Waldboro, Lowell, and Danforth, Me., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Pennsylvania: Petition of Connellsville Subdivision, No. 50, 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 citizens of Fayette County, Pa., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DARRAGH: Petition of citizens of Antrim County, Mich., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of members of Ashley Grange, of Ashley, Mich., against repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: Petition of citizens of Faribault, Minn., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of the legislature of Minnesota, favoring the President's recommendations relative to railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: Paper to accompany bill for relief of William L. Lee—to the Committee on Invalid Pensions.

By Mr. DINSMORE: Petition of citizens of Lake Village, Frisco, and Lockesburg, Ark., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. EMERICH: Petition of R. O. S. Burke et al., for statue to Commodore John Barry—to the Committee on the Library.

By Mr. GUDGER: Paper to accompany bill for relief of Eli Phillips—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Resolution of the Kansas house of representatives, favoring bill H. R. 4072—to the Committee on the Judiciary.

By Mr. JONES of Washington: Petition of citizens of Centralia and Whatcomb, Lewis, and Yakima counties, Wash., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. KINKAID: Petition of citizens of Comstock and Broken Bow, Nebr., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. KNOWLAND: Petition of the board of directors of the Manufacturers and Producers' Association of California, favoring plan for improvements of Sacramento and San Joaquin rivers as adopted by the River Improvement and Drainage Association of California—to the Committee on Rivers and Harbors.

By Mr. LITTLEFIELD: Petition of citizens of Maine, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Maine, against repeal of the Grout law—to the Committee on Agriculture.

By Mr. LONGWORTH: Petition of citizens of Hamilton County, Iowa, favoring equitable rates of transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. LOVERING: Petition of citizens of Lowell, South Lancaster, and Athol, Mass., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SIBLEY: Petition of citizens of Warren, Pa., against passage of bill H. R. 4859—to the Committee on the District of Columbia.

By Mr. McCALL: Petition of Joseph P. Hanlon, of Somerville, Mass., for extension of patent—to the Committee on Patents.

By Mr. NORRIS: Petition of citizens of Trenton, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Fremont (Nebr.) Furniture and Carpet Company, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Beaver City, Hildreth, and Phelps County, Nebr., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WM. ALDEN SMITH: Petition of citizens of Owosso, Almira, Petoskey, Montrose, Flushing, and Gladwin and Midland counties, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Henry W. Brown—to the Committee on Invalid Pensions.

Also, petition of the Ottawa Indians of Grand River, favoring bill H. R. 14375—to the Committee on Indian Affairs.

Also, petition of citizens of Sand Lake, Mich., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Saginaw, Lapeer County, Reese, Midland County, Gratiot County, Petoskey, and Belding, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

SENATE.

FRIDAY, *March 3, 1905.*

The Senate met at 11 o'clock a. m.

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

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

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

STOCKHOLDERS OF RAILWAYS.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of January 24, 1905, a statement showing for each railway reporting to the Commission the number of stockholders of record of June 30, 1904; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Felix Guidry, administrator of the estate of Louisa Breaux, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the annual report of the excise board of the District of Columbia for the license year ended October 31, 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 7184) to provide for an additional associate justice of the supreme court of the Territory of Arizona, and for other purposes.

The message also announced that the House had passed with an amendment the bill (S. 7042) authorizing the Secretary of the Navy to accept the torpedo boats *Stringham* and *Goldsborough*, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 17589. An act to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes;

H. R. 18939. An act for the relief of the heirs and assignees of Thomas Whaley and wife;

H. R. 19050. An act to authorize the county of Ouachita to construct a bridge across Ouachita River, Arkansas;

H. R. 19098. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri; and

H. R. 19178. An act to authorize the Apalachicola and Northern Railway to construct and maintain a bridge across the Apalachicola River and the East St. Mary River.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes; further insists upon its disagreement to the amendments of the Senate Nos. 36, 143, and 147, upon which the committee of conference have been unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The message further announced that the House adheres to its amendment to the bill (S. 5108) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899.

The message also announced that the House had agreed to the concurrent resolution of the Senate accepting the invitation extended to Congress by the Lewis and Clark Centennial Exposition and Oriental Fair to attend the opening ceremonies to be held at Portland, Oreg., June 1, 1905.

The message further announced that the House had passed a concurrent resolution authorizing the superintendent of documents to issue to the library of the House of Representatives twenty-five copies each of volume No. 21 and volume No. 27 of the United States Statutes at Large, etc.; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented memorials of sundry citizens of Oklahoma City, Carrier, Guthrie, and Lehoma, all of Oklahoma; of sundry citizens of Boise City and Meridian, Idaho, and of sundry citizens of Texas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PLATT of New York presented a petition of the Merchants' Association of New York City, praying for the enactment of legislation to increase the salary of the President of the United States; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Manlius, of the Woman's Christian Temperance Union of Amsterdam, and of sundry citizens of Pompey, Schenectady, and Willsboro, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Richmond Hill Republican Club of the State of New York, praying for the passage of the so-called "Esch-Townsend railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Otsego Division, No. 58, Brotherhood of Locomotive Engineers, of Oneonta, N. Y., and a memorial of Susquehanna Lodge, No. 7, Brotherhood of Railroad Trainmen, of Oneonta, N. Y., remonstrating against the passage of the so-called "Esch-Townsend railroad-rate bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Buffalo, Williamstown, Elmira Heights, New York City, Binghamton, Utica, Glens Falls, Avon, Hornellsville, and Jamestown, all in the State of New York, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. DICK presented petitions of sundry citizens of Woodstock, Cedarville, Norwalk, London, Columbus, Cleveland, Greenville, Oberlin, Defiance, Canton, Sandusky, Leroy, Winton, Newport, Bradner, Burghill, Tiffin, Toledo, Akron, Cincinnati, Granville, Guthrie, Warren, Conneaut, Waynesville, Alliance, Salesville, Celina, Athens, Greenspring, Lanesville, Bellefontaine, Windham, Eagleville, Ashtabula, Carroll, Berea, Middletown, Portsmouth, Delaware, Findlay, Fremont, Hartwell, Jackson, Girard, Wooster, and Wilburton, all in the State of Ohio, praying for the adoption of an amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Lorain, Medina, Millersburg, Kingsville, Savannah, Westerville, Springfield, and Oberlin, all in the State of Ohio; of Washington, D. C., and of South McAlester, Ind. T., praying for the enactment of legislation providing for continued prohibition of the liquor traffic in Indian Territory according to recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

Mr. KEAN presented memorials of the Rescue Council, of Camden; Beach Council, of Wildwood; Long Branch Council, of Longbranch; General Henry W. Lawton Council, of Newark; Leesburg Council, of Leesburg; James T. Boyd Council, of Bloomfield; East Orange Council, of East Orange; local council of Pleasant Mills; Thomas H. Butterworth Council, of Hufield; Hightstown Council, of Hightstown; Essex Council, of Newark; Joel Parker Council, of South Amboy; Federal Rock Council, of Pompton Lakes; local council of Tuckertown; North Star Council, of Peapack; Malaska Council, of Phillipsburg; Ivanhoe Council, of Somerville; Verona Council, of Verona; local council of New Brunswick; General Kearny Council, of Paterson; Nathan Hale Council, of Trenton; Hornerstown Council, of Hornerstown; local council of Farmingdale; local council of Washington; Newland Council, of Newfoundland, and of local councils Nos. 48, 96, 141, 389, 143, 153, 94, 81, 106, 255, 185, 223, 69, 140, 51, 114, 230, 121, 78, 65, 90, 208, 264, 131, 95, 169, 49, 77, 114, 84, 49, 79, 111, 217, 126, 146, and 272, all of the Junior Order of United American Mechanics, in the State of New Jersey, remonstrating against the use of Indian trust funds for sectarian school purposes; which were ordered to lie on the table.

Mr. LONG presented petitions of L. W. Parr Subdivision, No. 396, of Argentine; Herington Subdivision, No. 261, of Herington; Micky Free Subdivision, No. 527, of Pittsburg; Wichita Subdivision, No. 364, of Wichita; Desota Subdivision, No. 234, of Topeka; Border City Subdivision, No. 462, of Arkansas City, and Arkansas Valley Subdivision, No. 252, of Newton, all of the Brotherhood of Locomotive Engineers, in the State of Kansas, praying for the enactment of legislation to regulate the requirements of locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

Mr. PERKINS presented memorials of sundry citizens of Oakland, Santa Rosa, Morgan Hill, San Jose, Selma, Sebastopol, Veterans Home, Napa County, Monterey, Pacific Grove, Chico, Pasadena, Healdsburg, Oakland, Sonora, Santa Cruz, Napa Valley, Redonda, Fernando, Los Angeles, Hanford, Pomona, Richmond, Mountain View, Soguel, Glennville, Lemoore, St. Helena, Laton, North San Juan, Santa Ana, Orange County, Palo Alto, Ferndale, Los Gatos, San Luis Obispo, Inyo County, Yolo County, San Francisco, and Placerville, all in the State of California, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of San Jose, Sacramento, San Francisco, Fresno, Santa Cruz, Mayfield, Gordino, Salinas, and Redwood City, all in the State of California, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. SPOONER presented memorials of sundry citizens of Victory, Oshkosh, Loyal, Clark County, Menomonie, Rice Leake, and Barron County, all in the State of Wisconsin, and of sundry citizens of Lancaster, Pa., remonstrating against the enactment of legislation requiring certain places in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of the Minnesota Retail Hardware Association and Retail Hardware Dealers' Mutual Fire Insurance Company, praying for the passage of the so-called "Esch-Townsend railroad-rate bill;" which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Duluth, Roseau County, Maple Plain, Long Lake, St. Paul, Pine Island, Fergus Falls, Wadena County, Sauk Rapids, and St. Cloud, all in the State of Minnesota, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PATTERSON presented memorials of sundry citizens of Freeland and Otero County, in the State of Colorado, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 5331) granting a pension to Jesse Bacus, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PERKINS (for Mr. BERRY), from the Committee on Commerce, to whom was referred the bill (H. R. 19097) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri, reported it without amendment.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. WARREN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims of the estate of Frederick A. Roeder, deceased (S. 118); Bernard James (S. 519); estate of J. B. Hall, deceased (S. 611); Goff A. Hall (S. 761); heirs of William A. Gum (S. 773); heirs of J. L. Kirkpatrick (S. 807); Martha J. Wroe (S. 872); heirs of Thomas Peter (S. 875); John A. Fairfax (S. 954); estate of A. W. McAllister, deceased (S. 1195); Jones & Laughlin (Limited) and others (S. 1360); estate of W. M. O'Hara, deceased

(S. 1474); Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased (S. 1701); H. C. Phoebus (S. 1707); Caleb C. Willard, surviving partner of the firm of Segar & Willard (S. 1708); Catharine Barry Meeha (S. 2055); Sarah C. Harsh (S. 2477); heirs of Hardin P. Franklin, deceased (S. 2721); Frank H. Church, administrator of the estate of Cornelius Clay Cox (S. 3061); heirs of William W. Leftwich (S. 3062); heirs of Benjamin F. Ball, deceased (S. 3429); James Fears (S. 3525); Samuel M. Blair (S. 3539); heirs of Porter, Harrison & Fishback (S. 3664); estate of Elizabeth W. F. Chevis, deceased (S. 3819); estate of J. M. C. Knight (S. 4028); estate of William Brown Millican, deceased (S. 4458); estate of J. M. Charpentier, deceased (S. 4464); estates of R. L. Evans, deceased, and Elizabeth P. Evans, deceased (S. 4537); estate of Josiah P. Ashford (S. 4541); Lemuel Turner (S. 4579); legal representatives of Sarah J. Montgomery, deceased (S. 4844); estate of R. Chambers, deceased (S. 4980); Henrietta Y. Turner (S. 5012); Mrs. Octavia R. Polk (S. 5019); estate of Adele Rixner Lanaux, widow of Davis Lanaux (S. 5338); George W. Newell, administrator of Andrew Michael, deceased (S. 5406); William Richards (S. 5560); legal representatives of James Legg (S. 5608); heirs of Henry S. Castellaw, deceased (S. 5628); estate of James H. Beall, deceased (S. 5707); W. C. York (S. 5778); Leroy Noble (S. 5796); heirs of the late Christopher Wood (S. 5820); heirs of Marjorie Ward, deceased (S. 5855); estate of James Guy, deceased (S. 5875); estate of Philip L. Daniels, deceased (S. 5885); estate of Dr. J. C. Patrick, deceased (S. 5901); estate of Lewis M. Miller, deceased (S. 5932); estate of John Epperson, deceased (S. 6119); Maj. Seymour Howell, paymaster, United States Army (S. 6157); James A. Paulk (S. 6229); Jane P. Paulk (S. 6230); estate of Aaron Paulk, deceased (S. 6231); Daniel W. Dorris (S. 6328); heirs of Julia M. Clark, deceased (S. 6459); estate of Jean Crouchet, deceased (S. 6463); estate of Louis C. De Blanc, deceased (S. 6494); Emile Honore (S. 6498); estate of Francois Meullion, deceased (S. 6506); Herbert O. Dunn (S. 6525); estate of S. S. Simmons, deceased (S. 6541); estates of William Salamber and Mrs. Charlotte G. Salamber, deceased (S. 6544); estate of John A. Rigues, deceased (S. 6591); heirs of Jabez Tanner, deceased, and estates of Z. York and Elias J. Hoover, deceased (S. 6593); Laura J. Dills (S. 6603); trustees of the Methodist Episcopal Church South, of Clarksville, Johnson County, Ark. (S. 6604); heirs of John T. Jones, deceased (S. 6629); estate of Samuel Ward, deceased (S. 6640); estate of J. S. Powell, deceased (S. 6652); heirs of Jarred Reese Cook, deceased (S. 6674); trustees of the Methodist Episcopal Church South, of Morehead City, N. C. (S. 6714); A. R. Thomas, administrator of the estate of William A. Thomas, deceased (S. 6725); estate of Joseph Brooks, deceased (S. 6768); heirs of William Pepper, deceased (S. 6781); Baptist Church of Grand Junction, Hardeman County, Tenn. (S. 6794); Mary Kincannon (S. 6784); estates of John A. Sigur, deceased, and of Theodore Sigur, deceased (S. 6902); estate of James L. Paul, deceased (S. 6973); heirs of Hiram B. Elliott (S. 6977); Nancy Griggs and the estate of A. P. Griggs, deceased (S. 7032); estate of John M. Nace, deceased (S. 7033); First Baptist Church of Helena, Ark. (S. 7041); Anna S. Frobel (S. 7070); William J. Hogan (S. 7106); heirs of Lemuel J. Bowden, deceased (S. 7119); heirs of J. W. Rucker, deceased (S. 7144); legal representatives of David H. Silver (S. 7150); First Baptist Church of Memphis, Tenn. (S. 7159); heirs of Manning Harris (S. 7161); drafted men in the State of Kentucky (S. 7168); estate of J. S. Murrell, deceased (S. 7197); owners of the steamboat W. B. Savory (S. 7198); estate of William Robert Buddendorf, deceased (S. 7199); heirs of Jean Delille and Amelia Olivier, deceased (S. 7200); volunteers of the civil war (S. 7213); John L. Smithmeyer and Paul J. Pelz (S. 7220); E. De Atley & Co. (S. 7237); estate of Anthony S. Abbay (S. 7256); contractors for certain monitors (S. 7258), and Milton S. Johnson (S. 7273), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1897, and generally known as the "Tucker Act;" and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

JAMES BIGLER.

Mr. WARREN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claim of James Bigler (S. 7278), now pending in the Senate, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate its findings of fact in accordance therewith, such findings to include any facts bearing upon the question of loyalty or disloyalty of said James Bigler durin the war of the rebellion; the value of the real property when appropriated, and the deterioration thereof when surrendered at the close of the war; together with the value to said James Bigler of fencing, fruit trees, fruit, vines, machinery, and other personal property taken for the use of the United States.

CULTURE OF SUGAR CANE.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted on the 1st instant by Mr. PROCTOR, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of a report of experiments on the culture of sugar cane and its manufacture into table sirup, 1903–4, of which 3,000 copies shall be for the use of the Senate, 7,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the Department of Agriculture.

HANNA & BUDLONG.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. LODGE, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the sum of $18.12 be paid from the contingent fund of the Senate to Hanna & Budlong for work in reporting stenographically the proceedings of the Philippine Committee on February 23, 1905, making fourteen and a half pages, at $1.25 a page.

INVESTIGATION BY COMMITTEE ON FINANCE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. ALLISON, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal-revenue, customs, currency, and coinage matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

WITHDRAWAL OF PAPERS—ANNIE WHITE.

On motion of Mr. CLARK of Wyoming, it was

Ordered, That the papers in the case of S. 4857, second session Fifty-eighth Congress, "for the relief of Annie White," may be withdrawn from the files of the Senate without leaving copies of the same, there having been no adverse report thereon.

WITHDRAWAL OF PAPERS—MAURICE LANGHORN.

On motion of Mr. CULLOM, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Maurice Langhorn, accompanying Senate bill 668, Fifty-eighth Congress, first session, no adverse report having been made thereon.

REPORTS OF PUBLIC LANDS COMMISSION.

Mr. BARD. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That 25,000 copies of Senate Document No. 188, Fifty-eighth Congress, second session, and Senate Document No. 154, Fifty-eighth Congress, third session, being the first and second partial report of the Public Lands Commission, be printed as one document, of which 5,000 copies shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and 10,000 copies for the use of the Public Lands Commission.

The PRESIDENT pro tempore. Will not the resolution have to be referred to the Committee on Printing?

Mr. BARD. I desire to state that I have ascertained that the cost of the printing of this document will be about $9 per thousand for one of the reports, and for the other, a smaller report of nine pages, making a very small document, $3 a thousand. The whole printing will not amount to more than $12 a thousand, making about $300, which comes within the limit.

The resolution was considered by unanimous consent and agreed to.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

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

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate and report upon such matters affecting the Indians or the Indian Service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, have its hearings printed, and sit during the session or the recess of the Senate at such times and places as the committee may determine; and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INDIAN APPROPRIATION BILL.

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17474) "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30th, 1906, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 143.

That the House recede from its disagreement to the amendment of the Senate numbered 36 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows: In line 5 of said amendment, after

the word "of," strike out "one hundred and"; and the Senate agree to the same.

WILLIAM M. STEWART,
P. J. MCCUMBER,
FRED T. DUBOIS,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
Managers on the part of the House.

Statement.

Amount of bill as passed by the House	$7, 316, 002. 16
Net increase made by the Senate	3, 043, 474. 38
Amount of bill as passed by the Senate	10, 359, 476. 54

Of the increase of $3,043,474.38 made by the Senate, the House has agreed to $541,717.35 and the Senate has receded from $2,491,757.03, making the total of the bill as agreed to in conference $7,857,719.51.

Mr. SPOONER. Conference reports dealing only with numbers are utterly unintelligible to the Senate.

Mr. STEWART. Does the Senator desire an explanation of the report?

Mr. SPOONER. I want to know what has been done as to the removal of restrictions upon the power of alienation of their lands by Indians.

Mr. STEWART. Nothing. The House receded from their disagreement on that point.

Mr. SPOONER. All right.

The report was agreed to.

D'ANGERS BUST OF WASHINGTON.

Mr. WETMORE. On behalf of the Joint Committee on the Library, I present, in accordance with the joint resolution of April 28, 1904, a report of the proceedings in connection with the formal presentation of the reproduction of a bust of Washington by certain citizens of the Republic of France. Accompanying the report are two illustrations.

The PRESIDENT pro tempore. The report will be received and printed.

Mr. WETMORE. In connection with the report I ask for the adoption of the following order.

The order was agreed to, as follows:

Ordered, That there be printed for the use of the Senate, and delivered to the document room, 500 additional copies of the Report of the Joint Committee on the Library in connection with the presentation of a bust of Washington by certain citizens of France, with two accompanying illustrations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolutions:

S. 5094. An act to promote the efficiency of the reserve militia and to encourage rifle practice among the members thereof;

S. R. 92. Joint resolution authorizing the President to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States; and

S. R. 101. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (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."

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18467) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes, recedes from its disagreement to the amendments of the Senate Nos. 18, 19, 20, 21, 22, 23, 24, 26, 27, and 28 to the bill, upon which the committee of conference were unable to agree, and agrees to the same.

ENROLLED BILLS SIGNED.

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

S. 202. An act granting a pension to Harriet E. Penrose;

S. 2605. An act to authorize the appointment of Acting Asst. Surg. Leopold Herbert Schwerin, United States Navy, as an assistant surgeon in the United States Navy;

S. 3343. An act to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia;

S. 6744. An act relative to the commissions of officers who are under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor, respectively;

S. 6944. An act to authorize the resurvey of certain lands in the State of Wyoming;

S. 7230. An act granting an increase of pension to Benton Cantwell;

S. 7284. An act to authorize the Secretary of the Treasury to exchange the site for a public building at Natchitoches, La.;

H. R. 3628. An act for the relief of Claude B. Alverson;

H. R. 4407. An act authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady;"

H. R. 11802. An act for the relief of Adolph Spiegel, as the successor of the firm of Spiegel, Finkelstein & Co.;

H. R. 11861. An act granting a pension to Sarah E. Hayner;

H. R. 15609. An act providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes;

H. R. 17941. An act to amend the act entitled "An act to provide for the construction of light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras," approved April 28, 1904;

H. R. 18596. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi;

H. R. 18597. An act to authorize the county of Quitman to construct a bridge across the Tallahatchie River, Mississippi;

H. R. 18598. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi;

H. R. 18688. An act authorizing the President to appoint S. J. Call a surgeon in the Revenue-Cutter Service;

H. R. 19203. An act to provide for celebrating the birth of the American nation, the first permanent settlement of English-speaking people on the Western Hemisphere, by the holding of an international naval, marine, and military celebration in the vicinity of Jamestown, on the waters of Hampton Roads, in the State of Virginia, to provide for a suitable and permanent commemoration of said event, and to authorize an appropriation in aid thereof, and for other purposes; and

H. J. Res. 225. Joint resolution providing for the printing annually of reports of the Bureau of Immigration.

TEMPORARY GOVERNMENT OF CANAL ZONE.

Mr. KITTREDGE. I call up Senate joint resolution 114, which I introduced last evening and which, by unanimous consent, was agreed to be considered immediately after the completion of the routine morning business to-day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 114) to continue in force the provisions of section 2 of an act to provide for the temporary government of the Canal Zone at Panama, the protection of the canal works, and for other purposes, approved April 28, 1904.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the provisions of section 2 of an act to provide for the temporary government of the Canal Zone at Panama, the protection of the canal works, and for other purposes, approved April 28, 1904, be, and are hereby, continued in force until the expiration of the session of the Fifty-ninth Congress beginning the first Monday in December, 1905, unless other provision be sooner made by Congress.

Mr. KITTREDGE. Mr. President, the introduction of this joint resolution last night and the request for its consideration require a statement from the Senate conferees on the canal bill.

In the Spooner law, approved June 28, 1902, it was provided that the President shall cause the canal to be excavated, constructed, and completed through a Commission composed of seven members, to serve until the completion of said canal, unless sooner removed by the President. Certain restrictions in the selection of the members of this Commission were imposed, it being required that at least four of them should be persons learned and skilled in the science of engineering, and "at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States Navy, the said officers, respectively, being either upon the active or the retired list of the Army or of the Navy."

By the terms of the law providing for the temporary government of the Canal Zone at Panama, approved April 28, 1904, it was enacted that until the end of this Congress, unless provision for such government be sooner made by Congress, all governmental authority was vested in such person or persons as the President might direct.

On the 16th day of February of the present year the House passed a bill which in express terms abolished the Commission

created by the Spooner law, and provided that the President "through one of the Executive Departments of the Government to be designated by him, or otherwise in his discretion, shall cause the Panama Canal to be excavated, constructed, and completed." This bill further provided that the law relative to the government of the Canal Zone, above mentioned, should be extended until a future date, and contained other provisions not material to this statement.

The Senate amended this bill by striking out the provisions relating to the elimination of the Commission and the construction of the canal through one of the Executive Departments of the Government, and so amended the bill passed on the 23d day of last month. The measure went to conference last Saturday, the Senator from Nebraska [Mr. MILLARD], the Senator from Maryland [Mr. GORMAN], and myself being named as the managers of the conference on the part of the Senate. Since that day your conferees have earnestly endeavored to secure an agreement upon the differences between the two Houses, but without avail. Scarcely had the conferees met when the statement was made by the managers of the conference on the part of the House that unless the Senate was prepared to recede from its amendment relative to the Commission and the method of construction above mentioned, all legislation, including any provision for the extension of the law relative to the government of the Canal Zone, would fail. Notwithstanding this statement, your conferees endeavored to secure a common ground to be recommended to the Senate. We offered to recommend that the number of the commissioners be reduced and that all restriction concerning the selection of the members of the Commission be removed.

Upon the refusal of the conferees of the House to accept these suggestions we urged that the provisions of the law relating to the government of the zone be continued in force until the end of the session of the Fifty-ninth Congress, which begins the first Monday of next December. All propositions were refused, and the statement that unless the Senate would recede from its amendment to the House bill relative to the Commission no law would be passed at this session of Congress was frequently reiterated.

Yesterday a disagreement between the conferees was reported to the Senate, and the amendments of the Senate were further insisted upon and a second conference ordered. Nothing was accomplished at this conference, and at 5 o'clock yesterday afternoon your conferees signed a report to the effect that they had been unable to agree, and handed the same to the managers of the conference on the part of the House. At half past 10 last night the House managers had not signed this report, and two of its members stated that they were not certain that it would be signed. Whereupon this resolution was introduced, and its passage is urged that the other branch of Congress may have an opportunity to at least provide for a continuance of existing law relative to the government of the Canal Zone.

Mr. GORMAN. Mr. President, there is scarcely anything to be added to the very clear statement by the Senator from South Dakota [Mr. KITTREDGE], who has just addressed the Senate, but it does seem proper for me, as one of the conferees with that distinguished Senator, to call the attention of the Senate to the very extraordinary position in which the two Houses find themselves because of the action of the conferees on the part of the House.

I have never at any time entertained any other thought than that the Senate conferees should always be prepared to meet the conferees of the House perfectly free from instruction, with a desire to have a most courteous and free conference, and to recognize the propriety as well as the right of the conferees on the part of the House of Representatives, a coordinate branch, to present their views and urge their adoption to any reasonable or proper extent.

But, Mr. President, there is one rule to which there can be no exception on the part of either House in the consideration of matters in dispute. That is, when either House desires to repeal an existing law, and the other objects, the House asking for the most radical legislation must recede. But for that rule it would be impossible ever to reach a conclusion on controverted measures of importance.

The attitude of the Senate on this proposition conforms to the rule. The Senate, considering the proposition merely for the extension of the act of 1904, which gave the President ample and perfect power to govern the zone, is perfectly willing that any amendment to that particular provision that is thought wise or necessary shall be incorporated in the new measure. But, representing the Senate and its vote as we did, we declined to consider the repeal of that part of a section of the act, known as the "Spooner Act," providing for the appointment of the Canal Commission, and we said to the conferees of the House, "This is a matter we can not take into consideration, and the action you propose ought not to be taken. Your change is so radical that under parliamentary usages and parliamentary law you must recede."

Besides, we said to the conferees on the part of the House, the only question this Congress is called upon to decide is the government of the Canal Zone. By the action of both Houses of Congress and the President it has been determined that the work of constructing the canal must be done through a commission consisting of seven persons, four of whom were to be engineers of repute, one an officer of the Army, one an officer of the Navy, and the other commissioner to be selected by the President of the United States without reference to his profession or his official position. The President did select an eminent Commission of seven persons.

Soon after the beginning of the present session of Congress the President of the United States sent a message to it, dated January 13, 1905, based upon a report of the Secretary of War, to whom he had transferred the management of the canal. The recommendation of the President was not for the abolition of the Commission, but only for a reduction in the number from seven to five, but, he added, preferably to three.

When we came to examine the Secretary of War, who now has the immediate charge of the work under the President, the committee was careful to ascertain from him his view independently of the recommendation of the President. I wish to call the attention of the Senate to his statement in answer to a question by the chairman:

The CHAIRMAN (Mr. KITTREDGE). Would it not be better to give the President authority to call to his aid, in determining this question, consulting engineers, rather than provide for the continual existence of a commission of engineers? There may be different features presented, different engineering problems suggested, requiring engineers of different experience.

Secretary TAFT. I am inclined to think, Senator KITTREDGE, if you ask me now as if I were to draft this legislation——

The CHAIRMAN. Certainly; certainly.

Secretary TAFT (continuing). I am inclined to think that I would retain the present Commission. It might be that you could add one or two. One or two army engineers, I think, would be a very good addition to that Commission. But the fact that the Commission has gone along so far, that it has studied the matter, that its members are competent men, and that they have discussed the matter among themselves, makes the Commission peculiarly suited, it seems to me, to give valuable advice on the question of what plans ought to be adopted. I do not object to the Commission at all as a body—I mean, as men—for the purpose of determining what shall be done there. I only object to the Commission as an executing body.

Mr. President, both Houses of Congress, by the Spooner Act, agree that the work of constructing the canal should be under the charge of a commission. Now we are asked by the House to abolish that Commission after six or seven months, and right in the midst of the consideration and examination of the greatest engineering problem of the world. The President of the United States has not asked for its abolishment, but only for a reduction of its membership, and the Secretary of War, who is in immediate charge of the work, practically states that economy and the facilitation of the work will be aided by maintaining the Commission. The Senate, therefore, is in accord with the administrative policy, and in our individual judgment it is a wise policy. Now we are met by a coordinate branch, which says to us: "Unless you abandon the provision made by Congress and disregard the recommendation made by the President and the Secretary of War, you shall have no legislation looking to the government of the Canal Zone in the next year."

I say, Mr. President, this is a condition which I think has never arisen before in Congress. Averse as I am to criticising to any extent the action of a coordinate branch of the Government, regretting as I do the mistaken policy of men in high positions resenting and resisting everything the Senate is inclined to do—and within its rights—by adding important amendments to bills, it is, in my judgment, absolutely necessary, for the proper conduct of public business now and hereafter, that the Senate shall adhere to that parliamentary rule which experience and time have demonstrated is absolutely necessary, if the independence of the two Houses is to be preserved.

It is said by the conferees representing the other House that it is not absolutely necessary to extend the provision in the act of April 28, 1904, which authorized the President to make provision for the temporary government of the Zone; that the President can rule and control the zone under the military power. Sir, we have the physical force unquestionably. We captured the whole territory with 300 marines or less, and as a matter of course will hold on to it. But I submit that Congress ought not to assume such an attitude. Having legislated, having authorized the President to use extraordinary powers until we shall

have permanently fixed a government for it, this delay may be embarrassing to the Administration, and a legal feature is presented which other gentlemen may discuss.

But, sir, there is one other and very important reason why the Senate should adhere in this matter. We acquired under treaty this strip for the purpose of constucting the canal, and under the act known as the Spooner Act we have given to the Commission and to the President of the United States extraordinary power; and we have appropriated ten millions for the construction of a lock canal, based upon the report of a former Commission as to its cost—the estimate being $140,000,000.

Mr. MORGAN. One hundred and thirty million dollars.

Mr. GORMAN. One hundred and thirty million dollars, on the plan adopted by the French engineers. It has unquestionably reached a point where the examination of our engineers will force them to the conclusion that the project for which Congress legislated will have to be changed, and that the amount appropriated and supposed to be sufficient to construct the canal will fall short many millions for a lock canal; and on a sea-level canal over $100,000,000 of the preliminary estimate, and in all probability it will require $150,000,000 or $200,000,000 more than Congress contemplated when we entered upon this work.

Mr. President, as I understand the proposition of the House, it is that full authority shall be given to the President, or to such persons as he may select, to determine whether we will construct a lock canal, as provided by the act of June 28, 1902, the estimated cost of which was $130,000,000, or a sea-level canal, costing from two hundred and thirty to three or four hundred million dollars, and without further action by Congress, and without giving us any statement or reason for the necessity for such a change.

Your conferees could not for a moment entertain such a proposition.

The President has assigned to the Secretary of War the duty of supervising, or rather performing, all the duties imposed on him by the original act of June 28, 1902.

When the Secretary of War was before our committee I asked him whether he believed that under that act he had the power to launch us out upon this greater scheme without further action by Congress.

I give the question and his answer:

> Senator GORMAN. Now, Mr. Secretary, under this original act, is it clear to you that Congress, having in view the construction of this canal on the 90-foot level, if you should determine upon a sea-level canal (of course at an increased cost of fifty or one hundred millions, whatever it is) you have the power, in the first place, to determine that question; or, secondly, if you have the power, would it be wise administrative policy to adopt it, with the great increase of expense and length of time, without submitting it to Congress?
>
> Secretary TAFT. I suppose that there is a power in the President under this act to go ahead and construct any kind of canal that in his judgment he deems proper. But I should say, and should advise the President, that it would be better to come to Congress for support of his opinion, if he reaches the conclusion that this ought to be a sea-level canal. But I do not think that the machinery for constructing the canal, and its formation, ought to be delayed until the final plan is determined. Let us assume, for example, that the 90-foot canal is found to be impossible. (I am quite confident that it is going to be found to be impossible.) The next is the 60-foot canal. I should say that we might go ahead with the 60-foot canal without consulting Congress, because that is not such a departure from what was originally expected, and does not involve so great an increase in cost. It makes no difference whether the plan is to be a 60-foot plan or a sea-level plan, work can be begun at once.
>
> Senator GORMAN. Yes.
>
> Secretary TAFT. And contracts can be let and something can be accomplished in the two years during which it may be left to Congress to say, "Shall we go on and spend fifty millions more and have a sea-level canal, or shall we confine our efforts to a 60-foot canal?"
>
> Senator GORMAN. That work could be utilized in either case?
>
> Secretary TAFT. Yes, sir.

Now, Mr. President, right in the midst of that examination, when the engineers have not half finished the borings or made their calculations, we are brought face to face with the demand of a coordinate branch that we shall reverse the policy Congress approved and give to the President, or the Secretary of War, who represents the President in this matter, unlimited power not only in constructing, but in governing the strip.

I repeat, sir, that I think that the Senate not only owes it to itself in this particular case, but it is absolutely necessary to secure proper legislation now and in the future that this body shall say to the coordinate branch at the other end of the Capitol, "This matter can not be properly considered under the conditions which you have imposed. If the Senate were to recede from its position, and thus depart from the well-established rule, it would destroy the independence of both branches and bring us to a condition that would be unfortunate in the extreme."

Mr. SPOONER. Mr. President, it is not customary for conference committees to disclose the details of conferences. Every member of the Senate, I think, ought to approve the action of the Senate conferees upon this bill in bringing to the attention of the body the proffers which have been made by the Senate conferees to the House conferees and the precise situation in the conference.

It appears from the statement of the Senator from South Dakota [Mr. KITTREDGE] that the conference has reached a point where the conferees upon the part of the House—I reject the phrase "other body" for the few words I have to say—practically decline to sign even a report of disagreement. We are in the last hours of the session, and it is perfectly apparent to anyone who stops to think that it is the purpose to leave the matter as it is without even a second report of disagreement.

The controversy between the two Houses is a very narrow one. It is even narrower than, I think, perhaps, it has been made by the Senator from Maryland, with whose remarks I almost entirely concur. It does not involve in difference between the two Houses legitimately the canal act at all. It involves no matter which deals at all with the construction of the canal. The canal act I need not repeat; but, briefly stated, it authorized the President to acquire alternative provisions, either the Panama route or the Nicaragua route, for the canal.

Without going into the history of it at all, the Panama route was adopted, and then a treaty was made with the Republic of Panama, under which we acquired the right to construct the canal through a zone which was defined and which was adequately liberal. The property of the Panama Canal Company was acquired, as recommended by the Commission; and to-day under the legislation of Congress with the treaty, leaving entirely out of consideration the act of 1904, the President, without any amendment of the law, is left with a free hand so far as the construction of the canal, according to the plans recommended by the Commission and appropriated for by Congress, is concerned. It was a part of that plan that there should be a Commission, known as the "Isthmian Canal Commission," through which the President should construct the canal.

Mr. MORGAN. A lock canal.

Mr. SPOONER. I will get to that. That was the plan reported by the Commission.

Mr. MORGAN. Yes.

Mr. SPOONER. I would not be frank if I did not say that I have not been satisfied with the Commission. I do not know what the Commission has done; I do not know what the work of the year has been in practical results toward the construction of the canal. But under the law the Commission is the body through which within limits the President must construct the canal. As between a commission and committing the construction of the canal to the War Department and the engineering officers of the Government, without disparaging them in the slightest, I prefer the commission. If it be committed to the President—and it is a very large proposition to commit absolutely to any man—I want the President to have the liberty, as he would have the entire responsibility. I am not willing for one, and will not consent, so far as my own vote goes, to put the full construction of the canal upon the same basis as the improvements in our rivers and harbors are placed. I want to leave the matter to the President, free to employ, whatever it costs, the best engineering genius, talent, and experience which can be found in this country or any other, in order to put upon a proper basis this great work.

I think Congress made a mistake in the restrictions which it placed upon the President in his selection of the Canal Commission. I think he should not have been required to appoint so many commissioners from the Army and so many from the Navy. He was left free to fix their compensation, and I think we should have left him free, although standing by the theory of a commission, to seek wherever he might choose, and to select wherever he could find, the best men. I believe the conferees upon the part of the Senate tendered to the House conferees an amendment to this canal bill removing all restrictions upon the President contained in section 7 of the canal act upon the selection of the Commission.

I think the Commission is too large. The conferees upon the part of the Senate, as I understand it, tendered a proposition to reduce it within the limit of five—they might have gone to three—and were willing to leave the President free in his choice of the men. But that was all disagreed to and was not in any way at all involved, in any proper sense, in this controversy or legislation. The President really, taking this act as a whole, and it must be read as a whole, and dealing now only with the matter of construction, has very great liberty, for these commissioners are placed entirely, "in all things," the act says. subject to the direction of the President. The President is given the power, outside of any discretion of the Commission, to choose engineering and other assistants at his discretion. So it will not affect at all the power of the President or the duty of the President, so far as it relates to the *construction of the canal*, if no

legislation be had at this session—not the slightest—and that ought to be borne in mind.

Mr. OVERMAN. May I make an inquiry of the Senator from Wisconsin?

Mr. SPOONER. Yes.

Mr. OVERMAN. I ask the Senator whether, under the law as it now stands, the power is left in the discretion of the President to build a sea-level canal, if it be deemed feasible?

Mr. SPOONER. I will get to that. I say no. The Commission reported that it was feasible and preferable, as compared with Nicaragua, to build a lock canal.

Mr. MORGAN. Will the Senator permit me to make a statement right there?

Mr. SPOONER. Certainly.

Mr. MORGAN. There has been but one board of engineers that has ever reported in favor of a sea-level canal. That was the board that De Lesseps organized. They worked under that plan until the canal failed. Thereupon receivers were put in possession of that canal by the courts of France, and their engineers went to work to ascertain whether a sea-level canal was practicable or possible within the reach of the resources of the French people. They pronounced against it. Thereupon a general committee of skilled engineers was formed from the engineers of the whole world, twenty-one in number, in which the United States was represented by General Abbot. That great committee pronounced against a sea-level canal and instituted a lock canal. Mr. Menocal, who had examined that as the chief engineer sent out by the United States, had also pronounced against a sea-level canal on a different survey.

Then came the Isthmian Canal Commission. They examined into the subject very carefully, and in their reports—three of them made consecutively; one preliminary, and the other two following on—they pronounced against a sea-level canal. They made an estimate, drawings, and full and complete calculation for a lock canal, which this Senate and the other House has never printed. It lies in the archives of the State Department now, not printed. But that was for a lock canal. As I understood the Spooner Act when it was passed, it was upon the plan that the commissioners had recommended—it was a lock canal.

Mr. SPOONER. Mr. President, the last proposition of the Senator from Alabama I entirely concur in. The Canal Commission reported that a lock canal by the Panama route was feasible; they reported that it was preferable to the Nicaragua route; they reported that a sea-level canal was practicable on the Panama route, but was not *possible* on the Nicaragua route, and it has never been contended, as my friend from Alabama stated on the floor of the Senate, that a sea-level canal is practicable by the Nicaragua route.

One reason why I preferred the Panama route was that I accepted the report of the Commission that a sea-level canal is practicable on that route while not practicable on the other. But the Commission reported that it would take a very much greater period of time to construct a sea-level canal by the Panama route than a lock canal. They reported also that it would cost $100,000,000 or more in addition. They reported further with, I think, but one exception, that after the lock canal, which they said was feasible, had been completed, without disturbing its use a sea-level canal could be constructed.

So, Mr. President, it can not be doubted that the act of Congress in reference to the canal, and the appropriation contained in it, was based upon the theory that there should be and could be constructed a lock canal at a cost of $130,000,000. While I believe that if a sea-level canal can be constructed within a reasonable time—and I will say, almost regardless of cost—it would be a better canal for this people and for the world, nevertheless it is true that the law is based upon a lock canal, to cost $130,000,000, and no commission or executive officer, *without consulting Congress*, can change that plan. I have not considered it possible that it need be said here or anywhere that if instead of a lock canal a sea-level canal is to be constructed Congress is to be the arbiter as to whether the plan shall or shall not be changed.

Mr. FORAKER. Before the Senator passes from that point, I want to inquire whether or not the Commissioners have ever asserted any such claim as that?

Mr. SPOONER. No.

Mr. FORAKER. I did not understand that they had. That is not involved in the failure of the conference.

Mr. SPOONER. No; I was simply referring to the statements made by the Senator from Alabama [Mr. MORGAN] and the Senator from Maryland [Mr. GORMAN] about that.

Mr. DRYDEN. With his permission, I wish to ask the Senator from Wisconsin a question.

Mr. SPOONER. Certainly.

Mr. DRYDEN. I should like to ask whether the Senator thinks that under this law, without additional legislation, the Secretary of the Treasury has the power to pay out the money necessary for the construction of the canal?

Mr. SPOONER. There is no doubt that under existing law the work which needs to be done, whether ultimately this is to be a lock canal or a sea-level canal, can go forward, and that the Secretary of the Treasury is authorized to pay out the requisite money for the purpose. So that so far—and this is the crux of the whole business—as the construction of the canal is concerned, the power to construct it, the power to employ the requisite engineers and other agents and officials, the power to enter into contracts, no legislation is needed.

Now, what is the trouble between the two Houses? We have acquired a 40-mile strip, or zone, across the Isthmus. Under the law, if no legislation is enacted, Mr. President, I think the President can do some things. A treaty, as the Senator from Alabama said, is a law, and the President is sworn to execute the laws, and so far as mere administration of the laws is concerned, he can execute a treaty as he can an act of Congress.

We are by the treaty given jurisdiction to make police and sanitary regulations and rules on the strip, to preserve order, and to conserve the public health. Those things are administrative; they are executive, essentially so, and I think the President, if no legislation occurs at this session, would have power to enforce them. He certainly can preserve order on the strip. There is no spot in this country within the jurisdiction of the United States, outside of the States, in which the President may not, under existing law, maintain order. But that is not all there is to it.

I do not agree with the Senator from Alabama that international law has anything whatever to do with the question. It had to do with it in New Mexico; it had to do with it in the Philippines, because the Philippines and New Mexico were acquired as indemnity at the end of a *successful war*, and the President, under the Constitution, as Commander in Chief of the Army and Navy of the United States, has in time of *war* and over territory acquired by *war* all the power that international law gives to a commanding officer in time of war. I will not take time to read the decision of the Supreme Court, in which they draw the distinction clearly between territory acquired through military operations or through compulsory cession—for that is what it amounts to—at the end of a successful war and territory acquired by purchase.

Mr. MORGAN. I do not want to raise any question about that, but that is the view I take of the result in Panama—that we acquired that territory after a successful war against that country.

Mr. SPOONER. Well, the Senator knows that the rest of us disagree with him about that.

Mr. MORGAN. And therefore I disagree with you.

Mr. SPOONER. Yes. The United States waged no war against Colombia. The United States acquired no territory from Colombia. The Territory which they acquired they acquired from the Republic of Panama, and they acquired it by treaty.

Mr. MORGAN. Well, that question has passed.

Mr. SPOONER. Yes; that question has passed. Mr. President, the executive function under that treaty the President may exercise. What did Congress do? Congress passed an act dealing differently then with territory acquired by cession from territory acquired by war. As they did in the case of Louisiana, they passed an act authorizing the President to take possession of it; as they did in the case of Florida, they passed an act authorizing the President to take possession of it. They did not do so as to New Mexico and California. They did not do so as to the Philippines, because there under the flag by force of arms, and under the treaty we had taken possession.

Mr. MORGAN. If the Senator will allow me, I wish to state what I conceive to be the real difference between the Senator from Wisconsin and myself upon this point of law as to the presence of the law of nations in Panama. It is true that the act passed in 1805, I believe——

Mr. SPOONER. In 1803.

Mr. MORGAN. The act passed in 1803 authorized the President of the United States to take possession of the territory of Louisiana under the Louisiana purchase treaty, but he was authorized without that act to take possession. The treaty itself authorized the possession because it transferred property to the United States, and the President, representing the executive head, or the diplomatic and executive sovereignty of the United States, had the right, and it was his duty, to take possession.

That act, Mr. President, as I have always construed it, was a mere affirmation of the principle that where a new country is

acquired by war, by purchase, or in any wise, the laws of nations authorize the chief executive of the acquiring country to govern it until Congress interposes and enacts special legislation. That was the effect, as I understand, of that Louisiana act, and it was the effect of it when we carried it into the Philippines. So I contend that it was a mere affirmation of the existence there of the powers of government that would have inured to the Government and Executive of the United States under the laws of nations.

Mr. SPOONER. Mr. President, it was said in the Island cases:

> The civil government of the United States can not extend immediately, and of its own force, over territory acquired by war. Such territory must necessarily, in the first instance, be governed by the military power under the control of the President as Commander in Chief. Civil government can not take effect at once, as soon as possession is acquired under military authority, or even as soon as that possession is confirmed by treaty. It can only be put in operation by the action of the appropriate political department of the Government, at such time and in such degree as that department may determine.

