7, Brotherhood of Locomotive Engineers, against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lake Michigan Subdivision, No. 30, Brotherhood of Locomotive Engineers, against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. DARRAGH: Petition of Walter White and 19 others, against repeal of the Grout bill—to the Committee on Agriculture.

Also, petition of F. Lamereaux and 19 others, favoring parcels-post and currency law—to the Committee on the Post-Office and Post-Roads.

By Mr. DEEMER: Petition of citizens of Potter, Pa., favoring equitable railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Roulette, Pa., favoring equitable freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of citizens of Washington County, N. Y., favoring railway-rate legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. DWIGHT: Petition of William W. Garrett et al., favoring equitable railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Gardner R. Colby Subdivision, No. 311, Brotherhood of Locomotive Engineers, against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLET of Massachusetts: Petition of Springfield Subdivision, No. 63, Brotherhood of Locomotive Engineers, against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of citizens of Perry County, Ohio, favoring a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petition of citizens of Sandville, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. KYLE: Petition of citizens of Springfield, Ohio, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LACEY: Affidavits of J. O. Pool and W. C. Thompson, relative to the Choctaw and Chickasaw Indians—to the Committee on Indian Affairs.

By Mr. CHARLES B. LANDIS: Petitions of citizens of Goshen, Frankfort, Grant County, Buffalo, Franklin, Elkhart, Anderson, Clinton County, Jamestown, Wolf Lake, and Henry County, Ind., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAWRENCE: Petition of citizens of Hampden and Hampshire counties, Mass., favoring equitable freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. LUCKING: Petitions of Alden, Montcalm County, Fairgrove, Alma, and Leetsville, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. MARTIN: Petition of citizens within the Black Hills Forest Reservation in South Dakota, relative to the sale of lands within the Black Hills Forest Reservation—to the Committee on the Public Lands.

By Mr. McCALL: Petition of the Massachusetts State Grange, in favor of free importation of basic slag and the passage of the Grout oleomargarine bill unamended—to the Committee on Ways and Means.

Also, petitions of residents of Beakland, Conway, and Brockton, Mass., protesting against passage of bill H. R. 4859—to the Committee on the District of Columbia.

By Mr. McMORRAN: Petition of citizens of Sanilac, Mich., favoring equitable freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Buel Center Grange, against repeal of the Grout law—to the Committee on Agriculture.

Also, petition of citizens of St. Clair, Mich., favoring equitable railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. MURDOCK: Petition of citizens of Barber County, Kans., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. ROBINSON of Indiana: Petition of G. H. Walberry, of Hamilton, Ind., and 65 others, favoring railway-rate legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the secretary of Grange No. 2143, of Whitley County, Ind., favoring railway-rate legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Petition of tobacco traders and labor unions, against decrease of the tariff on Philippine cigars and tobacco—to the Committee on Ways and Means.

By Mr. WM. ALDEN SMITH: Petition of citizens of Gaylord, Kinderhook, Lake County, Frankfort, Onaway, Livingston, and Marine City, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Pennsylvania: Petition of citizens of Jefferson County, Pa., favoring parcels-post and postal currency law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Jefferson County, Pa., favoring equitable freight rates by railways—to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT: Petition of citizens of Athens, Bradford County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SUNDAY, February 26, 1905.

The House was called to order at 12 o'clock noon by WILLIAM J. BROWNING, Chief Clerk, who announced that the Speaker had designated the Hon. WILLIAM P. HEPBURN as Speaker pro tempore for this day.

Mr. HEPBURN took the chair as Speaker pro tempore.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father who art in heaven, we thank Thee for that deep and ever-abiding faith which looks up to Thee as the creator, upholder, and sustainer of all, and for that eternal hope which binds us to Thee by ties which time nor space can sever. "For I am persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus, our Lord." For without these angels from Thy heart, O God, life would be indeed a desert without a single oasis to cheer the weary traveler on his way. With these even the mystery of death is solved, so when it comes and takes away our dear ones we can throw ourselves into the everlasting arms and feel the warm pulsations of a heavenly Father's heart and say:

There is no death! What seems so is transition;
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call Death.

So send, we beseech Thee, our heavenly Father, these angels to comfort the hearts of the colleagues, friends, and families of those for whom we have gathered here to-day in loving remembrance, and Thine be the praise forever, through Jesus Christ, our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

THE LATE HON. WILLIAM F. MAHONEY.

Mr. MANN. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Illinois offers the resolutions which the Clerk will report.

The Clerk read as follows:

Resolved, That in pursuance of the special order heretofore adopted the House proceed to pay tribute to the memory of Hon. WILLIAM F. MAHONEY, late a Member of this House from the State of Illinois.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.
Resolved, That the Clerk do, and is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. MANN. Mr. Speaker, WILLIAM FRANK MAHONEY was born February 22, 1856. He died at his home in Chicago on December 27, 1904. He was born in Chicago, he lived in Chicago all of his life, and he died in Chicago. He was born in the district which he represented in Congress, a condition which has seldom, if ever, been paralleled in Chicago. He was educated in the public schools, and at the age of 20 entered upon a successful business career which made him one of the prominent merchants of his city.

The parliamentary contest in Ireland excited his active attention in his early life, and he became a considerable contributor to the Irish parliamentary funds, as well as prominently identified with various Irish-American societies.

I first met Mr. MAHONEY when I was elected a member of the Chicago city council, in April, 1892. He was then a member of that body. He was elected to the city council six times, each term being for two years, and each reelection increased his majority.

I came to know him well in the city council and to have respect for his manly figure, his courteous ways, and his mild but determined manner. He was a Democrat. I was a Republican. We were of opposite political faiths, and our views as to the terms upon which public franchises ought to be granted by the council did not agree.

We were usually on opposite sides of important questions, but I learned to respect and admire him. The city council of Chicago then had sixty-eight members. It was the sole local legislative body for a population of between one and two millions. The amount of business transacted by it was enormous and covered all the range of subjects possible to arise in a growing city or locality. It required the same devotion to duty, the same attention to constituents, the same constant looking out for the welfare of his ward, in order to make a good city alderman, that it does to make a good Member of Congress. To be six times elected to the city council of Chicago is proof of the affectionate esteem in which Mr. MAHONEY was held by the people of his ward whom he represented. He was raised in their midst; he was with them as a boy, as a young man, and as a public servant. His sweetness of disposition, his kindness of manner, his readiness to attend to their needs and their wants, his willingness to at all times be of service to the humblest of them, even at the sacrifice of his personal comfort, gained for him not only their esteem and their admiration, but as well their love.

Having served a long career in the legislative body of his city, he was transferred by his constituents as their Representative in the National Legislature, and was first elected in 1900 as a Member of the Fifty-seventh Congress, and reelected to the Fifty-eighth Congress in 1902.

He was not naturally a boisterous man in any way. He was quiet. He was mild mannered. Among the new associates in this body, he was yet diffident and somewhat bashful. These traits would naturally have made him less well known among the membership here than would otherwise have been the case. But he never enjoyed good health after he came to Congress. The fatal malady had already commenced its work. He did not realize this so soon as some of his friends who observed him. He stuck to his post here and did the best he could, but his poor health kept him more or less in retirement. He remained at his desk in the House until the last, and attended the last meeting of the House before the holiday adjournment. Just a few days before that I had requested the Chicago Members of Congress to gather in my committee room for the purpose of consulting about an appropriation for postal appliances