It was so in California; it was so in the Philippines; and everything that President McKinley did in the Philippines up to the time of the passage of the organization act by Congress he did as the Commander in Chief under the rules of war as defined by international law. So in California; so in New Mexico; not so as to Louisiana. But I do not stop to discuss that question with the Senator from Alabama, with whom I always differ with diffidence.

Following the Louisiana act, which, it is said, was drawn by President Jefferson, who thought where territory was acquired by cession the President should be authorized to take possession of it, Congress passed this act of 1904, the first section of which authorized the President on behalf of the United States to take possession of the zone. That act has been executed. It is not a continuing act. The President took possession of the Canal Zone; we hold possesion of it. That act has fulfilled its function, and that provision is no longer a matter of the slightest consequence.

Now—and in five minutes I shall be through—what follows? We have adequate legislation as to the *construction of the canal.* There is no *casus omissus;* there is no want of authority, so far as that is concerned. Of course the House, which passed the *canal act* with the provision for a *canal commission in it,* has concluded that that feature of it was unwise. The Senate seems to think that it is unwise now to eliminate it at this short session of Congress; that it is better to take it up at the next session, when we will have more time for deliberation. But Congress passed as to the government of the Canal Zone, which only incidentally involved the construction of the canal, something like the Louisiana act, as follows:

> SEC. 2. That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers as well as the power to make all rules and regulations necessary for the government of the Canal Zone and all the rights, powers, and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said Zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

That is all that is pending here now, and the House of Representatives say to the Senate that unless we will go back to the *canal act, dealing only with the matter of constructing the canal,* they will not continue the act, temporary though it be, for the *mere government of the strip, the preservation of order, and the administration of justice.* That is all there is to it.

I think if this legislation fails the President will have power, under the canal act, to preserve order; I think he will have power to conserve the public health; I think he will have power to do everything, except perhaps one thing, and that is to *maintain the courts,* for the *judicial* power can not be delegated to the President.

Mr. PATTERSON. Will the Senator from Wisconsin permit me to ask him a question?

Mr. SPOONER. Yes.

Mr. PATTERSON. I simply want to ask the Senator from Wisconsin from what fund the President may draw money to continue the construction of the canal?

Mr. SPOONER. The appropriation of $10,000,000 made by the canal act is effective.

Mr. PATTERSON. That $10,000,000 is not the $10,000,000 that was to be paid the Panama Government?

Mr. SPOONER. No; that has been paid.

Mr. PATTERSON. That is the only reason I asked the question.

Mr, SPOONER. The Senator need have no question whatever about legislation, so far as it confers power to go on with the work. That is provided for by law in every possible aspect, including, of course, the appropriation.

Now, it gets down to this—and this is the sole point between the House and the Senate.

Mr. CARMACK. What about the government of the Canal Zone?

Mr. SPOONER. That is the point exactly. We passed a bill for maintaining order until the next session of Congress, a temporary act for the Canal Zone for maintaining and protecting the inhabitants thereof in the *enjoyment of their liberty, property, and religion,* following the Jefferson Act as to Louisiana and following the act as to Florida. The House of Representatives is not willing that the second section of that *temporary* act for the Canal Zone, relating only to government there, and the courts and liberty—liberty of property, liberty of person, liberty of religion—shall be continued in force until the end of the next regular session of Congress unless we revamp and revise the *canal act so far as it relates to the construction of the canal,* to which act the House agreed originally.

Mr. President, let me repeat, that I see no grave difficulty to arise from the lapse of legislation here except in so far as the courts are concerned. We can delegate the power of local government to the President so far as military authority is concerned and so far as ordinary executive functions are concerned, but when it comes to the administration of justice that is a power that can not be delegated.

Mr. MORGAN. The Senator from Wisconsin is not perhaps aware that the judge appointed down there has resigned.

Mr. SPOONER. Well, another has been appointed in his place; but he has been appointed under an act of Congress which expires to-morrow at noon.

Mr. PLATT of Connecticut. May I ask a question?

Mr. SPOONER. Everybody.

Mr. PLATT of Connecticut. Under the treaty there is granted to us all the rights, powers, and authority which the United States would possess and exercise if it were sovereign of the territory.

Mr. SPOONER. Yes, but——

Mr. PLATT of Connecticut. Suppose we had some territory where we were sovereign and there was no law for the government of it, would we not have a right to govern it, even to the matter of punishing offenses in some kind of court?

Mr. SPOONER. I have admitted in the beginning that so far as the executive and administrative functions are concerned the President, anywhere within the territorial jurisdiction of the United States outside of the States, may enforce order, etc. But I have yet to learn that the *President may constitute courts* in time of peace in the territory of the United States.

Mr. PLATT of Connecticut. I was not asserting that. I was asking the Senator's opinion of it.

Mr. SPOONER. My only doubt, as I have stated, is as to the courts.

Mr. LODGE. The Senator from Wisconsin said he would let anybody interrupt him.

Mr. SPOONER. Yes.

Mr. LODGE. So I hope he will not exclude me.

Mr. SPOONER. No.

Mr. LODGE. I wish to suggest to him that at this moment the United States owns the island of Guam and the island of Tutuila, one acquired by treaty, the other acquired by war. They are both being governed, and they have been governed ever since we acquired them, in some manner. I am not aware that we have ever passed a line of legislation in regard to them.

Mr. SPOONER. The treaty provides the manner in which they shall be governed.

Mr. LODGE. Certainly not the treaty of peace with Spain. It provides nothing whatever about Guam.

Mr. SPOONER. De minimis non lex curat.

Mr. LODGE. Very likely, but still the example is there.

Mr. BACON. We did not acquire Guam by treaty. We took a quitclaim title.

Mr. FORAKER. It is not only true, if the Senator will allow me, as the Senator from Massachusetts has stated, but we have failed to act in a legislative way with respect to Guam and Tutuila, although repeatedly, as chairman of the committee having jurisdiction of legislation relating to those possessions, I have endeavored to get favorable action on bills providing civil government. The answer has always been in the Senate that the government they now have, which is a government provided through the Navy Department, I believe, is working out very satisfactory results.

Somebody makes laws and somebody provides punishment

and somebody provides tribunals, and we acquiesce in it, not with my approbation, for I have reported bills establishing civil government there, and have been hoping that I might some time have action upon them.

Mr. SPOONER. I do not challenge the validity of the administration of Guam, because under the decisions of the Supreme Court of the United States *until the Congress intervenes* the President, under the *war* power and *ex necessitate rei*, would continue to administer the laws which have been in force in Guam. But the President can not exercise the war power of government—civil government—in the Philippines now that he could some years ago. Why? Because the Congress has intervened and legislated, has provided for civil government, and put an end to his power as Commander in Chief under international law. And so the Congress here——

Mr. MORGAN. May I ask the Senator from Wisconsin whether Alaska, a Territory, was not governed from the deck of a ship until we put civil government there by act of Congress?

Mr. SPOONER. I suppose it was. I think it has been misgoverned from a good many decks of a good many ships ever since, so far as I can get at it.

It is not a fair thing to the President to refuse to extend this government bill, because he will not permit and ought not to permit anarchy to reign anywhere in that zone. It ought not to be left an open question whether the courts are to die with the death of this Congress. It ought not, in decency to him, to be left an open question whether to-morrow noon the acts passed by this Commission under temporary authority of law are to cease in vigor and force. And so it is not fair to refuse to make certain the power to govern that zone in accordance with authority from Congress until we can more deliberately consider the subject, unless we are to abdicate the opinion of the Senate and absolutely agree with the House upon another and an entirely foreign matter.

Mr. FORAKER. Mr. President——

Mr. SPOONER. I will be through in two minutes. I will make it one.

I regret always, Mr. President, that there shall be any irreconcilable difference, especially if it involves any heat between the two Houses. I believe in preserving always, at all hazards, the distinction between the coordinate and independent branches of the Government. I stand, as we should all stand, against any invasion of the prerogatives and functions of any of the departments, executive or judicial, by the legislative department. It is our duty under oath to resist also any invasion of the legislative functions of the Government.

As between the other House and ourselves, we are comrades in the execution of legislative functions. It is of the highest importance that we should be able to agree. If we can not agree, we should try to agree by each yielding something to the other. But when the time comes that one House says to the other, "You agree with us, although this is a foreign proposition to the one really in controversy, or we will leave the government of a territory to fate or to the absolute power of the Executive," there is no field left for compromise. And so I hope that the joint resolution which separates the subject really involved here from the canal act, which is not at all involved, will be passed by the Senate in order that the House, having a *locus penitentiæ*, may consider the question whether it will extend this little governmental act or when that alone is presented will refuse to do so.

I regret to have taken so much time.

Mr. OVERMAN. Before the Senator from Wisconsin takes his seat, I should like to ask him a question. The Senator understands that the President has sent here the nomination of a man from my State as judge to the Canal Zone.

Mr. SPOONER. Yes.

Mr. OVERMAN. We confirmed him. What power has he down there?

Mr. SPOONER. Whether we confirm him or not is an executive secret.

Mr. OVERMAN. I say he has been confirmed. What becomes of him as a judge? Has he any power?

Mr. SPOONER. We will cross that bridge when we come to it.

Mr. LODGE. Mr. President, I am in cordial agreement with all that the Senator from Wisconsin [Mr. SPOONER] has said as to the questions involved here, and the powers of the President if no legislation takes place. I do not think we ought to force the President into that position, but I have no desire at this time, after that point has been so thoroughly discussed, to say anything more about it.

But I do want to say one single word in regard to the matter of conferences, to which the Senator from Maryland [Mr. GORMAN] alluded when he began; and with what he said I am in entire agreement.

The purpose of a conference between the Houses is to bring about an agreement. That is recognized by parliamentary law. The motion which tends to an agreement has precedence always. It is very easy for either House to prevent agreement by refusing to pass the measure sent from the other House, but when we enter upon a conference we do so with a view of reaching an agreement, and an agreement involves the spirit and the necessity of compromise.

If I understand this correctly, our conferees have offered more than one modification; they have offered more than one reduction in the terms of the Senate; and they have been met by a simple refusal to consider anything; have been met even by a refusal to sign an agreement, so far as I am aware.

Mr. President, that is an impossible position to take in the interest of legislation. The Senate, I think, for some years past has been extremely careful to do nothing which should place it for a moment in the position of saying, "We will go no further," and thus bring conferences to a violent stop. But there has been a disposition manifested to inject into all conferences this intolerant spirit, to start off by saying, "You will either do this or there will be no conference;" "You will either do that or the bill shall fail." As the Senator from Wisconsin has said, the two Houses are comrades in legislation. All legislation depends on their united action.

I would not for a moment assert any right or assert any claim to a right which would be thought to infringe upon the other House. I should be sorry to see the Senate take any unreasonable position. But it seems to me that on this conference we have reached a point where it is impossible to yield further, and that we owe it to ourselves, for we are at least a coordinate branch of Congress, to say that the entire spirit in which conferences are held should not be rejected at the outset.

Mr. MORGAN. Mr. President, it seems to me this is a very sad and disagreeable outlook for the building of the canal. The two Houses, when the question arises as to altering the powers of the President, get into a deadlock, and it seems to be immovable. I regret very much indeed that we have so little of the feeling of compromise and agreement with the House on this subject. It seems to be a bitter dissension. I have done what I could and I have labored faithfully to avoid this very difficulty. I saw it coming. I had not any doubt that the House would disagree upon this proposition. I have agreed all the time with the attitude of the House on this question, so far as the Canal Commission is concerned. Before we sent it what is called the Spooner law, the House acted twice upon this question in the two Hepburn bills, excluding the Commission absolutely. Perhaps there never was a more strenuous stand taken by any legislative body than the House has always taken against the Commission.

It is not a new disturbance or disagreement on the part of the House. It began with the beginning of canal legislation. So I can not censure the House for maintaining its ground upon this proposition; particularly I can not do so when the President comes in with a message and says that this Commission as organized under the Spooner law——

Mr. TELLER. Mr. President, can we not have better order?

The PRESIDENT pro tempore. The Chair thinks a great deal of the confusion arises from the changing of persons in the gallery. The Senate itself seems to be in very fair order.

Mr. TELLER. I have not heard a word the Senator from Alabama has said.

Mr. BEVERIDGE. There is talking in the galleries.

Mr. TELLER. We will have to have more order in the galleries or have the galleries cleared.

The PRESIDENT pro tempore. The disorder comes from the changing of places in order that the public may be accommodated with short views of the Senate Chamber, the Chair supposes. The occupants of the galleries are changing all the time, and the Chair thinks most of the confusion comes from that.

Mr. TELLER. I would not like to disturb the galleries. I believe if we had proper order on the floor of the Senate we could hear, but there is so much confusion in the galleries and on the floor that it is utterly impossible to know what is going on.

The PRESIDENT pro tempore. The Chair thought the Senators were behaving with great propriety this morning.

Mr. CULLOM. It seems to me a suggestion to the occupants of the galleries that they should be careful not to converse among themselves would bring great relief. The occupants of the galleries would respect the admonition.

Mr. MORGAN. It is equally disagreeable to a speaker on

the floor of the Senate, in the midst of a sentence, to have a talk here, continued for ten or fifteen minutes, about the conduct of the occupants of the galleries. He has to go back and restate what he has said or else to lose the advantage of whatever argument he may be able to present upon the minds of his colleagues.

I was trying to present the proposition that the President of the United States has found a great embarrassment in the Commission, in its power. I do not know, of course, the private history of that embarrassment, but I can very well understand that the President would encounter such trouble in his efforts to execute what is called the "Spooner law," for the reason that the powers of the President and of the Commission are so mingled and so interdependent that it is almost impossible for anyone to determine where the President has a superior power or where the Commission has a superior power. Divided authority of this kind necessarily leads to conflicts, where men have any independence of opinion. That difficulty comes from the Spooner law, as has been pointed out here to-day, first, in regard to the personnel of the Commission. It must consist of two officers, one of the Navy and one of the Army, four experienced engineers, and a fifth person who has no particular vocation to recommend him to the place.

The President has the absolute power of removal. But if he removes the naval officer, he must go back to the Navy to get one. So of the army officer. If he removes the four engineers, or two of them, he must go not among the engineers of the Army or Navy, but out in the world and find two more civil engineers. He might find contractors, men of experience, men of ability, who have proven themselves to be such by long work, whom he might want to put in that position. He stands here with this embarrassment upon his power, and the Congress of the United States ought to relieve him of that embarrassment, because he is now complaining of it.

There may be reasons among Senators why they want to retain particular persons in these places. I am entirely free from any such idea, for I have never recommended anybody to the President and do not intend to do so. I want him to have a free hand in this business, to select the persons he thinks most fitted for the work. He has the responsibility, and we have the power to pass upon his recommendation here in the way of confirmation or rejection.

Mr. GORMAN. I hope the Senator from Alabama understands that one of the tenders of the conferees on the part of the Senate was that we would change the law as to the appointment of the Commission, to relieve the President altogether from the obligation to appoint either an army or naval officer or the egnineers; to give him a perfectly free hand; which was declined. The conferees also offered to reduce the number, as has been suggested.

Mr. MORGAN. If we could get our consent to do it, I do not believe there is any more beneficial legislation connected with canal questions than to dismiss the Commission absolutely and let the President go on and build the canal under the Secretary of War. That is my view of it. But that view has been voted down so frequently and so obstinately controverted that I do not advance it any more except for self-protection.

But while this matter was pending in the Senate I brought the subject to the attention of the Senate. At that time there was very little disposition to listen to what any man had to say in advance about this matter. We were passing the bill. What is it we want to get rid of now? Not the power of the President to remove the Commissioners. We do not propose to change that, and yet in the exercise of that power he is still hampered by the fact that he must have a Commission, for the canal is to be built through the Canal Commission. What does that mean? Nothing? It means everything. The engineers are to be appointed through the Commission.

Mr. SPOONER. Will the Senator allow me for a moment?

Mr. MORGAN. Certainly.

Mr. SPOONER. The language of the canal act is very broad in that respect.

In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion.

Now follows an independent sentence.

And likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work.

Mr. MORGAN. That is true. He has the right to employ them, but the Commission must first recommend them.

Mr. SPOONER. Not these.

Mr. MORGAN. That is the meaning of that law. He has to do it through the Commissioners. He has to advise with them and take their advice. They make the nominations, in other words, and he makes the appointments. Afterwards he may turn the men out, or he may disapprove of them at the time. But he can not move a wheel without their consent. That is what I am trying to get rid of. He can not do anything. Therefore I have offered this amendment, which I think the conferees might probably induce the House to accept:

That if the President, in the exercise of powers confered upon him by law, shall remove all or any of the members of the Isthmian Canal Commission, or if any of said offices shall become vacant for any cause, no appointments shall be made to fill such vacations during a recess of Congress: *Provided*, That nothing contained in this act or in any other law shall in anywise delay, hinder, or prevent the President in the full exercise of the duty and power to proceed with the work of constructing the Panama Canal or in respect of any duty or power connected therewith.

We refuse to agree with the House in removing the Commission. It stays there. The President has the power of removal. I suppose he will exercise it. But when he gets through with exercising it he still must have a Commission. He must reorganize it. I do not want him to do that in vacation. I want him, in that event, in the event he loses his Commission by reason of removal, death, or resignation, to have the power to go on and complete the canal, and that there shall be no embarrassment of that power found in any law whatever. If we do that, we will get the work started at least in good form.

Then the question whether we shall proceed with it as a lock canal or a sea-level canal is one that I hope will be referred back to Congress. I believe it must be referred back to Congress under existing conditions.

I regret very much, Mr. President, to accept the situation as it is presented by the conference report to-day, and to see that these two great Houses in the inauguration of this great work find such difficulties between themselves, such competition of thought and wish and purpose that we can not move in harmony together. I think the conferees ought to go back and at least they ought to present some proposition to the conferees on the part of the House like the one I have just read. I do not know anything about it, but I hope that the conferees would be induced to accept it. I know it is right.

The PRESIDENT pro tempore. The joint resolution under consideration will again be read.

The Secretary again read the joint resolution, as follows:

Resolved, etc., That the provisions of section 2 of an act to provide for the temporary government of the Canal Zone at Panama, the protection of the canal works, and for other purposes, approved April 28, 1904, be, and are hereby, continued in force until the expiration of the session of the Fifty-ninth Congress beginning the first Monday in December, 1905, unless other provision be sooner made by Congress.

The PRESIDENT pro tempore. The joint resolution is in the Senate and open to amendment. If there be no amendment it will be reported to the Senate.

Mr. FORAKER. Is it a joint resolution?

The PRESIDENT pro tempore. It is a joint resolution.

Mr. FORAKER. Before it is voted on, I wish to make an inquiry of the Senator having the joint resolution in charge or the Senator who offered it. Is there any expectation that if it shall be adopted there will be any more favorable action in respect to it than there has been in the conference committee?

Mr. GORMAN. I will answer the Senator, if he desires it, and say that I do not know what will occur. I do know that by the passage of the joint resolution the Senate will have discharged its full duty, and the responsibility will rest elsewhere.

Mr. FORAKER. As I understand the joint resolution, it is a modification of what was asked for by the Senate conferees in conference to this extent, that by the joint resolution we continue the law enacted in 1902 until the first Monday in December, 1905——

Mr. GORMAN. No.

Mr. FORAKER. Instead of continuing it as proposed by the bill that passed the Senate until the end of the Fifty-ninth Congress.

Mr. GORMAN. No; the bill as it passed the Senate extended it only to the end of the session which begins on the first Monday in December, 1905, and the joint resolution is in identical terms.

Mr. FORAKER. In identical terms with the bill?

Mr. GORMAN. With the bill as it passed the Senate.

Mr. TELLER. I desire to ask the Senator from Maryland if I am correct in my understanding of this question, that the real controversy was not over the government of the zone, but over the question whether the Commission should be dispensed with?

Mr. GORMAN. Yes.

Mr. TELLER. Is that the fact?

Mr. GORMAN. That was the condition—that we should dispense with the Commission. Otherwise they would not consider the matter looking to the government of the zone.

Mr. TELLER. I only want to say a word if the Senator from Ohio is through.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. TELLER. I did not know the Senator from Ohio had the floor. I beg pardon.

Mr. FORAKER. Mr. President, a half hour ago I thought of a good many things I wanted to say, but since then most of them have been said by other Senators who have addressed the Senate, and they have said them in the most part more acceptably to myself than I could have said them if I had had an opportunity. At this time I do not rise so much to discuss this matter, really not to discuss it at all, as to make the inquiry I did make a moment ago.

As I understand it, in 1904 we passed an act providing civil government for the Canal Zone, and that act was, in effect, simply a reenactment of the statute by which we first undertook to govern Louisiana, and the same kind of a statute that we have enacted in similar instances two or three different times. That act provided that all civil authority and power on the Canal Zone should be invested in such person or persons as might be designated by the President, and it was to continue until the expiration of this Congress—until to-morrow. To-morrow by its own terms it dies; it ceases to have any effect.

To continue that civil government the bill which has been pending here was introduced, and it provides that that same mode of government shall be continued until the expiration of the session beginning on the first Monday of December, 1905, so that it would continue civil government there just as we now have it—that is, the power to govern civilly shall be invested in such persons as the President may designate until the regular session of the next Congress, commencing in December, shall adjourn—it being, of course, the expectation that by that time some other legislation will be enacted as a substitute for the measure. Upon the proposition, as I understand it, this conference has come into a deadlock, the House refusing to agree to any proposition, even to sign a disagreeing report, a most unusual and extraordinay thing to happen.

The first inquiry I wanted to address to the conferees was, What is the difficulty which induces the House to take such an unusual position? I understand they assign as a condition to signing the report that there shall be an abolition of the Commission. I do not know of anything the Commission has done that would justify any such action as that on the part of our coordinate branch of legislation; but perhaps they do; and until somebody tells us about it I propose to pass that by and simply to consider what is going to be the effect of this conference failing, as it will fail, for I understand the passage of this joint resolution is an end of all attempt at conference.

What will be the effect of it? The effect of it will be that there will be no longer any law in force under which the President can vest civil power for the purposes of government in persons to be designated by him on the Canal Zone; and we are remitted, then, to this condition: We will be in the possession of territory over which we have sovereign control, for that is the language of the treaty, without any Congressional enactment as to how that sovereign control shall be exercised.

I agree with the Senator from Wisconsin, and I think it has been clearly so held by the Supreme Court in the insular cases, that until Congress does legislate—and manifestly if the Congress shall have legislated and its legislation shall have expired by its own limitation without any other legislation as a substitute—the civil power will be vested in the President. at least to the extent of maintaining order, policing, protecting property, protecting life, and doing whatsoever else may be necessary in that behalf.

But, Mr. President, should we allow that condition, although it is not a hopeless one, to come to pass? When I say it is not a hopeless one I have in mind the two possessions that were referred to a moment ago in the debate, Tutuila and Guam. The island of Guam we acquired by cession from Spain as one of the conditions of the treaty of peace. We have never legislated to establish any government, but ex necessitate the Government of the United States has established government there. The control of that island has been put under the Navy Department, and through the Navy Department government for civil purposes has been instituted and is being so satisfactorily conducted that I have appealed in vain two or three times to substitute for the orders of the Navy Department an organic act enacted by Congress for the government of that island.

Now, it is said there is a right so to govern that island because of the manner in which it came to us, by belligerent right, as one of the terms of the treaty of peace. If so, I wish to call attention to the fact that we are doing precisely the same thing in Tutuila, which did not come to us by belligerent right, an island which was acquired, as Senators all know, in another way, and where there is no such predicate for the government we have established. Nobody disputes the right of the Government so to govern that island. It is not disputed simply because it is our possession. We have jurisdiction; we are charged with responsibility; and there must be somewhere, and always is somewhere, somebody to exercise the necessary power of government. So, through the Navy Department, they govern that island also.

Now, we come to this zone. We have this precedent. If we let this conference fail and pass the joint resolution, I imagine it will fail also. I can not understand why, if the joint resolution provides the same thing as the statute we were proposing to enact, if the House would reject the one, they would not reject the other. So it seems to me, we will be left of necessity in a situation where there will be no statute applicable vesting civil power in anybody for civil purposes.

Now, Mr. President, that is not a desirable thing, but it seems to me that undesirable as it may be, inconvenient as it may be, it is the only alternative if the Senate is to preserve its own respect.

I wish to place on record my concurrence with that which has been said by my colleagues as to their views of the relations which should exist between the two Houses of Congress. We must be considerate of the rights of each other, and above all things polite in our intercourse, the one toward the other, taking care not to give offense, but keeping in mind always that in order to legislate where there are differences of opinion there must of necessity be concessions and compromises.

I am glad to know, Mr. President, that the conferees representing the Senate have been so generous as their report shows they have been in trying to meet the conferees of the House; that they have made one concession after another; that they have done, in their opinion, everything they thought they reasonably and fairly could do, and I believe everything the Senate thinks they could reasonably and fairly do. All that having been done, the responsibility for failure must rest elsewhere; it can not rest here.

I have no disposition, and I would not use it if I did have it, to say an unkind word of anybody with which we are called upon to transact public business. It is highly important, as I said, that our relations should be cordial, pleasant, agreeable; that we should be polite with one another; but there do come times, Mr. President, when we must assert ourselves or lose our own self-respect. Inasmuch as in the judgment of the conferees no way by which to do anything further was so acceptable as by offering and introducing and placing upon its passage this joint resolution, I propose to vote for it.

Mr. TELLER. I understand the Senator from New Hampshire [Mr. GALLINGER] has a conference report to present, and I shall take but a moment.

This is not the first instance even in this Congress where the House has simply laid down an ultimatum to the Senate. When the House passed the bill and we put the amendments on they had a right to disagree to the amendments and to let the matter there drop or to send it back to us. When they appointed conferees to meet the Senate conferees the common rule of parliamentary bodies, and common courtesy, and common decency, required that they should meet upon the theory that there was to be some concession upon one side and the other, some agreement as to what was to take the place of what was then before the committee and which was the subject of disagreement between the two Houses.

If the conferees of either body are allowed to go into a conference and say absolutely, "This is what you have got to do, and if you do not do this you will not do anything," Mr. President, that is the end of what the Senator from Ohio [Mr. FORAKER] calls the courtesy, I might add the decency, of intercourse between the two Houses.

We have had something of that recently, as I said, not always from the committee, sometimes from those not of the committee, but who control, to the effect that the Senate should take what they had sent here or the Senate would not take anything.

Mr. President, this is a case where we can afford not to take anything, and let the matter drop or pass the joint resolution, which will probably slumber in the archives of the House. But at the same time it will indicate that we are willing to abandon any controversy as to the Canal Commission and proceed to govern the zone by legitimate, lawful, and constitutional methods.

Mr. President, I hope the joint resolution will pass, and I believe it will be a good thing to call the yeas and nays on it and pass it, as I believe it would pass practically unanimously.

The joint resolution was reported to the Senate without

amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass?

Mr. TELLER. On the passage of the joint resolution I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior senator from South Carolina [Mr. TILLMAN], but I am informed that if he were present he would vote in favor of the joint resolution, so I will vote. I vote "yea."

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

The roll call was concluded.

Mr. WARREN. I am informed that the Senator from Mississippi [Mr. MONEY] would vote as I would vote, and I will therefore vote. I vote "yea."

The result was announced—yeas 67, nays 0, as follows:

YEAS—67.

Alger	Depew	Heyburn	Patterson
Allee	Dick	Hopkins	Penrose
Bacon	Dietrich	Kean	Perkins
Bailey	Dillingham	Kearns	Pettus
Ball	Dolliver	Kittredge	Platt, Conn.
Bard	Dryden	Lodge	Platt, N. Y.
Beveridge	Elkins	Long	Proctor
Blackburn	Fairbanks	McComas	Quarles
Burnham	Foraker	McCreary	Scott
Burrows	Foster, Wash.	McCumber	Simmons
Carmack	Frye	McEnery	Spooner
Clapp	Fulton	Mallory	Stone
Clark, Wyo.	Gallinger	Martin	Taliaferro
Clay	Gamble	Millard	Teller
Crane	Gibson	Morgan	Warren
Cullom	Gorman	Nelson	Wetmore
Daniel	Hansbrough	Overman	

NOT VOTING—23.

Aldrich	Clark, Mont.	Hale	Money
Allison	Clarke, Ark.	Hawley	Newlands
Ankeny	Cockrell	Knox	Smoot
Bate	Culberson	Latimer	Stewart
Berry	Dubois	McLaurin	Tillman
Burton	Foster, La.	Mitchell	

So the joint resolution was passed.

Mr. MONEY subsequently said: Mr. President, I was absent a few moments ago, and I should like to have the consent of the Senate to be recorded on the vote on the joint resolution relating to the isthmian canal.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair does not understand how the Senator can be recorded.

Mr. MONEY. I desire the permission of the Senate to vote on the passage of the joint resolution which was submitted to the vote of the Senate.

The PRESIDING OFFICER. The Chair does not know how that is possible.

Mr. MONEY. I will state then, Mr. President, that if I had been present at the roll call I should have voted "yea."

The PRESIDING OFFICER. The Senator is entitled to do that.

PREVENTION OF SMOKE IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the following resolution from the House of Representatives:

Resolved, That the House adheres to its amendment, and respectfully declines the request of the Senate for a conference on the bill (S. 5108) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899.

Mr. GALLINGER. That relates to a matter about which there was a special agreement reached in advance that the House bill should be accepted. It is with reference to the smoke law, and is an amendment prepared by the Commissioners, which puts the matter on trial for a year, under certain restrictions. In my absence, action was taken upon the bill and it was sent to the House. They declined a conference, I apprehend, for the reason that there was a special agreement that the Senate would accept the amendment.

I now move, Mr. President, that the Senate agree to the amendment made by the House of Representatives.

The motion was agreed to.

TORPEDO BOATS STRINGHAM AND GOLDSBOROUGH.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7042) authorizing the Secretary of the Navy to accept the torpedo boats *Stringham* and *Goldsborough;* which was, in line 14, after the word "obligations," to insert "where said losses were due to changes of modifications of plans or specifications ordered by the Department."

Mr. BALL. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

TELEGRAPH WIRES IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4938) regulating the use of telegraph wires 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, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"SEC. 8. That if at any time the District of Columbia, or the National Government, shall acquire, by purchase, condemnation proceedings, or otherwise, the property of any telegraph company in the District of Columbia, nothing shall then be paid for the rights accorded under this bill to build and lay such conduits."

And the House agree to the same.

J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.

J. W. BABCOCK,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

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

On March 2, 1905:

S. 4372. An act for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico;

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

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;

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; and

S. 7239. An act to amend section 13 of chapter 394 of the Supplement to the Revised Statutes of the United States.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. GALLINGER. Mr. President, when the river and harbor bill came to the Senate it carried direct appropriations of $17,021,875.41. The Senate added to that $2,459,281, which is agreed on all hands to have been a very moderate increase. The House bill authorized contracts to the amount of $17,334,657,63, and to those continuing contracts the Senate added $1,203,086, so that with the Senate increases both the direct appropriations and the continuing appropriations were kept below $20,000,000.

The conferees on the part of the Senate, after a very lengthy session of the conference committee extending until 1 o'clock this morning, were compelled, in the hope that they would get an agreement on the bill, to recede from some of the increases the Senate had made, which probably in the aggregate would amount to almost $1,000,000, so that it would leave the Senate increases for direct appropriations not much in excess, if in excess, of one million and a half dollars.

Notwithstanding every effort, Mr. President, that was made by the conferees on the part of the Senate to reach a full agreement, they regret to say that they were not able to do so; and I now present the conference report showing precisely what has been accomplished.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from New Hampshire presents a conference report, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18809) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 6, 7, 13, 15, 21, 22, 23, 25, 27, 33, 35, 36, 43, 50, 53, 54, 63, 71, 72, 73, 74, 78, 82, 83, 88, 92, 96, 99, 107, 109, 113, 118.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 14, 16, 17, 18, 30, 32, 38, 39, 40, 44, 46, 47, 48, 49, 51, 52, 55, 59, 61, 62, 64, 65, 66, 67, 76, 79, 80, 81, 84, 85, 86, 87, 89, 90, 93, 94, 95, 97, 102, 104, 106, 110, 112, 116, 119, 120, 121.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In the language proposed to be inserted omit the words "completing improvement and maintenance sixty thousand dollars" and insert in lieu thereof the following: "by providing a channel from deep water to the outer end of the wharves, twelve thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the language proposed insert the following: "Continuing improvement and for maintenance thirty thousand dollars, which amount the Secretary of War may, in his discretion, expend for extending the South jetty and dredging;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "thirty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the word "fifty-five" insert the word "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the language proposed insert the following:

Improving Fishing Creek, N. C.: Continuing improvement, $500.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the word "sixty" insert the word "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the word "twenty" insert "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the word "thirty" insert the word "fifteen" and in lieu of the word "shall" insert the word "may;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the language proposed insert the following: "fifteen thousand dollars, of which amount five thousand dollars may be used for maintenance and repair of works at and near Macon;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the language proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the word "fifty" insert the word "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: After the word "dollars" following the word proposed to be inserted, strike out the period and insert a comma and the following: "and the Secretary of War shall cause a survey to be made of Sebastian Inlet;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That Louis M. Tisdale, his heirs or assigns, be, and is hereby, granted the right of way through the waters of the United States, to enable him, his heirs or assigns, to construct and operate a ship canal or channel from a point on Mon Louis Island, Mobile County, State of Alabama, through Mobile Bay to the deep water basin in Mobile Bay between Fort Morgan and Fort Gains, Ala., with power and authority to construct and maintain all necessary harbors, locks, dams, channel, dikes, levees, and piers without expense to the United States: *Provided*, That the Secretary of War shall first approve the plans for such canal or channel and that the same shall in no manner interfere with or affect the usual and ordinary navigation of said waters; and that Mobile Bay or the channel between the same and Mississippi Sound shall in no way be thereby closed to navigation: *Provided further*, That in the transportation of military or naval stores, troops, or munitions of war of the United States no toll shall be charged; and that the tolls or tonnage charges by said Louis M. Tisdale, his heirs or assigns, shall be fixed from time to time by the Secretary of War: *Provided further*, That vessels of five tons burden and less shall be exempt from tolls for the use of said canal when they do not pass through the locks, and that no tolls shall be charged on any boats or vessels navigating any of the waters in the said canal or channel which could have been navigated by such vessels had not such canal been built: *Provided further*, That this franchise shall not be effected unless said Louis M. Tisdale, his heirs or assigns, shall in good faith commence such construction within two years from the passage of this act and shall complete the same within five years. Congress reserves the right to alter, amend, or repeal any of the provisions of this act in so far as it relates to this franchise;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "and extending the authorized improvement 200 yards farther up Dog River;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: Restore the language proposed to be stricken out, and in lieu of the language proposed to be inserted, insert the following: "and the Secretary of War shall cause a resurvey to be made of the project submitted in House Document numbered Sixty-nine, Fifty-fifth Congress, first session;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: At the end of the language proposed, strike out the period and insert a comma and the following: "provided it is required in the interest of navigation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the language proposed insert the following: "Improving Upper White River, Arkansas: Continuing improvement by the construction of lock and dam numbered Three, one hundred and sixty thousand dollars; and the Secretary of War shall cause an examination to be made by a board of engineers to report upon the desirability of the construction of further locks and dams in said river;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the language proposed, insert the following: "and for the completion of lock and dam numbered two, above Nashville, forty thousand dollars, and the balance on hand to the credit of the Cumberland River above Nashville for general improvement and for locks numbered five, six and seven shall be applied upon the construction of said lock and dam;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the language proposed insert the following:

"Improving Ohio River, with a view to the construction of lock and dam numbered Nineteen, one hundred thousand dollars; and for purchase of site for lock and dam numbered Twenty-six, thirty-five thousand dollars: *Provided*, That no part of said amounts shall be expended until the survey of the Ohio River herein provided for shall have been completed and such project as may be recommended on consideration and review of the same shall be adopted by Congress: *Provided, further*, That in case said locks and dams are not provided for by Congress, the

amounts herein appropriated shall revert to the general fund for the improvement of the Ohio River."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In the language proposed, strike out the words "*Provided, however,*" and insert in lieu of the same the following: "*Provided,* The same is required in the interest of navigation: *Provided, further;*" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the language proposed to be inserted, insert the following: "General improvement by snagging and maintenance of open channel work, one hundred and seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the words "one hundred" insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: In lieu of the words "six hundred and eighteen" insert the words "two hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: In the language proposed to be inserted strike out the words "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows: In lieu of the language proposed insert "Mystic River to the upper limits of the City of Somerville;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "Anchorage basin at Gulfport, and channel therefrom to the anchorage or roadstead at Ship Island, with a view to obtaining a sufficient depth and width; also Ship Island Pass, between Ship and Cat islands;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Arthur Kill, on westerly side, from a point opposite north end of Pralls Island to about two thousand feet north of Piles Creek, and Piles Creek up to Long Branch Railroad;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Lloyds Harbor, with a view to improving the channel between Huntington Bay and Cold Spring Harbor;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "New York Bay from Kill von Kull to a point in the vicinity of Liberty Island west of Robbins Reef Light-House, with a view to a twenty-one foot channel of sufficient width;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Inland waterway from Norfolk, Virginia, to Beaufort Inlet, North Carolina, with a view to obtaining a channel of a depth of ten and twelve feet, respectively, upon the most advantageous route between the points named. Such examination and survey shall be made by a board of engineer officers detailed by the Secretary of War, and they shall report upon the character and probable cost of any private waterways which it may be desirable to acquire in connection with, or as a part of the proposed improvement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows: In lieu of the language proposed insert the following: Port Bolivar, with a view to obtaining a channel 300 feet wide and of depths of 25 and 30 feet respectively to deep water; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows: In the language proposed strike out the words "thirty-five" and insert the words "twenty-five;" and the Senate agree to the same.

As to amendments numbered 11, 12, 91, 111 and 114 the conferees have been unable to agree.

J. H. GALLINGER,
KNUTE NELSON,
JAMES H. BERRY,
Managers on the part of the Senate.

THEODORE E. BURTON,
B. B. DOVENER,
RUFUS E. LESTER,
Managers on the part of the House.

The PRESIDENT pro tempore. Will the Senate agree to the report of the conference committee?

Mr. MALLORY. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] agreed to yield to me to make a request for the present consideration of a bridge bill, which I have just reported.

The PRESIDING OFFICER. The conference report will be disposed of in a moment. The question is, Will the Senate agree to the report?

Mr. PENROSE. Mr. President, I should like to have the Secretary again read the amendments as to which the conferees were unable to agree.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

As to amendments Nos. 11, 12, 91, 111, and 114 the conferees have been unable to agree.

The PRESIDING OFFICER. Without objection, the report will be agreed to.

Mr. McCOMAS. Mr. President——

Mr. GALLINGER. Mr. President, I move that the Senate further insist on its amendments disagreed to by the House of Representatives and ask for a further conference with the House thereon.

Mr. McCOMAS. Mr. President, I was trying to see at what stage I might get an opportunity to say something in respect to this matter. If I can get the attention of the Chair now I shall be glad to so do. When I addressed the Chair a moment ago evidently I was not heard.

The PRESIDING OFFICER. The Chair is unable to hear the request of the Senator.

Mr. McCOMAS. Then I will raise my voice, Mr. President. I have been desiring to get about three minutes' observation in respect of this matter and the points of agreement in the report.

The PRESIDING OFFICER. The Chair will hear the Senator.

Mr. McCOMAS. Mr. President, in the report of the conferees on this bill I am sure the Senate conferees have endeavored to maintain the decision of the Senate concerning various items, but there seems to be on the part of the conferees of the House a misunderstanding of facts, and I want to make a statement concerning the Senate amendment increasing the appropriation for Baltimore a half a million dollars.

The Senate increased the authority of engineers to contract for deepening a channel for Baltimore from 30 to 35 feet, with 600 feet width, adopting the report on the survey I have heretofore obtained—increased that authority to contract from one million to one million and a half dollars—and the Senate conferees, I am sure, adhered stoutly to the increase. It appears from discussion elsewhere that on the part of the House the improvement of the port of Baltimore by the project initiated here in 1901 for a channel 600 feet wide and 35 feet deep, having been approved by the House, has been met by an authority in a work requiring $3,500,000 to make a contract for only $1,000,000, and the idea seems to have prevailed that in a channel which by law is now required to be 30 feet and is only about 29 feet, that a contract for a million dollars might scrape the surface of the sand and make it 31 or 32 feet. The commerce of Baltimore has suffered because the channel is not 35 feet deep, and it may be that one of the assistant engineers here thinks, perhaps, that an expenditure before another river and harbor bill will meet the exigency of the revenues of the country by dealing with such an important harbor by digging a couple of feet.

It is my last opportunity, perhaps, to say that what the engineer who has had the work in charge would do is to do just the opposite thing. The House bill authorizes a million dollars under contracts in order that they may scrape a foot or two of sand and make a channel of 32 feet, but General Hains, who has just left the post of engineers in charge of the Baltimore

district, says that is bad engineering, that big ships of 62 feet beam will strike the bottom, and some are staying away from Baltimore because they draw 35 feet; and this one-third appropriation for Baltimore will be, if properly expended, spent in going down 35 feet and only make a channel 200 feet wide. A channel only 200 feet wide, with the angularities in devious reaches of the channel, makes it difficult for a ship drawing 35 feet, of the beam I named, to navigate.

The Senate Committee on Commerce provided a million and a half dollars, which was approved by the Senate, and would have enabled the channel to be made 35 feet deep, which is the one essential, and made it 260 feet wide, with a greater width at the angularities of the channel, and the port of Baltimore would have been benefited by that additional sum. By the report upon which I am now asked to vote I am asked to agree that that sort of discrimination against the harbor, which has needs as great as any in the country, at a time when the great port of New York has a depth of 40 feet, when the port of Boston—not exceeding Baltimore in commerce—has a depth of 35 feet, that this Congress shall agree for a time to merely scrape the surface of the channel bottom, for ships that draw 35 feet will not go into the channel, and it may be 600 feet wide and only 35 feet deep. I am constrained to yield. I see no way now that this error can be corrected, unless the House should report a disagreement and the conferees would have the matter at large again. I fear they have been misled by mistaken information that it was a wise thing to dig a channel 600 feet wide, to let a ship of 35 feet draft go up over the channel, which was wide enough but not deep enough by 4 or 5 feet. So Baltimore last year had her imports diminished $8,000,000, because ships of 35 feet stopped going in there, because the channel was only 29 feet deep.

I have no fault to find with the conferees of the Senate. I am sure they did their best with the information they had. I want now to say upon the one remaining point that the conferees elsewhere have been misinformed when they said that the engineers would not spend the money if they had it, because, forsooth, there are not dredge companies on the Atlantic coast strong enough or well enough equipped. There again the suffering of Baltimore comes from want of information, which I gave. Sir, out of her distress by fire Baltimore has bravely risen with renewed spirit; they have appropriated $6,000,000 for the docks of that city, to be controlled by the city of Baltimore, and thereupon is about to rise in Baltimore a dredging company which will be one of the largest in the United States, that could dig out in a year and a half the whole of this channel. It is plain that the money could be used and Baltimore so much earlier enjoy the channel of 35 feet depth, which I had the good fortune to suggest three years ago, and under the survey I then obtained, which we have since adopted.

Therefore I conclude by saying now that Baltimore wants a 35-foot channel, and needs it beyond the needs of almost any harbor I can think of. Knowing that a million and a half dollars could be spent and bring back to that port the deep-draft vessels inside of the next two years, I must submit to the inevitable parliamentary situation which somewhat delays a work which was ordered by Congress to be surveyed three years ago, though I ought not to do so without stating the real facts, as I have now briefly endeavored to state them.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

Mr. GALLINGER. Mr. President, a single word before the motion is put on agreeing to the report.

The Senate conferees did all in their power to get this additional appropriation for Baltimore, and only yielded when it became an absolute necessity to do so. They understand the need of a deeper channel in Baltimore, as they do at Philadelphia, Savannah, Galveston, and a great many other cities of the country.

Mr. McCOMAS. I hope the Senator from New Hampshire will understand that I carefully said that I appreciated the efforts of the Senate conferees.

Mr. GALLINGER. Certainly. Testimony was brought before the committee that not more than a million dollars could be well expended at Baltimore during the coming year. It was represented to the conference committee that if a larger amount were appropriated a plant would have to be established that would be very expensive indeed to the Government. It was further represented that the Members of the other House from the State of Maryland were entirely satisfied with the appropriations that went into the bill.

Upon those reports, and desiring that we should reach a substantial agreement upon this bill, the Senate conferees, with great reluctance, yielded this item. I want to assure the Senator from Maryland that it was not done because we did not think that Baltimore deserved very liberal consideration at the hands of Congress, but because we thought that $1,000,000 was the largest amount that we could secure for that city in the present bill.

Mr. CLAY. I should like to ask the Senator from New Hampshire what are the items involved in disagreement between the Senate and the House conferees?

Mr. GALLINGER. The disagreements are on two items, with reference to the Delaware River and three surveys—the surveys of the harbor of Savannah, the harbor of Galveston, and the Delaware River.

Mr. CLAY. I will say, Mr. President, that I only asked for a resurvey of Savannah Harbor, one of the most important in the South, the outlet for the products of a dozen States. It would only cost a small amount to make the survey. We want the information so as to know what can be done. The amount necessary to make the survey, considering the importance of the work, is a mere trifle; and it is at one of the most important harbors in the South. I think we ought to have the right to have that survey made so as to see whether or not 30 feet of water can be obtained and what such a depth of water will cost. We ask that and nothing more, and we can not see why that right should be denied us.

I thank the conferees on the part of the Senate for their efforts in trying to secure justice to the city of Savannah. I hope the conferees of the Senate may yet be able to persuade the conferees of the House of the justice and importance of this work.

Mr. GALLINGER. I assure the Senator from Georgia that the Senate conferees have been in full sympathy with his desire in that respect and have done all in their power to secure an agreement, but the amendment is stoutly resisted by the conferees on the part of the other House, and, of course, I can not assure the Senator what the result of another conference will be.

Mr. PENROSE. I should like to ask the Senator from New Hampshire whether there is any disposition on the part of the House conferees to make any concessions whatever to the Senate in the matters pertaining to the improvement of the Delaware River? Apparently the conference report would indicate that there is no disposition to concede anything on this point, but to stand absolutely on the provisions contained in the bill as it came from the House.

Mr. GALLINGER. Mr. President, I can answer that in a very few words. The bill as it came from the House appropriated $500,000 for continuing the improvement on the Delaware River, provided $750,000 for continuing contracts, and inserted a proviso that if the city of Philadelphia would raise $500,000 the Government would appropriate an additional $500,000 toward that great project. The Senate conferees have done all in their power to secure the amendments made by the Senate increasing the amount of $750,000 to $1,250,000 and striking out the proviso found in the House bill. The House conferees resist with a great deal of earnestness the proposed increase and particularly resist the proposition to survey the Delaware River. Upon those two points we are at wide variance. While the Senate conferees have hopes of a favorable outcome, they are, unfortunately, not in a position to give the Senator from Pennsylvania any assurance that they will be able to secure what he so very earnestly desires.

Mr. PENROSE. Mr. President, assuming that the motion of the Senator from New Hampshire will carry, this is not the time or place for me to debate the propositions involved in this provision. I earnestly hope the Senator will continue the insistence which he has carried up to the present time; and I desire to advise him that should he be unsuccessful, and should there be evidence that the House conferees are unalterably opposed to making any concession to the Senate upon the subject involved in the Delaware improvements, upon the report of the second conference I shall request the Senate to give me ample time to debate and consider the subject.

Mr. GALLINGER. I omitted to say to the Senator that the House conferees expressed a willingness to have stricken from the bill the proviso in relation to the condition imposed upon the city of Philadelphia raising $500,000 in order to secure the $500,000 additional to be appropriated by Congress. That was the only concession they would make.

Mr. PENROSE. That, of course, is absolutely no concession, because with the condition goes the provision authorized by the House for future contracts. Therefore, it is no concession, because the House conferees strike out the $500,000 authorization at the same time that the condition is struck out. There seems to be no concession whatever as to the Delaware improvement.

Mr. CULLOM. I desire to inquire of the Senator from New Hampshire whether the item for improving Chicago River, Illi-

nois, in accordance with the project submitted in House Document No. 95, Fifty-sixth Congress, first session, $200,000, was continued in the bill or whether it has been given away?

Mr. GALLINGER. It was not quite given away; at least, not freely given away.

Mr. CULLOM. Not willingly?

Mr. GALLINGER. Not willingly; but the Senate conferees did yield that amendment, and they yielded it largely upon the ground, perhaps not correctly stated, that the work of reconstructing the bridges and piers and lowering the tunnels has not yet commenced; that there was authorization for that work to be done, but that as a matter of fact it has not been commenced, and that until some substantial progress is made in that direction there would seem to be no adequate reason why Congress should make the proposed appropriation.

Mr. CULLOM. Well, Mr. President, so far as that is concerned, we have got to the point where that work is to begin, and the giving up of this amendment will simply delay it for another year or two. That will be the result, and I am very sorry that the committee on the part of the Senate has concluded to yield on that question. It is a very important thing to the commerce not only of Chicago, but of the Western States, that the improvements should be made without long delay. I want to ask the Senator if he gave up other provisions in which the city of Chicago and the State of Illinois are interested?

Mr. GALLINGER. If the Senator will point out the items, I shall be glad to answer.

Mr. CULLOM. The item just above the amendment to which I have just called attention, which reads:

> Improving harbor at Chicago, Ill.: Continuing improvement and for maintenance, $200,000.

Mr. GALLINGER. That is left in the bill, I will say to the Senator.

Mr. CULLOM. Is it finally left in the bill?

Mr. GALLINGER. It is.

Mr. CULLOM. I hope the Senator, before he gets through, will not give anything more up that belongs to the State of Illinois.

Mr. GALLINGER. There is no danger of that. I will say, in response to the Senator, in just a word, that the proviso in this amendment is:

> That no part of said sum shall be expended until all work of removing and reconstructing bridges and piers and lowering or removing tunnels necessary to permit a practical channel of said depth shall have been done without expense to the United States.

That work has not been commenced, and I do not see how it is going to delay the improvement if this money is not made available until the work has been completed. If the Senator will explain that to me it will be giving me light.

Mr. CULLOM. The work to be accomplished will be done before another session of Congress can make an appropriation, I hope. I want to say that I have myself always insisted that the city of Chicago shall lower the Chicago River tunnels without expense to the Government of the United States, and I would want such a provision in if the amendment were to be incorporated in the bill.

Mr. GALLINGER. One of the old poets, I remember, gave to the world a very delightful poem entitled "The Pleasures of Hope." Now, I will venture to say that the Senator is indulging the "pleasures of hope," and that the work on the Chicago River tunnels will not be done before we reach the point of making another river and harbor bill.

Mr. CULLOM. As the Senator has dropped the amendment out, I do not think it makes any difference.

Mr. FOSTER of Washington. Mr. President, I should like to have the Senator from New Hampshire explain why the committee receded from the amendment for improving the middle waterway, Tacoma Harbor, Washington.

Mr. GALLINGER. Well, Mr. President, the committee receded because they could not get it in the bill. They tried their utmost to retain the amendment, knowing how great an interest my genial friend from Tacoma—and he was born in the same year that I was—has in it, but it proved to be impossible for us to do it. There were some reasons given why the improvement of this particular channel might wait that rather impressed the conference committee. However, I will say to the Senator that if we had insisted upon keeping that amendment in the bill the amendment concerning the Chicago River, and all the other amendments that were dropped out, we would have been exactly where we were when we started, and we wanted to make a little progress.

Mr. FOSTER of Washington. The citizens of Tacoma have contributed a large amount of money toward this improvement. The amendment provides that the owners of property in the neighborhood where the improvement is proposed to be made shall pay 25 per cent of the appropriation, and the citizens have done everything possible on their part.

Tacoma is a growing city. The waterway is imperatively needed. A large number of ships are in the bay all the time waiting to get into dock, and this improvement is absolutely essential to the commercial interests of the people there.

Mr. GALLINGER. The Senator knows how much I sympathize with him and with Tacoma. I have visited there and have a great pride, as he has, in that growing city; but I will say to the Senator that the Senate conferees did everything in their power, not yielding this item, as they did not yield other items, until after midnight this morning; but in their wisdom—or unwisdom—they felt if they were going to make any progress with this bill they had to give up some of these items; and this was one that was yielded with great reluctance.

Mr. FOSTER of Washington. I sincerely trust that it is not finally settled in that way.

Mr. GALLINGER. Mr. President, I can not extend any hope to the Senator that any other result will be reached, because if this report is adopted, as I think it will be finally, Tacoma will have to wait another year.

Mr. FOSTER of Washington. I deeply regret, Mr. President, that such a conclusion should have been reached.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee.

The report was agreed to.

Mr. GALLINGER. I move that the Senate still further insist on its amendments disagreed to by the House of Representatives and ask for a further conference with the House thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. NELSON, and Mr. BERRY were appointed.

APALACHICOLA RIVER BRIDGE, FLORIDA.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 19178) to authorize the Apalachicola and Northern Railway to construct and maintain a bridge across the Apalachicola River and the East St. Mary River; which was read twice by its title.

Mr. MALLORY. That bill has been considered by a subcommittee of the Committee on Commerce, and is favorably recommended. I ask unanimous consent for its present consideration.

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

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

OUACHITA RIVER BRIDGE, ARKANSAS.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 19050) to authorize the county of Ouachita to construct a bridge across Ouachita River, Arkansas; which was read twice by its title.

Mr. BERRY. I have to attend a conference committee, and may not have an opportunity to be here for a time, and I ask unanimous consent that the bill may be considered at this time.

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

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

MISSOURI CENTRAL RAILROAD COMPANY.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill to which the attention of the Senator from Missouri [Mr. STONE] is called.

The bill (H. R. 19098) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri, was read the first time by its title and the second time at length.

Mr. STONE. There is another bill on the Calendar for which I shall presently ask consideration. I desire to say that this railroad is now in process of construction, and there are two bridges to be built in order to complete the line. It will do no good to pass this bill without passing the other one, and I should like to have both bills considered. I ask unanimous consent for the present consideration of this bill.

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

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

Mr. STONE. I now ask unanimous consent for the present consideration of the bill (H. R. 19097) to authorize the Missouri Central Railroad Company to construct and maintain a bridge

across the Missouri River near the city of St. Charles, in the State of Missouri.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 107) authorizing the commission to revise the laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary titles heretofore reported by said commission.

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

H. R. 17474. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various tribes for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 17865. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes; and

H. R. 18467. An act making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEMENWAY, Mr. VAN VOORHIS, and Mr. LIVINGSTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 4938. An act regulating the use of telegraph wires in the District of Columbia;

S. 5094. An act to promote the efficiency of the reserve militia and to encourage rifle practice among the members thereof;

S. 7184. An act to provide for an additional associate justice of the supreme court of the Territory of Arizona, and for other purposes;

S. R. 92. Joint resolution authorizing the President to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States; and

S. R. 101. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic.

THE BEEF INDUSTRY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of Commerce and Labor upon that portion of the resolution of the House of Representatives adopted March 7, 1904, having to do with the prices of cattle and dressed beef, the margins between such prices, and the organization, conduct, and profits of the corporations engaged in the beef-packing industry.

In view of the fact that the Department of Justice is now engaged upon other matters involved in the resolution, the Secretary of Commerce and Labor can not at this time report thereon.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 3, 1905.*

HOUSE LIBRARY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read, considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the superintendent of documents be, and he is hereby, authorized and directed to issue to the library of the House, for use in said library, twenty-five copies each of volume No. 21 and volume No. 27 of the United States Statutes at Large, twenty-five copies of the Revised Statutes of the United States, and twenty-five copies each of volume No. 1 and volume No. 2 of the Supplement to the Revised Statutes of the United States.

NAVAL APPROPRIATION BILL.

Mr. HALE. I submit the final report on the naval appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18467) "making appropriations for the naval service for the fiscal year ending June 30th, 1906," 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 amendments numbered 12 and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, and 33, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: Strike out the matter proposed to be inserted by said amendment and insert in lieu thereof the following: "*Provided*, That the limit of cost, exclusive of armor and armament, of each of the scout cruisers authorized by the act making appropriations for the naval service approved April 27, 1904, be $1,900,000;" and the Senate agree to the same.

On amendments numbered 18, 19, 20, 21, 22, 23, 24, 26, 27, and 28 the committee of conference have been unable to agree.

EUGENE HALE,
GEORGE C. PERKINS,
THOMAS S. MARTIN,
Managers on the part of the Senate.

GEORGE C. FOSS,
ALSTON DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

The PRESIDENT pro tempore. The report shows a disagreement as to certain amendments.

Mr. HALE. On those items the House has receded and agreed to our amendments.

The PRESIDENT pro tempore. That action must be contained in another message, which has not yet been read.

Mr. HALE. There is nothing left.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

JOHN QUILTER.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 11204) to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to insert at the end of the bill the following:

Provided, That said lease shall be first submitted to a vote of the members of the Seneca Nation of New York Indians qualified to vote on tribal matters, and that a majority of the votes cast shall be in favor of the ratification of said lease.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17865) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 6, 7, 11, 12, 13, 23, 25, 26, 28, 29, 30, 31, 32, 34, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 14, 16, 17, 18, 19, 21, 22, 33, 35, 36, 38, and 42, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered one-half, and agree to the same with an amendment, as follows: Strike out the word "fifteen" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an

amendment, as follows: Strike out the words "five inspectors" and insert in lieu thereof the words "ten inspectors in charge of divisions" so that it will read: "Ten inspectors in charge of divisions at $2,500 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Strike out the word "thirty" and insert in lieu thereof the words "forty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Strike out the words "four hundred and fifteen thousand seven hundred", and insert in lieu thereof the words "three hundred and sixty-eight thousand one hundred and fifty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amentment, as follows: Strike out the words "two hundred and ten" and insert in lieu thereof "two hundred and five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Strike out the word "where" and insert after the word "expenses" the words "in Alaska when," so that the amendment shall read as follows: "*Provided*, That on the direct order of the Postmaster-General any part of this sum may be allowed for clerk hire, rent, fuel, light, and miscellaneous expenses in Alaska, when by reason of unusual conditions the interest of the service demands such allowances;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Strike out the words "for use in the parcels post service;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: Strike out the words "forty-five" and insert in lieu thereof the words "thirty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: Strike out the words "nine hundred and fifty" and insert in lieu thereof "eight hundred and seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: Strike out the words "twenty-one thousand" and insert in lieu thereof "twenty thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: Strike out the words "fifty" and insert in lieu thereof the word "twenty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: Strike out the words "nine hundred and fifty thousand" and insert in lieu thereof the words "nine hundred thousand"; and the Senate agree to the same.

BOIES PENROSE,
J. P. DOLLIVER,
A. S. CLAY,
Managers on the part of the Senate.

JESSE OVERSTREET,
J. J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.

The report was agreed to.

GILBERT SHAW.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 15021) for the relief of Gilbert Shaw, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize Gilbert Shaw to select a tract of not more than 160 acres of the public lands of the United States subject to homestead entry, for which a patent shall issue forthwith, without any requirement as to occupancy or improvement and without the payment of any fees or charges, the grant being made by way of compensation on account of the loss of the northwest quarter of section 31, in township 8 north, range 7 east, in Lancaster County, Nebr., in good faith taken, occupied, and improved by him, but found to be embraced within a railroad land grant previously made.

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

DEBORAH W. ANNABLE.

Mr. BURNHAM. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 14393) granting an increase of pension to Deborah W. Annable, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension Deborah W. Annable, widow of Thomas H. Annable, late captain Company F, Twenty-sixth Regiment Massachusetts Volunteer Infantry, at the rate of $20 per month in lieu of that she is now receiving.

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

PURE-FOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

Mr. HEYBURN. Mr. President, I desire to consider for a short time the remarks made by the Senator from Connecticut [Mr. PLATT] yesterday in regard to this bill.

Mr. SPOONER. Mr. President, when the hour of adjournment arrived I had the floor on this bill.

The PRESIDENT pro tempore. On this bill?

Mr. SPOONER. On this bill. It is the regular order, is it not?

The PRESIDENT pro tempore. The regular order.

Mr. HEYBURN. I do not desire to take the Senator from Wisconsin off the floor. I did not understand he had the floor.

Mr. SPOONER. I had the floor.

Mr. HEYBURN. He did not give any evidence of taking it.

Mr. SPOONER. At the first moment I did.

Mr. LATIMER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. No; I want to make a motion. It is an utter——

Mr. HEYBURN. I think the Senator is entitled to the floor to continue his remarks——

Mr. SPOONER. I do not hold the floor with anybody's permission or upon any condition.

The PRESIDENT pro tempore. The Senator from Wisconsin has the floor.

Mr. SPOONER. I avail myself of the right to the floor to say that it is a farcical thing to continue the debate upon this bill, a debate which has really just begun, at this late hour of the session. I do not wish to take up the time of the Senate. There are other matters to be considered. The Senator from Idaho [Mr. HEYBURN] has with the utmost fidelity and conspicuous watchfulness and ability defended the bill and nursed it and watched over its interests and maintained its position as the unfinished business, and no one on earth can criticise him for infidelity to it if he yields to time and to the conditions which are now confronting the Senate.

I hope he will not press the bill further at this session. The Senator must appreciate the fact that while it is a great subject and while there are merits in the bill it is so far-reaching in its effect and operation that time ought to be taken to guard carefully against some of the evils in it which have been pointed out. He ought not, I think—I submit it to him with the utmost respect—to ask us at this stage of the session to proceed with its discussion. I say to him frankly that I have just begun exhorting on this bill.

Mr. HEYBURN. I would ask the Senator to yield to me to make a suggestion.

Mr. SPOONER. I propose to move that the bill be indefinitely postponed.

Mr. HEYBURN. I hope the Senator will withhold that motion until I can make a suggestion.

Mr. SPOONER. I will, with pleasure.

Mr. HEYBURN. The motion is debatable.

Mr. SPOONER. That is true. I intend to debate it.

Mr. HEYBURN. Shall I take my seat?

Mr. SPOONER. No. Go on.

Mr. HEYBURN. If the Senator from Wisconsin no longer claims the floor——

Mr. SPOONER. I yield to the Senator from Idaho.

Mr. HEYBURN. I wish to say a few words in justification of my efforts, which may have seemed somewhat persistent. I realize that because of the lateness of the session it will doubtless be impracticable and impossible to secure final action upon this measure, but there is something due to the measure and the principle involved in it before laying it aside.

I hope the Senate, when it does lay it aside, will leave it in such position that the public, whom we represent in this legislation, may understand that the Senate did not reject it with contumely or scorn for this class of legislation.

Mr. SPOONER. If my friend will permit me, on the contrary, every man who has opposed this bill concedes the importance of the principle which underlies it and which in part is embedded in it.

Mr. HEYBURN. I want to say a word or two in defense of even this bill. Senators have interposed some objections and submitted some proposed amendments that are worthy of consideration. That would be true of any bill which might be reported here from any committee, because the combined wisdom of the Senate is probably the ultimate best that can be obtained; and while members of one committee may possess ability which enables them to report a measure—I am not reflecting upon the remarks of the Senator—the Senate itself may be able to sift the questions down to a finer point. Yet this committee endeavored to present to the Senate a bill that met the necessities of the principle.

It has been suggested by the Senator from Wisconsin that this bill is defective in certain particulars, and I have no doubt at all that from the consideration the Senator has given it the bill could be improved upon his suggestion. But no definite proposition has been made as to amending the bill by the Senator from Wisconsin. He has pointed out certain defects in the measure proposed, but has not given us a basis upon which to discuss the views he has expressed.

It was suggested by the Senator from Connecticut [Mr. PLATT] that the bill would jeopardize the small dealer in drugs and food commodities, and that it is unfair because it does not provide sufficiently for the punishment of the manufacturer of this class of goods. I have prepared an amendment, and I intend to offer it now, in order that this matter may be laid aside respectfully and rested, for the consideration of the members of this body and the consideration of the people of the country, in a position where it can be intelligently and properly understood. Therefore, in order to meet the objection of the Senator from Connecticut, I offer an amendment on page 20, line 22, so that there can no longer be any doubt that this bill does provide a sufficient punishment for the manufacturer of this class of goods.

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

The SECRETARY. After the words "shall be," in line 22, page 20, it is proposed to insert:

guilty of a misdemeanor and shall be fined not exceeding $200 for the first offense and for each subsequent offense not exceeding $300, or be imprisoned not exceeding one year, or both, in the discretion of the court, and shall be.

Mr. PLATT of Connecticut. How will it then read?

The SECRETARY. So that if amended it would read:

SEC. 7. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 6 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $100 or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food or drug in violation of the provisions of this act shall be guilty of a misdemeanor, and shall be fined not exceeding $200 for the first offense, and for such subsequent offense not exceeding $300, or be imprisoned not exceeding one year, or both, in the discretion of the court, and shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

Mr. LATIMER. Will the Senator from Idaho yield to me for a moment to make a statement?

I wish to make a statement to the Senate. I have an important bill here which I think it will take but a moment to dispose of, with certain amendments. It has passed the House unanimously. I should like to get it through the Senate, so as to send it to the House, in order to have action during the present session. Will not the Senator yield for just a moment?

Mr. HEYBURN. So far as the Senator from Idaho is concerned, he will yield; but of course it is with the consent of the Senate.

Mr. LATIMER. I ask unanimous consent of the Senate——

Mr. SPOONER. Hold on. I supposed the Senator from Idaho was proceeding in my time. I have been standing here.

Mr. HEYBURN. I was not aware of that.

Mr. SPOONER. I yielded to the Senator.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. No, sir; not at this moment. I understood the Senator from Idaho to say that he did not expect a vote upon this amendment or the bill, and that he offered the amendment in order that it might be pending for the consideration of Senators in the real recess which I hope is to follow the adjournment of this Congress.

Mr. HEYBURN. That is true. I intended to go a little further and indicate my views in regard to the amendments offered yesterday by the Senator from Connecticut, so that the position of the committee, so far as I speak for it, might be fairly before the Senate.

Mr. SPOONER. I think if the Senator from Idaho would accept the amendments offered by the Senator from Connecticut there would not be enough of virility and merit left in the bill to warrant a burial in the pauper cemetery.

Mr. HEYBURN. Then I take it the Senator from Wisconsin is of the opinion that if the word "intent" were interposed at the places suggested by the Senator from Connecticut it would render the bill practically inoperative?

Mr. SPOONER. I think if the word "knowingly" were placed where it should be in this bill, throughout its length and breadth, its enforcement would be impossible.

Mr. HEYBURN. Yes. You never could convict an offender.

Mr. SPOONER. That is the position of the people who most desire a pure-food bill, and that is why I stated to the Senator in the beginning that I thought the bill was structurally inefficient. It is not right to leave the word out, as the bill has been drawn, nor is it right to put it in. So, if I may be permitted, I move, inasmuch as the Senator is not willing to let this matter be passed over until the next session of Congress——

Mr. HEYBURN. I will take a few moments in the consideration——

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy.

Mr. HEYBURN. I did not hear the motion.

Mr. SPOONER. I move that the Senate proceed to consideration of House bill 12273.

Mr. HEYBURN. Does the Senator ask unanimous consent?

Mr. SPOONER. No; I move. I make the motion.

Mr. LATIMER. Will not the Senator yield to me now?

Mr. SPOONER. Not just at this moment.

The PRESIDENT pro tempore. The Senator from Wisconsin moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy.

Mr. HEYBURN. I would inquire——

Mr. SPOONER. Is the motion debatable?

The PRESIDENT pro tempore. It is not.

Mr. HEYBURN. I do not desire to debate it, but I inquire whether or not the motion must not be preceded by a motion to lay aside the unfinished business?

The PRESIDENT pro tempore. No; because if the motion carries the unfinished business has disappeared. The question is on agreeing to the motion of the Senator from Wisconsin.

Mr. McCUMBER. Mr. President, before the vote is put, I wish to ask the Senator from Wisconsin if he will not yield long enough for me to suggest a few amendments to this bill, which I think would probably be adopted.

Mr. SPOONER. No, Mr. President, I think I have yielded long enough for the Senator to suggest all the amendments that ought to be made to the bill, and nothing else would be done until the gavel falls to-morrow at 12 o'clock.

The PRESIDENT pro tempore. Now, will the Senate please vote on the motion?

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

APPOINTMENT OF MIDSHIPMEN.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of the bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy. On this question the Senator from Idaho demands the yeas and nays.

The yeas and pays were not ordered.

Mr. CULBERSON. Some Senators, at least on this side of the Chamber, did not understand——

Mr HEYBURN. Mr. President, I call again for the yeas and nays.

Mr. CULBERSON. I was going to suggest that some on this side of the Chamber did not understand the suggestion of the Chair in putting the request for the yeas and nays and did not

second the demand. I think there is a sufficient demand for the yeas and nays to have them ordered, if the Chair will put the request again.

The PRESIDENT pro tempore. The Chair will again submit the request. The Senator from Idaho demands the yeas and nays. Is there a second?

The yeas and nays were ordered; and the Secretary called the roll.

Mr. MORGAN. I am paired with the Senator from Indiana [Mr. FAIRBANKS] and withhold my vote.

The result was announced—yeas 29, nays 23, as follows:

YEAS—29.

Alger	Daniel	Kean	Scott
Bacon	Depew	Lodge	Spooner
Bailey	Dryden	McEnery	Stewart
Bard	Foraker	Martin	Stone
Beveridge	Foster, La.	Money	Teller
Carmack	Frye	Patterson	
Clark, Wyo.	Gibson	Platt, Conn.	
Clay	Gorman	Quarles	

NAYS—23.

Blackburn	Fulton	Latimer	Millard
Burnham	Gamble	Long	Newlands
Culberson	Hale	McCreary	Overman
Dick	Heyburn	McCumber	Penrose
Dubois	Hopkins	McLaurin	Perkins
Foster, Wash.	Kittredge	Mallory	

NOT VOTING—38.

Aldrich	Clark, Mont.	Gallinger	Platt, N. Y.
Allee	Clarke, Ark.	Hansbrough	Proctor
Allison	Cockrell	Hawley	Simmons
Ankeny	Crane	Kearns	Smoot
Ball	Cullom	Knox	Taliaferro
Bate	Dietrich	McComas	Tillman
Berry	Dillingham	Mitchell	Warren
Burrows	Dolliver	Morgan	Wetmore
Burton	Elkins	Nelson	
Clapp	Fairbanks	Pettus	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized and empowered, in his discretion, to appoint to the naval service the three midshipmen of the then first class who were dismissed on the 6th day of November, 1903, pursuant to the findings and recommendations of a court-martial, said midshipmen to take rank at the foot of the class from which dismissed, and to serve at sea in like manner as the other members of said class: *Provided*, That such appointments shall not be operative or effective unless and until said midshipmen shall have passed such examinations and conformed to such requirements as may be prescribed by the Secretary of the Navy.

Mr. BLACKBURN. Mr. President, I desire to be heard upon this bill.

Mr. BEVERIDGE. I ask the Senator from Kentucky whether he will yield to me to ask for the passage of a little bill?

Mr. BLACKBURN. I would very gladly do it except that on yesterday the point of order was made against a Senator undertaking to farm out the privileges of the floor.

Mr. BEVERIDGE. I wish merely to call the Senator's attention to it. It concerns only a little court-house down in Arizona.

Mr. BLACKBURN. I shall be glad to yield, but, Mr. President, I wish to be heard upon this bill.

Mr. SPOONER. The ruling made by the Chair did not preclude a courtesy to other Senators, but precluded the farming out of the floor.

Mr. BLACKBURN. I will gladly yield to the Senator from Indiana.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Indiana?

Mr. BLACKBURN. Yes, sir.

COURT-HOUSE IN GILA COUNTY, ARIZ.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 18040) to authorize Gila County, Ariz., to issue $40,000 in bonds to build a court-house, etc.

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

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

PRIVILEGE OF YIELDING THE FLOOR.

The PRESIDENT pro tempore. The Chair does not wish to be misunderstood. The Chair did not rule that a Senator could not yield to a brother Senator. He simply ruled that it is entirely beyond the custom in the United States Senate for a Senator to take the floor and hold it for a quarter of an hour, or half an hour, or an hour, and parcel out the time, as is done sometimes in the other House. The Chair intended to say nothing that would prevent a Senator from yielding to a brother Senator once or more.

Mr. BLACKBURN. I did not understand that the Chair made any such ruling, but on yesterday that courtesy had been repeated so often that the point of order was made by the Senator from Connecticut. I only sought to have Senators understand that I was more than glad to extend the courtesy, subject to the point of order made on yesterday.

Mr. BAILEY. Mr. President, I am not satisfied with a practice that lodges in the Chair the power to decide how often a Senator can yield. He must either have the right to yield upon his responsibility to the Senators, or he has not the right to yield. That if he yields to two men it is in order, and if he yields to four men it is a breach of the rule, I do not believe is a safe decision. I simply rise to put in the RECORD my dissent from that. I recall that perhaps the first time the decision of the Chair in respect to that question was made was when one afternoon I, occupying the floor, yielded it repeatedly. I did so, though, not for the purpose of consuming the time or delaying the Senate, but I did so in response to the urgent requests of Senators.

This ruling of the Chair would be a most embarrassing one to a Senator who obtains the floor and to whom other Senators would appeal for an opportunity to present their bills. If he yields to A and B and C, and then D asks a similar courtesy, he must either take the chance of being ruled out of order or he must deny a courtesy to D that he has, in the presence of the Senate, accorded to three Senators before him.

I believe that the safer rule is that such yielding shall cease whenever any Senator sees fit to object to a Senator having the floor yielding to some one else. I believe that the safe rule, because unless the Senator who has the floor was abusing his right to yield no Senator would question it. I believe it better to leave it with the Senate to raise the point of order than to leave it with the Chair to decide how often a Senator can yield.

The PRESIDENT pro tempore. The Chair never has ruled in relation to that matter before an objection has been made; and, in the opinion of the Chair, when objection is made the Chair will be obliged to rule that the Senator has no right to yield the floor.

Mr. BAILEY. I concur in that.

The PRESIDENT pro tempore. Otherwise a Senator could take the floor and select his friends all over the Senate and recognize only those.

Mr. BAILEY. I thoroughly and cordially agree with the Chair in that opinion, and I only rose to dissent from what I understood to be the Chair's ruling—that the rule can only be enforced against a Senator who yielded too often.

The PRESIDENT pro tempore. The Chair never interfered, he never ruled, until objection was made.

Mr. HALE. I suppose that the ruling of the Chair, which it seems to me is clearly right in conducting the business of the Senate, is that at any time when a Senator has obtained the floor and is yielding, if the regular order is called for then the Senator must proceed.

The PRESIDENT pro tempore. That is practically the ruling of the Chair.

Mr. BAILEY. After yielding the first or second time?

The PRESIDENT pro tempore. It makes no difference when, if the regular order is called for.

CONSIDERATION OF UNOBJECTED BILLS.

Mr. GORMAN. Mr. President, I desire the attention of the Senator from Wisconsin for a moment.

I ask the unanimous consent of the Senate that until 4 o'clock we shall proceed with the consideration of bills on the Calendar under Rule VIII, where a single objection takes a bill over. There are quite a number of unobjected bills that Senators would like to have passed. I ask that such bills may be considered until 4 o'clock.

Mr. HALE. Only unobjected cases?

Mr. GORMAN. Under Rule VIII, where a single objection takes a bill over.

The PRESIDENT pro tempore. The Chair supposes the request would not interfere with conference reports.

Mr. GORMAN. As a matter of course not. I except reports of conference committees.

Mr. LODGE. I suggest to the Senator from Maryland to confine his request to House bills.

Mr. GORMAN. There are one or two Senate bills on the Calendar which Senators desire to have passed.

Mr. LODGE. Very well.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent that until 4 o'clock the Senate will

proceed with the consideration of bills on the Calendar under Rule VIII.

Mr. ALLISON. Not to interfere with conference reports.

The PRESIDENT pro tempore. Not to interfere with conference reports.

Mr. SPOONER. Really, the only thing that is not safeguarded by this proposition is the bill which I want to have passed.

Mr. GORMAN. That is to be only temporarily laid aside.

Mr. SPOONER. It is a House bill. If the Senator will limit his request to one hour, I will gladly yield.

Mr. GORMAN. I have no objection to limiting it to an hour.

Mr. SPOONER. With the understanding that at the end of that time House bill 12273 comes up.

Mr. GORMAN. Yes; at half past 3 o'clock.

Mr. SPOONER. At half past 3 o'clock. The understanding is that at the expiration of that hour this bill will come up.

Mr. GORMAN. It is only temporarily laid aside.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maryland that House bill 12273 be temporarily laid aside and that the Senate for one hour shall proceed to the consideration of unobjected bills on the Calendar?

Mr. LATIMER. Mr. President, I wish to make an inquiry. Can one Senator get the floor and call up bills right along for an hour?

The PRESIDENT pro tempore. The Calendar will be called in regular order.

Mr. LATIMER. Then my bill may not be reached. It was just put on the Calendar yesterday.

Mr. TELLER. Regular order.

The PRESIDENT pro tempore. The regular order is demanded. Is there consent? The Chair hears no objection, and the order is made. The consideration of the Calendar for one hour will commence now, and the bill before the Senate at this moment is simply temporarily laid aside, to be taken up at the expiration of one hour. The Chair takes it that the consent to give one hour to the Calendar will not prevent the Presiding Officer from laying before the Senate bills, etc., which come from the House.

Mr. TELLER. Are we to begin on page 15 of the Calendar?

The PRESIDENT pro tempore. That is the place.

The Secretary will announce the first bill on the Calendar under Rule VIII.

BILLS PASSED OVER.

The bill (S. 6513) for the widening of a section of Columbia road east of Sixteenth street was announced as first in order.

Mr. TELLER. I think I will take the privilege of objecting to these Senate bills as they come up.

The PRESIDENT pro tempore. The bill goes over.

Mr. TELLER. If any Senator has a special bill, he can reserve it.

Mr. McCUMBER. I do not understand what the objection is.

The PRESIDENT pro tempore. The Senator from Colorado simply gave notice that he should object to the consideration of every Senate bill unless some Senator having one in charge should make a special request that it might be considered, or something to that effect.

Mr. McCUMBER. I make a special request that Senate bill 6513 may be considered.

Mr. LODGE. I think we had better not pass the Indian Territory bills which follow. I object.

The PRESIDENT pro tempore. The Senator from Massachusetts objects.

Mr. McCUMBER. If the Secretary would read the title of the bills we would know what the bill was.

The SECRETARY. Order of Business 3306. A bill (S. 5952) establishing an additional recording district in Indian Territory, and for other purposes.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 6126) to authorize the issue of patents of lands embraced in Indian allotments in South Dakota was announced as the next in order.

Mr. TELLER. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 2854) to provide for a final settlement with the Clatsop tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain agreement between said parties, dated August 7, 1851, was announced as next in order.

Mr. TELLER. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2853) to provide for a final settlement with the Tillamook tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain agreement between said parties, dated August 7, 1851, was announced as next in order.

Mr. TELLER. Let that go over. Those Indians are provided for in other bills.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 6864) for the establishment of an additional recording district in the Indian Territory, and for other purposes, was announced as next in order.

Mr. TELLER. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6572) to establish a fish-cultural station in the State of Illiois was announced as next in order.

Mr. CULLOM. My colleague [Mr. HOPKINS], who is temporarily absent, reported that bill.

Mr. PERKINS. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

Mr. LONG. What was done with Senate bill 6864, Mr. President?

The PRESIDENT pro tempore. It went over on objection.

Mr. LONG. Who objected?

Mr. TELLER. I objected.

The bill (S. 6840) to authorize the construction of a bridge over the Black Warrior River, between the counties of Green and Marengo, in the State of Alabama, was announced as next in order.

Mr. PLATT of Connecticut. Did not a bill for that purpose pass the Senate yesterday, Mr. President?

The PRESIDENT pro tempore. The Chair thinks a similar House bill was passed by the Senate yesterday.

Mr. PLATT of Connecticut. Then I suggest that the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6841) to authorize the construction of a bridge over the Alabama River, between the counties of Clark and Monroe, State of Alabama, was announced as next in order.

Mr. TELLER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6839) to authorize the construction of a bridge over the Tombigbee River, in the county of Lowndes, in the State of Mississippi, was announced as next in order.

Mr. LODGE. I object to that bill, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5123) for the widening of the Bladensburg road, and for other purposes, was announced as next in order.

Mr. TELLER. Let that go over.

Mr. GORMAN. I should like to have that bill considered at this time. It is a very small matter, merely providing for the widening of Bladensburg road.

Mr. TELLER. I objected to that bill, but, of course, if the Senator desires to have the bill taken up I will withdraw my objection.

Mr. GORMAN. I should like to have the bill considered and passed at this time.

Mr. TELLER. I think it is perfectly useless to pass Senate bills at this late hour.

Mr. GORMAN. Probably so.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

The bill (S. 6340) to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon, was announced as next in order.

Mr. TELLER. I object to that.

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

The bill (S. 6327) for the relief of L. K. Scott was announced as next in order.

Mr. TELLER. I object to that.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 18000) authorizing the extension of W street NW. was announced as next in order.

Mr. SCOTT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2805) for the relief of William B. Todd was announced as next in order.

Mr. TELLER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5800) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota was announced as next in order.

Mr. TELLER. I object to that, as it is a Senate bill.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7036) to regulate certain criminal procedure in the Indian Territory was announced as next in order.

Mr. LODGE. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6565) granting right of way for trailway to W. W. Bass, of Coconino County, Ariz., for travel across the Grand Canyon of Arizona, and ferry privileges, etc., across the Colorado River therein, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5816) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 10424) to provide for the construction of a bridge and approaches thereto across the Missouri River at or near Council Bluffs, Iowa, was announced as next in order.

Mr. MILLARD. I object.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 6875) authorizing and directing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, was announced as next in order.

Mr. TELLER. I object to the consideration of that bill.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5106) to amend section 4136, Revised Statutes of the United States, was announced as next in order.

Mr. LODGE. I object.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 6968) to amend section 605 of the code of law for the District of Columbia, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7139) to amend paragraph 17, of section 7, of an act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, approved July 1, 1902, was announced as next in order.

Mr. TELLER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7137) to amend section 2 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6738) relating to the inspection of steam boilers in the District of Columbia, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5443) to create a juvenile court in and for the District of Columbia, was announced as next in order.

Mr. TELLER. That is a good bill, but I object to it as it is impossible for it to get through both Houses at this session.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6289) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, was announced as next in order.

Mr. LODGE. Let that go over.

Mr. GORMAN. I hope that bill will be considered.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (S. 6051) to provide for the use of vessels of the United States for public purposes was announced as next in order.

Mr. TELLER. I object to the consideration of that bill, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (H. R. 11204) to ratify and confirm a lease made by the Seneca Nation (of New York) Indians to John Quilter was announced as next in order.

Mr. LODGE. I object.

Mr. HEYBURN. I should like to have that bill considered and passed.

Mr. TELLER. It is not worth while to undertake to consider that bill now.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

The bill (S. 3954) providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State or city of the United States in the capitol building or city hall of said State or city was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7088) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 13355) to amend the copyright laws was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. R. 102) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution as a memorial to students of said university who served in the Spanish-American war, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 7207) to provide for the government of the Canal Zone at Panama, and for other purposes, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 495) for the erection of a statue of Gen. Otho Holland Williams, at Williamsport, Md., was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. R. 95) to create a commission to examine into the subjects of citizenship of the United States, expatriation, and protection abroad was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 7025) to amend section 3 of an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7001) to amend an act entitled "An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army," was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6828) to amend section 4045 of the Revised Statutes was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 16584) for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa., was announced as next in order.

Mr. McCUMBER. I object to the consideration of that bill.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 18040) to authorize Gila County, Ariz., to issue $40,000 in bonds to build a court-house, etc., was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7172) providing for the appointment of an appraiser of merchandise and an assistant appraiser for the customs-collection district of Puget Sound, State of Washington, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6980) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7218) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7247) ceding a strip or parcel of land to the city of Hot Springs, Ark., for use as a public street was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5860) for the relief of settlers upon the aban-

doned Fort Rice Military Reservation was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 4637) authorizing and directing the Secretary of the Treasury to pay James L. Anderson the sum of $598.28 was announced as next in order.

Mr. McCUMBER. I object to that bill, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

ILLINOIS CENTRAL RAILROAD COMPANY.

The bill (H. R. 11664) to reimburse the Illinois Central Railroad Company for damage to union depot at Louisville, Ky., by blasting in the Ohio River was considered as in Committee of the Whole.

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

BILLS PASSED OVER.

The bill (H. R. 6975) to amend section 2 of an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, amended April 28, 1904, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6383) to provide for an Alaska government board, and for other purposes, was announced as next in order.

Mr. LODGE. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 13356) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States and defining the qualifications of electors in said Territory was announced as next in order.

Mr. PLATT of Connecticut. Let that bill go over, Mr. President.

Mr. PATTERSON. I hope the Senator from Connecticut will withdraw his objection to that bill. It is one of the greatest importance. There are 90,000 American citizens 5,000 or 6,000 miles distant from the capital, for whom all legislation is passed by Congress, with no legislative body of their own and with no representative here officially qualified to represent them.

Mr. PLATT of Connecticut. My objections to that bill are fundamental, and I can not withdraw them. I shall have to discuss that bill at great length if it is to be considered.

Mr. PATTERSON. Why, Mr. President, it is a measure simply providing for a Delegate from the district of Alaska so that the people of Alaska may have somebody here authorized to represent them, to make known their views and to make known their necessities.

Mr. PLATT of Connecticut. I have no objection to that; but I have objection to this bill.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7167) to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes, was announced as next in order.

Mr. BLACKBURN. Let that go over, under Rule IX.

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

The bill (H. R. 14752) to change the name of the East Washington Heights Traction Railroad Company was announced as next in order.

Mr. TELLER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

WILLIAM A. TREADWELL.

The bill (S. 3535) to grant an honorable discharge to William A. Treadwell was considered as in Committee of the Whole.

Mr. PERKINS. That bill contains only nine lines, and I hope it may be acted upon now.

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

JAMES S. HARBER.

The bill (H. R. 3916) for the relief of James S. Harber was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "Volunteers," to insert "as of date of March 5, 1863;" so as to make the bill read:

Be it enacted, etc., That James S. Harber, late a member of Company D, Sixteenth Iowa Infantry Volunteers, be held and considered to have been honorably discharged, and that the Secretary of War is hereby authorized to carry this act into effect by issuing to said James S. Harber an honorable discharge from Company D, Sixteenth Iowa Infantry Volunteers, as of date of March 5, 1863: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 17861) to grant to Charles H. Cornell the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation, was announced as next in order.

Mr. DIETRICH. I shall have to object to that bill.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5600) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7238) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across the Lower Willamette River, in the State of Oregon, above Elk Rock, was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

Senate concurrent resolution (S. C. Res. 106) to grant permission to Jefferson M. Levy to have a cast made, at his expense, for presentation by him to the municipality of Angers, in the Republic of France, was announced as next in order.

Mr. LODGE. I object.

The PRESIDENT pro tempore. The concurrent resolution will be passed over.

The bill (S. 3164) for the relief of Albert S. Henderer was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 13772) to amend section 858 of the Revised Statutes of the United States was announced as next in order.

Mr. McCUMBER. Let that bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6319) providing for compulsory education in the District of Columbia was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7170) for the relief of James A. Russell was announced as next in order.

Mr. TELLER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7279) to authorize John Hay to accept a decoration conferred upon him by the Government of the French Republic was announced as next in order.

Mr. CULLOM. I object to the consideration of the bill.

Mr. ALLISON. I object.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

Mr. ALLISON. Mr. President, I did not intend to object to the consideration of Senate bill 7279.

Mr. TELLER. I object, if the Senator does not.

Mr. CULLOM. I objected. The other day when I reported the bill and asked that it be considered, the Senator from Wisconsin [Mr. SPOONER], who is not now present, objected. I will not ask to have the bill considered in the absence of that Senator.

The bill (H. R. 18464) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota was announced as next in order on the Calendar.

Mr. TELLER. I object to that bill.

The PRESIDING OFFICER (Mr. KEAN in the chair). Objection being made, the bill goes over.

SPECIAL LAWS IN THE TERRITORIES.

The bill (H. R. 18514) to amend an act to prohibit the passage of special or local laws in the Territories, to limit Territorial indebtedness, and to legalize the indebtedness of school district No. 1, in Pawnee County, Okla., was considered as in Committee of the Whole.

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

YING HSING WEN AND TING CHIA CHEN.

The joint resolution (H. J. Res. 222) permitting Ying Hsing Wen and Ting Chia Chen, of China, to receive instruction at the Military Academy at West Point was announced as next in order.

Mr. LODGE. Has not that joint resolution been passed?

The PRESIDING OFFICER. It has not been passed, the Chair is informed.

Mr. LODGE. I think it was passed yesterday.

The PRESIDING OFFICER. It was read yesterday, but objection was made to its consideration.

Mr. LODGE. I have no objection to the consideration of the joint resolution.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

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

BILLS PASSED OVER.

The bill (S. 3782) to carry into effect the findings of the Court of Claims in the Congressional case No. 23123, the Washington Loan and Trust Company, legal representative of the estate of Aaron Van Camp, deceased, and Mary M. U. Chapin and Rua P. Chapin, legal representatives of the estate of Virginius P. Chapin, deceased, against the United States, was announced as next in order.

Mr. TELLER. I object to that bill.

The PRESIDING OFFICER. Objection being made, the bill goes over.

The bill (S. 5985) to provide for the payment of the volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848 was announced as next in order.

Mr. TELLER. I object to that bill.

The PRESIDING OFFICER. Objection being made, the bill goes over.

INTERSTATE TRANSPORTATION OF INSECT PESTS.

The bill (H. R. 18754) to prohibit interstate transportation of insect pests, and the use of the United States mails for that purpose, was considered as in Committee of the Whole.

Mr. PLATT of Connecticut. I wish to ask the Senator from South Carolina what necessity there is for this bill? I should like to have that explained.

Mr. LATIMER. This bill came over from the House of Representatives. Last year we appropriated $200,000 to stamp out the boll weevil in Texas, and this year the appropriation is $180,000, but there is no provision, as I understand now, to prevent the shipping from one State to another of the boll weevil or the pestiferous insects spoken of in this bill.

Mr. DOLLIVER. Who tries to ship them?

Mr. PLATT of Connecticut. If the Senator will allow me, I will put my question so that he may understand just what I desire to know?

Mr. LATIMER. Certainly.

Mr. PLATT of Connecticut. I ask what necessity there is for the bill? Do the railroad, steamboat, express, stage, and other transportation companies engage, as common carriers, in the business of transporting from one State to another moths, etc., for hire? That is the point.

Mr. LATIMER. I want to say to the Senator that in some of the States in the South laws have been passed prohibiting the importation from one State to another of insects, such as the boll wevil, but there is no provision that prevents their importation under the interstate-commerce law. The object of this bill is to enact legislation to cover the whole scope of the subject.

Mr. PLATT of Connecticut. But what I want to know is whether any transportation company, steamboat company, express company, or any common carrier is now engaged, or is likely to engage, in the business of sending these pests from one State to another?

Mr. LODGE. If the Senator from South Carolina will allow me, I think the extirpation of the boll weevil is of enormous interest to the entire country, and particularly to the manufacturing districts of my State. The Senator from Connecticut speaks of this bill as if it were quite an absurd thing to have these insects sent by mail or by transportation companies. An experimenter in my Sate some years ago, who thought he could develop a good silk worm by crossing certain breeds of moths, imported from France into the State of Massachusetts a collection of insects, such as gypsy moths. They were brought into this country in the ordinary way by transportation companies. He made his experiments. They failed, and when he got through he turned the moths loose. It has cost the State of Massachusetts alone over a million dollars to try to extirpate them. They are somewhat checked, but that is the utmost I can say. We have suffered so much from them that I want to see every precaution taken to prevent their spreading into other States.

This bill does not affect the conditions in my own State, but I am speaking out of the depths of a very severe experience that our people have had, and if there is any way to prevent curious or foolish or malicious persons from sending the eggs of these insects across State lines, I think it ought to be done. All that this bill proposes is to make it a penal offense to knowingly ship specimens of these pestiferous insects.

Mr. CULBERSON. The word "knowingly" is not in the bill.

Mr. LODGE. "Knowingly" is in the bill, as I read it. I have a copy before me.

Mr. LATIMER. It is in the amended bill.

Mr. CULBERSON. It is not in the copy that I have.

Mr. PLATT of Connecticut. It is in the penal clause in section 4.

Mr. LATIMER. It is in the penal clause. I desire to say, in addition to what the Senator from Massachusetts has said——

Mr. CULBERSON. I thought the Senator had concluded. I desire to ask the Senator in charge of the bill one or two questions when he can conveniently answer them.

Mr. LATIMER. In a moment. I want to say that the curiosity of the farmers and cotton planters of the South in regard to the boll weevil and the great damage it has done to the cotton crop in Texas, about which there has been so much said in the press, has caused many people to want to see this insect, and it is rumored that specimens of it have been sent through the mails in envelopes to farmers, in order that they might know the weevil when they would see it. The estimate of damage is anywhere between fifteen and forty million dollars caused in Texas by the destruction to the cotton crop by the boll weevil. If it is of sufficient importance for Congress to appropriate $330,000 to stamp out this pest, which has done so much damage to the cotton crop, it does seem to me that a harmless bill of this kind ought to become a law, that protects the innocent shipper and punishes the man who ships knowingly these pests into any State for the purpose of destroying this crop.

Mr. CULBERSON. Mr. President, I simply want to say that if I believed the Senator from South Carolina was insisting seriously upon the passage of this bill for the reasons given in the absurd and ridiculous letter which was read last night at the request of the Senator from New Jersey [Mr. KEAN], I would object to its present consideration.

Mr. LATIMER. I want to say to the Senator that I have made no reference to the letter which was introduced here.

Mr. CULBERSON. I understand. I repeat, if I believed that the Senator from South Carolina based his reasons for the passage of this bill upon such an absurd and ridiculous letter, I would object to the consideration of the bill.

Mr. LODGE. The Senator from Texas will allow me? I never heard of the letter until I heard it read at the desk. It is perfectly absurd. My interest grows out of the evil experiences we have had from these insects.

Mr. CULBERSON. Before I pass upon the question myself as to whether or not unanimous consent shall be given for the present consideration of the bill, I desire to ask the Senator from South Carolina if there is anything in the bill which will prohibit common carriers from transporting cotton in bales and cotton seed, which may possibly contain the boll weevil?

Mr. LATIMER. I think if it were proven that the boll weevil existed in the cotton or the cotton seed its transportation would be prohibited, if it was knowingly done.

Mr. McLAURIN. Provided it was knowingly done.

Mr. LATIMER. I say if it was known. This bill, then, would cover it.

The State of South Carolina, I think, now prohibits the importation of oats and cotton seed from the State of Texas on account of the boll weevil. We are powerless——

Mr. CULBERSON. How can the State of South Carolina constitutionally——

Mr. LATIMER. It provides that they shall not be shipped into the State. The State has a right to prohibit pests of this

sort being shipped into the State under the State law. Now, we are trying to correct it under the interstate-commerce clause of the Constitution.

Mr. CULBERSON. I shall reserve the right to object to the consideration of this bill until it has been read.

Mr. LATIMER. It has been read.

The PRESIDENT pro tempore. It has been read.

Mr. McCUMBER. Mr. President, I wish to say a word before the Senator objects to a bill of this kind. I was certainly very much interested in the plea of the Senator from Massachusetts [Mr. LODGE] for the protection of the State of Massachusetts against pestiferous importations.

Mr. LODGE. If the Senator will allow me to interrupt him, we have the pest and it is the other States which are in danger of it.

Mr. McCUMBER. And the whole of the United States has the pest of impure foods that are constantly emanating from the State of Massachusetts. They are more pestiferous than any animals that have ever been brought from any country into this country.

I agree absolutely with the Senator in what he says of the millions of dollars of damages that result from these pestiferous insects that are imported from one State to another, and are liable to cost the other States millions of dollars. But we have shipped from that good old Commonwealth into our State certain foods, and it is costing our people thousands upon thousands of dollars in the attempt to protect themselves against those importations.

A bill of that character was introduced in the Senate six years ago. Such a measure has passed the House almost unanimously on three different occasions. It had the consideration and the due deliberation of that eminent statesman from Iowa [Mr. HEPBURN] and others upon the House committee. It has received very careful consideration. The report of the committee states that the people of the United States are being imposed upon at the rate of about three billion dollars' worth a year of pestiferous foods in the shape of Boston baked beans, for instance, with a little piece of pork put in the bottom of the can, and that pork has been deodorized and doctored up over and over again until one can not get the smell of it, but there is simply some kind of grease with the beans. We have importations from one State to another of catsups that are made out of the refuse of the great canning factories. We have hake from the grand old Commonwealth of Massachusetts which is sent out from there and marked "codfish;" and our people are imposed upon in that way. But the Senate has not time to consider a matter of that character, although it does amount to $15,000,000,000 in the entire aggregate of adulterated and misbranded foods that are scattered over the country in a single year.

I am glad to hear that the Senator from Massachusetts really believes that Congress not only has the power, but that it is the duty of Congress to exercise that power over interstate commerce in pestiferous articles which are liable to affect the remainder of the Union.

Mr. President, I sincerely hope that the Senator who desires to have the Senate take up and consider this bill will also agree that our people in the West, who are suffering and suffering greatly from the poisonous foods that are sent out from the great manufacturing States, shall be protected, and that he will assist us in overcoming this tendency to defraud the public, as I would gladly assist the Senator in preventing the overrunning of Massachusetts by any kind of a moth or imported bug.

I call the attention of the Senator to the report made by the commissioner of our own State, that of all the canned goods which were marked "turkey" or "breast chicken," not one contained an atom of turkey or chicken.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator form North Dakota to the fact that the Senate is proceeding, under the five-minute rule, under Rule VIII, and his time has expired.

Mr. LODGE. Mr. President, I desire to say a single word. I have voted for a great many appropriations, I think, for the extirpation of obnoxious insects and obnoxious grasses in the western country, and I have never voted against a pure-food bill. I hope to see a good one passed. But when the pure-food bill is advocated by such speeches as we have just listened to, there is not much difficulty in understanding why it does not get on better.

Mr. CULBERSON. Unanimous consent has not been given for the consideration of Calendar No. 4230, and if the Senator will pardon me for a moment——

Mr. McCUMBER. I object to the consideration of the bill.

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

Mr. LATIMER. Mr. President——

Mr. CARMACK. I hope the Senator from North Dakota will not object to the consideration of the bill.

Mr. McCUMBER. The hope of the Senator from Tennessee is very vain. I certainly shall.

Mr. LATIMER. I move to take up the bill we have been considering.

Mr. CULBERSON. I rise to a point of order.

Mr. KEAN. You can not do that until the time is up.

Mr. PLATT of Connecticut. That motion is in order, Mr. President.

The PRESIDENT pro tempore. It is. It is in order under Rule VIII.

Mr. SPOONER. Subject to——

The PRESIDENT pro tempore. It is in order to move to proceed to the consideration of the bill, notwithstanding the objection.

Mr. SPOONER. That is subject to the unanimous consent, I suppose.

The PRESIDENT pro tempore. Fifteen minutes more of the hour yet remain.

Mr. SPOONER. All I care to know is that if the Senate takes up this bill by motion, to which I do not object, it does not displace——

The PRESIDENT pro tempore. The motion comes within the unanimous-consent agreement, because the proceeding will be under Rule VIII.

Mr. KEAN. Can the motion be made now? There remain fifteen minutes of the hour, according to the unanimous consent, during which the Senate should proceed under Rule VIII.

Mr. SPOONER. But after the bill is taken up by motion it is not subject to objection.

Mr. KEAN. But during the hour the Senator from South Carolina can not make the motion.

Mr. LODGE. The Calendar is finished.

Mr. PATTERSON. No; not quite yet.

Mr. KEAN. No.

Mr. PLATT of Connecticut. I think this motion is in order.

The PRESIDENT pro tempore. The Chair has ruled that it is in order.

Mr. LATIMER. I move that the Senate proceed to consider the bill.

Mr. SPOONER. I have not contested its being in order within the unanimous-consent agreement, but if it is to displace the unfinished business, then, of course, it is not in order.

The PRESIDENT pro tempore. No; the Chair understood the unanimous consent to be that the Senate would proceed to consider unobjected cases on the Calendar under Rule VIII.

Mr. KEAN. For one hour.

The PRESIDENT pro tempore. For one hour.

Mr. SPOONER. Very well. When that hour expires——

Mr. LODGE. The Calendar is finished.

Mr. KEAN. I beg pardon. There are a few more cases.

Mr. SPOONER. Whether the Calendar was finished or not, the honor of the Senate stands for the proposition that this bill shall be taken up.

Mr. LODGE. Your bill is up.

The PRESIDENT pro tempore. "This bill." The present occupant of the Chair was out of the Chamber for a few minutes. Has this bill been reached on the Calendar in regular order?

Mr. LATIMER. Yes, sir.

Mr. SPOONER. And read.

The PRESIDENT pro tempore. Then the motion of the Senator is in order.

Mr. McCUMBER. I rise to a point of order. I desire to ask the Chair whether the unanimous-consent agreement was that unobjected bills might be taken up or whether we were simply to follow the Calendar. I ask because I do not remember what it was.

The PRESIDENT pro tempore. Unobjected cases on the Calendar under Rule VIII.

Mr. McCUMBER. And those bills only were to be taken up?

The PRESIDENT pro tempore. Those only were to be taken up.

Mr. McCUMBER. And this is objected to.

Mr. LATIMER. It was not objected to until we proceeded to consider it.

The PRESIDENT pro tempore. The rule provides that if objection is made, a motion shall be in order to proceed to the consideration of the bill notwithstanding the objection.

Mr. McCUMBER. Then the bills following this one on the Calendar could not be considered until it is disposed of?

Several SENATORS. No.

Mr. CULBERSON. Is the motion of the Senator from South Carolina to take up this bill debatable? I was in the act of

making a statement in reference to my position with respect to the bill.

Mr. LATIMER. I ask if the motion is debatable?

Mr. TELLER. I call for the regular order. The Senator can explain when the bill comes up, if it comes up.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Carolina to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Interstate Commerce with amendments.

The first amendment was, in section 1, page 1, line 7, after the word "Columbia," to insert "or from a foreign country into the United States;" and on page 2, line 4, after the word "Territory," to insert "or from a foreign country into the United States;" so as to make the section read:

That no railroad, steamboat, express, stage, or other transportation company shall transport from one State or Territory into any other State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, or from a foreign country into the United States, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, or any of them, in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid, except when shipped for scientific purposes under the regulations hereinafter provided for; nor shall any person remove from one State or Territory into another State or Territory, or from a foreign country into the United States, or from a State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, except for scientific purposes under the regulations hereinafter provided for, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid.

The amendment was agreed to.

The next amendment was, on page 4, to insert at the end of section 3 the following:

And nothing in this act shall be construed to prevent any State from making and enforcing laws in furtherance of the purposes of this act, prohibiting or regulating the admission into that State of insects from a foreign country.

So as to make the section read:

SEC. 3. That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed, to prepare and promulgate rules and regulations under which the insects covered by sections 1 and 2 of this act may be mailed, shipped, transported, delivered, and removed, for scientific purposes, from one State or Territory into another State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, and any insects covered by sections 1 and 2 of this act may be so mailed, shipped, transported, delivered, and removed, for scientific purposes, under the rules and regulations of the Secretary of Agriculture: *Provided*, That the rules and regulations of the Secretary of Agriculture, in so far as they affect the method of mailing insects, shall be approved by the Postmaster-General, and nothing in this act shall be construed to prevent any State from making and enforcing laws in furtherance of the purposes of this act, prohibiting or regulating the admission into that State of insects from a foreign country.

The amendment was agreed to.

Mr. LATIMER. There are some additional amendments. On page 1, line 9, after the word "louse," I move to insert "boll weevil."

The amendment was agreed to.

Mr. LATIMER. On page 2, line 9, after the word "louse," I move to insert "boll weevil."

The amendment was agreed to.

Mr. LATIMER. On page 2, line 17, after the word "louse," I move to insert "boll weevil."

The amendment was agreed to.

Mr. CULBERSON. Mr. President, when cut off by the objection to the consideration of the bill, I was proceeding to state to the Senate that if the Senator from South Carolina would accept a slight amendment—an amendment of one word in section 1—I would have no objection to the consideration of the bill.

I simply rise now that that statement may go in the RECORD. It is true that our State has suffered incalculable injury from the boll-weevil pest, and there is no disposition on the part of any citizen of that State that this misfortune should be shared by any other Commonwealth. But I think the bill could be improved, and it will remove some embarrassment to shippers and to common carriers if the Senator from South Carolina, in charge of the bill, will allow section 1 to be amended so that it may be in consonance with section 4.

I therefore move to amend the bill on page 1, line 4, after the word "shall," by inserting the word "knowingly."

Mr. LATIMER. I accept the amendment.

The PRESIDENT pro tempore. If there be no objection, the amendment is agreed to.

Mr. McCUMBER. Mr. President, to the principle of the bill I have no objection. Possibly I would not take the time of the Senate again were it not for the closing words of the Senator from Massachusetts [Mr. LODGE], who has given his opinion as to why the pure-food bill has not been considered before this time, that it is owing to the character of the arguments which have been made in favor of it.

I am well aware of the superior knowledge, the attainments, the legal ability of the Senator from Massachusetts; but when the Senator from Massachusetts gives that as the reason why this bill has not been considered, I beg leave to differ with him and to say that he knows a reason, a good reason other than that which has been expressed on this floor, why the pure-food bill has not made better headway.

I guarantee that there is not a better lawyer nor a finer gentleman nor a more acute, earnest, honest statesman on this floor than the Senator from Idaho [Mr. HEYBURN] who has charge of the bill. He has worked in season and out of season, as has been suggested by the Senator from Wisconsin [Mr. SPOONER], for the purpose of getting consideration of a subject-matter that has never been considered, and consideration of which could not be had in the Senate, no matter what effort has been put forth in the last six years.

During all the time that the measure has been before the Senate not an amendment has been suggested until within the last day or two. The effort has not been that this bill might have consideration. The effort has been that the bill should not have consideration, and that effort has been successful; and those who say it was because of the speech that has been made here within the last twenty minutes by a Senator who has advocated this bill can certainly have all the credit they desire from that standpoint.

Mr. President, I wish to say now that notwithstanding the generous and kindly remarks of the Senator from Massachusetts, the people of the United States do desire some protection against impure and fraudulent goods that are imposed upon them year by year, month by month—frauds which not only destroy lives, frauds which not only murder their children, but frauds which also rob their pocketbooks.

This Government has passed stringent laws against the counterfeiting of its currency. He who attempts to do anything of that sort must look in the face a sentence of ten years in the penitentiary. While we protect the Government in the making of its money, while we impose dire penalties on the man who would adulterate it, even to the value of a farthing, we are practically doing nothing to protect the man who pays a good dollar for a fraudulent article that is not worth a penny.

Mr. SPOONER. Mr. President——

Mr. McCUMBER. I will listen to the Senator from Wisconsin.

Mr. SPOONER. I have no part in the controversy between the Senator from North Dakota and the Senator from Massachusetts so far as it is personal.

Mr. McCUMBER. The Senator from North Dakota will perhaps answer the Senator.

Mr. SPOONER. As I remember, the Senator from Connecticut and I have principally opposed the pure-food bill at this time. The Senator refers to some mysterious reason, known to the Senator from Massachusetts, why there has been opposition to the bill.

Mr. McCUMBER. I beg the Senator's pardon. I have not used the word "mysterious," nor has it been in the slightest degree mysterious to me.

Mr. SPOONER. What does the Senator mean by that—that there is any occult reason or any reason outside of the bill itself? I will be glad if he will make his meaning clear so far as it relates to the opposition which the Senator from Connecticut and I have made to the bill.

Mr. McCUMBER. I will state it. For six years there has been an attempt to get consideration of a pure-food bill by the Senate of the United States. The pressure has been constant; it has been insistent; and yet we have never been able to place it upon the Calendar where it could receive consideration until so late in the day that it was impossible to have it considered, and fully considered, before the close of the session.

Mr. ALLISON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. Certainly.

Mr. ALLISON. May I ask the Senator from North Dakota to yield long enough for me to present a conference report on the sundry civil bill?

Mr. McCUMBER. With pleasure.

The PRESIDENT pro tempore. The time referred to in the unanimous-consent agreement has expired.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18969) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 13, 17, 18, 22, 23, 25, 30, 35, 36, 40, 41, 53, 55, 56, 59, 69, 90, 95, 100, 103, 104, and 106.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 9, 12, 14, 15, 16, 19, 20, 21, 24, 26, 28, 29, 31, 32, 33, 34, 37, 38, 39, 42, 43, 44, 45, 48, 49, 50, 51, 52, 60, 63, 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 94, 96, 97, 98, 99, 101, and 102; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and insert as a separate paragraph, on page 7, after line 19, the following: "To make good to the appropriation for construction, the estimated amount saved in rental by the uninterrupted occupancy of the building during the period of construction of extension thereof, $15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "The President in his discretion may temporarily detail any vessel or vessels of the Navy to remove or destroy derelicts in the course of vessels at sea. The regulations to govern the detail and service of said vessels shall be prescribed by the Secretary of the Navy and approved by the President;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following: "Delaware Bay and River namely: Toward establishing a light-house and fog-signal on Goose Island Flats, $40,000, and the total cost of said light-house and fog-signal under a contract which is hereby authorized therefor shall not exceed $85,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following: ", and from the amount hereby appropriated there may be expended for surveys in the mining regions of Nevada, situated south of the first standard parallel north of Mount Diablo base line not to exceed $25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: Strike out from said amendment all after the word "Wyoming" in line 3, down to and including the word "township" in line 13, and insert in lieu thereof the word "Townships"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same, with an amendment, as follows: In lieu of the sum proposed insert "$1,484,420;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In the last line of said amendment strike out the word "seventy-five" and insert in lieu thereof the word "fifty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Reindeer for Alaska: For the support of reindeer stations in Alaska, and for the instruction of Alaskan natives in the care and management of the reindeer, $15,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$28,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and on page 38 of the bill after line 25 insert as a separate paragraph the following:

"Toward the construction of a light ship to be placed on the outer bar of Brunswick, Ga., $40,000, and the total cost of said light ship, under a contract which is hereby authorized therefor, shall not exceed $90,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$62,944;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$3,913,259;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In line 2 of said amendment strike out the words "That no part of the appropriations herein," and insert in lieu thereof the following: "That hereafter no part of the appropriations;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

J. A. HEMENWAY,
F. H. GILLETT,
M. E. BENTON,
Managers on the part of the House.

Mr. CULBERSON. Not knowing the amendments by number, I am constrained to ask the Senator from Iowa a question.

Mr. ALLISON. I shall be very glad to answer it.

Mr. CULBERSON. What disposition was made of the two amendments with reference to the pay of the expenses of United States judges?

Mr. ALLISON. The House receded from its disagreement and the amendment stands just as provided for by the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

SENATE OFFICE BUILDING.

Mr. COCKRELL. I tender my resignation as a member of the Senate building commission authorized by the sundry civil act of April 24, 1904, to secure a site and superintend the construction of a fireproof building for the use of the Senate.

The PRESIDENT pro tempore. The Senator from Missouri resigns as one of the commission to procure a site and erect a building for the use of the Senate. The Chair hears no objection by the Senate. The Chair appoints in the place made vacant by the resignation of the Senator from Missouri the Senator from Colorado [Mr. TELLER].

APPOINTMENT OF MIDSHIPMEN.

Mr. SPOONER. Mr. President, I believe the hour has expired.

The PRESIDENT pro tempore. It has.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy.

Mr. BLACKBURN. Mr. President——

Mr. McLAURIN. Will the Senator from Kentucky yield to me until I can ask unanimous consent to have a bill from the House laid before the Senate and put upon its passage? It will take but a minute, and it is a very important bill. We are in the last hours of the Congress, and I have not bothered the Senate much at this session. It is the first time I believe I have asked unanimous consent for the consideration of any measure.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield?

Mr. BLACKBURN. As far as my power goes, I shall be glad to yield to the Senator from Mississippi.

ESTATE OF THOMAS WHALEY AND WIFE.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 18939) for the relief of the heirs and as-

signees of Thomas Whaley and wife was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the title of the heirs of Thomas Whaley and Anna Whaley, his wife, deceased, late of Vicksburg, Miss., or such person or persons as by assignment, transfer, or conveyance from, through, or under the said Thomas Whaley and Anna Whaley, his wife, may have claims thereto, to that certain property in the city of Vicksburg, Miss., particularly described as follows, to wit: Beginning at a post at low-water mark on the east bank of the Mississippi River at the letter "A," as shown on a plat prepared by Samuel M. Woods, civil engineer and surveyor; thence south 77¾ degrees east 9 chains to a cedar post; thence north 28 degrees east 5.56 chains to a post; thence south 77¾ degrees east 2.45 chains to a post; thence south 10 degrees west 11 chains to a post; thence north 77¾ degrees west 16 chains to the bank of said river; thence north 34 degrees east 6.80 chains up said river to the place of beginning, Warren County, State of Mississippi, containing 10 acres, more or less, the same being the north half of the 20-acre tract conveyed by H. R. W. Hill and wife to Thomas Whaley, in record book "W," pages 591 and 592, be, and the same is hereby, confirmed, respectively, to the heirs of the said Thomas Whaley and Anna Whaley, his wife, or to their assignees or grantees, to whom they may have conveyed the same or any part thereof during their lives, according to the rights which the said heirs, assignees, transferees, or grantees may have thereto from, through, or under the said Thomas Whaley and Anna Whaley, his wife: *Provided*, That this confirmation shall only extend to the relinquishment of any title which the United States may have to said land.

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

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

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

APPOINTMENT OF MIDSHIPMEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy.

Mr. BLACKBURN. Mr. President, I ask that the Secretary may read the report which accompanies the bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. DICK on March 1, 1905, as follows:

The Committee on Naval Affairs, to whom was referred House bill No. 12273, respectfully report that they have had the same under consideration, and recommend that the same do pass without amendment.

The subject of the dismissal of these three cadets has been taken up by the President and the Secretary of the Navy. If the young men had been dismissed from the Military Academy they could subsequently be appointed as lieutenants in the Army, but as they could not be restored to Annapolis they therefore could never graduate, and without graduation would be barred from appointment in the line of the Navy. The President, after a full investigation of the matter, has communicated to the Congress the circumstances surrounding this transaction, and has recommended that these young men be granted relief by legislation, there being no other adequate method. Accompanying the President's message was a copy of the proposed bill, which has been introduced and referred to your committee and is the bill referred to in this report, and which has passed the House.

The following is the message of the President, together with the bill accompanying the same:

"*To the Senate and House of Representatives:*

"In the fall of 1903 John Henry Lofland, Earl Worden Chaffee, and Joseph Drummond Little, then members of the first or highest class at the Naval Academy, severally committed acts for which they were charged with the offense of hazing, were tried by court-martial, and were dismissed from the academy and from the naval service.

"In a letter addressed to the chairman of the Committee on Naval Affairs of the House, March 21, 1904, the Secretary of the Navy, after reviewing the facts upon which action in the cases of these midshipmen was based, states that 'if discretion in the infliction of punishment had been vested either in the court-martial or the Department, a lighter punishment than dismissal from the service might have been inflicted,' and concludes that Congress is the proper authority to determine in cases of this character whether exception should be made to the operation of the statute.

"The Committee on Naval Affairs (House Report No. 2454, 58th Cong., 2d sess.), upon consideration of the Department's report, unanimously concludes that 'under all the circumstances no detriment will be done the service' by sanctioning the appointment of these midshipmen to the naval service under appropriate conditions and restrictions.

"Upon review of the facts in this case, I concur generally in the conclusions of the Secretary of the Navy and the Committee on Naval Affairs with respect to the character of the offenses committed by these midshipmen. Their acts were in plain violation of the letter of the statute, but the case presented is not an aggravated one, and I believe that their severance from the academy, their reduction to the foot of the class of which they were members, and their entry into the naval service without formal graduation will be adequate punishment.

"The draft of a bill granting authority for the appointment of these midshipmen to the Navy under conditions and restrictions believed to be sufficient to guard the interests of the service is inclosed for the consideration of the Congress.

"THEODORE ROOSEVELT.

"WHITE HOUSE, *January 11, 1905.*"

"A bill authorizing the appointment of certain midshipmen in the United States Navy.

"*Be it enacted, etc.*, That the President be, and he is hereby, authorized and empowered, in his discretion, to appoint to the naval service the three midshipmen of the then first class who were dismissed on the 6th day of November, 1903, pursuant to the findings and recommendations of a court-martial, said midshipmen to take rank at the foot of the class from which dismissed, and to serve at sea in like manner as the other members of said class: *Provided*, That such appointments shall not be operative or effective unless and until said midshipmen shall have passed such examinations and conformed to such requirements as may be prescribed by the Secretary of the Navy."

The bill having been carefully drawn by the Judge-Advocate-General of the Navy, your committee believes it will accomplish the purpose desired in this case, and without in any way restoring these cadets to the Naval Academy would permit their appointment at sea in the Navy below all their class, subject, however, to a thorough examination, which would be conducted under the orders of the Secretary of the Navy instead of sending them to the academy for examination.

Your committee believe that this leniency, which can only be shown by and through an act of Congress, would be proper under all the circumstances of the case. The President's suggestion "that their severance from the academy, their reduction to the foot of the class of which they were members, and their entry into the naval service without formal graduation will be adequate punishment," should appeal forcibly to the sound judgment and sense of justice of the Congress and show the necessity for the enactment of the proposed remedial legislation.

Mr. BLACKBURN. Mr. President, we are without any testimony in this record as to the character of the charge brought against these cadets at the Naval Academy. The record furnishes no information as to what it is that they were charged with beyond the general designation of conduct known as "hazing."

Mr. QUARLES. I will call the attention of the Senator from Kentucky to the fact that the House report does inform us.

Mr. BLACKBURN. I am speaking of the Senate report. The Senate report does not give to the Senate any information as to the offenses with which these young men were charged.

I have no comments to make upon the report submitted with this bill from the Senate Committee on Naval Affairs except to the extent that I think is necessary to place myself right before the body. I will not criticise nor will I undertake to say how this favorable report upon the bill was obtained from the Committee on Naval Affairs; but upon its face it commits that committee of the Senate without reservation as having unanimously approved this bill. In justice to myself I must say that that is not a correct statement. I must be permitted to go far enough at least to say that no action was ever taken by the Senate Committee on Naval Affairs that in the slightest degree obligated or bound any member of that committee to support the bill. So I feel that I am at perfect liberty to oppose its passage, as I now do.

I need not stop to disclaim any personal feeling in the matter of this bill, for I have none. Three cadets at the Annapolis Naval Academy were charged with the offense of hazing, which is a violation of the statute passed by Congress a few years ago in its effort to suppress this bad practice at both the Military and the Naval Academy. They were tried by court-martial, they were found guilty, and they were sentenced to dismissal, and that sentence was executed.

The purpose of this bill is to reinstate them, with conditions attached, which conditions are that they are to be appointed at sea, to employ a technical naval term. The President of the United States, with the advice and consent of the Senate, may appoint whom he pleases from civil life to a commission in the Army, but not so with the Navy. This fact is brought out in the message of the President which has been read from the desk. There is no way for a man to get a commission in the Navy except through the Naval Academy at Annapolis.

Now, having forfeited their opportunity by this sentence of dismissal, based upon the findings of the court-martial, these three young men have no road open to them by which they can ever get commissions in the Navy except by a special act of Congress. Hence the bill which we have here before us now.

I repeat, I have no occasion personally to object to the passage of the bill because of anything that I know or have ever heard about any one of the three beneficiaries of this proposed legislation. My opposition is purely impersonal. One of these cadets comes from the State of Wisconsin, one, I believe, from the State of Iowa, and the remaining one, I believe, from the State of Ohio.

Mr. President, the only purpose I have in objecting to the passage of this bill is based upon the conviction that its passage will practically destroy the force and effect of a statute law of Congress passed in consequence of and in deference to a well-nigh universal demand that this practice of hazing at the Military and Naval academies should be suppressed. Such were the consequences but a few years ago of this practice at these academies that the people demanded and Congress conceded a statute to suppress it. A committee of Congress was appointed and sent to the Military Academy at West Point, there to demand the cooperation of the officers in command and the faculty, and we all remember the stir that it created throughout the country.

Here is the first time, so far as I know, that an appeal has

been made to Congress practically to repeal that general statute law and to reinstate to all their privileges and prerogatives, save and except the sacrifice of such numbers as they might respectively hold in their class, and to confer upon the President a power that he has not now and never did have under the law to commission men into the Navy of this country who have never graduated at its Naval Academy. It is an extraordinary privilege that it is sought to confer. It is to put the badge of honor upon three men by commissioning them into the Navy of the United States by a process that the law forbids and that no other men in the Navy or on its roster to-day or any other time, living or dead, ever did have. I want to submit to the Senate whether, in its judgment, it is wise to do this.

I may hold extreme views, Mr. President, upon the subject of hazing. I frankly avow that I do, and I do not feel the slightest inclination to modify them, much less to change them. I trust that no man will go further than I in the direction of condoning, excusing, and pardoning the frivolities of youth. I trust that no man is more thoroughly conscious than I of the fact that the time was, once in the long ago, when I was a boy, and probably as much amenable to criticism for indiscretion as the average of my then age. But I deny, Mr. President—in justice to myself I must deny—that I ever did subject myself to trial or to criticism because of any exhibition ever given of a tendency toward the rôle of a cowardly bully. In my judgment, hazing is the least to be excused of all offenses that a cadet, either in the Military or Naval Academy, can commit. I would rather pardon him for anything else. I would rather excuse him for any other offense that the practice and the regulation of the academy forbid. In its very nature it is indefensible. It is cruel, it is humiliating, and it is cowardly. Notice, without a single exception, the way in which it is committed. It is not done by an individual cadet. I might be warranted in saying that if it was attempted in that way the crime would never be attempted, because he has not the courage to undertake these practices upon his fellow-student unless he has gathered a number of them together. They do not go at it singly, each boy upon his own responsibility, but he must have a battalion around him, so that none will incur danger. These hazing efforts have sometimes been met—as recently in the city of New York—by a youth who, fortunately for himself, had a pistol in his pocket. He fired it, but fired it into the air. However, even that, though it may have been a blank cartridge, was amply sufficient to scare the gang of cowardly hoodlums who were pursuing him for this purpose.

It is never the freshmen class, nor any member of it, who is charged with this offense. It is the graduating class; it is the seniors of the academy; it is the men who, as an average rule, have passed their 21 years of age. The victim is always the half-weaned freshman who has just come into the academy. For the first time separated from mother and from home, a total stranger, unacquainted with a single cadet, teacher, or professor, homesick until ready to blubber into tears, he is in each and every instance the victim of this brutal practice. He must either be subjected to physical suffering and torture, or else he must submit to humiliation, to a surrender of his pride, to an abandonment of his self-respect. He must consent to be made the laughingstock of his seniors, or else, as I am informed and believe to be the truth, he must be subjected to the educating, the ennobling, the elevating test of a prize fight in the squared-circle ring, where, without regard to disparity of age or size, his persecutors select a trained athlete to pound him into jelly for their delectation and amusement.

This, Mr. President, seems to me to be an offense for which neither pardon nor excuse can fairly be pleaded or presented. I beg you, sir, to tell me what effect, if any, is the passage of this bill to have upon the service? Concededly repealing pro tanto the statute passed by Congress so recently, trampling the regulations and the rules of the academy under foot, can it but be subversive of discipline? Can it fail to destroy the morale of the service?

If these three are to be restored to all the prerogatives and privileges, to all the rights that they held as the beneficiaries of appointment to the Naval Academy of the country, how are we in the future to refuse restoration to others similarly offending? Certainly, I submit in common fairness, does it not put a premium upon the offense? Does it not say to every cadet there now, or to come there hereafter, "Defy the regulations of the Academy; trample upon the rules for your government; violate the law that Congress passed to control your action; all will be condoned if you will get your Representative or your Senator to introduce a special act, and Congress will not only forgive the offense, but decorate you with a badge of honor, and declare that you shall be an officer of the Navy, no matter how many laws you violate, no matter how boldly and defiantly you trample upon the regulations of the institution at which you have been educated?" It puts a premium upon this offense. These men are decked, if you pass this bill. Until they go to the retired list they stand in the naval armament of this country as the only men who ever forced their way to a naval commission in spite of regulations and rules and law. It puts them above the members of their class.

It is true the bill provides that they shall be commissioned at the foot of that class; but in point of fact it elevates them above the first class men. For the last year they have not been at Annapolis. The curriculum of the academy covers a period of four years. They never had but three years of it. All of them are to-day engaged in business, as I am informed. They are not to be required to pass that fourth year in the Naval Academy of the country. They make a year and gain the distinction of being pointed at as the only three men who ever were so transcendently worthy that they must be commissioned in spite of the law.

Mr. President, my understanding of the two great academies that this Government supports is that the one is intended to educate men to officer the Army and the other is intended to educate men to officer the Navy, and that the purpose of these two academies is not simply to teach the one the lessons of the Army and the other how to command a ship. That does not constitute the whole of the soldier's or the sailor's education by any means, nor is it the most important part of it. The most important function of those two academies, in my judgment, is to teach and drill into these cadets one thing that they must never forget—that they must demean themselves as gentlemen, so as to reflect honor upon the Army and the Navy, and not bring those branches of the service into disrepute and disgrace. These questions are of necessity presented in passing upon this bill.

I have been a member of the Committee on Naval Affairs in this Chamber during my Senatorial service, since 1885, and this is the first time that I have ever seen a proposition of this kind submitted. I am not hurt if the Senate shall pass this bill. I have no more concern about it than any other Senator within the sound of my voice. I am simply entering a protest; I am simply raising my voice against it, as I believe it to be pernicious and dangerous legislation. Nor do I believe that there is anything in the case of either of these three expelled cadets that should take them out of the rule as the law has placed it.

It may be said, and probably will be said, that in this particular instance the treatment to which the victims were subjected was not severe; that it did not approximate in its results the experiments of hazers that have come before it. It may be contended, and I am inclined to think that it will be contended, that in this case the punishment inflicted without authority by these three expelled cadets was of so trivial and so light a character that it ought not to be considered. There, it seems to me, is the danger. If you are going to legalize hazing, who is to draw the line between what is excusable and innocent and what is cruel, brutal, and punishable? Where is that shadowy line to be established, and by whom? Are you going to leave it to the hazer to determine? Are you going to leave the power with the Commandant or the Superintendent of your academy? Must he be the authority to draw this line and tell what character of hazing is to be reached by the law and what character of hazing to be approved and applauded? A dangerous power, I take it. But in either event, if this bill is to pass, it seems to me that instead of repealing the general statute by piecemeal we had better repeal it altogether.

The Senate does not know, and the report of the Senate's Committee on Naval Affairs gives you no information, as I said before, as to how serious was the penalty or punishment inflicted upon these victims.

In this connection, Mr. President, it is but just that I should say that a cadet from the State of Kentucky was one of the victims of this very transaction. He was a freshman on his first trip from home and family. He went before this court-martial and testified as strongly as he could truthfully do toward the acquittal of these youths. His father is one of my lifelong and closest personal friends, concededly the head of the Louisville bar—Judge Aleck Humphreys. He came to Washington, he went to the Secretary of the Navy, he went to the President of the United States, and pleaded as strongly as he could on behalf of these three victims of this court-martial judgment. He has kept the wires hot and the mails burdened for the last five days in his appeals to me not to object to the passage of this bill. It is but fair that that much should be said toward one of the victims and the father of that little boy as well as toward the three that are to become the beneficiaries of this legislation if this bill should pass. I have answered that Kentucky boy's father, and I have said to him,

"I appreciate the magnanimity that you show; I appreciate the manliness that your boy has shown; but, in my judgment, the enactment of this bill would be prejudicial to the morale of the service; it would be utterly subversive of the rules and the regulations for the government of the Naval Academy."

I regard this as indefensible legislation. If the Senate is to put the seal of its approval upon it, let the Senate know here and now that its Committee on Naval Affairs will be burdened by as many appeals as occasion requires in the future for similar legislation and favors as that involved here.

Mr. President, the very last case of hazing at the Naval Academy anterior to this one had more serious results than this seems to have brought about. It was the case of a son of a distinguished citizen of the State of New Hampshire. If my memory serves me correctly, he was a son of an ex-governor of New Hampshire. He refused to be subjected to these hazing processes. He was notified that he must fight a prize fight, and it seems that he was not lacking in courage any more than he was in self-respect, for to that he readily assented. The hazers, the bearded men of the academy, selected an expert, an embryo pugilist, a prize fighter of the first class, put them into a circle, and the first blow dealt by this gigantic coward bully shattered the jaw of his helpless, half-weaned little victim. That is the last case of hazing at the Naval Academy of this country prior to this offense for which these boys were tried.

Has injustice been done them? The record tells you that they were tried by court-martial. I am bound to assume they had a fair trial. I have no right to conclude that they were denied the fullest opportunity to defend themselves and prove their innocence. Upon the contrary, the assumption is clear and inevitable that they had every opportunity, and that a fair trial was accorded them. That court-martial found them guilty and sentenced them to dismissal. I am bound to assume that their punishment was a just one and thoroughly deserved, and, in my judgment, they got off very lightly.

I have been trying ever since I have been a member of either House of Congress to suppress the practice of hazing; and I frankly avow, here and now, that if I had the power to do it I would add a cumulative sentence. I would put a penitentiary sentence on top of the penalty of dismissal upon every man who, upon a fair trial, was found guilty of this disreputable practice.

I have here in my hand a magazine of very recent date—for the present month of March, 1905. I find in it an article headed "The crime of hazing," by Julian Hawthorne, and I will ask the Secretary to read from it such excerpts as I have marked.

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

The Secretary read as follows:

THE CRIME OF HAZING.

Three or four years ago, when some exceptionally cruel hazing at West Point had attracted public interest, a United States Senator recorded his opinion that no cadet who was a hazer could be a gentleman, and that West Point hazers developed into brutal officers. What the Senator said was quite true. It is also true that if any hazer has not been guilty of deliberate falsehood, he has only good luck to thank for it. To be sure, under those circumstances, he calls lying, positive or by inference, by the title of "honor" or "loyalty;" but fine feathers do not make fine birds, and the thugs and liars, as well as the cowards of society, are constitutionally fond of fine feathers.

West Pointers are educated at the expense of the nation, and they are trained with a view to making them soldiers in the best sense of the word—brave, honorable, magnanimous, true—as well as technically efficient. Therefore, when they emulate the brutality, cruelty, and cowardice of the hoodlum gangs of our slums, and in order to escape the penalties appointed for their performances, establish a code of honor which forbids telling, we have reason to hold them peculiarly blameworthy.

And yet, after all, there is not much to choose between them and the undergraduates of our civil colleges and universities. The liberal endowments of scholarships in many of these institutions practically educate a large proportion of the students at the expense of other people. Moreover, most college men come from comparatively well-to-do classes, and from homes where they might be supposed to have learned that courage, honor, magnanimity, and truth are the virtues of gentlemen. If college men should not be examples of decent principles and civilized conduct, where should such examples be sought?

Bearing in mind their circumstances, and their opportunities of knowing better, there are no other young men in the country who are more contemptible than college hazers. And yet, to judge from the reports we read, they are rather proud than otherwise of the dastardly things they do. In order that you may judge of the situation, let me cite a few haphazard instances—taken by no means as being the worst on record, but because their wide distribution shows that all our colleges and universities seem to be tarred with the same shameful brush.

* * * * * * *

In 1903, Midshipman Pearson, cadet at Annapolis, while being taught good manners and respect for his elders, had his jaw broken. Honor demanded that he should deny that it was broken or should say that he broke it himself; but, unfortunately, the broken jaw was eloquent on its own behalf, and the "powers above" remonstrated sharply. They insisted that hazing at Annapolis must stop. The hazing class finally agreed to abandon brutal hazing, but they stipulated that they were to be the judges of what brutal hazing was. With this admirable concession it has been generally assumed that hazing at Annapolis is now a thing of the past. What has really happened is that the code of honor has become more rigid.

* * * * * * *

THE EXCUSES FOR HAZING.

Let us abandon irony and close with a few plain words. The pretext for hazing is that it abates the cheekiness of new students, which, it is asserted seriously, would otherwise render college life intolerable to the older undergraduates. But can you imagine any practice more certain to degrade the manhood and destroy the self-respect of both hazers and hazed?

The only consolation of the latter is the prospect of inflicting similar indignities on others when he himself is an upper classman. As for the former, what must be the mental and moral condition of a youth who can participate in tortures and outrages where he is in a majority of ten to one, and where every human decency, not to speak of the humanities, are violated? What else than a school of bullying, cowardice, and falsehood can hazing be? The code of honor which forbids a victim to tell is simply organized lying; in the name of common sense and honesty, why should the victim of the meanest, most shameful, most revolting of practices shield those who practice it?

As for keeping the freshmen in order, a little ironic politeness, a touch of sarcasm, a bit of humorous Munchausenism now and then, such as is the way at Oxford and Cambridge, would do more to realize the result than ages of brutal and obscene violence. No boy can be made manly by insulting and outraging his manhood; and the boy who commits such outrages and insults, and then lies himself out of the scrape, is such a cad as a city tough might hesitate to associate with.

If it is true that young Gould, of Columbia, shot at a gang of would-be hazers the other day, no one need blame him. A hazer has no rights which anyone else is bound to respect.

The college faculties could stop hazing if they were not afraid to do so. They could expel an entire sophomore class, if the culprits refused to declare themselves. But the hazers are generally rich and influential; as young De Rome said, they "come pretty close to running the college." Besides, as I have said, there are traitors among the faculties themselves. Can public opinion be aroused to do anything? Let those answer whose sons and daughters are involved in the disgrace.

Mr. BLACKBURN. Now, Mr. President, I have a right to assume that when Congress passed the law denouncing the practice of hazing in the two academies, at West Point and Annapolis, it had a right to calculate, and Congress did unquestionably, confidently rely upon the faculties of those academies, upon the officers there in charge and in command, in obedience to their sworn duty to cooperate toward the suppression of this practice thus denounced. I submit, if you pass this bill, how far does it go toward serving notice upon the commandant and the superintendent and upon the officers and the professors and faculties and all the teachers, both at West Point and Annapolis, that Congress has changed its mind, or has abated its purpose, and is no longer resolved to stamp out the practice of hazing at these two schools? It seems to me that the officers there and the faculties there would have a right to assume—and I fear from the history of those two institutions, as we have read it in the past, that whether they have the right to assume or not, they will assume—that Congress has taken the back track, and is no longer insisting that the practice of hazing shall be abolished or abated.

If you will notice it is not a single cadet brought up charged with this offense. As stated before, it is an offense that never occurs single-handed or in individual instances; it is always a number that band together to overawe, and, if need be, to overpower a single helpless victim. Here, so far as numbers go, is the conspiracy. How many more were involved we are not told, but three were convicted.

I have now said, Mr. President, all that I care to say about it, and in conclusion I repeat a disclaimer of any personal feeling toward the three men to be affected by this legislation, but I also repeat and emphasize the detestation in which I hold this offense because of its inherent quality. I want to see the Military and Naval academies maintained to educate efficient officers for the Army and Navy, but I want beyond that to see those educational institutions conducted upon such lines as will sift out the bully and the brute and the coward and never permit either to come to a term of graduation or be commissioned into the Navy or into the Army. Congress has put the seal of its condemnation upon this brutal and cowardly practice, and I for one enter a protest against any abatement of the judgment that has been pronounced whether by Congress through its law or the verdict of a court-martial after a fair and impartial trial.

Mr. DICK. Mr. President, in order that the Senate may be the better informed as to the case in point, I ask that the report of the Committee on Naval Affairs of the House, second session Fifty-eighth Congress, be read. It includes much of the information which the Senator from Kentucky seems to desire the Senate to have.

The PRESIDENT pro tempore. Does the Senator desire the entire report read, or merely the letter from the Navy Department?

Mr. DICK. I think the entire report should be read, Mr. President.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 12273) authorizing and empowering the President, in his discretion, to appoint to the naval service the three midshipmen who were dismissed from the Naval Academy November 6, 1903, having had the same under consideration beg leave to report the same with an amendment and recommend that as amended it pass.

Amend as follows:

At the end of line 5 add the words "from the Naval Academy."

In line 8, after the word "be," and before the word "below," insert the words "as midshipmen."

In lines 10 and 11 strike out all after the word "class," in line 10, and insert in lieu thereof the words—

"*Provided*, That said appointment shall not be operative or effective unless and until said midshipmen shall have passed such examinations and conformed to such requirements as may be prescribed by the Secretary of the Navy."

Amend the title by striking out the word "restore" and inserting in lieu thereof the word "appoint."

The circumstances surrounding the dismissal of these three midshipmen are recited in the Department letter printed herewith. The hearing upon the bill was had before the whole committee which, after careful consideration, was unanimously of opinion that the facts presented a case which might with propriety be submitted to the discretion of the President. The committee thinks that under all circumstances no detriment will be done the service by the passage of the proposed measure. Attention is called to the following significant language of the Secretary of the Navy in the Department letter hereinbefore referred to. The Secretary says:

"From this statement of the case it will be seen that if discretion in the infliction of punishment had been vested either in the court-martial or the Department a lighter punishment than dismissal from the service might have been inflicted, but this can not be said with certainty, in view of the great importance which has been attached to the total eradication of the practice of hazing. There was, however, under the law, no discretion as to punishment."

The proposed bill does not revoke the sentence which was pronounced upon these young men. It does not restore them to the Naval Academy. It simply empowers the President, if he thinks best, to appoint these young men to the naval service below all the members of their former class, subject to such examinations and requirements as may be prescribed by the Secretary of the Navy. These young men have already suffered heavily for their offense by being dismissed from the academy. If the President should appoint them to the service according to the terms of the proposed bill, they would enter the service having been punished by the loss of their degree from the academy and a loss in rank of more than forty numbers, which, as the Secretary says, "would constitute a continuing punishment throughout their future service."

[H. R. 12273, granting President authority to restore certain midshipmen to service.]

NAVY DEPARTMENT,
Washington, March 21, 1904.

SIR: The receipt is acknowledged of your letter of the 29th ultimo, with which you inclosed, with request for the views and recommendations of the Department thereupon, the bill (H. R. 12273) granting authority to the President, in his discretion, to restore certain midshipmen to the naval service.

In reply I have the honor to state that the midshipmen referred to in this bill are John Henry Lofland, Earl Worden Chaffee, and Joseph Drummond Little, all members of the first or highest class at the academy. The class left the academy in February, 1904, for the purpose of completing their academic course at sea. In October, 1903, these midshipmen severally committed acts for which they were charged with the offense of hazing, tried by court-martial, and sentenced to dismissal from the service. The sentences were approved by the Superintendent of the academy and were duly carried into effect.

I have examined with care the evidence in each case and find no substantial differences in the facts. In each case the accused selected a midshipman of the lowest class who had been guilty of some minor irregularity, such as taking fruit from the mess room, being surly or disobedient in the ranks, and the like, ordered him to the room of the accused, and there directed him to repeat in each case one or more of certain exercises as a punishment for his misconduct. The exercises may be described as follows: The "sixteenth exercise," where, while standing erect, one bends the knees until the thighs touch the heels and rapidly rises again; standing upon the head; "doing the cruise," where one lies on the back and raises one leg to a position perpendicular to the body, lowering slowly until within 1 inch of the floor, and raising it again to the same position; hanging upon the wardrobe by the hands. These exercises were repeated very many times. No injury was incurred, except that the muscles of the leg were somewhat stiff the next day. The exercises which were performed were legitimate gymnastic exercises not unusual at the academy. They were performed under compulsion and for the purpose of inflicting punishment. There was no right on the part of the accused to inflict any punishment whatever for a violation of discipline, as punishment can be inflicted only by order of the Superintendent. Each of the accused was an officer in the corps of midshipmen, and it was his duty to take notice of breaches of discipline and report them instead of inflicting punishment for them.

From this statement of the cases it will be seen that if discretion in the infliction of punishment had been vested either in the court-martial or the Department a lighter punishment than dismissal from the service might have been inflicted; but this can not be said with certainty, in view of the great importance which has been attached to the total eradication of the practice of hazing. There was, however, under the law, no discretion as to punishment. The act of June 23, 1874, is as follows:

"In all cases when it shall come to the knowledge of the Superintendent of the Naval Academy at Annapolis that any naval cadet has been guilty of the offense commonly known as "hazing," it shall be the duty of the Superintendent to order a court-martial, composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon; and any naval cadet found guilty of said offense by said court shall, upon recommendation of said court, be dismissed; and such finding, when approved by said Superintendent, shall be final, and the cadet so dismissed from said Naval Academy shall be forever ineligible to reappointment to said Naval Academy."

The act of March 3, 1903, is as follows:

"That the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy, and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member."

It will be observed that the first act renders the offender forever ineligible for reappointment to the academy. The second act, in addition, renders the offender ineligible for appointment as a commissioned officer in the Army, Navy, or Marine Corps until two years after the graduation of the class of which he was a member. The class from which these midshipmen were dismissed will be finally graduated in 1906, the course of instruction being by law six years, part of which is spent at sea. Under the law, therefore, the persons dismissed are not eligible for appointment as commissioned officers until the year 1908.

I feel that I should be lacking in my duty to Congress if I did not present the views of the officers responsible for the administration of the Naval Academy, who have loyally endeavored to obey the will of Congress as expressed in the law. Upon certain bills contemplating the restoration of the offenders to the Naval Academy the Superintendent of the Naval Academy and the Chief of the Bureau of Navigation expressed the view that their restoration to the Naval Academy "will be a serious blow at its discipline, and will simply invite another outbreak of hazing, which has now been stopped at the academy. To reinstate them would probably necessitate the dismissal of others within the coming year." The bill under discussion, however, does not propose to reinstate the offenders to the Naval Academy, but authorizes the President to appoint them to the naval service, to rank below the other members of their class. They would thus reenter the Navy without completing the academic course at Annapolis, but with a reduction in rank which would constitute a continuing punishment throughout their future service. Even upon this bill, however, it is pointed out by the commandant of cadets, who, in the absence of the Superintendent, at the Department's request has expressed his views thereon, that "the effect upon the discipline of this school of restoring these midshipmen to the service in any capacity until two years after the graduation of the class of which they were members will * * * be bad."

Upon the foregoing statement of facts it is believed that the committee will be able to reach a conclusion respecting the question presented. The Department considers that its duty in cases of this character is to obey the law as it stands, and that Congress is the proper authority to determine whether in any given cases, exceptions should be made to the operation of statute.

Very respectfully, W. H. MOODY, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. DICK. Mr. President, since the attention of the Senate has been challenged to the manner of making this report, and since I took the responsibility of making it, it is due this body to know how the report comes to be upon the desk. It was with the consent of the chairman of the Committee on Naval Affairs that I polled the committee. The result of the poll showed that one member was absent, one voted "no," two declined to express an opinion, and seven voted affirmatively for the report.

Mr. BLACKBURN. Where was that?

Mr. DICK. On the floor of the Senate.

Mr. BLACKBURN. Ah!

Mr. DICK. A poll was made upon the floor of the Senate. If that is an infraction of the rules of the Senate, my brief service here must be my excuse.

Mr. BLACKBURN. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. DICK. Certainly.

Mr. BLACKBURN. I trust the Senator will permit me here to say that I disclaimed any purpose of reflecting upon that Senator or any other member of the committee. I certainly did not mean to be understood as even complaining of them. I simply called attention to the fact that the Senator from Ohio in making the report states that it is a report of the Committee on Naval Affairs, which fairly construed would mean a unanimous report, whereas it was not, as the Senator knows.

Mr. DICK. I did not so understand the Senator.

Mr. BLACKBURN. I hope not.

Mr. DICK. I did not mean to have it appear that the Senator meant to reflect upon the committee or upon myself personally, but since the matter was called to the attention of the Senate it seemed but fair that it should know the facts as they exist.

The Senator from Kentucky is not more opposed to hazing than I am. The reference he made to the investigation at West Point is a matter with which I happen to be very familiar, since I was the chairman of the committee which conducted that investigation at the Military Academy and which made a report and which submitted the bill now a part of the statutes of the United States.

I also offered as an amendment to the naval bill that which is now before us as the law pertaining to hazing at the academy at Annapolis, and the Senator can not express, with all his eloquence, sentiments more pronounced against hazing than my

own sentiments are if I had the felicity of speech that he possesses with which to do it.

But I submit, Mr. President, that it is not fair to call in the case of Pearson, the unfortunate young man whose jaw was broken, or to recite the many brutal and cowardly incidents in our colleges and academies and apply them to the case under consideration. My purpose in sending the report of the House committee to the desk and having it read was that the Senate might have the facts, and I think every Senator acting upon this matter will concede—in fact, I think the Senator from Kentucky will concede—that this case is hardly to be classified among such as he describes, namely, "cowardly and brutal hazing."

He says we are going to confer an honor upon men for having been guilty of this offense at Annapolis. In that I can not agree with him. Does he imagine, can he believe, that a man living to the age of 64, the time of retirement, as he expresses it, can live down the unfortunate sentence that was passed upon him by a court-marshal at the Military Academy, or fail to suffer the discredit which comes to him from having been denied the opportunity of graduation from Annapolis? These men, who were among the leaders in their class, are to go to the very foot of the class in which they were midshipmen. They have been debarred from the institution and from participating in the course that best fits them for their chosen profession. They have suffered, and suffered a great deal, for a trifling offense; nor has that suffering ceased, nor will it cease, though they are restored by the kindness or discretion of the Chief Executive.

I take it that the House of Representatives and the Senate of the United States, the officers in charge of the academy, the Navy Department, and the Chief Executive are one in the effort to eradicate hazing in the military and naval institutions of the country. But I can not believe, when this matter has been gone over carefully, as it apparently has been, by the President, by the Secretary of the Navy, the Naval Committee of the House, and the House itself, and the Naval Committee of this body, all unanimously recommending this bill, with the exception of the Naval Committee of the Senate, that the service can thereby be jeopardized or the discipline of the institution greatly injured. I think we can afford to modify in this case this particular statute and confer upon three worthy men a just act and take the chance on the return of hazing to these great institutions.

I believe—I may be mistaken, but I think not—that public sentiment and public agitation of this question have carried the enormity of its unfairness to the cadet and midshipmen themselves. Since the investigation of hazing at West Point but one offense has been reported, and in years but two at the Naval Academy. This unmistakably is a great improvement in that regard in these cherished institutions. If I did believe that this would be hurtful to the discipline of the institutions or harmful to the service of the Navy, I should be the last to take my place in this body and urge the adoption of the bill. But being familiar with the subject, and having had much to do with it, I feel that I can not do less than say here to you that this bill should pass.

Mr. SPOONER and Mr. FORAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. SPOONER. Only a few words, Mr. President.

Mr. FORAKER. I want to make an appeal to the Senator. I have an engagement at 5 o'clock, and I feel that I should say something because one of these unfortunate young men is from Ohio.

Mr. SPOONER. I was going to say something because one of them is from my State, but I yield to the Senator from Ohio.

Mr. FORAKER. If I did not have an engagement calling me away in five minutes, I would be very glad to yield to the Senator from Wisconsin.

Mr. MONEY. I should like to ask the Senator from Ohio one question before he begins. Would he have anything to say if the boy was not from his State?

Mr. FORAKER. Yes, Mr. President; and I was about to add that, because one of these young men happens to be from my State, my attention was attracted to this matter, and I have investigated it very carefully and I can speak from knowledge of all the circumstances.

Mr. MONEY. I only ventured to ask the question because the Senator assigned as his reason for speaking that one of the boys was from his State.

Mr. FORAKER. But the Senator did not allow me to conclude that remark. It does not make a bit of difference, so far as the merit of this proposition is concerned, where these young men come from, whether from my State or some other State; but every Senator knows that when something happens concerning his own State he is much more likely to make an investigation of it and to learn something definite about it. That is why I wanted to say something.

I looked into the matter at the time when the young men were dismissed from the academy, and I have had occasion to look into it from time to time since, when the subject has been brought up in the Senate and when it was under consideration in the House. I wish to say, in the first place, that, in the sense in which Congress legislated about it, there was not any hazing in this case. It is simply an exaggeration of a small matter, and so gross an exaggeration that I have no sympathy with those who exaggerate it.

In the second place, this bill does not in any way whatever conflict with the statute applicable to cases of hazing. Neither does it modify in any sense whatever the punishment prescribed by the statute.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FORAKER. Certainly.

Mr. CARMACK. If the Senator will permit me, I wish to ask him if these young men were not tried by a court-martial and found guilty?

Mr. FORAKER. Certainly they were, Mr. President, and because of the record made by that court-martial they appear guilty of hazing, but the remark I made was that they were not guilty of hazing in the sense in which that term was used by the Congress, looking to the spirit of our legislation.

Mr. CARMACK. Therein the Senator differs from the court that tried them.

Mr. FORAKER. I do, most decidedly; and that is exactly what I am calling attention to, if the Senator will allow me. When Congress legislated prohibiting hazing——

Mr. DANIEL. May I ask the Senator a question, with his kind permission, for information?

Mr. FORAKER. Certainly.

Mr. DANIEL. I have not had the opportunity to ascertain the facts in this case. Like the Senator, my sympathy runs always with boys if I can justly exercise it. I should like to ask the Senator to tell me what these boys did.

Mr. FORAKER. I am going to tell it right now. That is what I am here for.

When we legislated to prohibit hazing we had in mind just such performances as the Senator from Kentucky [Mr. BLACKBURN] so eloquently alluded to, where a boy was forced into a prize fight with some big overgrown fellow who outsized him and in which he was at great disadvantage, and got his jaw broken, I believe, in one instance cited; and in such instances as have happened over and over again, where there have been violence, physical injury, and, in many instances, where there has been loss of life.

Mr. President, hazing in that sense does not exist in either of our academies, and has not existed in either of our academies to any extent at least since this statute was passed. But ever since the statute was passed down until the time of this incident there have been innocent "callings to account," such as occurred in this case.

Let me state the case of the young man from Ohio. He was in his last year there and had some responsibility imposed upon him as an officer of the corps to look after those at his table. Noticing one of the first-year men taking some fruit away from the table without permission, after they had left the dining room he called his attention to the matter, telling him it was not good manners, was not so regarded there, and it was his duty, having his manners and his general conduct in charge, either to give him some black marks or require him to go through some gymnastic exercises. He asked him in a polite, clever way which he would prefer, the marks or the exercises, and the young man said: "Let me go through the exercises." And the exercises were what? As found by the court-martial and as recited by the Secretary of the Navy in his letter, which has been read from the Secretary's desk, they were simply "legitimate gymnastic exercises," that resulted in no injury whatever, but were really a benefit to the young man. [Laughter.] They were a benefit, I know, because the young man himself so testified, and he joined in asking that because of the courteous treatment and the good that was done to him we might be generous toward the man who was charged with having hazed him. He made no complaint about it.

Now, Mr. President, such being the character of the offense, or rather such being the punishment, if you are to call it that, a court-martial was convened. He was brought before it, and by that court-martial that offense was found to be hazing. I say that is not what we had in mind. We would never have interfered by a statutory enactment requiring a midshipman

to be dismissed from the academy for a period of two years in one case, making him ineligible for reappointment forever in another, for any such offense as that. But having in mind the character of hazing I have spoken of, which is all that the Senator from Kentucky characterized it, as being brutal in its nature and cowardly in its nature, we were seeking to break it up, and therefore we passed a very drastic statute, which should be enforced.

But, Mr. President, this bill is not in conflict with that statute. That statute provides that if anyone at the Naval Academy shall be guilty of hazing, using the term in the sense in which we understood it, he shall be dismissed from the academy, and he shall not be eligible to reappointment to the academy.

That is one statute. Another statute, the last one on the subject, passed on the 3d day of March, 1903, the one that is applicable here, I suppose, provides—

> That the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy, and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

Now, that statute applied to these young men, and it has been enforced. Assuming that this was a case of hazing, as the court-martial found it was, the statute was applicable. The authorities applied it. They expelled these young men. Nobody is proposing to return them or restore them as cadets to the Academy. What is it that is proposed? Nothing that is prohibited by this statute. The statute provides that they shall not be restored until two years after they have been thus expelled. Their age is such that it is impossible for them to become eligible to be restored to the Academy after the expiration of two years, even if we wanted to do it. But nobody is seeking to do that. What we are seeking to do is, in recognition of the fact that their offense was not a serious one, to authorize the President to give to the country the benefit of their training by appointing them, at the foot of their class in rank, into the naval service.

Mr. SCOTT. After the Government has been at the expense of educating them.

Mr. FORAKER. As the Senator from West Virginia well suggests, we ought to do this for another reason, because the Government has been at the expense of educating them. To keep them out and blight their lives and make it impossible for them to pursue the calling they have prepared themselves for and the Government has prepared them for appears to me to be entirely too severe.

There is no statute which requires that we shall not do this if we see fit. We do not violate any statute. I call attention here to the language of the Secretary of the Navy, Mr. Moody, who says that under the statute there could not be any punishment except only that which was inflicted. It was more severe than the case merited, but there had to be some punishment, and that was the only punishment the law provided. There was no discretion. But that, as he well remarks, does not estop Congress from exercising its discretion.

Mr. PATTERSON. Will the Senator from Ohio state what were the ages of these young men when the alleged offenses occurred?

Mr. FORAKER. I can not give them now. I only know that they are now too old to be restored to the academy to complete their course there.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. MALLORY. What is the exact date of the act of 1903?

Mr. FORAKER. March 3, 1903.

Now, then, to sum it up, as I have to go to keep my engagement, this was not a case of hazing in the spirit in which we enacted that statute, and this proposed law is not in conflict with that statute, for all the punishment it imposes has already been imposed; that they shall be expelled from the Academy and shall not be eligible for restoration to the Academy for a period of two years thereafter. Nobody is asking to restore them to the Academy, and it would be impossible on other accounts to restore them if we wanted to do it.

The only question is whether or not we shall show some reasonable leniency and have the benefit of their services by intrusting to the President, in the exercise of his sound discretion, the right to appoint them to the service.

I am much obliged to the Senator from Wisconsin.

Mr. SPOONER. Mr. President, a very few words. The Senator from Ohio [Mr. FORAKER] who last spoke has called attention to a phase of this matter to which I have desired to call the attention of the Senate, and I shall therefore take less time than otherwise might be required.

The Senator from Kentucky [Mr. BLACKBURN] is a generous man, a chivalrous man; one of the best friends in the world; a sympathetic man; a man of fine imagination; but in this matter he is lacking a little bit, if he will permit me to say so, in a due sense of proportion. I agree with him entirely in the strictures that he passed upon the offense of hazing. There is hazing and there is hazing. The case to which he referred could hardly be called a case of hazing in the average college sense. It was a case of brutality and cowardice. The cases at West Point which stirred the public sentiment of the country were cases of brutality. They were cases of bullying, and cases of bullying are cases of cowardice.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. SPOONER. Certainly.

Mr. McCUMBER. I should like to ask the Senator whether, in his assumption that there was no bullying in this case, it was a case of one boy against another of the same size?

Mr. SPOONER. No.

Mr. McCUMBER. Or were there several boys gathered together to make one boy do certain things that he would not have done except for overpowering numbers?

Mr. SPOONER. No; it was not.

Mr. McCUMBER. I want to get the facts before I vote upon the bill.

Mr. SPOONER. It was not that. It was the purpose of Congress, I think, to draw the line between those things which are not serious, which are not brutal, which decent men as a rule would not do, and which decent boys will not do, because the bully and the coward as a boy is the bully and coward as a man, and admitting young fellows to West Point and to the Naval Academy does not change their characteristics. They are still boys; they are still full of pranks; they will still do things at college which are not brutal and cruel and likely to entail suffering and harm upon their associates. There are those who will do the things which the boys in the ordinary colleges of the country do and the boys all over the country do; and that is to be expected.

The fault, the real fault—and it was a real fault in these young men—is that they were petty officers at sea, and the little offense the cadets had been guilty of in one instance was a lack of table manners from the standpoint of the cadet of the higher class; in another case taking fruit from the wardroom, and in another case disobedience of orders in the drilling squad, and they imposed penalties which they had no right to inflict; they put them through what the Secretary of the Navy says were the usual gymnastic exercises of the college, and they were wrongful only because they were compelled to do them without authority.

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

Mr. SPOONER. Certainly.

Mr. McCOMAS. The Senator from Wisconsin has been very often very persuasive in deciding my vote on propositions in the Senate. One matter here is what the commandant says:

> Even upon this bill, however, it is pointed out by the commandant of cadets, who, in the absence of the superintendent—

This is what the Secretary of the Navy says—

> at the Department's request has expressed his views thereon, that "the effect upon the discipline of this school of restoring these midshipmen to the service in any capacity until two years after the graduation of the class of which they were members will * * * be bad."

In respect to this general proposition I am inclined to yield to the Senator, because boys will be boys sometimes; but they ought not to be brutes when they are boys.

It is said, in respect to this law and modifications of the law by the superintendent of that class of cases: "Restoration to the Naval Academy," in speaking of these young men and certain other cases, "will be a serious blow at its discipline and will simply invite another outbreak of hazing, which has now been stopped at the Academy."

That is the general matter.

Mr. SPOONER. That is what the commandant or Superintendent of the Naval Academy says about it?

Mr. McCOMAS. Yes.

Mr. SPOONER. The Commander in Chief of the Navy of the United States, however, in a special message to Congress, after going through the whole subject, advises the passage of this bill—and that is the President.

Mr. McCOMAS. I am aware of that.

Mr. SPOONER. He says he has gone through it all and says that—

Upon review of the facts in this case, I concur generally in the conclusions of the Secretary of the Navy and the Committee on Naval Affairs—

That is of the House—

with respect to the character of the offenses committed by these midshipmen. Their acts were in plain violation of the letter of the statute; but the case presented is not an aggravated one, and I believe that their severance from the academy, their reduction to the foot of the class of which they were members, and their entry into the naval service without formal graduation will be adequate punishment.

The draft of a bill granting authority for the appointment of these midshipmen to the Navy—

That is this bill—

under conditions and restrictions believed to be sufficient to guard the interests of the service is inclosed for the consideration of the Congress.

THEODORE ROOSEVELT.

Now, if there is a man in this country who cares for the Navy, who cares for maintaining its discipline, to whom Congress may very well listen in a matter of this sort, it is the President of the United States, and he has given the case careful consideration.

The theory of this act of Congress was not to make the offenses of these cadets punishable without investigation if the offenses were only boyish pranks, if they were not brutal, if they were not merciless and cruel, such as the New Hampshire case and other cases which have been brought to the attention of the Congress. It is clearly indicated in the statute. The door was left open in any of the cases without coming to Congress. The President is permitted at the end of two years after the graduation of the class to commission the cadets who have been dismissed. But is there to be no discrimination as to the character of the offenses? We have to average the conduct of cadets at West Point and the Naval Academy as the world has to average the conduct of men generally. You can not apply the same rule and enforce the same punishment to each case without discrimination as to the merits of the one as against the other. There was nothing of brutality in these cases.

Mr. McCOMAS. I should like to ask the Senator if they were not of the class of 1907?

Mr. SPOONER. Of 1906. These boys have been punished. They were high class men. They were men who led in their classes. They did a wrong thing. They are young men. I know the young man from my State, and I would not deal with him differently from what I would if he were from Virginia or Arkansas or Colorado or Alabama. The ambition of his life has been to be a naval officer. He stood high in his class. He committed a fault, and he has paid a grievous penalty for it. He was dismissed from the Academy. He is prevented from graduating with his class. He has kept up his studies, as the others have. They have to pass the examination in order to avail themselves of the permission of this act, just as if they had graduated; and they go to the foot of the class. As the Secretary of the Navy says, all through their career follows then this penalty, this punishment, that they are at the foot of the class. No matter how they may in the time to come by faithful and gallant and chivalrous service excel those who are above them in this class, they are at the foot of the class. The do not escape penalty. They are not put back by this legislation of Congress. They are simply permitted to come in at the foot of the class, which but for this fault of theirs, trivial as it was in a way, and yet not trivial because of their temporary authority, they might have led.

But to say that the discipline of the Navy requires Congress to be without mercy, to be without justice, to be without discrimination, to deal with these men as if they had been brutal and cowardly and cruel, as if they had been in combination with a number to persecute some one, is not consistent with that sense of justice to the soldier or sailor with which this Congress, ever since I have been a member of it, has been wont to deal. We have restored officers who were court-martialed many years ago, men who were gallant men but who for some fault had been dismissed. We have restored naval officers who through some fault had been dismissed. We have restored private soldiers and given them honorable discharges where they had been dishonorably discharged, sometimes, as I thought, on adequate grounds.

Now, all there is about this measure is this: The President thought that instead of requiring these young men to wait two years after the graduation of the class, in view of their standing, in view of the fact that they have kept up their studies, in view of the fact that their offenses were, while technically serious, indicative of no cowardice, no spirit of brutality, they ought to be permitted by Congress to go to the foot of their class at sea.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. MALLORY. Has the Superintendent of the Academy made any recommendation?

Mr. CARMACK. Yes.

Mr. SPOONER. The Superintendent of the Academy thought it would be subversive of discipline.

Mr. MALLORY. In this particular case?

Mr. SPOONER. Yes; in this particular case, and I think in all other cases where a man is dismissed by court-martial that I have ever known of. I do not reflect at all or criticise the Superintendent; but the Secretary of the Navy, while presenting both sides, says that if the discretion had been by the law invested in the court they would have imposed, he implies, a lighter punishment. I do not criticise the court for finding these young men guilty. In a technical sense it was hazing and they had no discretion but to dismiss.

I think, all things considered, Mr. President, it is a fair, just, and right thing, leaving these men to suffer as they have suffered, and to bear the punishment in the future which they do bear by having a scar on their record at the Naval Academy, to permit them to enter the service at sea at the foot of their class, to give them a chance to work their way and to wipe this out as far as they can by good service, if they have so kept up their studies as to be able to pass an examination. It is a House bill, and I ask that it be passed.

Mr. CARMACK. Mr. President, I appreciate the feeling of the Senators who have supported this bill. I am as sympathetic as most men, I believe, and would be glad to do anything in my power to undo any injustice or even harsh justice with reference to these men that could be done in the interest of the public service. The plain facts of the case are that these young men were tried by a court-martial and found guilty, and this act would be subversive of discipline and a plain, deliberate, and intentional violation of an act of Congress. We have the report of the Superintendent of the academy that to enact this bill would be very subversive of discipline, and that it would lead to the punishment of other young men for the very same offense.

Mr. DOLLIVER. I have been unable to find that testimony of the Superintendent of the academy in relation to this particular bill. I understand he did send in a criticism of a bill heretofore introduced, which proposed to restore these young men to their place in the academy, but this bill is drawn with the special purpose of avoiding that objection raised by the Superintendent.

Mr. CARMACK. Here is what the Secretary of the Navy says:

Even upon this bill, however, it is pointed out by the commandant of cadets who, in the absence of the Superintendent—

The Superintendent not being present, I should have said the commandant—

Even upon this bill, however, it is pointed out by the commandant of cadets who, in the absence of the Superintendent, at the Department's request has expressed his views thereon, that "the effect upon the discipline of this school of restoring these midshipmen to the service in any capacity until two years after the graduation of the class of which they were members will * * * be bad."

As I said, these young men were tried by a court-martial, fairly constituted. Is there any claim that it was prejudiced against them, or any claim that there was not a fair trial? Is there any claim or any pretense that they were not guilty as charged?

Mr. President, it seems to me that it is time that our naval and military gentlemen should be taught some respect for the laws of Congress; they ought to be taught discipline, and ought to be taught some respect for the civil authority, for which they now possess very little. Some time since a gentleman in the Army expressed the opinion that certain Senators of the United States ought to be hanged, and the President of the United States promoted him for saying it.

Mr. SPOONER. Does the Senator mean to say that the President promoted him on that account?

Mr. CARMACK. I think so; that is my opinion. I think it is time that these gentlemen should be taught some respect for the civil authority, and that these cadets, who deliberately violated the laws enacted by the Congress of the United States, ought to be punished for their violation of law.

There was a young man from my State at the Naval Academy at Annapolis who was guilty of some infraction of discipline and was dismissed. No effort was made to reinstate him. He was not guilty of any brutality; he was not guilty of any cruelty; he was not guilty of hazing; but because he was not guilty of violence and cruelty, and because he was not guilty of violating an act of Congress, there was no mercy shown toward him.

Mr. President, these young men ought to be taught to be gentlemen as well as officers, and I say it is not the act of a gentleman to take advantage of some young man who is utterly helpless and in their power and perpetrate acts of needless cruelty upon him. No man feels that he is acting the part of a gentleman if a newcomer comes into his neighborhood and he joins with his neighbors to perpetrate pranks upon him or cruelty upon him or physical violence upon him.

I say these young men ought to be taught to be gentlemen as well as officers and soldiers. I believe it will be utterly subversive of discipline if we do not enforce the law; and if the Congress of the United States undertakes to exercise the pardoning power to relieve these young men of the punishment that has been inflicted upon them I believe it will be practically the overthrow of the action of Congress in enacting the law.

Mr. QUARLES. Boys will be boys——

Mr. CARMACK. And gentlemen will be gentlemen.

Mr. QUARLES. And who would have it otherwise? If, under the enactment of Congress, it is seriously proposed now to drill these young men until you have drilled out of them all the buoyancy of youth, you will have exterminated in their breasts the spirit which is necessary to make good soldiers or good sailors.

The vice of the situation, the vice of the legislation, is the same as the vice of the beautiful speech made by my distinguished friend from Kentucky [Mr. BLACKBURN]. His language was elegant, and his diction was perfect, but his logic, in my judgment, was not good. He speaks of hazing as a definite term as though it involved some specific, well-understood offense. That is not true. There are as many phases of the offense of hazing as the imagination of man can conceive. At a time when its sensibilities were shocked at the outrageous conduct of some of these cadets, the brutality, the fiendish brutality, they had exhibited, Congress passed an act which I stand here to condemn as intolerant and ill-advised, because, Mr. President, it deals with hazing as if it were a definite, well-understood offense. What would any member of this Senate say about a law that would punish assault and battery by imprisonment in the State prison and strip the court or the jury of all discretion to make a difference between one kind of assault and battery and another? Every lawyer knows that an assault and battery may be the slightest thing in the world; it may be a touching of the person, which involves no harm, or it may be the dangerous assault of a drunken brute armed with a club upon some defenseless woman or child.

That kind of legislation that would deal with assault and battery as being one thing punishable by imprisonment in a State prison would by its intolerance bring the law into contempt and disrepute, and that is what we have done by our enactment here. My distinguished friend from Tennessee [Mr. CARMACK] seems to argue that because there has been a verdict of a court-martial in this case there ought to be some finality about that. I would remind him that this matter of punishment under an act of Congress is being carried to such an extent in these establishments now, reflecting the feeling that prompted the enactment of Congress, that they will bring this whole regulation into contempt.

Within a week this body has passed a bill permitting the President to restore a cadet to the United States Miliary Academy. I had occasion to examine into the facts in that case, and there was a court-martial by whose determination that *young man* was dismissed from the Military Academy. What was the offense? It was called hazing by the court. But what was it in fact? He was an officer in the battalion. He entered the tent of a fourth-class man, having the right, to order that fourth-class man to go and clean his gun. The fourth-class man, being ignorant of the regulations, and not knowing who he was, made some surly retort. Thereupon the first-class man lost his temper, ordered the fourth-class man to stand at attention with his chin in, and said to him: "If you do not mind the regulations here you are liable to get your face smashed." That is all there was of it; and that was called hazing; and that young man was dismissed on account of that mere trifling offense.

Mr. CARMACK. If the Senator will permit me, I think he ought to have been dismissed for an insult of that kind.

Mr. QUARLES. Very well: I must beg to differ with my distinguished friend, and I must call upon him and all other Senators to make a distinction between a mere boyish prank, such as we find in every school and college, and deliberate, brutal, dastardly, assaults, such as we have heard of.

Mr. President, I shall not detain the Senate further than to suggest one thing to emphasize the point I am making. In every college in the United States with which I am familiar there is an unwritten rule that a freshman shall not wear a silk hat or carry a cane. If a freshman parades himself on the campus with a silk hat the sophomores are in duty bound to catch him and take that hat away from him. That would be hazing if it were to happen in one of our Government academies; but it is a mere boyish prank. There is nothing in it but fun, and that you would not want to punish.

So with these young men, Mr. President. The case should be investigated on its own merits, and the Senate, as the only tribunal that can do it, now ought to discriminate between such a harmless transaction as these young men were guilty of and the other acts that have been condemned by Congress.

Mr. DOLLIVER. Mr. President, I would vote for this bill whether the boys whose cases are involved in it were from the State in which I live or not; but I would not intrude upon this debate except for the fact that one of these young men is a constituent of mine from the State of Iowa.

Mr. MORGAN. May I ask the Senator a question for information? I want to understand this case.

Mr. DOLLIVER. Certainly.

Mr. MORGAN. The information I desire is this: Were these three young men engaged together in this alleged act of hazing?

Mr. DOLLIVER. In reply to my honored friend from Alabama, I would say that these three young men were not engaged together, and therefore, in my judgment, the court-martial came to a very mistaken opinion when it regarded these acts as acts of hazing.

Mr. MORGAN. Were they all prosecuted separately before the court-martial?

Mr. DOLLIVER. Not at all. They were guilty of three separate acts, but were all prosecuted about the same time.

Mr. MORGAN. Were the acts committed on shipboard or were some of them committed on land?

Mr. DOLLIVER. They were all committed within the precincts of the Academy, as I am informed.

Mr. MORGAN. Not on board ship?

Mr. DOLLIVER. If the Senator will pardon me, I will state exactly what the acts were and exactly the character of the offenses, as I understand.

I believe the Senator from Kentucky [Mr. BLACKBURN], in his very temperate and eloquent speech, correctly described the crime of hazing. I do not think Congress intended to make of every trifling incident in an academy career a crime such as is described by that word. I think that hazing involves a confederation of several people to humiliate and annoy one man. It implies also the imposition of the strong upon the weak. Neither of these characteristics may be found in the transactions for which these young men were found guilty.

The Secretary of the Navy, in the letter which has been read from the Secretary's desk, points out exactly the kind of offense these boys were guilty of. They were legally in command of certain detachments of the lower classmen, and finding a number of the lower classmen guilty of an infraction of the regulations of the academy, one being mentioned in the letter of the Secretary, like taking fruit from the mess table, the young man, for whom I am now especially speaking, made an order that the party guilty of this petty offense should report to him at his room; and, without confederates, he inflicted a light penalty upon him, which, according to the statement of the Secretary of the Navy, consisted in putting him through an ordinary gymnastic exercise of the academy.

Mr. MORGAN. If the Senator will allow me, that is one case that occurred in the Naval Academy grounds?

Mr. DOLLIVER. Yes, sir.

Mr. MORGAN. Not on shipboard?

Mr. DOLLIVER. Not on shipboard.

Mr. MORGAN. How about the other two cases? Are they different from that?

Mr. DOLLIVER. They are not different from that in moral quality.

Mr. MORGAN. But in fact?

Mr. DOLLIVER. Yes, sir; there was some difference in fact.

Mr. MORGAN. They occurred at a different time?

Mr. DOLLIVER. They occurred at a different time.

If these boys had been guilty of any brutality, I would not even listen to their plea; if they had been guilty of any cowardly conduct, I would not consider their case as having any standing here; but they have been guilty, at most, of a minor indiscretion; and I say that it is an act of obvious wrong and injustice to visit upon them the extreme penalties of the law which we enacted against the brutality of the system of hazing in the United States.

I know these boys to be manly young men. They went out from the Naval Academy and entered into civil life as ordinary

workingmen in great manufacturing establishments of the country. They are keeping up their studies, and they are looking forward to an opportunity to put their knowledge and their training at the service of the Government of the United States.

I hold that no such serious blow could be struck at the discipline of our great Naval Academy as to perpetuate the injustice that would be involved in punishing these men as if they were guilty of a brutal and cowardly offense, when, in point of fact, their offense is light and trivial in its character, and the punishment goes grossly beyond the moral delinquency of their offenses.

The Secretary of the Navy says this bill is all right; the President of the United States examined this case, and is anxious to contribute his part to correct this injustice; and I hope that the plea of these young men—guilty only of a slight infraction of the regulations—to be restored to the service of their country, punished adequately as they will be by the very terms of this legislation, will be granted by the Senate of the United States.

ORDER FOR RECESS.

Mr. HALE. Mr. President, the committee of conference had hoped to bring in a report on the deficiency appropriation bill by this time, but it will not be able to do so before the recess. Senators are desirous of that matter being settled, and I now move that at 6 o'clock the Senate take a recess until half past 8 o'clock this evening.

The motion was agreed to.

ABATEMENT OF NUISANCES.

Mr. STEWART submitted a report to accompany the bill (H. R. 6289) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, heretofore reported by him.

BILL INTRODUCED.

Mr. DICK (by request) introduced a bill (S. 7295) authorizing the construction of a canal to connect the waters of the Atlantic and Pacific oceans; which was read twice by its title, and referred to the Committee on Interoceanic Canals.

KENNEBEC ARSENAL, AUGUSTA, ME.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 18990) authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Me., to the State of Maine for public purposes; which was read twice by its title.

Mr. HALE. As I have to go back to the committee room in a moment, I ask unanimous consent that the bill may be now considered.

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

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

REPORT OF RECLAMATION SERVICE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 98) to print a second revised edition of the annual report of the United States Reclamation Service, which were, in line 11, to strike out "one-third" and insert "one thousand five hundred;" in line 12, to strike out "one-third" and insert "two thousand five hundred;" and in line 13, to strike out "one-third" and insert "two thousand."

Mr. GORMAN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

APPOINTMENT OF MIDSHIPMEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy.

Mr. DANIEL. Mr. President, this bill is in fact an appeal from a legal decision to the only chancery that exists. The President has no power to intervene in this matter. Congress is the only authority that can confer any power upon anyone to mitigate the sentence of a court-martial.

The court-martial did right in this case. It had no discretion to do otherwise. It is stated in a report made to us that if it had possessed discretion to do otherwise the sentence might have been lighter. We can well so understand.

The three young men for whom some merciful administration is asked were cadet officers at the Naval Academy. They did not strictly administer discipline as they should have done. Instead of acting according to the strict letter of the naval law they committed an imperious offense in taking the law into their own hands, and commuted the punishment which would otherwise have followed upon certain minor irregularities of other cadets by requiring them to go through some gymnastic exercise.

Their offense was not an aggravated one. It was not an offense of a gross nature that in its very character is an impeachment of sound morals, nor does it carry with it any impugnment of character, saving only that they did not act up to the rigid requirements of naval and military law.

On their behalf these considerations occur to my mind: First of all, they are young men who may, indeed, have had the best teachers in scientific and literary instruction, but who were without the greatest of all teachers—long experience in the affairs of life. I do not think young men ought to be dealt with or judged as sternly as older and more experienced men may be justly judged. Youth is not always even in its growth, although the growth may be a round one when perfected. Youth is in its nature more liable and susceptible to lapses and excesses than is an age in which wisdom has ripened judgment and understanding. In addition to their youth, they appear to have been, and no one gainsays the fact that they were, respectable young men of high character, and, more than that, respectable young men of high character who possessed exceptional qualifications.

These facts appeal to my judgment. I believe in law, but our great jurisprudence invented equity to temper and to mollify what appear to be hardships in the administration of law. I believe also in justice, for justice is in itself the highest ideal of human virtue. But I also believe in mercy, and that justice is never so just as when it throbs with a heart of mercy in its bosom.

In the third place, Mr. President, it is far from the fact that these young men of good character have escaped punishment. They have not escaped punishment. On the contrary, their punishment has been prompt. I will not call it severe, but it has been no trivial punishment. They have been condemned, and up to to-day they have been executed. They have been turned out of the Naval Academy, and have been subjected to a most terrible humiliation for young men of pride and character. They remain, with their future careers in abeyance, under a continuous strain of reprobation.

Mr. President, a just man and a liberal-hearted man should always hesitate to obscure the possibilities and prospects of youth. The fact that they are young, and that they are young men of high character, is in itself an appeal not only to the finest feelings of our nature, but also to the soundest principles of justice in that nature.

Nor does their punishment end with this statute. We do not restore them to any rank whatsoever. It is not within the reach of our power so to do. But we say that if the President of the United States, who is the Admiral of the Navy and the Commander in Chief of the Army, the head of our forces, in the exercise of his judgment and discretion, shall see fit not to restore these young men—restoration is not asked; restoration is scarcely possible—but if he shall see fit, so to speak, to temper the wind to the shorn lamb, he shall have the power and authority so to dispense mercy.

But the young men are put upon conditions. They are required to stay at the foot of the class as a perpetual forfeiture of their rank in that class. Furthermore they are not permitted to receive a commission just so. They are required to come forward and to stand an examination and to show themselves fully qualified intellectually as would-be graduates of the Naval Academy to assume that rank of intellectual accomplishment which is required of all other graduates.

Under these circumstances, Mr. President, I think it is right that the Congress of the United States should remove a bar to the amelioration of punishment and to the opening again of the doors of hope and of high career to young men whom we can not say have committed any act so serious as not to entitle them to rank fitly among soldiers and sailors and gentlemen.

Mr. PATTERSON. Mr. President, it does not at all follow that because one has been tried and sentenced, therefore the sentence must be carried into effect in all of its rigor, even though the trial may have been had before a just judge and the sentence nothing but the sentence of law. It not infrequently happens that sentences are decreed because the letter of the law demands that they shall be decreed, and sentences are often pronounced under such circumstances, in expectation that the power which may supervise it will at least modify it.

Mr. President, I recall not so many years ago the story of a shipwreck, where a number of men were cast afloat in a boat which was buffeted by the winds and waves for days and days, and to preserve life they were compelled to resort to the methods of cannibals. Those who survived were tried before an English court, and under the rigor of the English law it was necessary that the defendants should be convicted and sentenced to death. But that was done, Mr. President, in full expectation that the Queen would exercise the prerogative of a pardon, so rarely exercised in Great Britain, and the Queen did not disappoint justice.

Mr. McCUMBER. Will the Senator from Colorado yield to me to report two pension bills and ask for their consideration? It is now two minutes of the time when the Senate will take a recess, and I assume we will not get through with the pending bill until after the recess. If the Senator from Colorado will allow me to put these two bills through, I will be much obliged to him.

Mr. PATTERSON. I wish to yield first to the Senator from Texas, and then I will yield to the Senator from North Dakota if there is time.

The PRESIDING OFFICER (Mr. KEAN in the chair). There are only two minutes remaining.

Mr. McCUMBER. It will not take two minutes to pass these bills.

Mr. BAILEY. It will take less than a minute to pass my bill.

Mr. McCUMBER. Very well.

QUARANTINE DISTRICTS.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (H. R. 17589) to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes.

I may say that there is on the Senate Calendar with a favorable report a bill identical in all respects with this bill.

The bill was read the first time by its title, and the second time at length, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

PAUL G. MORGAN.

Mr. McCUMBER. From the Committee on Pensions I report favorably without amendment the bill (H. R. 18481) granting a pension to Paul G. Morgan, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Paul G. Morgan, late private United States Marine Corps, and to pay him a pension at the rate of $6 per month.

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

EDWIN A. HARADON.

Mr. McCUMBER. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 9980) granting an increase of pension to Edwin A. Haradon, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Edwin A. Haradon, late of Company C, Eighty-sixth Regiment New York Volunteer Infantry, and to pay him a pension at the rate of $14 per month in lieu of that he is now receiving.

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

CERTAIN LANDS IN MISSISSIPPI.

The PRESIDING OFFICER laid before the Senate the amendment of the House to the bill (H. R. 1344) to quiet certain land titles in the State of Mississippi, which was, on page 2, after line 8, to insert as a new section the following:

SEC. 3. This act shall not apply to the counties now composing the Third Congressional district, to wit: Tunica, Quitman, Coahoma, Bolivar, Sunflower, Leflore, Holmes, Washington, Sharkey, and Issaquena.

Mr. McLAURIN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 6841. An act to authorize the construction of a bridge over the Alabama River between the counties of Clark and Monroe, State of Alabama;

S. 7012. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;" and

S. R. 109. Joint resolution to print the report of the Eighth International Geographic Congress.

The message also announced that the House had passed with an amendment the joint resolution (S. R. 98) to print a second and revised edition of the Third Annual Report of the United States Reclamation Service; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 815) to correct the military record of James Houselman.

The message also announced that the House had passed a bill (H. R. 18990) authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Me., to the State of Maine for public purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print and bind 10,000 copies of the proceedings in the Senate of the United States in the matter of the impeachment of Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, etc.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print and bind 10,000 copies of the final report of the Commission on International Exchange, etc.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 11204) to ratify and confirm a lease made by the Seneca Nation (of New York) Indians to John Quilter.

The message also announced that the House had passed, with amendments, the bill (S. 1344) to quiet certain land titles in the State of Mississippi; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18809) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; insists on its amendments Nos. 11, 12, 91, 111, and 114, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. DOVENER, and Mr. LESTER managers at the conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print and bind 1,100 copies of the report of the agent of the United States in the arbitration of the Venezuelan cases before The Hague Tribunal.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print and bind the proceedings in Congress upon the acceptance of the statue of the late Frances E. Willard.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 12,000 copies of the Report on the Progress of the Beet-Sugar Industry in the United States in 1904.

RECESS.

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, the Senate will take a recess until 8.30 this evening.

Thereupon (at 6 o'clock p. m.) the Senate took a recess until 8.30 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8.30 o'clock p. m.

YOSEMITE NATIONAL PARK.

Mr. PERKINS. The junior Senator from Colorado [Mr. PATTERSON] had the floor when we took a recess. I ask him kindly to yield to me for a few minutes that I may introduce a joint resolution and put it upon its passage.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. PATTERSON. With great pleasure.

Mr. PERKINS. I introduce a joint resolution and ask for its present consideration.

The PRESIDING OFFICER. It will be read.

The joint resolution (S. R. 115) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, in the Yosemite National Park, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the recession and regranting unto the United States by the State of California of the "Cleft" or "Gorge" in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the "Yosemite Valley" with its branches or spurs, granted unto the State of California in trust for public use and recreation by the act of Congress entitled "An act authorizing a grant to the State of California for the 'Yosemite Valley' and of the land embracing the 'Mariposa Big Tree Grove,'" approved June 30, 1864 (13 Stats., 325), as well as the tracts embracing what is known as the "Mariposa Big Tree Grove," likewise granted unto the State of California by the aforesaid act of Congress, is hereby ratified and accepted, and the tracts of land embracing the Yosemite Valley and the Mariposa Big Tree Grove, as described in the act of Congress approved June 30, 1864, be and the same are hereby reserved and withdrawn from settlement, occupancy, or sale, under the laws of the United

States and set apart as reserved forest lands, subject to all the provisions of the act of Congress approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations," as well as the provisions of the act of Congress approved February 7, 1905, entitled "An act to exclude from the Yosemite National Park, California, certain lands therein described and to attach and include said lands in the Sierra Forest Reserve," and shall hereafter form a part of the Yosemite National Park.

All revenues derived from privileges granted under the act of October 1, 1890, the act of February 7, 1905, as well as under this measure, shall be paid into the Treasury of the United States, to be expended under the direction of the Secretary of the Interior in the management, protection, and improvement of the Yosemite National Park. There is hereby appropriated, from any moneys in the Treasury not otherwise appropriated, for the management, protection, and improvement of the Yosemite National Park, to be expended under the supervision of the Secretary of the Interior, the sum of $20,000.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. OVERMAN. I must object unless an explanation is given of it.

Mr. SPOONER. What is the resolution?

Mr. PERKINS. I will state, if the Senator will permit me, the necessity for the passage of the joint resolution at this time.

Mr. SPOONER. I will briefly state that there is a regular order, which came on, as I understand it, at half past 8 o'clock.

Mr. PERKINS. And by the courtesy of the Senator who had the floor, he yielded to me for the passage of a measure of most vital importance for the welfare of the country.

Mr. PATTERSON. I yielded temporarily to the Senator from California.

The PRESIDING OFFICER. The Chair understands what the regular order is. The Senator from Colorado yielded to the Senator from California, that he might ask unanimous consent for the introduction and consideration of a joint resolution.

Mr. PERKINS. I do not like to take up time to explain the measure, and I know my friend from Wisconsin is in favor of it.

Mr. SPOONER. Of course, if it involves a matter of most vital importance to the country.

Mr. PERKINS. There is no question about that. The Secretary of the Interior says the Department will be greatly embarrassed if the joint resolution is not passed; and as it must go to the House for the consideration of that body I ask the indulgence of the Senate for a moment to put it on its passage.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HALE. What is the joint resolution?

Mr. PERKINS. I will state to the Senator from Maine that it is the same item which went out of the sundry civil appropriation bill.

Mr. SPOONER. I will state to the Senator from Maine that it is a matter which interests the whole country.

Mr. PERKINS. There is no question about that.

Mr. HALE. So I supposed. That is one reason why I asked the question.

Mr. SPOONER. My authority is the Senator from California.

Mr. HALE. Let the joint resolution be read.

The PRESIDING OFFICER. The joint resolution will be again read.

The Secretary again read the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HALE. The Senator from California has stated that he has letters from the Department which will explain this matter fully. I should like to have them read.

Mr. PERKINS. The letters were published in full this morning in the CONGRESSIONAL RECORD. If the Senator will give me three minutes I will explain the necessity for the passage of the joint resolution.

Mr. HALE. Let the letters be read and then we shall be very glad to listen to the Senator from California.

The PRESIDING OFFICER. The Senator from California sends to the desk a letter, which the Secretary will read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 3, 1905.

Hon. GEO. C. PERKINS,
United States Senate.

SIR: In compliance with your verbal request, I have caused to be prepared the inclosed joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, making the same a part of the Yosemite National Park.

This has been made as concise as a proper description of the lands receded by the State will permit.

I trust that this may receive favorable consideration by Congress, as, unless legislation is enacted at this session the Department will be much embarrassed by the administration of affairs in the park.

In this connection it is proper to add that Governor Pardee wired the Department this a. m. that he would approve the bill receding the lands in question to the United States at 11 a. m. March 3, 1905.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Mr. HALE. The Senator from California said he would make an explanation of the matter, and I should be very glad to hear him.

Mr. PERKINS. Mr. President, in 1864 the General Government ceded to California what is known as the Yosemite Park, or Yosemite Valley, and the Mariposa Big Tree Grove. The Yosemite Park proper embraces about 8 miles in length and from 3 to 4 miles in width. It is nestled up in a crest of the Sierra Nevada Mountains at an altitude of about 4,060 feet. The mountains on either side of it have a higher elevation, ranging from four thousand to forty-five hundred feet. The Merced River rises there. Its source is near the head of the valley known as Vernal Heights, or Vernal Falls. It runs down through the park, forming lakes and pools, and there mirrors the grand precipices and peaks which are clothed in eternal snow and glaciers that never melt.

Mr. SPOONER. Now, if this matter is to be eternal, I want to object to it.

Mr. PERKINS. As Pope says—

> Hope springs eternal in the human breast;
> Man never is, but always to be, blest.

I am willing to be blessed, and I will take no further time, if my friend from Maine will withdraw his objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (S. 3916) for the relief of James S. Hasher.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18969) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 18516. An act providing for the allotment and distribution of Indian tribal funds;

H. R. 17863. An act further prescribing the duties of the secretary of the district of Alaska, and for other purposes;

H. J. Res. 210. Joint resolution for the printing of a compilation of all Federal and State forest laws; and

H. J. Res. 227. Joint resolution for the printing of the report on the Mexican cotton-boll weevil.

The message also announced that the House had passed a concurrent resolution to print and bind 5,000 copies of the report of the Commissioner of Corporations on the beef industry and the message of the President of the United States of March 3, 1905, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

S. 3379. An act 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;"

S. 5108. An act to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899;

S. 7012. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;"

S. 7042. An act authorizing the Secretary of the Navy to accept the torpedo boats *Stringham* and *Goldsborough;*

H. R. 815. An act to correct the military record of James Houselman;

S. 3535. An act to grant honorable discharge to William A. Treadwell;

H. R. 11664. An act to reimburse the Illinois Railroad Company for damage to Union Depot at Louisville, Ky., by blasting in the Ohio River;

H. R. 14393. An act granting an increase of pension to Deborah W. Annable;

H. R. 15021. An act for the relief of Gilbert Shaw;

H. R. 17865. An act making appropriations for the service

of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 18040. An act to authorize Gila County, Ariz., to issue $40,000 in bonds to build a court-house, etc.;

H. R. 18514. An act to amend an act to prohibit the passage of special or local laws in the Territories, to limit Territorial indebtedness, and to legalize the indebtedness of school district No. 1, in Pawnee County, Okla.;

H. R. 18939. An act for the relief of the heirs and assignees of Thomas Whaley and wife;

H. R. 19050. An act to authorize the county of Ouachita to construct a bridge across Ouchita River, Arkansas;

H. R. 19097. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River, near the city of St. Charles, in the State of Missouri;

H. R. 19098. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri;

H. R. 19178. An act to authorize the Apalachicola and Northern Railway to construct and maintain a bridge across the Apalachicola River and the East St. Mary River;

S. R. 107. Joint resolution authorizing the Commission to Revise the Laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary title heretofore reported by said Commission; and

H. J. Res. —. Joint resolution permitting Ying Hsing Wen and Ting Chia Chen, of China, to receive instruction at the Military Academy at West Point.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 11, 13, 14, 15, 16, 17, 19, 21, 28, 30, 35, 38, 43, 54, and 92.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 7, 9, 10, 12, 18, 20, 22, 23, 24, 26, 29, 31, 33, 34, 36, 37, 39, 40, 41, 42, 45, 46, 47, 48, 49, 50, 51, 53, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 79, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments, as follows: Strike out in line 5 of the amendment the words "March fifth" and insert in lieu thereof the words "July first;" and in line 6 of said amendment strike out the words "one thousand and eighty dollars" and insert in lieu thereof the words: "one thousand five hundred and ninety-one dollars and twelve cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following: "To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year ending June thirtieth, nineteen hundred and six, one million five hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: Add after the word "Numbered" the following: "One hundred and ninety;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "One thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "one thousand four hundred and thirty-one dollars and fifteen cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following:

"Indian Office: For the following for the fiscal year ending June 30, 1906, namely: three copyists at one thousand dollars each, and two copyists at nine hundred dollars each, paid from the tribal funds of the Choctaw and Chickasaw Nations, Act of April 21st, nineteen hundred and four; in all, four thousand eight hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "one hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following: "There shall be employed in the office of the Secretary of the Senate an assistant Secretary of the Senate (Henry M. Rose) at an annual salary of five thousand dollars, and the sum of six thousand six hundred and twenty-five dollars is hereby appropriated for the balance of the present fiscal year and for the fiscal year ending June 30, 1906;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: On page 81 of the bill, in line 11, strike out the word "fourth" and insert in lieu thereof the word "third"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following: " : *Provided*, That of the document entitled 'The Declaration of Independence,' the Public Printer shall deliver to the Senate five hundred and forty copies and to the House of Representatives one thousand one hundred and seventy copies for distribution, and the residue of the present editions of said document shall be delivered to the Department of State, and no further copies of said document shall be printed unless expressly authorized by Congress, and no money shall be paid to any person for the preparation of said book;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: Add at the end of said amendment the following: "One hundred and eighty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows: Add, after the word "Numbered," the following: "One hundred and eighty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows: Add, after the word "Numbered," the following: "One hundred and eighty-five;" and the Senate agree to the same.

On the amendment of the Senate numbered 77 the committee of conference have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. A. HEMENWAY,
H. C. VAN VOORHIS,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. GORMAN. I should like to make an inquiry of the Senator from Maine in charge of the bill. The first report is not an entire agreement, I understand, and I should like to inquire of him in regard to the amendment of the Senate striking out the provision for the payment of mileage for the constructive recess we had a year ago.

Mr. HALE. The report of the committee of conference of the two Houses covers an entire agreement upon all the amendments except the provision of the House relating to mileage. The House of Representatives, as Senators know, put upon the bill a provision giving mileage for what is known as the time where the two sessions of Congress merged into each other. The Senate has taken decided ground upon that matter. As Senators will remember, it was where one session was immediately followed by the next session, as one hour succeeds another and as day succeeds night, and as Monday succeeds Sunday.

Mr. SPOONER. And as minutes succeed minutes.

Mr. HALE. And as a minute succeeds a minute. The Senate has taken the ground, through a report of its committee, that there is no space of time between the two sessions, that there is no constructive recess, that the two sessions melt into each other, and there is no time at which any executive or legislative act can be performed. The Committee on the Judiciary, the law committee of the Senate, has covered that subject by a very complete report, which was made by the Senator form Wisconsin [Mr. SPOONER], illuminating the whole subject, as that Senator does when he treats upon any matter.

The conferees on the part of the Senate in this matter of mileage for that constructive recess has adopted that view and has steadily stood out against that provision. The result has been that upon all the other amendments there has been an agreement. The House yielded in some matters, the Senate yielded in others, and the committee of conference is in accord in its report upon all other subjects, but upon that question the conferees on the part of the House, feeling that they were instructed by that body, declined to yield. The Senate conferees, as a matter of course, declined to give up the position of the Senate.

Mr. PETTUS. Mr. President——

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

Mr. HALE. Certainly.

Mr. PETTUS. Do I understand the Senator to say that the House had instructed its conferees?

Mr. HALE. No; there has been no instruction; but the House conferees took the position, which was natural, that there having been a vote upon the matter they were in effect instructed not to yield at this conference. There has been no attempt to hamper the conferees because all the proceedings of the two bodies have been entirely natural and in accordance with practice, but as the House conferees could not, under the vote of the House, yield upon this matter, and as the Senate conferees of course would not yield, the amendment stands disagreed to, and the bill comes to the Senate with all the other items agreed to and with a disagreement reported upon that provision.

It has gone to the House for its action. That is the position of the subject. It is now before the Senate.

Mr. GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Maryland?

Mr. GORMAN. I beg pardon; I thought the Senator had concluded.

Mr. HALE. I am done, but I am willing to answer any question.

Mr. GORMAN. It was not only for a question that I rose, but to express my very decided hope that the Senate conferees will not for a moment consider any proposition looking to retaining this item in the bill. I believe myself that Members of the House and Senators, Cabinet officers, and the President are illy compensated, and a direct proposition to give them fair compensation would meet with my approval and my support; but in this indirect way to attempt to increase the compensation I think it would be most unfortunate, and I think the Senator never would yield to a proposition of that sort.

I have perfect confidence in the ability of our conferees to enforce the idea of the Senate in a proper and orderly way, submitting the matter to another conference if the House desires. Yet to-day we were discussing another phase of a conference, and we had the House of Representatives absolutely to decline a conference on a bill if the Senate adhered to its disagreement. The House sent us a resolution to-day adhering to their amendment and declining a conference on a very trivial matter affecting the business interests of the city; but it was unfortunate. Ordinarily the statement of the Senator from New Hampshire when a proposition of that sort was pending, he representing the committee on the other side, would have been conclusive. So if the Senate should follow the example in this case, by a motion to adhere to its position, I believe, upon a moment's reflection, the conferees on the part of the House would agree to the Senate amendment striking out the provision—a provision which would become a scandal if ever adopted.

MEXICAN BOLL WEEVIL REPORT.

The PRESIDENT pro tempore laid before the Senate the joint resolution (H. J. Res. 227) for printing the report on the Mexican cotton boll weevil.

Mr. GORMAN. Mr. President, I ask unanimous consent that that joint resolution be now considered.

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

The joint resolution was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there be printed 25,000 copies of the Report on the Mexican Cotton Boll Weevil, etc., of which 5,000 copies shall be for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 10,000 copies for the Department of Agriculture.

The PRESIDENT pro tempore. The Senator from Maryland [Mr. GORMAN] asks unanimous consent for the present consideration of the joint resolution.

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

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

REPORT ON BEEF INDUSTRY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 5,000 copies of the Report of the Commissioner of Corporations on the Beef Industry, and the message of the President of the United States of March 3, 1905, transmitting the same to the House of Representatives, of which 1,000 copies shall be for the use of the Senate, to be distributed through the Senate folding room; 3,000 copies for the use of the House of Representatives, to be distributed through the House folding room, and 1,000 copies to be distributed through the document rooms of the Senate and House of Representatives respectively.

Mr. HALE. Mr. President, that may as well be passed now.

Mr. GORMAN. Yes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine?

The resolution was considered by unanimous consent, and agreed to.

DEFICIENCY APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

Mr. PLATT of Connecticut. If I understand the Senator from Maine [Mr. HALE] who presents this conference report, the report of the conferees is first presented in the Senate. It has not yet gone to the House of Representatives. We do not know what the House will do if we further insist upon our amendments and ask for a further conference. Then the conference report goes to the House, and it may be, and, indeed, I think it is, quite probable that when the conference report does go to the House the House may instruct its conferees to recede. I should certainly hope so, and I have faith to believe that that will be the result.

Mr. HALE. Mr. President, the Senator from Connecticut has struck what is exactly the position of this whole matter. The report which I have submitted is the first report. Under the rule it is first made to the Senate. If the Senate maintains the ground it has taken on this matter against this extra mileage, or this mileage for what is called the "extra" session, which never existed—if the Senate maintains that ground, adopts this report, and insists upon disagreeing to the amendment, as the Senator from Connecticut has stated, it then goes to the other House, when there will be an opportunity to recede. I do not disclose anything that is improper in saying that in the conference it was suggested that when this measure reaches the House of Representatives a motion will be made there to recede from the amendment; and that——

Mr. SPOONER. Recede from the disagreement.

Mr. HALE. No; the Senate disagreed. The House will recede from its position; that it will abandon its proposition, and will agree to the amendment of the Senate. So that at the present stage there is no necessity for assuming that a conflict will arise between the two Houses. I do not believe, Mr. President, that any such conflict will arise. What I expect is that when the motion is made in the other House for that body to yield that it will be carried. When that is done the whole matter falls, the bill passes, and that will be the end of the controversy so far as there is any controversy. I do not think there is the least likelihood that we shall be delayed by any clash in the matter, as I suppose the House will yield by a vote of that body, and the whole question will be disposed of. But under any conditions, the attitude of the Senate, I think, is very clear and decided upon the matter.

Mr. PLATT of Connecticut. I was about to say that I supposed if this question of insisting upon our amendment were taken by yeas and nays it would be an unanimous vote in the Senate; but that is not necessary.

Mr. SPOONER. Not yet.

Mr. HALE. I will say to the Senator from Connecticut upon that point that if I supposed we were embarking upon a long controversy with the other House, if I supposed we were coming to a locking of horns with that body, I would ask the Senate to commit itself in the matter—not that it is needed—by a

yea-and-nay vote, which I suppose would disclose a solid Senate; but I do not think it is worth while in any of these cases to do anything that will tend to cast any reflection upon the other House. I think it is better to leave it as it is, without any yea-and-nay vote at this time, trusting to the good judgment of the House of Representatives, which, in all the cases that we have had heretofore, we have always found we can rely upon. I do not think that body will set itself against us on this subject.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HALE. I now move that the Senate insist upon its amendment disagreed to by the House of Representatives and ask for a further conference with the House thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

APPOINTMENT OF MIDSHIPMEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy.

Mr. PATTERSON. Mr. President, when the recess was taken the Senate was considering the bill with reference to these three young men and their restoration to the naval service. I had suggested that merely because a person had been accused of some offense, tried and convicted, it did not necessarily follow that the punishment should be inflicted in all the severity of the law; that the sentence, as in this case, should be pronounced; and that if in the trial it appeared that the case of the convicted was not such as to merit the full punishment that the law required, then the body that had authority to ameliorate the punishment should not see that amelioration was had; in other words, the punishment should always fit the crime; and the degree of crime was not necessarily determined by the law and the action of a court, for it not infrequently happens, as it happened in this case, that the law has made no discrimination between degrees of crime, but has classed all possible acts that might savor of hazing under the one head of hazing and decreed the most severe penalty that could possibly be inflicted for the offense.

In case of many offenses the law declares degrees—as petit larceny, grand larceny, murder, and several degrees of manslaughter—and as the proof will establish the degree of the offense, the punishment will be inflicted in accordance with it.

But in this case Congress, aroused by certain enormities of conduct under the head of hazing, found it necessary to condemn them in a most emphatic manner. In doing so, however, Congress fixed no degree of hazing, but provided the same punishment for all degrees. Hazing that might result in great physical injury, hazing that might disclose an abandoned and malignant heart on the part of those who indulge in it, was put in precisely the same category as hazing that consisted of deeds that were practically harmless and that it would require a stretch of the imagination to magnify into the real offense.

I have no doubt that Congress, when the law against hazing was enacted and it inflicted the punishment of dismissal from the service for the offense, then believed that in proper cases, when they were brought before the body, Congress would remedy any injustice.

So, Mr. President, the only question in this case is whether or not from the testimony which was elicited on the trial of these young men, and as sent to us by the Department, they merit at our hands a reprieve or a suspension or a setting aside of the sentence from this time forward.

These young men were convicted of hazing. They have been punished for hazing. They have been dismissed from the service, and they have been out of the service for a considerable period of time. They will go with the stigma of this sentence carried into effect through all their lives, and one question before Congress in dealing with their case is whether or not, so far as Congress may, it should not stop the sentence here, leaving them to bear with what fortitude they can the memory that they did receive a sentence of dismissal and that that sentence was carried into effect.

Not attempting to particularize the testimony, it does show beyond peradventure, Mr. President, that there was no moral turpitude connected with what these young men did. There was no evidence of an abandoned and malignant heart; there was no physical injury; there was no substantial wrong. It was an overstretch of power, nothing more nor less, leaving behind it perhaps some little humiliation to those who suffered, but no permanent injury.

Mr. President, we ought to recall the words that go up from this Chamber every day at noon, "Forgive us our trespasses as we forgive those who trespass against us." Sometimes, after listening day after day to the assertions of Senators that this is the greatest and most dignified and powerful body of lawmakers upon the face of the globe, I have thought that there was no need for intercession in our behalf to the Throne of Grace by the faithful minister who is watching after our spiritual welfare; but from synods and other church convocations, where the elect and the saints gather, this prayer goes up at all times, demonstrating pretty clearly that it is recognized that we are all sinners, we are all trespassers, and that there is a constant need of intercession to the Throne of Forgiveness and for the intervention of Him who may dispense that forgiveness.

Much is said against hazing. As one Senator said, "there is hazing and hazing." I do not believe that, simply because a young man at one of these institutions indulges in hazing, even though some bodily suffering might ensue, it indicates that all who engage in it are tyrants or evil-minded or indifferent to pain and suffering in others. We know that men go to West Point and to the Naval Academy, and they are immediately within walls fairly vocal with stories of hazing. In talking with a number of young men who have been both victims and perpetrators of hazing I find that not one of them regarded the offense as a heinous one in any sense of the word, but one, as a rule, that tends to strengthen and give endurance at least to the physical man.

I don't doubt, Mr. President, that a number of the bravest and greatest generals and admirals who have performed deeds of valor and shed luster upon the history of both the North and the South in their younger days, when at West Point and Annapolis, engaged in hazing, and have felt that there was no crime to be charged up to them by reason of the fact.

I do not believe in the strong imposing upon the weak, nor in those who may have it in their power inflicting torture, mental or physical, upon those over whom they may be temporarily placed. But, Mr. President, this is not a case of that kind in any manner or form. True, there was a use of power in an improper way. It might very well have been dispensed with, but when the Senate takes into consideration the character of the force that was used, though unauthorized by the law and the rules of the academy, they should without hesitation, it seems to me, say: "These young men have been punished more than sufficiently."

I can not but believe that if the court-martial that decreed the sentence had the power to do so they would have been quite content to say that as punishment these young men should be deprived of their pay for a length of time, or, perhaps, suffer incarceration in a proper place for a short period. Thus admonished by the officers of the institution, the offenders would have been sent again on their way, to avoid their misdeeds in the future and in their lives to show that they appreciated the charity and mercy of the law, as well as the charity and mercy of their Government, and they would the more faithfully and efficiently have striven in the future to merit the clemency that, under the law, those who were above them had seen fit to display.

Therefore, Mr. President, it will give me pleasure to vote for this bill, feeling that these young men have been punished quite enough and that their forgiveness will redound to the benefit of the public, of the service, and of the individuals, whose entire future is necessarily involved in the outcome of this effort.

Mr. MALLORY. Mr. President, this is a proposition, when stripped of its accidentals and incidentals, that is intended to induce the Senate to set aside a solemn enactment of Congress in order to condone a violation of law by three young men who have been so fortunate as to be able to bring influence enough to bear to induce the President and the Secretary of the Navy to recommend that they be restored to the Navy.

The law in this case, Mr. President, is unequivocal and plain. In 1874 Congress passed an act prohibiting hazing at the Naval Academy, and provided that, on conviction by a court-martial and on the approval of the Superintendent of the finding of that court-martial, they should be dismissed and should not thereafter be eligible for reappointment to the Naval Academy. Subsequently, in 1903, in pursuance of the same line of policy, Congress enacted another law, in which there was to some extent a modification of the act of 1874. The act of 1903 contained a proviso, which is in the following language:

That the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy, and shall not thereafter be reappointed to the Corps of Cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

The facts of this case, Mr. President, as I gather them from statements made on the floor of the Senate and from the report of the House of Representatives, which was read here this evening, are, in substance, as follows: These three young men were in the graduating class at the Naval Academy; they were officers of the naval battalion, and were undoubtedly well aware of their position and of the responsibilities connected with it.

Because of a fancy on their part that some young men of a lower class had infringed some of the trivial rules of the academy they subjected those young men to a humiliating experience, putting them through what was euphoniously called "an exercise," but which, undoubtedly, was a compulsory submission on the part of the victims to the will of the offenders.

It has been said here that this was not brutal, and that, unless the offense involved some brutality, it would be very wrong for Congress not to interpose and restore these young men to the positions which they occupied in the Navy; but, Mr. President, of all the young men at the academy it was the duty and solemn obligation of these three young officers of the battalion not only to see that the young men under them observed the law, but to observe the law themselves.

The last statute was passed in the year 1903, and this offense occurred in the year 1903. It is useless to say that they did not know that this was a violation of the rules of the academy. Hazing had been a source of trouble for many, many years anterior to 1874, and Congress had exerted itself to endeavor to suppress the practice. It is useless to say that these young men were ignorant of the fact that they were violating a solemn statute of the Congress of the United States. They certainly knew that it was prohibited by law for them to impose their will unlawfully upon any of the younger members of the classes; and it seems to me, Mr. President, it does not come within any range of equity to say, because this violation of the law did not trench upon the line of brutality, that, therefore, with all the facts before us, we should turn our backs upon the law and permit these young men to be practically reinstated in the Navy.

Had the Superintendent of the Naval Academy made a recommendation in behalf of the restoration of these young men, I think possibly it would have put a different phase upon this case. Of all the officers of this Government he is the one best qualified to know whether the restoration of these young men to the Navy is apt to be injurious to the morale of the Navy, and, as I understand the report that was read here this evening, he declares that, in his judgment, it would be injurious to the morale and deleterious to the interests of the Navy.

On the whole, therefore, Mr. President, we are confronted with a proposition that because these young men have been able to get a recommendation from the President and from the Secretary of the Navy, we should entirely ignore the suggestion of the Superintendent of the Academy, turn our backs upon the principle that the officer must first be taught to obey, turn our backs upon the principle that the law of the United States is made to be observed by the officers of the Government as well as by the citizens, and ignore the solemn enactment that we have here before us.

Mr. PETTUS. Mr. President, will the Senator allow me to ask him a question?

Mr. MALLORY. Certainly.

Mr. PETTUS. Do we abolish the law when we pardon a man for an offense committed under it?

Mr. MALLORY. No, we do not; except in that instance. But, Mr. President, while we do not abolish the law, we certainly do abolish it as far as it applies to that particular case. I do not mean to say that we have not the right to do it. We have the physical right to do anything the majority of this body choose to do, but I do not believe we have the moral right to treat that institution in the way in which it is proposed to be treated by this piece of legislation.

I call attention also to the fact that these young men, under the act of 1903, can be readmitted into the Navy at the expiration of two years from the time of the graduation of the class of which they were members. I have seen no reference made to that in the presentation of the question.

Mr. PATTERSON. The statement has been made on the floor of the Senate that by reason of their age they can not avail themselves of that right, because of the age limit for admission to the academy.

Mr. MALLORY. That is not the point. I do not mean to say they should be admitted, or that there would be a possibility of admitting them to the academy, but this bill proposes to put them back in the Navy, not through the academy, but in spite of the academy and without reference to the academy.

The two years that are required to elapse before that can be done will expire some time in June, 1906, if I am not mistaken. They were dismissed from the Naval Academy in November, 1903. Their class, I judge, was graduated in June, 1904, and two years thereafter it would be perfectly proper without any violation of our law to restore them, and I do not know but that I should vote for it. If this bill contained a proposition——

Mr. SPOONER. Will the Senator allow me?

Mr. MALLORY. Certainly.

Mr. SPOONER. Does the Senator think we violate our law by passing this bill?

Mr. MALLORY. No; I do not think we violate our law.

Mr. SPOONER. I do not.

Mr. MALLORY. But I think we turn our backs upon it. I think we have a perfect right to repeal the law if we choose to do so. But there is a duty which we owe not only to the Navy, but to ourselves in a matter of this kind, and if this law is a good one, if it was passed for a good purpose, we ought not lightly to enact anything which is an exception to it.

Now, as I was proceeding to say, we could, without infringing upon the existing law, provide by the proposed act that these young men at the proper time, which I think would be about June, 1906, be reinstated in the Navy with the rank of ensigns or midshipmen, going to sea for two years. That is in our power, and it would be consistent, it seems to me, with the purpose which is here sought. But this bill proposes to make an exception to a law which is to cover every case except the cases of these three young men. Looking at it from that point of view, I can only regard it as a dangerous precedent, dangerous because in the first place it would be rare, I think, that you could find any three young men who would be able to exert influence enough to bring the very strong support these have brought in this body, and I do not think it is proper that we should make an exception in one instance when we probably would not in another.

For these reasons I shall vote against the bill, although, as I have said, if it had in it a provision proposing to put them back in the Navy two years after the graduation of the class to which they belonged, I do not think I would oppose it.

Mr. MONEY. Mr. President, I am not acquainted with the misdemeanor of which these three young men were found guilty of court-martial and received the sentence which we have heard described this evening. I want, however, as I have done two or three times before, to enter to-day a protest against hazing anywhere, in the public academies or in any private school or in a corporate college. I have such a thorough detestation of the cowardly crime of hazing that I can not refrain from taking every opportunity to express it. We have a number of young men at the two great academies. They are supposed to be the cream of the people of this great nation of 80,000,000. They have been selected by Senators and Representatives or by competition before a competent board for these great prizes, which assure them throughout their lives an honorable profession, with constantly increasing rank and constantly increasing pay, and at the close of their days of activity retirement upon a competency. They are also assured here and abroad access to the first social circles.

In other words, they have a profession so seductive in all its arrangements and surroundings that they have begun to regard themselves as an aristocratic class, set apart from the remainder of the people, to be supported by the taxes of the people. For the advantages received they propose to render great services, and I for one wish to bear testimony to the uniform gallantry, excellent discipline, and the very high, and I will say punctilious, honor of the members of these two professions—the Army and Navy. I believe they will compare with the officers of any army in the world. In fact, their sense of honor is so keen that we know there is no member of either branch who will not maintain his honor with his life.

We have, then, these young gentlemen, selected in competition, or because of the knowledge of the blood and strain and rearing of the boy possessed by the man who selects him without competition for this place, and they become at once scholars of the Republic.

The young man does not pay anything. On the contrary, he receives a salary, and he really enters into the service of his country when he takes his place at either of these two academies. He is under an obligation not only to himself to act his part nobly and well, but he is under obligation to the man who prefers him above his competitors, and he is under obligations to the great Republic which maintains him and which gives him this honorable profession. His first lesson should be obedience and to learn the discipline which his profession requires. These particular young gentlemen have been unable, it seems, either to understand the law, or, understanding it, to heed it.

My friend the Senator from Wisconsin says "boys will be

boys." That is very well, but when a man gets to be 21 and wears a beard it is time his boyish fancies have given way and sober things possess him, especially when he is such an intellectual force that he obtains a prominent and honorable position in the cadet battalion.

In other words there is no excuse for it. There are times when we expect boyish things, but not when a man has assumed the responsibilities of manhood, and these officers had wrapped the toga virilis around their forms long before they arrived at the age of 21. They have assumed great responsibilities, and their business is to look after them and not disappoint their friends and the country at large.

It seems there has been no particular damage done in this case, and that at least one of the young men has interceded for these gentlemen who were his tormentors. What is the crime for which they punish the youth of a lower class, the "plebe" or the "freshman" or whatever else they term him in these academies. That the young man came to the academy two or three years later than they did. That is all.

It is said one of the young men had been guilty of impertinence, or, as one of the Senators put it, cheekiness, and these young officers felt under obligation to lick him into a gentleman. There are a good many ways to make a gentleman of a man, but, in my opinion, when a man goes to the Naval Academy at the age of 15 or 16, if his family influence, his social and domestic surroundings, or his instincts have not made him a gentleman he never will be one, I do not care how long he remains in the Army; and certainly a man who will brutally haze a comrade because he is younger has not the qualities to become an officer, because when intrusted with the comfort and health and happiness of his men he will play tyrant through the whole rôle until at 64 he is retired.

I do not say that I wish to visit any particular punishment upon these three young men, for the reason that there has been no particularly humiliating or disastrous consequence, such as was detailed in one instance by the Senator from Kentucky [Mr. BLACKBURN] in his remarks this evening.

But there is this that we must do. We must maintain discipline in the academy. The law points out plainly that these young men can not be returned to the academy, but they can be appointed, and it is proposed they shall be appointed by the President as from civil life. I say a young man who is not fit to be in the academy is not fit to be in the Navy. The only reason why he is ever in the academy is that it is the door through which he passes into the Navy. We can not cultivate too high a standard of honor in that profession, and certainly the men of the corps have added all they could by example, up to this day at least.

The American Navy, in fact, has been through all the vicissitudes of our several wars the pride of the nation, and especially in the war of 1812, when we had nothing but disasters and defeats on land, except the battle of Chalmette, and yet the Navy maintained the honor of the flag all over the globe.

I know, Mr. President, that we are prone to sympathize with anybody in distress, and we can imagine the feeling of the young gentlemen who have been expelled, the humiliation they have suffered, so as to constitute a punishment sufficient in itself, according to the views of some gentlemen.

But we must remember that they are the authors of their misfortune; that there was no compulsion whatever about it; that they did what they did not only from their own will and accord, but against the law with the full knowledge of that fact.

I can not conceive, to save my life, how a gentleman or how any man with the common feelings of humanity can derive either pleasure or amusement or entertainment from the distress, the pain, and the humiliation of another fellow-creature. I can not see how one of these young gentlemen experienced any particular gratification in placing the boy inverted, with his head down and his heels in the air, making him hang by his hands to the wardrobe, or doing the other things which some Senators have characterized as gymnastic exercises. I do not know what exercises they are unless they are the exercises prescribed by the hazer.

I desire to say further, Mr. President——

Mr. SPOONER. Will the Senator from Mississippi allow me for a moment?

Mr. MONEY. Certainly.

Mr. SPOONER. I know nothing about what the exercises were, except as I am informed by the Secretary of the Navy in his letter. I of course do not know how much he knows about it, but if the Senator will permit me, I should like to read merely a sentence.

Mr. MONEY. Certainly.

Mr. SPOONER (reading)—

The exercises which were performed were legitimate gymnastic exercises not unusual at the academy.

That is what I read from the Secretary's letter. Of course these men had no right to impose it upon the cadets.

Mr. MONEY. Exactly.

Mr. SPOONER. And therefore it was wrong.

Mr. MONEY. I have heard nothing of what the exercises were, but it seems to me I have never seen any system of calisthenics that involved a man standing on his head. There would be danger of a rush of blood to the brain and killing the man.

Mr. SPOONER. This does not really involve standing a man on his head.

Mr. MONEY. I understood that that is exactly what was done.

Mr. SPOONER. Not at all.

Mr. MONEY. At any rate, whatever was done was done by a man who had the power to enforce it upon another man who was unwilling——

Mr. SPOONER. That is true.

Mr. MONEY. Who felt that his self-respect was wounded, who felt humiliated, who felt distressed; and I tell you it is worse on the hazer than it is on the hazed. For myself, I am unwilling to take very much interest in the hazed man, for I for one would not allow any hazing if I was as small as a minute, because if a man attempted to haze me I am perfectly sure he would never get out of the room alive or I would die myself. If not, I would camp on his trail as long as I lived, until I got his scalp. [Applause in the galleries.] It is the mere exercise of brute force.

The PRESIDENT pro tempore. Manifestations of approval or disapproval are not permitted in the galleries, and if repeated, the galleries will be cleared.

Mr. MONEY. Mr. President, I am speaking to the Senate and not to the galleries.

I wish to say there are many men in this country who are gentlemen instinctively, if they have been denied social advantages, who are willing to take the great advantages offered them by the generosity of the Republic, who are willing to take their places in the ranks of the cadets and their places in the Navy with such humane feelings as belong always to the brave—men who will treat with gentle and tender consideration the awkwardness, the cheekiness, and the gaucherie of the poor boy just from the farm or from the tender surroundings of home, who puts his fate in the hands of men superior in weight, in age, and in intellect. Instead of giving the boy a helping hand, to aid him in a way that humanity itself would suggest, that a kindly interest would suggest, that a good brave heart would suggest, he is made the victim of insults, humiliation, and in some cases we know of torture.

I will say further, as much as I respect the Army and the Navy, as much as I respect the professors, the commandants, the superintendents, etc., as far as I have become acquainted with them—and I want to say that those I have become acquainted with have filled me with the greatest respect for them—I would be willing, if I thought anyone of them connived at or winked at or condoned any of these offenses, to see him ignominiously driven out of the Army or the Navy in disgrace; and if nothing else will do, instead of building up West Point on a $7,000,000 scale and Annapolis in proportion, I would be willing to raze them both to the ground and get our officers from among those who come from the common schools, as we once did before we had those institutions.

This is the worst thing we can possibly have in the Army and Navy. Of course it is in complete derogation of any sort of discipline. It fills the mind with disobedience of law, and also teaches the young man to hector anybody he can walk upon.

It is like a powerful man walking around with a big stick and whacking the head of every small man, while letting alone those bigger than he is. I for one do not believe in that sort of spirit. If the young men want to have a fight, a boxing match, or any rough horseplay, it does not make any difference how rough it is, even if a bone is broken, I see no objection. But when a number from the first class combine and take a freshman who has just got there, they having developed their muscles and exercised themselves so as to be the physical superiors of a green young boy, and take advantage of that to slug him, the men who do it do not deserve a place in the Army or in the Navy or anywhere else except in the penitentiary.

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

Mr. MONEY. Yes, sir.

Mr. DANIEL. He speaks of a combination. There was no combination in this case.

Mr. MONEY. I was not speaking of this case.

Mr. DANIEL. There was only one other man in this case. He seems to have been a good-natured fellow.

Mr. MONEY. I am satisfied the Senator from Virginia did not hear me in the outset, when I said that I merely took this occasion to express myself on the subject of hazing, because there had been some hazing just preceding this which was very detrimental to one young man, who will carry a fractured jaw the remainder of his life. In these cases I do not know that there was anything especially reprehensible, except the disobedience of law by the officers of cadets, whose duty it was not only to stop hazing when they found it out, but particularly not to indulge in it themselves, with their knowledge of the law.

I do not know these young men. I never heard of them before in my life. I know their Senators are particularly interested in them, and I take it from that fact that they have some kind of grace in them, and if reinstated they may yet become an honor to the Navy. It is contended that the fact that they will have to go through their whole naval career at the foot of the class, and with this stigma upon them, is sufficient punishment; but nobody compelled them to violate the law. There was no temptation. They simply did it of their own will to amuse themselves. It was the exercise of a tendency toward tyranny of a mere petty character and a disgraceful character. It is true these young men have not done anything particularly bad, but they have disobeyed the law. If they have not, the court-martial is at fault. The court-martial said they were guilty. But they stand themselves in the relations as though guilty of a very much more serious offense.

I am ready to forgive these young gentlemen. I am ready to vote for this bill, not because I think it ought to be done, but simply from a natural sympathy that I have for them in their distress and for their Senators who represent them here and who are so anxious for the passage of this bill. But I do deprecate the fact that this one instance will afford a bad precedent, and hereafter, whatever may be the grade of the offense, somebody will be kind-hearted and sympathetic enough to introduce a bill temporarily to suspend the law and restore the people to the profession which they have forfeited. If I knew that this would stop here I would vote gladly for this bill, and I shall vote for it anyway. But certainly if we can write it any stronger we ought to do it.

I think myself that Congress was at fault when it did not define with some accuracy what "hazing" is. It is a somewhat indefinite description, and it may be possible that it may lead to some confusion among young men who are not accustomed to think. But these young men do think. They were so thoughtful that they stood at the head of the class. They were the honor men, the officers of the battalion, and they have no such excuse as ignorance to plead in this case.

But speaking generally on this subject, I hope this will be the last time Congress will be called upon to condone any offense or restore to the places they have justly forfeited any young men who have knowingly and willfully violated the law. As the eloquent Senator from Kentucky [Mr. BLACKBURN] said, almost any other thing is better than this. You can hardly name an offense, unless it be something absolutely felonious, that would be worse than this offense against the law and against common decency and against humanity.

I have no desire whatever to persecute these young men. I desire to express the highest admiration for the officers of the Army and the Navy and the superintendents and officers of the academies, as far as I have known them; and I became acquainted with one particularly as a result of a visit as a member of the board of visitors last year. I can not speak too highly of the discipline as I found it at West Point. I hope this will be a warning to those who may come after them. I fear it will not be. My fear is that the cadets will feel that Congress sustains them, and when they meet their just punishment under the law, they can always fly with great hope and confidence to Congress for relief. I hope it will not have that effect, but it is the natural consequence of this act.

We all like mercy very well, and I know that my friend the Senator from Wisconsin [Mr. QUARLES], who is about to ornament our Federal judiciary, will have no strained quality of mercy in his court; but in this case he has demonstrated pretty clearly that he does not consider it any offense at all. I consider it a very grave thing. At the same time, with all the mitigating circumstances which surround it, I am willing to vote for this bill.

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

INSECT PESTS.

Mr. LATIMER. I call up the bill (H. R. 18754) to prohibit interstate transportation of insect pests, and the use of the United States mails for that purpose.

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

The PRESIDENT pro tempore. The bill has been read.

Mr. LATIMER. It has been read and the amendments adopted.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose."

SECRETARY OF DISTRICT OF ALASKA.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives and calls the attention of the Senator from Indiana [Mr. BEVERIDGE] to it.

The bill (H. R. 17863) to further prescribe the duties of the secretary of the district of Alaska, and for other purposes; was read twice by its title.

Mr. BEVERIDGE. I ask unanimous consent for the immediate consideration of the bill.

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

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

STATUE OF GEN. OTHO HOLLAND WILLIAMS.

Mr. McCOMAS. I ask that the bill (S. 495) for the erection of a statue of Gen. Otho Holland Williams at Williamsport, Md., be taken up and passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $20,000 for the erection of a statue of Gen. Otho Holland Williams within the limits of Williamsport, Md., and for the proper preparation, grading, and inclosing of the lot and foundation upon which the statue shall be erected.

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

PROPOSED REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. WARREN. From the Committee on Claims I report a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the claims of the heirs of Rinaldo Johnson and Ann E. Johnson, deceased (S. 722); the executors of the estate of Charles E. Conrad, deceased (S. 6819); Mrs. Gabriel LeBreton Deschapelles (S. 7111); the commissioners of the Judah-Touro almshouse, of New Orleans, Orleans Parish, La. (S. 7228); Snowdon & Mason (S. 7289), and O. P. Cobb and others (S. 7293), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. ALLISON. Is this a Senate resolution?

The PRESIDING OFFICER (Mr. PERKINS in the chair). It is a resolution referring certain claims to the Court of Claims.

Mr. ALLISON. It is a Senate resolution?

Mr. WARREN. It is a Senate resolution proposing to refer claims to the Court of Claims under the Tucker Act for findings and judgment.

Mr. ALLISON. I object to its consideration.

The PRESIDING OFFICER. Objection being made, the resolution will go over.

HON. RAOUL DANDURAND AND HON. SIR MACKINZIE BOWELL.

Mr. SPOONER. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the courtesies of the Senate, including the privileges of the floor, are extended to the Hon. Raoul Dandurand, speaker of the senate of the Dominion of Canada, and the Hon. Sir MacKinzie Bowell, ex-premier and senator of the said dominion, who are at the capital to attend the inaugural ceremonies.

The Senate, by unanimous consent, proceeded to consider the resolution; and it was unanimously agreed to.

PROPOSED RECESS.

Mr. ALLISON. I move that the Senate take a recess until half past 10 o'clock.

Mr. FORAKER. May we not have an executive session?

Mr. ALLISON. I understand that there is some executive business to be transacted.

Mr. BACON. No; do not let us have an executive session.

Mr. McCUMBER. While Senators are conferring in regard to that matter I ask leave to submit a report from the Committee on Pensions.

Mr. ALLISON. I withdraw my motion.

The PRESIDING OFFICER. The motion of the Senator from Iowa is withdrawn.

JOHN H. WILLIAMS.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 17514) granting an increase of pension to John H. Williams, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John H. Williams, late assistant surgeon, Fifth Regiment Missouri State Militia Cavalry, and to pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

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

JOHN FINN, ALIAS JOHN FLYNN.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 5989) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn.

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

That John Finn, alias John Flynn, late first lieutenant of Company C, One hundred and fifty-fifth New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on September 6, 1864, and the certificate of such discharge shall be issued to him accordingly: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

Mr. KEAN. Is there a report accompanying the bill?

Mr. ALLISON. Is there a report from the Committee on Military Affairs?

The PRESIDING OFFICER. There is a report from the Committee on Military Affairs.

Mr. ALLISON. It is a Senate bill?

The PRESIDING OFFICER. It is.

Mr. KEAN. Who made the report?

Mr. FORAKER. The Senator from Missouri [Mr. COCKRELL]. It is the last report made by the Senator from Missouri from the Committee on Military Affairs.

Mr. KEAN. Then the bill ought to pass, Mr. President.

The amendment was agreed to.

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

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

RECESS.

Mr. FORAKER. I move that the Senate take a recess until half past 10 o'clock.

The motion was agreed to; and (at 10 o'clock and 12 minutes p. m.) the Senate took a recess until 10 o'clock and 30 minutes p. m., when it reassembled.

After a little delay,

Mr. KEAN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair awaits the pleasure of the Senate.

Mr. GALLINGER. Mr. President, I am satisfied that there will be some business a little later on, but not at present. I move that the Senate take a recess until 11 o'clock.

The motion was agreed to; and (at 10 o'clock and 35 minutes p. m.) the Senate took a recess until 11 o'clock p. m., at which hour it reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes, and had receded from amendment No. 77 to the bill.

The message also announced that the House had passed the following bills:

S. 1786. An act restoring James G. Field, naval surgeon, to the line of promotion; and

S. 2207. An act to fix the compensation of criers and bailiffs in the United States courts.

The message further announced that the House had passed a bill (H. R. 6826) to transfer Ensign Creighton Churchill from the retired to the active list of the Navy; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

H. R. 11204. An act to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter; and

H. R. 18467. An act making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes.

ENSIGN CREIGHTON CHURCHILL.

The bill (H. R. 6826) to transfer Ensign Creighton Churchill from the retired to the active list of the Navy was read twice by its title.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill.

Mr. ALLISON. Let it be read.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The bill will be read.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to its present consideration?

Mr. SCOTT. I should like to have the Senator from New Hampshire explain why it is that the beneficiary is to be restored to the Navy.

Mr. GALLINGER. This officer was retired after an examination by the retiring board because of some trouble with his eyes, from which he has, it is stated, recovered. The request now is to restore him to the active list if he can pass a successful mental, moral, professional, and physical examination.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

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

DELAWARE RIVER IMPROVEMENT.

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

Resolved, That the Secretary of War be directed to communicate to the Senate as early as practicable an estimate of the cost of deepening the channel in Delaware River, Pennsylvania, from Allegheny avenue, Philadelphia, to deep water in Delaware Bay to 35 feet.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18809) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed with an amendment the joint resolution (S. R. 115) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove in the Yosemite National Park; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 230) to authorize the chairman of the excise board of the District of Columbia to issue certain permits; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing and binding of the proceedings in Congress appropriate to the reception and acceptance from the State of Texas of the statues of Sam Houston and Stephen F. Austin; in which it requested the concurrence of the Senate.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18809) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 111.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "one million dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows: In lieu of the word "thirty" insert "twenty-six"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows: In lieu of the word "thirty-five" insert "thirty;" and the Senate agree to the same.

J. H. GALLINGER,
KNUTE NELSON,
JAMES H. BERRY,
Managers on the part of the Senate.

THEODORE E. BURTON,
B. B. DOVENER,
RUFUS E. LESTER,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. KEAN in the chair). Will the Senate agree to the report?

Mr. CLAY. Mr. President, I wish to say just a word, and only a word.

Georgia asked only a small amount and one or two surveys in the river and harbor bill—that is, after the bill reached the Senate. I asked for a survey for Savannah Harbor with a view of securing a depth of 30 feet of water. I knew that six or seven million people were deeply and vitally interested in securing that depth at that point. I felt a great personal interest in the success of the scheme, because I knew that the commerce of my immediate section and the surrounding States was deeply and vitally interested in its success. I asked for nothing except a survey, which would cost a few thousand dollars, hoping that I might be able to get it.

I will state that the Senate Committee on Commerce unanimously granted Georgia the survey, and I am glad to know that the conferees on the part of the Senate have stood by this very important interest in my State.

I have not secured what we ought to have had. We have secured a survey for a depth of 26 feet of water. I am glad to know, however, that Pennsylvania and Texas received the number of feet of water they were entitled to. I did not get it, but I am sure that the conferees on the part of the Senate did the very best they could for Georgia. They fought to the last, and Georgians are grateful to them for the work they did for my State.

Mr. President, it was only a small thing to ask. I shall have nothing further to say. I appreciate the efforts the Senate conferees made in our behalf, and I exceedingly regret that the distinguished chairman of the House committee did not agree to the amendment made by the Senate.

Mr. PENROSE. Mr. President, I should like to inquire of the Senator who has had charge of this bill in the Senate, the chairman of the Senate conferees, just how the provision regarding the improvement of the Delaware River will read, beginning at line 16, on page 15.

Mr. GALLINGER. It will read as follows:

Improving Delaware River, Pennsylvania, New Jersey, and Delaware: Continuing improvement, $500,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,000,000, exclusive of the amounts herein and heretofore appropriated.

That is precisely the text of the bill as it stands now, the proviso, which I take it was not acceptable to the Senator from Pennsylvania, having been stricken out upon the insistence of the Senate conferees.

Mr. President, in submitting this final report I think we ought all to feel gratified that in the closing hours of this Congress we were enabled to reach a conclusion and to come to a final determination of the questions involved in this troublesome river and harbor bill. The Senate conferees did the best they could for every item that had been inserted by the Senate, but of course they had to yield some and they had to reduce others. Had we not done so the river and harbor bill would have failed, which would have been a great calamity, I feel sure, to the country.

Mr. ALLISON. I should be glad to have the Senator from New Hampshire, if he has the data, inform the Senate about the aggregate of the bill as now reported from the conference.

Mr. GALLINGER. Well, Mr. President——

Mr. ALLISON. I mean the appropriations for the next fiscal year. The Senator may not be able to state it accurately, but approximately.

Mr. GALLINGER. I can not give it accurately. The direct appropriations made by the House were $17,021,875.41. The Senate added $2,459,281. That makes $19,481,156.41.

I should conclude that the result of the conference was to reduce the amount that the Senate put on the bill almost one-half, so that the probability is that eighteen and a half million dollars would be about the amount that the bill carried.

In the matter of continuing appropriations the House put on $17,334,657.63. The Senate added $1,203,086, making a total of $18,537,743.63. I should judge that between $300,000 and $400,000 had been dropped from that amount as a result of the conference. So the continuing appropriations are probably a little over $18,000,000.

In other words, I should think that the direct and continuing appropriations would aggregate a little less than $37,000,000, which is a very moderate river and harbor bill.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

YOSEMITE NATIONAL PARK.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 115) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa big tree grove in the Yosemite National Park.

The amendment was to strike out all after the word "that," in line 3, page 1, down to and including the word "Park," in line 1, page 3.

Mr. PERKINS. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

STATUES OF SAM HOUSTON AND STEPHEN F. AUSTIN.

The PRESIDING OFFICER laid before the Senate the following resolution from the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the proceedings in Congress upon the exercises appropriate to the reception and acceptance from the State of Texas of the statues of Sam Houston and Stephen F. Austin, 16,500 copies, of which 5,000 copies shall be for the use of the Senate, 10,000 copies for the use of the House of Representatives, 500 copies for the use of the Senators from the State of Texas, and 1,000 copies for the use of the Representatives from the State of Texas; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statues to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

Mr. BAILEY. Mr. President, if it were not that the resolution would probably be lost if amended, I would ask to strike out that part of it which assigns any number of copies to the Senators and Representatives from Texas; but as that might endanger its passage, I will ask for the passage of the resolution as it stands.

The resolution was considered by unanimous consent, and agreed to.

ISSUANCE OF SPECIAL PERMITS IN THE DISTRICT.

The PRESIDING OFFICER laid before the Senate the joint resolution (H. J. Res. 230) to authorize the chairman of the excise board of the District of Columbia to issue certain permits; which was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the chairman of the excise board of the District of Columbia is hereby authorized, if in his discretion the comfort of those persons visiting the capital on the occasion of the inauguration of the President requires the same, to grant permission to the proprietor or proprietors of restaurants, barber shops, and places in which are conducted businesses for which licenses are required under existing law to keep such places open for the accommodation of the public on Sunday, March 5, 1905: *Provided*, That no saloons or public bars shall be permitted to be open for business on said day: *Provided, further*, That no malt, vinous, spirituous, or other intoxicating liquors shall be sold or given away on any of said premises during said day; and such giving away or sale shall be subject to the penalties provided by existing law.

Mr. GALLINGER. Mr. President, I think that is a very proper joint resolution, and I ask unanimous consent for its present consideration.

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

Mr. ALLISON. I merely desire to say, Mr. President, that I concur in the suggestion made by the Senator from New Hampshire [Mr. GALLINGER] that upon the special occasion to which the joint resolution refers such permits should be issued.

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

TIMBER LANDS IN FOREST RESERVES.

Mr. HANSBROUGH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

14622) prohibiting the selection of timber lands in lieu of lands in forest reserves having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: At the end of the Senate amendment add the following: "*Provided*, That selections heretofore made in lieu of lands relinquished to the United States may be perfected and patents issue therefor the same as though this act had not been passed, and if for any reason not the fault of the party making the same any pending selection is held invalid another selection for a like quantity of land may be made in lieu thereof;" and the Senate agree to the same.

H. C. HANSBROUGH,
KNUTE NELSON,
Managers on the part of the Senate.
JOHN F. LACEY,
F. W. MONDELL,
JOHN LIND,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

RECESS.

Mr. ALLISON. I move that the Senate now take a recess until 10 o'clock in the morning.

The motion was agreed to; and (at 11 o'clock and 45 minutes p. m., Friday, March 3, 1905) the Senate took a recess until Saturday, March 4, 1905, at 10 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1905.

COLLECTOR OF CUSTOMS.

Joseph C. Bonner of Ohio, to be collector of customs at Miami, Ohio.

RECEIVER OF PUBLIC MONEYS.

Will A. Newcum, of California, to be receiver of public moneys at Sacramento, Cal.

CIRCUIT COURT JUDGE OF HAWAII.

Alexander Lindsay, jr., of Hawaii, to be second judge of the circuit court of the first circuit of Hawaii.

PROMOTION IN THE ARMY—ARTILLERY CORPS.

First Lieut. Ralph S. Granger, Artillery Corps, to be captain, with rank from February 2, 1905.

APPOINTMENT IN THE ARMY—INFANTRY ARM.

William L. Patterson, of Maryland, now a first lieutenant in the Porto Rico Provisional Regiment of Infantry, to be second lieutenant of infantry, with rank from February 25, 1905.

POSTMASTERS.

CALIFORNIA.

George B. Hannahs to be postmaster at San Jacinto, in the county of Riverside and State of California.

COLORADO.

Paul M. North to be postmaster at Goldfield, in the county of Teller and State of Colorado.

CONNECTICUT.

George E. Andrews to be postmaster at Noank, in the county of New London and State of Connecticut.

ILLINOIS.

Alice M. Clement to be postmaster at Lamoille, in the county of Bureau and State of Illinois.

LOUISIANA.

D. S. Edwards to be postmaster at Opelousas, in the parish of St. Landry and State of Louisiana.

Lou S. Flourloy to be postmaster at Ruston, La.

Bettie E. Glover to be postmaster at Arcadia, La.

MASSACHUSETTS.

Francis D. Dunbar to be postmaster at Canton, in the county of Norfolk and State of Massachusetts.

George H. Morgan to be postmaster at Newton Center, in the county of Middlesex and State of Massachusetts.

MISSISSIPPI.

A. T. Leggett to be postmaster at Magnolia, in the county of Pike and State of Mississippi.

NEBRASKA.

Frank C. Evans to be postmaster at Wisner, in the county of Cuming and State of Nebraska.

NEVADA.

William W. Booth to be postmaster at Tonopah (late Butler), in the county of Nye and State of Nevada.

NORTH DAKOTA.

Fred O. Brewster to be postmaster at Harvey, in the county of Wells and State of North Dakota.

OHIO.

William W. Dennison to be postmaster at Batavia, in the county of Clermont and State of Ohio.

George D. Heisy to be postmaster at Newark, in the county of Licking and State of Ohio.

William L. Maddox to be postmaster at Ripley, in the county of Brown and State of Ohio.

OKLAHOMA.

Wiley C. Shadden to be postmaster at Mangum, in the county of Greer and Territory of Oklahoma.

PENNSYLVANIA.

James E. Johnson to be postmaster at Barnesboro, in the county of Cambria and State of Pennsylvania.

Joseph A. McClaran to be postmaster at Saltsburg, in the county of Indiana and State of Pennsylvania.

David McC. Woods to be postmaster at Leetsdale, in the county of Allegheny and State of Pennsylvania.

SOUTH CAROLINA.

Bernhard Levy to be postmaster at Walterboro, in the county of Colleton and State of South Carolina.

SOUTH DAKOTA.

Gottlieb Meisenhoelder to be postmaster at Parkston, in the county of Hutchinson and State of South Dakota.

Philip Schamber to be postmaster at Eureka, in the county of McPherson and State of South Dakota.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 3, 1905.*

(Continuation of legislative day of Thursday, March 2.)

The recess having expired, the House was called to order by the Speaker at 11.30 a. m.

INTERNATIONAL PRISON CONGRESS.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 92) authorizing the President to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States.

Resolved, etc., That the President be, and is hereby, authorized and requested to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States at such a time and place as may be determined by the executive committee of that congress, known as the "International Prison Commission."

The SPEAKER. The gentleman from Maine asks unanimous consent to take this joint resolution from the Calendar and pass it. Is there objection?

Mr. PAYNE. Reserving the right to object, I would like to ask how much this thing is going to cost in 1910?

Mr. LITTLEFIELD. I have been informed by the American representative, the Hon. Samuel J. Barrows, an ex-Member of the House of Representatives, that the cost will not exceed $5,000. I have a letter from him, dated February 27, 1905, that I will put in the RECORD in this connection, in order that the records of the House may show, if the resolution passes here, it is upon the basis and understanding that $5,000 is the amount of expense involved.

Mr. PAYNE. With that understanding, I do not know that I will object to it, although somewhat inclined to do so.

Mr. LIVINGSTON. Why not state the amount with certainty in the resolution?

Mr. PAYNE. They will not need the appropriation until 1910.

Mr. LITTLEFIELD. I will read the letter now, if the gentleman would like it:

INTERNATIONAL PRISON COMMISSION,
Washington, D. C., February 27, 1905.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives.

SIR: Referring to Senate joint resolution No. 92, authorizing and requesting the President to extend an invitation to the International Prison Congress to hold its eighth meeting in the United States, I have to say that as the congress meets but once in five years, the meeting will not be held until 1910, and that therefore no appropriation would

have to be made until the Sixtieth Congress. The amount estimated as sufficient to extend the hospitality of the Government is $5,000. This will enable the United States to furnish all necessary facilities for the work of the congress at Washington and fulfill the responsibilities it assumed when it invited the nations of the world to form this congress more than thirty years ago.

I have the honor to be, your obedient servant,

SAMUEL J. BARROWS,
Commissioner for the United States.

Mr. LIVINGSTON. A good many changes will take place between now and 1910.

Mr. LITTLEFIELD. This is a matter, I will say to the gentleman, that I have no personal interest in.

Mr. LIVINGSTON. I understand that; but we ought to be more definite in the amount of money to be expended.

Mr. CRUMPACKER. I suppose it is not intended to hold this in New Mexico or Arizona.

Mr. LITTLEFIELD. This is not a leprosarium.

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

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 19150. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes.

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 112.

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of a report of experiments on the culture of sugar cane and its manufacture into table sirup, 1903, 1904, of which 3,000 copies shall be for the use of the Senate, 7,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the Department of Agriculture.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 2, 1905:

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

H. R. 16646. An act to amend section 2787 of the Revised Statutes of the United States;

H. R. 17473. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1906;

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;

H. R. 17869. An act relating to the Monroe and Lake Providence Railroad Company;

H. R. 17983. An act authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy;

H. R. 18285. An act fixing the status of merchandise coming into the United States from the Canal Zone, Isthmus of Panama;

H. R. 18527. An act for the relief of Lieut. D. W. Blamer, United States Navy;

H. R. 18637. An act to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River and to erect and maintain an inlet pier therefrom for the purpose of supplying the city of Buffalo with pure water;

H. R. 18728. An act to authorize the board of supervisors of Berrien County, Mich., to construct a bridge across the St. Joseph River near its mouth in said county;

H. R. 19013. An act to amend an act entitled "An act to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut;"

H. R. 19036. An act for the relief of Bert E. Barnes;

H. R. 746. An act granting an increase of pension to William H. Gilman;

H. R. 786. An act granting an increase of pension to Joseph V. Howell;

H. R. 928. An act granting an increase of pension to Mark S. Clay;

H. R. 1266. An act granting an increase of pension to Marshall Cox;

H. R. 1551. An act granting an increase of pension to Edward S. Clithero;

H. R. 1865. An act granting an increase of pension to Ormon W. Walsh;

H. R. 1900. An act granting an increase of pension to Samuel Visnow;

H. R. 2017. An act granting an increase of pension to Johan Mohr;

H. R. 2465. An act granting an increase of pension to Mary A. Craig;

H. R. 2479. An act granting an increase of pension to Lande Robinson;

H. R. 2487. An act granting an increase of pension to John M. Rutherford;

H. R. 2741. An act granting an increase of pension to William H. Smith;

H. R. 2992. An act granting an increase of pension to Solomon B. Umphrey;

H. R. 3061. An act granting an increase of pension to John H. Hardy, third;

H. R. 3175. An act granting an increase of pension to James H. Pemberton;

H. R. 3239. An act granting an increase of pension to Daniel Ford;

H. R. 3406. An act granting an increase of pension to Thomas J. Peaks;

H. R. 3437. An act granting an increase of pension to William B. Shepard;

H. R. 3526. An act granting an increase of pension to Mary H. Walker;

H. R. 3900. An act granting an increase of pension to William W. Donham;

H. R. 3908. An act granting an increase of pension to Jacob Trautman;

H. R. 4454. An act granting an increase of pension to Andrew F. Kraner;

H. R. 4636. An act granting an increase of pension to Martin J. Severance;

H. R. 4721. An act granting an increase of pension to Thomas Hutchinson;

H. R. 4984. An act granting an increase of pension to Charles F. Bowman;

H. R. 5000. An act granting an increase of pension to Jackson D. Siner;

H. R. 5044. An act granting an increase of pension to Joseph L. Croskren;

H. R. 5297. An act granting an increase of pension to Hampton L. Maxfield;

H. R. 5390. An act granting an increase of pension to Katharina A. Mueller;

H. R. 5623. An act granting an increase of pension to Annie Creagh;

H. R. 5637. An act granting an increase of pension to Lou Gates;

H. R. 5641. An act granting an increase of pension to Morris B. Slawson;

H. R. 5691. An act granting an increase of pension to Henry Rinehart;

H. R. 5701. An act granting an increase of pension to James M. Harper;

H. R. 5730. An act granting an increase of pension to James McEntire;

H. R. 6324. An act granting an increase of pension to John H. McKee;

H. R. 6607. An act granting an increase of pension to John Blair;

H. R. 6714. An act granting an increase of pension to George E. Pierson;

H. R. 6910. An act granting an increase of pension to Mary E. Campbell;

H. R. 6992. An act granting an increase of pension to Isaac B. Vandevanter;

H. R. 7060. An act granting an increase of pension to Palin H. Sims;

H. R. 12670. An act granting an increase of pension to William Nease;

H. R. 12753. An act granting an increase of pension to James M. Martin;

H. R. 12810. An act granting an increase of pension to Octavia J. Trull;
H. R. 13061. An act granting an increase of pension to Henry S. Tillinghast;
H. R. 13305. An act granting an increase of pension to Amos L. Griffith;
H. R. 13444. An act granting an increase of pension to Eugene H. Harding;
H. R. 13447. An act granting an increase of pension to Nancy A. Rickman;
H. R. 13486. An act granting an increase of pension to Henry Hovey;
H. R. 13503. An act granting an increase of pension to Catharine J. Hill;
H. R. 13541. An act granting an increase of pension to Ephraim E. Lake;
H. R. 13654. An act granting an increase of pension to Thomas H. Soward;
H. R. 13881. An act granting an increase of pension to Nancy Gabriel;
H. R. 13905. An act granting an increase of pension to Moses Jones;
H. R. 14021. An act granting an increase of pension to Henry C. Earle;
H. R. 14034. An act granting an increase of pension to Edward C. Sanders;
H. R. 14125. An act granting an increase of pension to Joel Hudson;
H. R. 14271. An act granting an increase of pension to John C. Tinker;
H. R. 14395. An act granting an increase of pension to Frank Loveley;
H. R. 14410. An act granting an increase of pension to Moses F. Colby;
H. R. 14456. An act granting an increase of pension to Henry Leichty;
H. R. 14481. An act granting an increase of pension to Albert H. Estes;
H. R. 14594. An act granting an increase of pension to Mary E. Williams;
H. R. 14613. An act granting an increase of pension to Samuel E. Rumsey;
H. R. 14665. An act granting an increase of pension to Harriet H. Heaton;
H. R. 14771. An act granting an increase of pension to Alexander Hawkins;
H. R. 14785. An act granting an increase of pension to Warren C. Gilbreath;
H. R. 14925. An act granting an increase of pension to Robert T. Porter;
H. R. 14935. An act granting an increase of pension to William G. Taylor;
H. R. 14958. An act granting an increase of pension to Hiram Burkholder;
H. R. 15000. An act granting an increase of pension to Isabel Nichols;
H. R. 15008. An act granting an increase of pension to Engelhardt Roemer;
H. R. 15018. An act granting an increase of pension to Joel V. Green;
H. R. 15045. An act granting an increase of pension to William L. Waterman;
H. R. 15084. An act granting an increase of pension to Joseph W. Miller;
H. R. 15096. An act granting an increase of pension to Isaiah S. Winters;
H. R. 15151. An act granting an increase of pension to Rebecca C. Goodson;
H. R. 15158. An act granting an increase of pension to Alexander Lessley;
H. R. 15210. An act granting an increase of pension to Isaac N. Hawkins;
H. R. 15262. An act granting an increase of pension to Charles Brick;
H. R. 15337. An act granting an increase of pension to Levi L. Martz;
H. R. 15349. An act granting an increase of pension to George C. Smith; and
H. R. 15642. An act granting an increase of pension to John H. Coonrod.

SENATE BILL AND RESOLUTION REFERRED.

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

S. 5759. An act for the relief of the legal representatives of George W. Soule—to the Committee on Claims.

Senate concurrent resolution 112:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of a report of experiments on the culture of sugar cane and its manufacture into table sirup, 1903 and 1904, of which 3,000 copies shall be for the use of the Senate, 7,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the Department of Agriculture—

to the Committee on Printing.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, report that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 17935. An act authorizing the Louisa and Fort Gay Bridge Company, of Louisa, Ky., to erect a bridge across the Tug and Levisa forks of the Big Sandy River;
H. R. 18358. An act to authorize the Borderland Coal Company, of Nolan, W. Va., to bridge the Tug Fork of the Big Sandy River at a point about 2 miles east of Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky;
H. R. 19026. An act permitting the building of a dam across the Mississippi River near the villiage of Bemidji, Beltrami County, Minn.;
H. R. 19052. An act to incorporate the American Academy in Rome;
H. R. 14522. An act directing the issue of a check in lieu of a lost check drawn by Col. John V. Furey, assistant quartermaster-general, United States Army, in favor of John Wanamaker;
H. R. 15586. An act extending the provision of section 2301 of the Revised Statutes of the United States to homestead settlers on lands in the State of Minnesota ceded under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889;
H. R. 18975. An act to authorize the levying of certain special assessments;
H. R. 17102. An act to extend the time within which actions for the recovery of duties paid in Porto Rico may be brought in the Court of Claims under the act of April 29, 1902;
H. R. 18528. An act to provide for the covering into the reclamation fund certain proceeds of sales of property purchased by the reclamation fund;
H. R. 1520. An act for the relief of the Mission of St. James, in the State of Washington;
H. R. 17019. An act granting certain lands to the city of Tacoma, in the State of Washington, for use as a public park;
H. R. 18329. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906;
H. R. 18752. An act for the resurvey of certain townships in the counties of Rock and Brown, in the State of Nebraska;
H. R. 11218. An act setting aside a certain island in Bartlett Lake, Minnesota, as a park and forest reserve;
H. R. 18641. An act to amend sections 56, 80, and 86 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;
H. R. 17994. An act 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;
H. R. 15390. An act granting an increase of pension to Augustus C. Foster;
H. R. 16878. An act granting an increase of pension to William Spriggs;
H. R. 15705. An act granting an increase of pension to James M. Champe;
H. R. 2927. An act granting an increase of pension to James C. Hall;
H. R. 17329. An act granting an increase of pension to Abraham Roberts;
H. R. 4390. An act granting an increase of pension to Francis W. Seeley;
H. R. 11743. An act granting an increase of pension to Charles H. Baird;
H. R. 18906. An act authorizing the construction of two bridges across the Ashley River, in the counties of Charleston and Dorchester, S. C.;
H. R. 18586. An act to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon;
H. R. 19118. An act to authorize the Secretary of the Interior to construct dams across the Yellowstone River in connection with irrigation works;
H. R. 17094. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 18198. An act to amend sections 4417, 4453, 4488, and 4499 of the Revised Statutes relating to the Steamboat-Inspection Service, and section 5344 of the Revised Statutes relating to misconduct by officers or owners of vessels;

H. J. Res. 193. An act providing for the publication of 3,000 copies of Bulletin No. 27 of the Bureau of Animal Industry, entitled "Information concerning the Angora goat;"

H. R. 18513. An act to extend the time for the commencement and completion of a bridge across the Missouri River at or near Pierre, S. Dak.;

H. R. 15322. An act correcting the record of Nelson S. Bowdish;

H. R. 18200. An act to amend section 4414 of the Revised Statutes of the United States;

H. R. 18202. An act to amend sections 4415, 4416, 4423, 4426, 4449, 4452, 4470, 4472, 4498, and 4233, of the Revised Statutes of the United States, relating to steamboat inspection;

H. R. 17934. An act to provide for a land district in Wasatch, Uintah, and Carbon counties, in the State of Utah, to be known as the "Uintah land district," and for other purposes; and

H. R. 17580. An act validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 18596. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi;

H. J. Res. 225. Joint resolution providing for the printing annually of reports of the Bureau of Immigration;

H. R. 11802. An act for the relief of Adolph Spiegel, as the successor of firm of Spiegel, Finkelstein & Co.;

H. R. 11861. An act granting a pension to Sarah E. Hayner;

H. R. 3628. An act for the relief of Claude B. Alverson;

H. R. 4407. An act authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady;"

H. R. 15609. An act providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes;

H. R. 17941. An act to amend the act entitled "An act to provide for the construction of light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras," approved April 28, 1904;

H. R. 18597. An act to authorize the county of Quitman to construct a bridge across the Tallahatchie River, Mississippi;

H. R. 18598. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi;

H. R. 18688. An act authorizing the President to appoint S. J. Call surgeon in the Revenue-Cutter Service; and

H. R. 19203. An act to provide for celebrating the birth of the American nation, the first permanent settlement of English-speaking people on the Western Hemisphere, by the holding of an international naval, marine, and military celebration in the vicinity of Jamestown, on the waters of Hampton Roads, in the State of Virginia; to provide for a suitable and permanent commemoration of said event, and to authorize an appropriation in aid thereof, and for other purposes.

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

S. 4938. An act regulating the use of telegraph wires in the District of Columbia;

S. 5094. An act to promote the efficiency of the reserve militia, and to encourage rifle practice among the members thereof;

S. 7184. An act to provide for an additional associate justice of the supreme court of the Territory of Arizona, and for other purposes;

S. R. 92. Joint resolution authorizing the President to extend the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States;

S. R. 101. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic;

S. 7230. An act granting an increase of pension to Benton Cantwell;

S. 7284. An act to authorize the Secretary of the Treasury to exchange the site for a public building at Natchitoches, La.;

S. 6944. An act to authorize the resurvey of certain lands in the State of Wyoming;

S. 6744. An act relative to the commissions of officers who are under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor, respectively;

S. 2605. An act to authorize the appointment of Acting Asst. Surg. Leopold Herbert Schwerin, United States Navy, as an assistant surgeon in the United States Navy; and

S. 3343. An act to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia.

CONDEMNED CANNON FOR THE NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (S. R. 101) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic.

Resolved, etc., That the Secretary of War is hereby authorized to deliver to the order of Charles Burrows, quartermaster-general of the National Encampment of the Grand Army of the Republic, one dismounted condemned bronze cannon used in the late civil war, to be used by the said Grand Army of the Republic for the purpose of furnishing official badges of the order: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon.

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

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

RESERVE MILITIA.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent that the Committee on the Militia be discharged from further consideration of the bill S. 5094, and the same be taken up for passage.

The bill was read, as follows:

A bill (S. 5094) to promote the efficiency of the reserve militia and to encourage rifle practice among the members thereof.

Be it enacted, etc., That the Secretary of War is hereby authorized to sell, at the prices at which they are listed for the Army, upon the request of the governors of the several States and Territories, such magazine rifles belonging to the United States as are not necessary for the equipment of the Army and the organized militia, for the use of rifle clubs formed under regulations prepared by the national board for the promotion of rifle practice and approved by the Secretary of War.

SEC. 2. That the Secretary of War is hereby authorized in his discretion to sell to the several States and Territories, as prescribed in section 17 of the act approved January 21, 1903, for the use of said clubs, ammunition, ordnance stores, and equipments of the Government standard at the prices at which they are listed for the Army. The practice of the rifle clubs herein provided shall be carried on in conformity to regulations prescribed by the national board for the promotion of rifle practice, approved by the Secretary of War, and the results thereof shall be filed in the office of the Military Secretary of the Army.

Mr. LIVINGSTON. Reserving the right to object, I would like to have an explanation of the bill.

The SPEAKER. The request for unanimous consent is to discharge the Committee on the Militia from further consideration of the bill and consider it now.

Mr. LIVINGSTON. Reserving the right to object, I want to know why it was not reported from the committee?

Mr. MORRELL. Why was it not reported from the committee?

Mr. LIVINGSTON. You propose to discharge the committee. Why did you not report the bill?

Mr. MORRELL. This is a Senate bill. A similar bill has been considered and favorably acted on by the committee.

Mr. SULZER. Has it been favorably reported from the Committee on the Militia?

Mr. MORRELL. It was favorably passed upon by the Committee on the Militia.

Mr. SULZER. Has it been reported by the committee?

Mr. MORRELL. The Senate bill has been substituted by the committee, and the report of the Senate also substituted.

Mr. LIVINGSTON. Has it been considered by the House committee?

Mr. MORRELL. Yes, sir; and passed.

Mr. LIVINGSTON. And not reported?

Mr. MORRELL. I have the report ready, but we have accepted the Senate bill and report.

Mr. LIVINGSTON. Is that the unanimous action of the House committee?

Mr. MORRELL. That was acted upon by the House committee.

Mr. LIVINGSTON. Is that the unanimous action by the House committee?

Mr. MORRELL. I can not remember at the time it was originally considered whether it was unanimous or not.

Mr. LIVINGSTON. It seems to be a very informal way.

Mr. MANN. Was it at a meeting of the committee?

Mr. ROBINSON of Indiana. This morning early——

The SPEAKER. Does the gentleman yield?

Mr. ROBINSON of Indiana. I reserve the right to object until an explanation can be made. I suggest that early this morning the gentleman from New York [Mr. PAYNE] strenuously objected to a measure coming before the House unless the House committee had passed upon it heretofore. I remind him now, for fear it might escape his attention, that he said he would object to measures of this kind.

Mr. LIVINGSTON. I want to ask why there should be this trouble, bringing the matter up in this irregular way?

Mr. MORRELL. The bill was considered in the committee and was not acted finally upon owing to an objection which was raised by the chairman of the Committee on Military Affairs. This was investigated and disposed of in an interview with the Chief of Ordnance, General Crozier. The bill was very strongly recommended by the Senate Committee on Military Affairs, the Hon. Robert Shaw Oliver (in his letter to the Hon. REDFIELD PROCTOR, dated April 21, 1904; also in his letter to Hon. J. A. T. HULL dated April 23, 1904), the governors of several of the States, and the national board for the promotion of rifle practice appointed by the Secretary of War. Its passage being thus urged, it was thought very necessary to get the bill through, if possible.

Mr. ROBINSON of Indiana. I have directed the attention of the gentleman on the other side, the leader, to this matter, so that he could be perfectly consistent in his opposition to such measures. I have no objection to it.

Mr. PAYNE. I will say that "the gentleman from New York" was waiting to see if anybody else in the House would help share the burden of objecting to bills brought up in this way. If there is nobody else who will object, I object myself.

The SPEAKER. Is there objection?

Mr. BAKER. I object.

Mr. JAMES. The gentleman from New York objected so that he might hear an explanation from the gentleman from Pennsylvania. I have no doubt if he makes an explanation the gentleman from New York will withdraw his objection.

Mr. MORRELL. In answer to the gentleman from New York I will say that this bill has been very strongly recommended by the Secretary of War and the Assistant Secretary of War. It simply authorizes the Secretary of War to sell to different rifle clubs throughout the country any of the rifles that the War Department now has. The reason for that is that great enthusiasm has been displayed by the rifle clubs; they have increased in number, and according to Senate Report No. 1852 it will be seen that the regulations under this bill will provide an issue of one rifle to ten members in each club. With a membership of 2,000 for the present year 200 rifles only would be issued, and under the rule that the purchase of ammunition should not exceed 50 rounds per man, 10,000 rounds would be sufficient for this year, and should the number of clubs increase, the corresponding increase of issue would not be very great.

Mr. BAKER. Are the rifle clubs voluntary organizations?

Mr. MORRELL. Yes; authorized by the governors of the different States.

Mr. BAKER. I will withdraw my objection.

The SPEAKER. Is there further objection?

There was no further objection.

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

REVISION OF GENERAL AND PERMANENT LAWS OF THE UNITED STATES.

Mr. SHERLEY. Mr. Speaker, on behalf of the Committee on Revision of the Laws, I desire to report Senate joint resolution 107, with the recommendation that it do pass, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Kentucky reports the following Senate joint resolution from the Committee on Revision of the Laws, and asks unanimous consent for its present consideration. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 107) authorizing the Commission to revise the laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary title heretofore reported by said Commission.

Resolved, etc., That the Commission to Revise the Criminal and Penal Laws of the United States be, and is hereby, authorized and required to incorporate in its final report of the revision of the general and permanent laws of the United States, the criminal and penal laws and the judiciary title heretofore reported by said Commission, as changed or modified by any act or acts passed since the date of the making of said reports.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman first, whether this is a report from the Judiciary Committee?

Mr. SHERLEY. It is a report from the Committee on the Revision of the Laws, after a formal meeting and full consideration of the resolution. I will say for the benefit of the House that the effect of this resolution is simply this: When the Commission on the Revision of the Laws was originally created, its power extended only to the criminal code. Subsequently it was enlarged to extend to the judicial code, and, more recently, to cover the whole substantive law. They are ready now to report on the substantive law. They have heretofore reported on the criminal code and on the judicial code. This resolution simply enables them to bring down these two former reports to date by embodying the laws that have been passed at this session of Congress.

Mr. MANN. May I ask the gentleman further? This Commission on the Revision of the Laws has been in existence ever since I have been in Congress, eight years. They never had anything up in the House, as far as I know, with the exception of the revision of the laws concerning Alaska. That was about four years ago. Now, what has the Commission been doing ever since?

Mr. SHERLEY. The gentleman will find if he looks on the Calendar a report, from the committee of which I am a member, on the penal code, and also there is before that committee a report on the judicial code. I desire to impress this fact on the gentleman, that this resolution does not give the Commission any more work, does not serve to perpetuate it at all, but it does serve to enable the next report, which is now ready, to have incorporated in it the laws passed at this session of Congress and to put in one report the whole substantive law of the country.

Mr. MANN. What will the Commission do if this joint resolution is not passed?

Mr. SHERLEY. They will not, under a strict construction, be able to amend the two reports that they have made so as to include the laws of the Fifty-eighth Congress.

Mr. MANN. Will they quit as a commission or continue as a commission?

Mr. SHERLEY. They will next year make a full report of the substantive law of the United States.

Mr. MANN. Now, if the gentleman will permit me, how long has the Committee on Revision of the Laws had this report from the Commission?

Mr. SHERLEY. They have had a report for some months on the penal code, but it was impossible at this session of Congress to get consideration.

Mr. MANN. It was on the House Calendar?

Mr. SHERLEY. Yes.

Mr. MANN. I will say to the gentleman that it has been possible to get consideration. There has been a call of committees, and the committe had a chance to bring that question before the House. It has been four years since the Committee on Revision of the Laws came before this Congress with anything except to extend the length of the life of a commission drawing large salaries, possibly doing work, but eventuating nothing, and I have grave doubts whether it ought to be continued.

Mr. SHERLEY. This resolution will have no effect one way or the other as to continuing the life of the Commission.

Mr. MANN. Oh, I think when you give new powers to a commission you give an increased length of life.

Mr. SHERLEY. You are not lengthening the life of the Commission; you are simply enabling the Commission to bring in reports of the acts of this Congress, which will be laid before the first session of the Fifty-ninth Congress.

Mr. MANN. Why, the Commission has the power under the gentleman's statement to report as to the substantive law, as well as to the criminal code. What is the object of giving them additional power?

Mr. SHERLEY. Mr. Speaker, it is believed by some that when they have once reported under the act creating them the Commission's power is exhausted and it can not make a subsequent report. This enables it to bring it all into one report.

Mr. MANN. I wish the gentleman would give us some information, then, to show when this Commission will get through, so that they will not keep drawing salaries for, so far as effect is concerned, doing nothing. They have accomplished nothing since they have been in existence, so far as actual law is concerned.

Mr. SHERLEY. So far as the gentleman is informed, they will be prepared to report fully a completion of their labors at the beginning of the regular session of the Fifty-ninth Congress.

Mr. MANN. If the gentleman will pardon me, they have the right to report on a criminal code, and they have the right to report concerning the civil procedure. They should make

one report, and the Committee on Revision of the Laws should have brought that report before the House. Instead of that, they come in here on the last day of the session and ask for power of the Commission to do something else. Why does not that committee bring before the House the results of this Commission's work? There is not a Member of this House, or a man in this country, who can safely and satisfactorily find out what the law is on our statute books.

Mr. WILLIAMS of Mississippi. Mr. Speaker, will the gentleman from Kentucky yield?

Mr. SHERLEY. Yes.

Mr. WILLIAMS of Mississippi. Would the gentleman object to putting an addition to his resolution requiring the Commission to report at the beginning of the Fifty-ninth Congress on the matters involved in this resolution and the matters of duty conferred upon them by former resolution?

Mr. SHERLEY. Mr. Speaker, I have no authority for the committee to accept such a suggestion, and I suggest to the gentleman from Mississippi [Mr. WILLIAMS] that that would necessitate the resolution going back to the Senate in these closing hours and would probably defeat the resolution. It has already passed the Senate, and an amendment would have to carry it back.

Mr. WILLIAMS of Mississippi. It can go back to the Senate. There is time enough for the Senate to pass it. I will offer an amendment——

Mr. SHERLEY. If the gentleman will permit me, I can assure him, I think, that there will be brought into this House a bill covering the entire criminal and civil statute law of the United States at the first session of the next Congress; and, speaking on behalf of the committee, I desire to say that we are exceedingly desirous that this matter should be taken up; that we were ready at all times, but that it was understood in the committee that the time necessary to devote to a bill of this kind did not exist at this short session of Congress.

Mr. WILLIAMS of Mississippi. I understand that, nor am I impugning the committee. I am aware of the fact that the committee want to get this matter closed up. The committee has every right motive to do so, and no wrong motive not to do it. I am perfectly confident of that, but what is bothering me is as to the motive of the Commission. Now, I want that Commission ordered to finish its labor with the Fifty-ninth Congress.

Mr. SHERLEY. I can assure the gentleman that the Commission will have finished its labor and will have a complete bill covering its whole duty.

Mr. WILLIAMS of Mississippi. Then it is satisfactory to me.

Mr. MANN. The gentleman will be a member of the Committee on the Revision of the Laws at the next session of Congress?

Mr. SHERLEY. I do not know. That lies with the Speaker.

Mr. MANN. The gentleman is now a member of the Committee on the Revision of Laws?

Mr. SHERLEY. Yes.

Mr. MANN. And he will be a member of the next Congress. Unless he asks to be excused he will undoubtedly be a member of that committee, and I am very sure that if he does ask to be excused the Speaker can not find anybody who will take his place and fill it as well as he. If the gentleman is a member of the committee at the next session, will he say now whether this subject will be brought before the House, so that the House can determine whether this Commission is doing work, and whether it ought to have a chance to do further work?

Mr. SHERLEY. The gentleman will answer for himself, as he has only power to answer, and so far as lies in his power, as a minority member of that committee, he will see to it that it comes before this House.

Mr. MANN. I am not sure but that the gentleman constitutes a majority of the committee.

The SPEAKER. Is there objection?

Mr. DE ARMOND. Mr. Speaker, I would like to suggest a word before the matter is disposed of. It is very unfortunate that this matter comes before the House at so late a day in its session, and I can not help but share the suspicion of the gentleman from Illinois that somewhere—I do not attribute any of it to the members of this committee of the House—but that somewhere there is operating a motive power which has its origin in the Commission. This Commission has been in the employ of the Government for many years, and, so far as Members of Congress and the country can know, has done hardly anything except to draw its salary. The work that this Commission was appointed to do could have been done well long ago in less than one-fourth of the time already consumed, and I am strongly of the impression that if anything be done which will give this Commission an excuse, a pretext, for continuing its existence, which has been so largely useless, that the Commission will not fail in the future as in the past to avail itself of such opportunity. There ought to have been brought before the Congress at an earlier date, it seems to me, a proposition, the effect of which will be to extend the useless life of this useless Commission, so that the House and the Senate might have considered the matter with regard to the merits. It may be that this suggestion is a good one. It may be that what is proposed ought to be done, but I believe for one that I would rather take the chances of voting against the proposition, concluding, most likely, it originated in the Commission and from the Commission, and that its main design is to prolong the useless life of a useless Commission, than to take the chances on the other side of doing something that really ought to be done.

Mr. SHERLEY. If the gentleman will permit——

Mr. LLOYD. Have you any assurance if we vote this down the Commission will not continue? This Commission will last indefinitely whether you give them work to do or not. Twenty years from now that Commission will be in power.

Mr. DE ARMOND. Mr. Speaker, I suggest as an amendment to this resolution, if it be adopted, a provision to the effect that on the first day of the next Congress this Commission expire by limitation.

If the Commission tries to have its work done in that time the work can be done by that time. If the Commission does not complete its work at that time, if it does nothing, then it ought to be completed by action of Congress. I suggest that amendment.

Mr. WILLIAMS of Mississippi. You had better say a week after Congress meets.

Mr. DE ARMOND. I would make it the 15th day of December.

Mr. SHERLEY. If the gentleman will permit me, I think I can give him the assurance that there will be a full report covering everything.

Mr. DE ARMOND. Yes; but the Commission will not be dead.

Mr. SHERLEY. If the gentleman will permit me, to amend this now will practically mean in these closing hours a failure of the resolution, and I consider it as important that the report of the Commission, which will be made next year, should carry with it those additions to the criminal laws that have been made in this past Congress and since its last report, and I trust the gentleman will permit its consideration.

Mr. DE ARMOND. Very well; it is a short resolution, very quickly engrossed and enrolled, and if the object be not to perpetuate the life of this Commission on a pretext for continuance of its existence, there ought to be no objection to the amendment. This Commission will have had a vacation, will have had nine months to do the work of one month. Its work has not been in the proportion of one to nine. It has not done one-ninth of the work it ought to have done; it has not completed the work in one-ninth of the time necessary for its completion, and it seems to me there can be no objection to that very useful provision which will terminate the life of a practically useless Commission, and I move to have that amendment made.

Mr. MANN. May I ask the gentleman one further question? Why is it necessary to have this work done down to date? When was the report of the Commission made, and was it so long ago that it needs to be brought now down to date?

Mr. SHERLEY. I answer the gentleman simply by saying that a revision to be of any value at all, as he knows as a lawyer, must be a revision up to the date of its adoption, and, further, that this resolution has none of the importance that gentlemen attach to it. It simply enables the Commission to embody in one report all of their previous reports and the one they are preparing to make at the next session of Congress.

Mr. MANN. Well, how long since the Commission made a report which now needs to be brought down to date?

Mr. SHERLEY. There was a criminal code reported about two years ago, and there was a judicial code reported a year ago.

Mr. MANN. And neither one brought before the House.

The SPEAKER. Is there objection?

Mr. ROBINSON of Indiana. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Kentucky [Mr. SHERLEY] who constitute this Commission?

Mr. SHERLEY. I do not know that I can give the gentleman from Indiana [Mr. ROBINSON] the names now from memory.

Mr. ROBINSON of Indiana. Or I will ask any other gentleman who is familiar with it.

Mr. BARTLETT. Messrs. Botkin, Watson, and Bynum.

Mr. CRUMPACKER. Mr. Speaker, I object to the consideration of the resolution.

Mr. KLUTTZ. How long has this Commission been in existence?

Mr. LACEY. Mr. Speaker——

The SPEAKER. The gentleman from Iowa [Mr. LACEY]——

Mr. SHERLEY. Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] has been recognized.

INDIAN TRIBAL FUNDS.

Mr. LACEY. Mr. Speaker, I call up the bill H. R. 18516, and ask the Clerk to read the bill as amended.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take the bill H. R. 18516 from the House Calendar and that it be considered now. The Clerk will report the bill. Without objection, it will be read as it is proposed to be amended.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized, in his discretion, from time to time, to designate such Indian tribe or tribes whose members he may deem to be sufficiently advanced in civilization to be prepared to receive and manage their individual shares of the tribal funds then or thereafter on deposit in the Treasury of the United States to the credit of such tribe or tribes; and thereupon shall cause the money held in trust for such tribe or tribes in the Treasury to be allotted in severalty to the members thereof. That thereupon a roll of such individuals in such tribe or tribes shall be made by the Secretary of the Interior, and the funds apportioned and credited in severalty to the individuals entitled thereto and placed to the credit of such individuals upon the books of the United States Treasury.

SEC. 2. That the President may, by Executive order, from time to time, order the distribution and payment of such funds or the interest accruing thereon to such of the individual members of any such tribe or tribes as, in his judgment, would be for the best interests of such individuals to have such distribution made.

SEC. 3. That the President shall, by Executive order, prescribe rules and regulations to carry out the purposes of this act. Such regulations may also provide the method and proceedings for the distribution of the share of any allottee who may die before payment and after such allotment on the books of the Treasury Department.

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to have some explanation of this bill. It seems to be an important bill.

Mr. LACEY. Mr. Speaker, this is the unanimous report from the Committee on Indian Affairs on a bill favorably reported and requested by the Commissioner of Indian Affairs, the Secretary of the Interior, and the President of the United States. This bill was inserted in the Senate in the Indian appropriation bill, and for that reason there has been a delay of a few days in calling it up here, believing it would come to this House in that form. The bill went out on a point of order in the Senate, along with a large amount of other general legislation. So it is necessary to pass it in a separate form. The effect of the bill is simply this: There are some tribes who are substantially civilized, sufficiently so to handle their own property.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman a question.

Mr. LACEY. Certainly.

Mr. SULZER. Are the Indians to be affected in favor of this bill?

Subsequently,

Mr. LACEY. Mr. Speaker, the House was considering the bill H. R. 18516 when interrupted by a conference report. The bill has been read.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. LACEY. It is the Indian allotment bill, which was up when the conference report interrupted it.

Mr. STEPHENS of Texas. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if this law will prevent the taking of the trust funds belonging to the Indians and giving them to sectarian schools?

Mr. LACEY. So far as the money is allotted it would, and as to those tribes sufficiently advanced for this allotment to apply it would relieve the question entirely.

Mr. STEPHENS of Texas. Then whenever money is allotted among individual Indians the parents of the children will have the right to send them to any kind of a school they see proper, or to no school?

Mr. LACEY. That would depend entirely upon the regulation of the Department, and they could not be handled by the tribal government. It will belong to the individual after that.

Mr. STEPHENS of Texas. Does not the gentleman think that the tribal government should dispose of these funds rather than to deposit them arbitrarily in the hands of the President of the United States?

Mr. LACEY. As to the civilized Indians I think not; as to the blanket Indians, or Indians not sufficiently advanced, it raises a different question. This will enable the President to deal with this question from time to time as the tribes become sufficiently advanced. The Kaw tribe have all had full distribution under special acts of Congress. The Seminoles and some others are substantially ready for a similar distribution. I now yield to my colleague from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I say to my colleague from Texas I think this bill is in line with his desires. It segregates and breaks up these tribal funds and is a step in the direction of turning over to the Indians whenever fit their lands and moneys and making them citizens of the United States and giving them control of their affairs and taking from the Department all control over it, and when that is done there will be no question at all about the use of these Indian tribal funds.

Mr. STEPHENS of Texas. If it prevents the President and Secretary of the Interior from diverting trust funds of the Indian tribes to the use of any sectarian schools, then I am willing to vote for the bill.

Mr. LACEY. It will have that effect as far as it goes. This bill, as far as it goes, is in that direction.

Mr. FITZGERALD. This bill provides this: That whenever an Indian tribe, in the opinion of the President, is fit or its members are fitted to manage their own money the trust funds in the Treasury shall be segregated and placed to the credit of each individual Indian. Whenever it is deemed the Indian has sufficient capacity to manage it, it is turned over to him and taken out of the Treasury. Practically it is a step in the direction of eventually abolishing all trust funds and making the Indians dependent on themselves and their resources.

Mr. LACEY. It is progressive only; it is not general. Some of the tribes are very advanced. Some you could not tell from any white people. Some, however, are blanket Indians; but this bill recognizes this diversity of condition and leaves the matter in the control of the President.

Mr. STEPHENS of Texas. I think I thoroughly understand the bill. I think the bill should become a law, but I think it should go further and a provision put in here similar to the one stricken out by the Senate from the House bill, providing that no trust fund or any public fund of any kind could be used in any sectarian school in the United States.

Mr. LACEY. That question is not involved in this. It would not be germane to it as an amendment.

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

The question was taken; and the amendments were 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. LACEY, a motion to reconsider the last vote was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. CURTIS. Mr. Speaker, I desire to call the Indian appropriation bill from the Speaker's table and ask that the House agree to the conference, and I further ask that the statement of the managers be read in lieu of the report.

The SPEAKER. The gentleman from Kansas [Mr. CURTIS] calls up the conference report on the Indian appropriation bill and asks unanimous consent that the statement of the managers be read in lieu of the report. Is there objection?

Supplementary statement of the House conferees on the Indian appropriation bill.

From amendment No. 36 the House recedes. This is the amendment which removed the limitation on the law to alienate lands in the Indian Territory.

From amendment No. 143 the Senate recedes. This is an amendment which provided for the payment of $1,500,000 to the Colville Indians.

From amendment No. 147 the House recedes with an amendment. This is the amendment which proposed to appropriate $150,000 for the extension of irrigation in the Gila River Valley for the benefit of the Pima Indians. As agreed upon, the amendment is not changed, except that the amount appropriated is $50,000 instead of $150,000.

J. S. SHERMAN,
CHARLES CURTIS,
Managers on the part of the House.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 143.

That the House recede from its disagreement to the amendment of the Senate numbered 36 and agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In line 5 of said amendment, after the word "of," strike out "one hundred and;" and the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
Managers on the part of the House.

WM. M. STEWART,
P. J. MCCUMBER,
FRED T. DUBOIS,
Managers on the part of the Senate.

[Mr. STEPHENS of Texas addressed the House. See Appendix.]

Mr. CURTIS. Mr. Speaker, I want to say to the House that I present this report because the chairman of the committee, the gentleman from New York [Mr. SHERMAN], was called home on account of a death in his family. I do not believe that the gentleman from Texas wants this House to understand that we have not removed restrictions in the Indian Territory, because he knows very well that restrictions, except as to homesteads, have been removed as to the sale of lands owned by intermarried whites and freedmen. He also knows that under existing laws Indians may sell their lands, except homesteads, with the approval of the Secretary of the Interior. I agree with him that the restriction should be further removed. I do not think Congress should go quite as far as the gentleman from Texas [Mr. STEPHENS] would have it. The gentleman knows that no agreement could have been reached if the managers on the part of the House had not receded. Under existing laws the Creeks may sell their surplus lands with the approval of the Secretary of the Interior, and this restriction expires June 30, 1907; the Cherokees may sell, without the approval of the Secretary of the Interior, after July 1, 1907, and the Choctaws and Chickasaws may sell one-fourth of their surplus lands in one year, one-fourth in three years, and the balance in five years in each case from the date of patent.

Now, as to the Colville item, the committee was convinced that perhaps the Colvilles had a just claim, but we did not think it advisable to make provision for the payment in the Indian appropriation bill at this time. We thought it better to have a bill drawn providing for the disposition of the money which would be satisfactory to all concerned. It surely would be a mistake to pay the Indians a million and a half of dollars at one time. So the matter was laid over for a general bill.

As to the Gila River, we have already appropriated $40,000, which is being used by the Secretary of the Interior to aid the Pima Indians. The Secretary of the Interior informed the committee that he could not use the money before next December, if it were appropriated. So we reduced the amount to $50,000, believing that would be a sufficient amount to proceed with his experiments, if he saw fit.

Mr. STEPHENS of Texas. Is not the gentleman aware that it will require $150,000 to put in the irrigation plant that the engineers have adopted and that they suggest?

Mr. CURTIS. I state to the gentleman, as I stated to the House, that the Secretary of the Interior informed the conferees that if the appropriation was made he could not use it before December.

Mr. JONES of Washington. I should like to ask the gentleman what was done as to amendment 143?

Mr. CURTIS. The Senate receded, so as to let the matter go over until the next session of Congress, in order that it might be provided for in a general bill.

Mr. JONES of Washington. Does the gentleman think we shall be able to take care of that matter at the next session?

Mr. CURTIS. I am satisfied the committee will consider a general bill providing for the payment of the lands taken from the Colville Indians.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

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

BONDS OF POSTAL EMPLOYEES.

Mr. OVERSTREET. Mr. Speaker, I call up the conference report on the bill 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."

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title.

Mr. OVERSTREET. Mr. Speaker, this is a report showing that the Senate has agreed to the House amendments. I ask a vote upon the conference report.

The SPEAKER. Is there a statement?

Mr. OVERSTREET. The conference report itself gives the statement.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (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," 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 and agree to the same.

JESSE OVERSTREET,
JOHN A. MOON,
J. J. GARDNER,
Managers on the part of the House.

BOIES PENROSE,
J. P. DOLLIVER,
A. S. CLAY,
Managers on the part of the Senate.

Mr. SULZER. Mr. Speaker, I desire to ask the gentleman from Indiana what bill this is?

Mr. OVERSTREET. This is a bill providing for the execution of bonds by postmasters and other postal employees. It passed the Senate and came to the House and was here amended. The Senate agrees to the amendments of the House.

Mr. SULZER. I have no objection to the bill. I thought it might be the post-office appropriation bill. I want to speak briefly on this bill when the conference report is presented.

The conference report was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I submit the conference report upon the post-office appropriation bill and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Indiana submits the conference report on the post-office appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Bill (H. R. 17865) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 6, 7, 11, 12, 13, 23, 25, 26, 28, 29, 30, 31, 32, 34 and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 14, 16, 17, 18, 19, 21, 22, 33, 35, 36, 38 and 42, and agree to the same.

Amendment numbered ½: That the House recede from its disagreement to the amendment of the Senate numberd one-half, and agree to the same with an amendment as follows: Strike out the word "fifteen" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the words: "five inspectors" and insert in lieu thereof the words: "ten inspectors in charge of divisions," so that it will read: "ten inspectors in charge of divisions at two thousand five hundred dollars each"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the word "thirty" and insert in lieu thereof the words: "forty-five"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out the words: "four hundred and fifteen thousand seven hundred," and insert in lieu thereof the words: "three hundred and sixty-eight thousand one hundred and fifty"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and

agree to the same with an amendment as follows: Strike out the words: "two hundred and ten" and insert in lieu thereof: "two hundred and five"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out the word: "where", and insert after the word "expenses" the words: "in Alaska when," so that the amendment shall read as follows: "*Provided*, That on the direct order of the Postmaster General any part of this sum may be allowed for clerk hire, rent, fuel, light and miscellaneous expenses in Alaska, when by reason of unusual conditions the interest of the service demands such allowance;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out the words: "for use in the parcels post service"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out the words: "forty-five" and insert in lieu thereof the words: "thirty-five;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the words: "nine hundred and fifty" and insert in lieu thereof: "eight hundred and seventy-five"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the words: "twenty-one thousand" and insert in lieu thereof: "twenty thousand five hundred"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: Strike out the word: "fifty" and insert in lieu thereof the words: "twenty-five"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out the words: "nine hundred and fifty thousand" and insert in lieu thereof the words: "nine hundred thousand"; and the Senate agree to the same.

JESSE OVERSTREET,
J. J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.

BOIES PENROSE,
J. P. DOLLIVER,
A. S. CLAY,
Managers on the part of the Senate.

Statement of the House conferees.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17865) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made forty-two amendments to the bill, involving an increase of $801,430.

By the action of the conferees, submitted in the accompanying report, the House recedes upon amendments involving an increase of $304,680. The Senate receded on amendments involving $496,750.

The bill, as passed by the House, carried $180,717,413.75.

As agreed to by the conferees, the bill carries $181,022,093.75.

Amendments Nos. ½, 1, 2, 3, 4, 5, 6, 7, and 8: Under these amendments all post-office inspectors in charge of divisions and all post-office inspectors are increased in salary, and twenty additional inspectors are provided for in addition to the provision of the House bill. By the action of the conferees upon these several amendments provision is made for the increase of salaries of five inspectors in charge of divisions from $2,500 to $3,000 per year, and an increase of three inspectors at the lowest grade of salary is provided for.

Amendment No. 9: The change in this amendment is to provide for the change in appropriation made necessary by the amendments above noted.

Amendment No. 10: The effect of this amendment is to make provision for the per diem allowance for the three inspectors provided for by amendment No. 8.

Amendment No. 11: The effect of this amendment was to increase by $12,500 the appropriation for "salaries of clerks and laborers at division headquarters," and was disagreed to.

Amendment No. 12: The action of the conferees restores the appropriation for assistant postmasters to the amount carried by the House bill.

Amendment No. 13: This amendment limited the appropriation for assistant postmasters to a sum not in excess of the total amount carried by the bill. For the reason that such limitation is inapplicable to assistant postmasters the amendment was disagreed to.

Amendment No. 14: The effect of this amendment is to provide for a private secretary at a salary of $2,400 a year, and is intended to make appropriation to meet the employment of a private secretary to the postmaster at the city of New York, at the same salary such officer is now receiving.

Amendment No. 15: The effect of this amendment is to authorize the Postmaster-General, in his discretion, to utilize the appropriation for unusual business for the purpose of "clerk hire, rent, fuel, light, and miscellaneous expenses in Alaska." The conditions in Alaska are such that emergency service of this character justifies this authority.

Amendments Nos. 16, 17, and 18: The effect of these several amendments is merely to change the phraseology to provide for the disjunctive "or" rather than the "conjunctive "and."

Amendment No. 19: The effect of this amendment is to increase the appropriation for "rent, light, and fuel for first, second, and third class post-offices" by $50,000.

Amendment No. 20: The effect of this amendment is to strike from the amendment offered by the Senate the language "for use in the parcels-post service."

Amendment No. 21: The effect of this amendment is to increase the appropriation for "letter balances, scales, and test weights, and repairs to same, and for tape measures" by $2,500.

Amendment No. 22: The effect of this amendment is to designate as a proper item for expenditure under the First Assistant Postmaster-General, "year blocks for old post-marking stamps."

Amendment No. 23: The effect of this amendment was to increase the appropriation for "printing facing slips, card-slide labels, blanks, and books of an urgent nature" by $5,000. The amendment was disagreed to.

Amendment No. 24: The effect of this amendment is to increase the appropriation for "blanks, blank books, printed and engraved matter, binding and carbon paper for the money-order service" by $15,000.

Amendments Nos. 25 and 26: The effect of these amendments would simply be to increase the appropriation for "pneumatic-tube service," and authorize the Postmaster-General to provide for the extension of such service under the act of April 21, 1902. As the Postmaster-General has such authority already under said act and the increased appropriation could not be used during the fiscal year 1906, both amendments were disagreed to.

Amendment No. 27: The effect of this amendment is to increase the appropriation for "railway post-office car service" by $75,000.

Amendments Nos. 28, 29, 30, 31, and 32: The effect of these amendments was to make change in the number of clerks in the "railway mail service" in certain classes, and all of said amendments were disagreed to.

Amendment No. 33: The effect of this amendment is to provide that preference shall be given in the assignment or transfer of clerks in the railway mail service to "persons honorably discharged from the military or naval service who served in the civil war."

Amendment No. 34: The effect of this amendment was to reduce the appropriation to cover the cost of "mail service by underground electric cars in the city of Chicago, Ill." Contract for the full amount having been entered into for the present fiscal year and the same amount being required for the fiscal year 1906, the amendment was disagreed to.

Amendment No. 35: The effect of this amendment is to increase the appropriation for "foreign mail service" by $45,000.

Amendment No. 36: The effect of this amendment is to authorize the expenditure of $85,000, instead of $75,000, "to cover one-half the cost of the expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union."

Amendment No. 37: The effect of this amendment is to increase by $1,080 the appropriation for "pay of agents and assistants to distribute stamped envelopes and newspaper wrappers, and expenses of agency."

Amendment No. 38: The effect of this amendment is to increase by $25,000 the appropriation for "horse-hire allowance."

Amendment No. 39: The effect of this amendment is to in-

crease by $25,000 the appropriation for "car-fare and bicycle allowance."

Amendment No. 40: The effect of this amendment is to increase by $50,000 the appropriation for "fees to special-delivery messengers."

Amendment No. 41: The effect of this amendment was to authorize the carrying of packages upon rural delivery routes when mailed at the distributing post-office of any rural delivery route for delivery upon a rural delivery route, and fixing the rate of postage thereon at 3 cents per pound or fraction thereof. This amendment was disagreed to.

Amendment No. 42: The effect of this amendment is to authorize the repayment of, or refund, of any postage paid on any mail matter for which service is not rendered, or is collected in excess of the lawful rate, authority being given by the Postmaster-General to the postmaster at the office where original payment was made.

Mr. OVERSTREET. Mr. Speaker, before explaining the character of the report, I ask unanimous consent that the report may be so far modified as to consecutively number the sections of the bill.

Mr. PAYNE. I will suggest to the gentleman that after the report is adopted he can get a concurrent resolution to do that.

Mr. OVERSTREET. It is simply to number the sections consecutively.

The SPEAKER. The Chair will suggest to the gentleman from Indiana whether or not it is competent to modify a conference report in any respect. In other words, this is an agreement between the House and the Senate, through their conferees, and it seems to the Chair that neither party can change the conference report.

Mr. OVERSTREET. I think the Chair is right. I am not sure that it is necessary. My attention was called to it since I came to my seat. I withdraw the request.

Mr. Speaker, this is a complete agreement upon the post-office appropriation bill. Of the forty-two amendments made by the Senate, the House has receded to amendments which make a net increase in the appropriation over the bill as it left the House of $304,680. The Senate has receded to amendments of the House involving an increase of $496,750. The total amount of the bill when it left the House was $180,717,413.75. The net increase by reason of the Senate amendment as finally agreed upon in conference is $304,680, providing a total appropriation for the postal service for the next fiscal year of $181,022,093.75.

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

Mr. OVERSTREET. Yes.

Mr. SULZER. I desire to know whether the increased appropriation for the New York City post-office from $500,000 to $800,000, made by the Senate, has been agreed to?

Mr. OVERSTREET. In the first place, there was no amendment in the bill making any increase of appropriation specifically for the New York post-office. The Senate amendment relative to the pneumatic-tube service simply authorized the Postmaster-General to extend the service under the law of April 21, 1902. He has that authority already, with certain restrictions and limitations, which were not removed by the Senate amendment. The Senate conferees recognized that the amendment had no effect and therefore receded.

In addition to that proviso, the appropriation of $500,000 for the pneumatic-tube service provided in the House bill was increased to $800,000 without respect to where it would be expended, and for the reason that under existing contracts no more than $500,000 will be needed during the next fiscal year the $300,000 amendment was receded from by the Senate.

Mr. DOUGLAS. Mr. Speaker, as the gentleman from Indiana knows, the pneumatic-tube service is of vital consequence to New York City.

Mr. OVERSTREET. Undoubtedly.

Mr. DOUGLAS. I would like to ask the gentleman whether he does not think that the striking out of the extra $300,000 for the pneumatic-tube service will be a detriment to the likely further extension of the service in New York City?

Mr. OVERSTREET. Absolutely none. If the Senate amendment had prevailed, there was no authority of law for the extension of the service in New York City.

Mr. DOUGLAS. Does not the gentleman know that these contracts are only for four years, and that present contracts only have about one year more to run, and that this action may tend to put New York back two or three years?

Mr. OVERSTREET. But the gentleman will recollect that there is already a contract for the extension of the tube service in the city of New York under authority of law. There was nothing in the amendment of the Senate which in any way changed that contract.

Mr. DOUGLAS. Does not the gentleman also know that the striking out of the $300,000 will in all probability make these contractors not inclined to go ahead with the work?

Mr. OVERSTREET. There was in the Senate an amendment proposed to change the law in relation to these contracts, changing it from four years to ten years. That would be a benefit to New York; but the amendment was not agreed to in the Senate and hence was not in conference.

Mr. SULZER. Mr. Speaker, I desire to ask the gentleman a question. As I understand it, the appropriation of $800,000 for the New York City post-office, an increase of $300,000 made by the Senate over the House appropriation, was not agreed to, but unanimously stricken out by the conferees.

Mr. OVERSTREET. Yes.

Mr. SULZER. They all agreed to it. Now, as I understand the gentleman's remarks, in his opinion $500,000 will be all that the postmaster of New York City will need?

Mr. OVERSTREET. Five hundred thousand dollars is not for the New York post-office.

Mr. SULZER. Then you say the postmaster is mistaken?

Mr. OVERSTREET. I think he is.

Mr. SULZER. This $500,000 is not for the extension of the pneumatic-tube service?

Mr. OVERSTREET. Not at all; it is to cover contracts in existence, and it will be paid whenever the contracts are completed.

Mr. SULZER. That is all I want to know, and I wanted to get the RECORD straight in regard to it. Although I believe the postal service in New York City will be crippled by this short-sighted economy, I am helpless to change it.

Mr. DOUGLAS. Mr. Speaker, I would like to ask the gentleman one more question on that subject.

Mr. MANN. Mr. Speaker, will the gentleman permit me to say that so far as the pneumatic-tube service in Chicago is concerned, it has not proved in any sense whatever satisfactory, and I hope there will be no more extension of it without additional trial. Now, may I ask the gentleman what was done with the Senate amendment in reference to the wagon service, or the other service?

Mr. OVERSTREET. The Senate amendment was disagreed to. Mr. Speaker, I now yield to the gentleman from New York [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I believe this is erroneous, but wish to bring out the exact facts. There seems to be an impression by the postmaster in New York and others that they can not go ahead and have this work continued and receive the money when required. While, as stated, I think that this may be a wrong impression, I would like to have the chairman of the committee confirm the matter, so that it will go in the RECORD, and state that the $300,000 will come later if the New York service is extended.

Mr. OVERSTREET. Mr. Speaker, the contract for the pneumatic-tube service in New York was let some years ago. The authority was then granted, but the contract has not be completed. Whenever it is completed the contractors will become entitled to the rental as fixed by the contract, and the $500,000 which is appropriated by this bill is ample to cover all of the service in the city of New York that is now in operation, and any that may be expended during the next fiscal year under that contract.

Mr. DOUGLAS. And if they build more tubes the $300,000 will be forthcoming, undoubtedly.

Mr. OVERSTREET. Well, that depends upon a future Congress. There would have to be an appropriation for it.

Mr. DOUGLAS. But there is no reason why it should not be forthcoming? Will the gentleman answer that question?

Mr. OVERSTREET. That is a bridge that will have to be crossed when we are a little nearer to it than we are now.

Mr. DOUGLAS. I do not know about that. It is a very important bridge to cross in the interest of New York City. That is why I want to know about it now.

Mr. OVERSTREET. When the city of New York completes the contract which has already been authorized, and the money for the rental of the tubes to be put into operation provided for, it will then be time to consider further extension in that city. I do not know; I am not foreclosing against it, so far as I am concerned, but I am not prepared to say what the future Congress may do.

Mr. BARTHOLDT. Mr. Speaker, I have been unable to examine these Senate amendments to this bill. I would like to ask the gentleman from Indiana [Mr. OVERSTREET] if there is anything in the amendments or in this bill which would in any way affect the pneumatic-tube service for St. Louis?

Mr. OVERSTREET. Not at all; there is a contract in the city of St. Louis and it is partially completed. I understand that with the exception of the privilege of crossing the bridge, it perhaps is entirely completed. The money is available to pay for that contract service and is carried in the bill.

Mr. BARTHOLDT. That is satisfactory.

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

Mr. COWHERD. Mr. Speaker, before that is done I would like to ask the gentleman a question. This is a full conference?

Mr. OVERSTREET. Yes.

Mr. COWHERD. There was an amendment which was disagreed to on the parcels-post delivery on rural routes.

Mr. OVERSTREET. Yes; that went out.

Mr. COWHERD. Will the gentleman yield to me for two minutes?

Mr. OVERSTREET. Yes.

Mr. COWHERD. Mr. Speaker, if it were possible I believe it would be well to defeat this conference report. I realize, however, the futility of any such attempt in the closing hours of this session. There was a proposition, which I offered in the House for a parcel delivery on rural routes, that by reason of a point of order the House was not permitted to vote on when the bill was before the House. By the action of the House conferees the House is not permitted to vote on it now, and yet that is the only proposition that was before this House that gave any chance to make the rural delivery system self-sustaining.

It was a proposition that would have brought millions of dollars into the Treasury of the United States without adding a single additional dollar of expense, and I say to the gentleman that those who fought it and feared it on the ground it was the beginning of a parcels post have done more than all the advocates of the parcels post have done or can do in ten years to hasten on the coming of that system in our postal service, because when you deny to the rural communities the conveniences that they ought to have you are going to put every farming community in the United States back of the effort to obtain a parcels post. I regret exceedingly that the House conferees either did not agree to the proposition or at least give the House an opportunity to vote upon it. [Applause.]

Mr. OVERSTREET. Mr. Speaker, the question of a parcels post, whether in a smaller or a large degree, is too important a matter to enter upon in a conference agreement, and, believing that it justified fully an investigation and more careful thought than could be given in the dying hours of the session, we all thought it was best that it be disagreed to. I now move the previous question.

The SPEAKER. The gentleman from Indiana demands the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

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

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

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I submit a conference report on the naval appropriation bill, and ask unanimous consent that the statement be read.

The SPEAKER. The gentleman from Illinois submits a conference report on the naval appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. [*After a pause.*] The Chair hears no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18467) "making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12 and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, and 33, and agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment and insert in lieu thereof the following. "*Provided*, That the limit of cost, exclusive of armor and armament, of each of the scout cruisers authorized by the act making appropriations for the naval service, approved April twenty-seventh, nineteen hundred and four, be one million nine hundred thousand dollars;" and the Senate agree to the same.

On amendments numbered 18, 19, 20, 21, 22, 23, 24, 26, 27, and 28 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.
EUGENE HALE,
GEORGE C. PERKINS,
THOMAS S. MARTIN,
Managers on the part of the Senate.

Statement.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18467) making provisions for the naval service for the fiscal year ending June 30, 1906, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of the amendments of the Senate, viz:

Amendments Nos. 7, 8, and 9 provide for a boiler shop for steam engineering, to cost completed not to exceed $140,000, $75,000; toward pattern shop for steam engineering, $39,400, and changes the totals accordingly, as proposed by the Senate.

Amendment No. 12 strikes out provision for two additional professors of mathematics, to have the rank of lieutenant-commander and to be extra numbers in the list of professors of mathematics in the Navy, and to be appointed by the President, as proposed by the Senate.

Amendment No. 31 provides that the limit of cost, exclusive of armor and armament, of each of the scout cruisers authorized by the act making appropriations for the naval service approved April 27, 1904, be $1,900,000.

Amendment numbered 32 strikes out provision that the limit of cost, exclusive of armor and armament, of the two sailing training vessels authorized by act of Congress approved March 3, 1903, be increased to $410,000 each, as approved by the Senate.

Amendment numbered 33 provides that the Secretary of the Navy shall cause a thorough inquiry to be made as to the cost of armor plate and of armor plant, the report of which shall be made to Congress, as proposed by Senate.

The committee of conference have been unable to agree on the following Senate amendments:

Amendments numbered 18, 19, 20, 21, 22, 23, 24, 26, 27, and 28, which provide for the pay, provisions, clothing, transportation, and recruiting of the following additional enlisted men, namely, 10 first sergeants, 67 sergeants, 142 corporals, 10 drummers, 10 trumpeters, and 1,000 privates; and the totals are changed accordingly, increasing the sum by $305,000.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I would say to this House that this report is an agreement as to all matters in disagreement, except as to the provisions for increase in the Marine Corps, which I will ask the House to consider immediately upon the adoption of the report.

The SPEAKER. The question is on agreeing to the conference report.

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

Mr. FOSS. Now, Mr. Speaker, I move that the House recede and concur in the Senate amendments 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, all of which relate to the increase in the Marine Corps. Now, the Senate put on an amendment increasing the Marine Corps by 1,000 men and by about 200 noncommissioned officers. This provision was originally reported by the House committee to the House, and went out on a point of order. The Secretary of the Navy was desirous that we should increase the Marine Corps this year by double the number provided for by this Senate amendment and the recommendation of the House committee to the House, but the House committee, after careful consideration, provided only for one-half of the increase. I may say that the conferees of the House committee are heartily in favor of this increase in the Marine Corps, but it being a matter upon which one or two gentlemen desired a separate vote, the House conferees felt as thought it were only fair that they should report this for a separate vote to the House, and my motion is that we concur in these Senate amendments, and when that is done the bill is passed.

Mr. RIXEY. Mr. Speaker, may I interrupt the gentleman?

Mr. FOSS. How much time does the gentleman desire?

Mr. RIXEY. Well, I should like to have for myself five minutes.

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

The SPEAKER. The gentleman from Virginia is recognized for five minutes.

Mr. RIXEY. Mr. Speaker, before I commence I would like to ask the gentleman from Illinois what was done in regard to amendment No. 33?

Mr. FOSS. In regard to that amendment the House receded from its disagreement and concurred in the Senate amendment.

Mr. RIXEY. Mr. Speaker, this amendment of the Senate, as I understand it, has not yet been considered by the House. Yesterday, on the motion of the gentleman from Illinois [Mr. Foss], the House further insisted on its disagreement. It is a provision which provides for an increase of 1,200 enlisted men in the Marine Corps; and it is, in my judgment, not only that this corps does not need this increase at this time, but I doubt if it will ever need another increase. We now have in the Marine Corps 7,532 men, distributed, according to the report of the commandant of the Marine Corps, as follows:

Number on shore outside of the United States, 64 officers and 2,114 men.

Number serving within the United States, 133 officers and 2,886 men.

Number on ships in commission, 47 officers and 2,360 men.

From this statement it appears that it takes 1 officer for 33 men on shore duty outside of the United States. It takes 1 officer for 50 men on the ships, and it takes 1 officer for 22 men on shore within the United States. It will thus be seen that it takes twice as many officers to command these marines within the United States at the navy-yards as it does to command them on the ships of the United States. We have within the United States 2,886 marines. Is there any necessity for this large number for the eighteen stations within the United States?

I insist upon it that there is no necessity for having this large body of marines for police duty at the respective navy-yards of this country; and it is questionable whether we need so many marines upon our ships. Great Britain, France, and Russia all have marines, but Japan, which is showing that it is a sea power of no mean proportions, has no marines whatever. We have 7,532. We have already in this bill provided for an increase of 3,000 men for the enlisted men of the Navy—"blue jackets," as they are called. Now comes the proposition to add 1,200 more men, and it seems to me there ought to be some reason shown why we should have them.

Unlike the condition in the Army, there is no limit fixed for the Navy or the Marine Corps, and every year or two the proposition comes in to increase either the Navy proper or the Marine Corps, and sometimes both. Having increased the Navy proper by 3,000 men, I see no reason why we should add these 1,200 men to the Marine Corps. I admit that the Marine Corps is a fine body of men. They do their duty well. There are 400 of them on the Isthmus of Panama, and I suppose they ought to be kept there. There are a thousand or more in the Philippine Islands, and I suppose they are doing good service there. It may be that the Army could do this service as well at Panama and in the Philippine Islands as the marines, but conceding that we need the marines there, there is no pretention that we need more men in the Philippine Islands or on the Isthmus of Panama than we now have. The only claim for more marines is that we will have more ships to go into commission and therefore we will need more men. So far as I can ascertain, there is no necessity for so many marines upon these ships. [Applause.]

The SPEAKER. The time of the gentleman from Virginia [Mr. RIXEY] has expired.

Mr. RIXEY. Mr. Speaker, I would just like to have two minutes more.

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

Mr. RIXEY. Mr. Speaker, when the several department chiefs were before the Committee on Naval Affairs I interrogated them and tried to find out why they needed so many marines on the battle ships and Government cruisers. Their reply was that they needed them for police duty and to arm the second battery. I insist upon it that with the hundreds of men upon these war ships the enlisted men of the Navy ought to do the police duty and man the batteries. I see no reason for this increase, and trust that the motion to recede and concur may be voted down.

Mr. FOSS. Mr. Speaker, I yield five minutes to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, one of the finest and most effective pieces of irony in the political literature of this country was contained in a speech made by the Senator from Maine [Mr. HALE] the other day.

Mr. PAYNE. Mr. Speaker, I shall have to make the point of order that a statement of a Senator can not be repeated in this House.

The SPEAKER. The Chair thinks not.

Mr. WILLIAMS of Mississippi. Does the gentleman contend that I can not quote from a United States Senator?

Mr. PAYNE. You can not quote from the statement of a United States Senator in the Senate.

Mr. WILLIAMS of Mississippi. I am not criticising anybody. Now, Mr. Speaker, I want to read this part of what was said by this Senator upon that occasion, where he was attempting to account for the raison d'être as to the Marine Corps, and here it is:

If a revolution breaks out——

Mr. PAYNE. I make the point of order.

The SPEAKER. The Chair will cause the rule to be read, and when read the Chair is satisfied the gentleman will conform to it. The Clerk will read from Jefferson's Manual.

The Clerk read as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other, and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

The SPEAKER. The gentleman will proceed in order.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I hold in my hand an editorial from the Washington Post of February 27, which I shall request to insert as a part of my remarks. That editorial contains in two clauses of it a quotation from a speech in the Senate. The balance of it is from the Washington Post. Now, then, this is a motion to concur in a Senate amendment increasing the marines by 1,200 men all told, enlisted men and officers.

Now, Mr. Speaker, I will read this much of the editorial:

[From the Washington Post, Monday, February 27, 1905.]

A WAY FOR PEACEFUL EXPANSION.

Before Mr. HALE, of Maine, delivered his illuminating remarks in the Senate on Saturday we shared in some degree the doubts of little Americans in the wisdom of taking possession of Santo Domingo and guaranteeing the peaceful and honest administration of its Government. We questioned the policy of settling debts contracted by the succession of bandits who mortgaged that country to alien shylocks in order to raise funds with which to carry on intestine wars. It appeared to us that the Monroe doctrine was about to be twisted into a device for the collection of the bogus claims of these "speculators and gamblers," as the President describes them. We pondered upon the nature of these claims, which the President in his message to the Senate says were based upon "contracts and concessions, sometimes improvidently granted, with valuable privileges and exemptions stipulated for upon grossly inadequate considerations."

But the new thought developed with such clearness by Senator HALE removes all doubts and fears. He points out a novel, inexpensive, and effectual method of peaceful expansion. A big navy and an active and belligerant marine corps, judiciously handled, may be utilized to extend the control of the United States over quarters not yet preempted, while at the same time peace is scrupulously maintained. War—unholy, ungodly, and expensive war—may be shunned without awkward interruption of the healthy assimilative process which contributes to the glory of the United States and the prestige of the Administration.

Now, Mr. Speaker, it appears that the duty of the marines is to enable us—

If a revolution breaks out in a sister republic, and our Government desires to watch the progress of that revolution—perhaps a little before it commences—the Navy is the instrument by which the Government acts, and the Marine Corps is the instrument in the Navy that does the business.

Mr. PAYNE. I make the point of order.

The SPEAKER. The gentleman from New York makes the point of order.

Mr. PAYNE. I make the point of order that it appears from what the gentleman has said in referring to the editorial that he is now about to quote the remarks of a Senator.

Mr. WILLIAMS of Mississippi. I read an editorial from the Washington Post, and the last sentence was a quotation from the remarks of a Senator.

The SPEAKER. Does the gentleman from New York make the point of order?

Mr. PAYNE. I do make the point of order that the gentleman in course of debate has alluded to what occurred in the United States Senate, and is proceeding to quote from the remarks of a United States Senator.

The SPEAKER. The gentleman from Mississippi will perceive at once that he can not do indirectly that which can not be done directly.

Mr. WILLIAMS of Mississippi. I understand that perfectly. I am not quoting the utterances of a Senator of the United States with a view of criticising those utterances, nor am I criticising them in the slightest degree. I am quoting them in support of an argument of my own. If the Chair holds that that can not be done, I admit the correctness of the holding;

but I say of my own knowledge in twelve years it has been done very frequently by gentlemen on this floor. Of course, the Chair will not misunderstand me. If the gentleman from New York makes the point of order, I understand that the Chair must rule that what I am doing is out of order, but I want to call the attention of the House to the fact that in an experience of years each and every one of us knows that Senators are quoted every day in support of the opinions of Members upon this floor when those opinions are not quoted for the purpose of adverse criticism, but for the purpose of corroborating an argument then being made by the Member.

The SPEAKER. The Chair will cite to the gentleman from Mississippi the statement of Jefferson's Manual on the subject:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other, and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

There are several reasons why this kind of reference is prohibited.

Mr. WILLIAMS of Mississippi. I have already bowed to the decision of the Chair. I merely protest against the fact that the gentleman from New York [Mr. PAYNE] made the point of order at this particular time.

Mr. PAYNE. I hope the gentleman from Mississippi will not fail to notice that this is from Jefferson's Manual.

Mr. WILLIAMS of Mississippi. Oh, yes.

The SPEAKER. The Chair will state to the gentleman from Mississippi that it is not necessary for a point of order to be made. It is really made the duty of the Speaker on his own motion to interfere immediately; and yet, with the latitude that creeps in, it is almost impossible for the Speaker to enforce the rule always; and without referring to the other body, possibly this rule might also apply to both bodies; but we have nothing to do except with the rules of the House.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I have bowed to the decision of the Chair. I hope this is not coming out of my time. The gentleman from New York [Mr. PAYNE] well says that what the Chair has just quoted is from Jefferson's Manual; but I beg the gentleman from New York to remember that at the time those words were written we had not yet arrived at the period of our country's history when the Senate controlled the House of Representatives as well as itself, and when Members must have opinions of Senators in order to know what to do. It seems to me that at this late date, after I heard the gentleman from Iowa [Mr. LACEY] the other day quote the opinions in extenso of three Senators in connection with a matter he was advocating, that the gentleman from New York might have refrained from making the point of order this morning, cutting off my tribute to this exquisite piece of irony.

Now, Mr. Speaker, I shall request to insert in my remarks so much of the editorial as does not contain the opinion quoted of the Senator from Maine.

The SPEAKER. The Chair hears no objection to the request of the gentleman.

The remainder of the article is as follows:

We now see clearly our duty in Santo Domingo. We solemnly declare that we have no patience with the weaklings who hesitate longer to take advantage of the opportunity that is offered by the "government" of Santo Domingo itself. If the United States had taken the initiative and gobbled the black pearl of the Antilles it would have been exhilarating, but costly. Fortunately, we are not even required to invite ourselves to secure possession of that fertile country.

The Administration has already acted upon the method outlined by Senator HALE. Half a dozen war ships are already crouching at the gates of Santo Domingo, filled with marines, and the peaceful administration of the custom-houses is, therefore, assured. Peace and possession go hand in hand, thanks to the Navy and the Marine Corps. And it is inexpensive.

The great beauty of the whole proceeding is the voluntary act of the prudent and far-seeing statesmen of Santo Domingo. Foreseeing another turn of the wheel of revolution, they invited the United States to assist them in dropping the hot potato. President Morales, prudent and far-seeing bandit that he is, is willing to turn over the cares and glories of government, on condition that he shall share the revenues of a government peacefully and honestly administered. His invitation, extended upon the gentle insistence of the United States, removes every embarrassment. The pathway is open, through the mere precautionary employment of the Navy and the Marine Corps, for a glorious, peaceful, and inexpensive expansion. We get Santo Domingo, and she pays the price herself.

Wherefore we vociferate: Hurrah for peace, expansion, and a gradual increase of the Marine Corps! As for the Monroe doctrine, that is whatever we choose to make it.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I want to say this in my own——

The SPEAKER. One moment. The time of the gentleman has expired.

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

Mr. WILLIAMS of Mississippi. I want to say that, quoting nobody, in my opinion the only purpose of increasing the Marine Corps is to enable men-of-war that are gathering around little islands somewhere, islands in a chaotic condition of intestine commotion nearly all the time, to land those marines for the purpose of "enforcing the dignity" of the United States in the way of making these people pay debts that they owe somebody in Europe or in the United States, frequently mere gamblers and speculators who have entered into so-called "agreements" with successions of bandit chiefs, who are for the time being the heads of government in those countries. I see no use in arming the Government with twelve hundred more men to do that indirectly which no Administration will dare tell the American people it wants to do directly. If we want to land armed forces anywhere for the purpose of directly or indirectly annexing further insular territory to the United States, let us go through the form of ordering a regiment of troops there, so that the entire United States may see that they have taken an initiative toward occupation and warfare, and not merely land a corps of marines, which seems to be a sort of naval police corps, thereby covering up from the American people the fact of an entirely new departure and new initiative which, if the country in which the initiative is taken were strong enough, might and probably would lead to war. [Applause on the Democratic side.]

I thank the House for its attention.

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

Mr. MEYER of Louisiana. Mr. Speaker, I am as much opposed as my friend from Mississippi to unnecessary enlargement of the military forces of the United States; but in the present instance, on the proposition to increase the numbers of the Marine Corps, I think my friend the gentleman from Mississippi [Mr. WILLIAMS] has not fully studied the situation. There has been, and still is, in the minds of many persons not conversant with naval matters a lack of appreciation of the importance and value of this arm of the service.

I find upon investigation, Mr. Speaker, that we have thirty-eight stations which require the service of marines, besides the guards on board our war vessels. They are not only used for the purposes of fighting in case of war, but are used to protect the property of the Government at these various stations. For myself I can not see how we can satisfactorily manage without this increase. It does not appear that at any station the number estimated is excessive. We have authorized the construction of a large number of ships, now far toward completion, not taking into account the vessels we have authorized in this present bill. Even with this increase, if allowed, the number will scarcely be adequate. I trust that the House will accept this provision. I think it a moderate request.

The marine is as valuable a soldier, as efficient as the army man, and it is a pregnant fact that he costs the Government $480.80 per annum against about $1,200 for an army soldier. Permit me, Mr. Speaker, to show by the following statement our present force, how distributed, and what we should have:

	Have.	Should have.
Headquarters Marine Corps; Assistant Paymaster's Office, California; Assistant Quartermaster's Office, Philadelphia, Pa	82	82
Algiers, La	41	170
Annapolis, Md	127	220
Boston, Mass	238	260
Brooklyn, N. Y	383	430
Dry Tortugas, Fla	25	30
Guam, Ladrone Islands	86	110
Culebra	102	210
Iona Island, N. Y	11	20
League Island, Pa	290	340
Mare Island, Cal	335	370
Naval Home, Pa	26	26
Navy-yard, D. C	129	130
Newport, R. I	66	80
Norfolk, Va	301	300
Pensacola, Fla	107	120
Philippine Islands	1,046	1,417
Port Royal, S. C	40	60
Portsmouth, N. H	110	140
Puget Sound, Wash	87	130
San Francisco, Cal	70	90
San Juan, P. R	156	200
Sitka, Alaska	51	90
Washington, D. C. (including band, etc.)	243	275
Honolulu	53	128
Midway Islands	17	30
Panama (including Dixie Battalion)	450	650
Yokohama	11	15
Seoul	28	28
Samoa	1	1
Ships in commission	1,818	1,818
Receiving ships	618	618
Charleston, S. C	58	100
Recruiting duty	77	90
Recruits (additional since last reports)	150	150
Required for new ships		1,000
Total	7,433	9,934

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

Mr. DAYTON. Mr. Speaker, I hope I may have the attention of the House to make a simple statement of the situation in regard to this matter. If the motion made by the gentleman from Illinois is agreed to the naval appropriation bill will be finally disposed of. Touching the justice of this increase in the Marine Corps I want to call attention to the fact that the commandant of the Marine Corps asked for 3,000 men. The Secretary of the Navy very carefully considered that request and, in the spirit of economy that actuates this House, cut the number down to 2,400, and then the recommendation was taken up by the Committee of the House, and after thorough hearings the number was cut down to 1,000 enlisted men and substantially 200 noncommissioned officers.

So that instead of the Marine Corps getting the increase that was requested they have been cut down from 3,000 enlisted men to substantially 1,200 enlisted men. What is the reason for it? The Marine Corps to-day is, I venture to say, doing better service than any branch of the military arm of the Government. The marine soldier to-day costs on an average less than $500 per man.

Mr. BUTLER of Pennsylvania. And an enlisted man of the Army costs how much?

Mr. DAYTON. I do not know, but I have heard it estimated that he costs nearly $1,000. Now, what does the marine have to do? They have to take care of the hundreds of millions of dollars worth of property which we have on shore; they have to keep the outlying posts, and each ship must necessarily have its quota aboard.

As showing what the condition of the Marine Corps to-day is, I have here a statement made by the commandant of the corps. He says:

We are so short of men now that we can not furnish a guard for the *Colorado* except of green recruits. The men in the Philippines can not be relieved. They have been there thirty months. We have within the last week taken about 300-odd men to the West Indies, Porto Rico, Culebra, and Guantanamo. We have 470 men on the Isthmus. They will have to stay there. That detachment can never be permanently relieved. That garrison might be considered a permanent garrison. The list of ships here, the *Colorado, Pennsylvania, West Virginia, Galveston, Maryland, Charleston, Virginia, Rhode Island, New Jersey, Georgia, California, Nebraska, Louisiana, Milwaukee, South Dakota, Tennessee,* and *Connecticut,* are all 60 per cent or more, some 97 or 98 per cent, finished.

Now, here are these vessels, 60 per cent, some 97 per cent, some 98 per cent, finished, and to-day we haven't enough of the Marine Corps to furnish a complement for the *Colorado,* just going into commission. What will we do unless this increase is made to furnish the guard for seventeen other ships that will come in commission within the next eighteen months? If we propose to man these ships, we must necessarily have these marines. Therefore, Mr. Speaker, I hope the House will join in voting to recede from the House disagreement and concur the Senate amendment, and thus let us dispose of the naval appropriation bill.

Mr. FOSS. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I have watched with a good deal of interest the growth of the Navy, which growth until it had reached its present stupendous proportions I have sympathized with, and also the growth of the Marine Corps. Eight years ago, when I had the honor to begin my service in this House, the Marine Corps was a small body of men commanded by a colonel. It is now a body twice as large, or about twice as large, as it was at that time and is commanded by a brigadier-general.

It is now proposed to increase it by 1,239 men, which will make it nearly 9,000 men and officers in the Marine Corps. Those figures are about right, are they not?

Mr. FOSS. Exactly.

Mr. SLAYDEN. This, I presume, Mr. Speaker, is leading up to a demand that the commanding officer of the Marine Corps be made a major-general. It is a pretty rapid growth in any corps of the Navy or the Army which makes a major-general in eight short years to command a body of men which was adequately directed only a few years ago by an officer with the rank of colonel. It seems to be a game of progressive euchre, with the people being euchred. There is a steady increase in the expenditures of this——

Mr. DAYTON. Mr. Speaker, will the gentleman pardon me?

Mr. SLAYDEN. I have only three minutes.

Mr. DAYTON. I will ask for additional time, if necessary.

Mr. SLAYDEN. Very well.

Mr. DAYTON. May I suggest to the gentleman that the suggestion that the commandant or any other officer of the Marine Corps be promoted in rank or that any new additional rank should be provided for him has never before been suggested or considered by anybody?

Mr. SLAYDEN. Oh, of course not. The little joker is never kept upon the surface. When the first increase in the Marine Corps was talked of, it was not suggested in the same breath that the new commanding officer would be made a brigadier-general. Now that these increases are asked for, it is not suggested, of course, that he is to be made a major-general, but who can doubt, in view of the military experience of this country in the last few years, that it will eventuate in giving him the rank of major-general?

Mr. MANN. Or lieutenant-general, more likely.

Mr. SLAYDEN. Or perhaps a lieutenant-general, as has been suggested by the gentleman from Illinois [Mr. MANN]. Mr. Speaker, they do not get these things out of Congress by frank admission of what they expect to have. I had the honor to address the House a few days ago about the manner in which large appropriations were secured. Take the instance of the $500,000 which was to equip and complete a building for the use of the Army. Subsequently, $360,000 more was appropriated for the purpose of completing and equipping that building, and again later we made another appropriation, carrying it to over a million dollars. So, Mr. Speaker, is this game of progressive euchre carried on with reference to these appointments.

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

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Illinois that the House recede from its disagreement to the Senate amendments from 18 to 24, inclusive, and from 26 to 34, inclusive.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry. Without asking that the amendments be read, I would like to know from the gentleman if those are not the amendments increasing the Marine Corps?

Mr. FOSS. Yes; they all relate to the Marine Corps. I so stated.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House do recede from its disagreement with the Senate touching these amendments and concur in the same.

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

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

BEEF-PACKING INDUSTRY.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of Commerce and Labor upon that portion of the resolution of the House of Representatives adopted March 7, 1904, having to do with the prices of cattle and dressed beef, the margins between such prices, and the organization, conduct, and profits of the corporations engaged in the beef-packing industry.

In view of the fact that the Department of Justice is now engaged upon other matters involved in the resolution, the Secretary of Commerce and Labor can not at this time report thereon.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 3, 1905.*

The SPEAKER. The message and the accompanying documents will be referred to the Committee on the Judiciary and ordered printed.

Mr. HEPBURN. Mr. Speaker, does that go to the Committee on the Judiciary?

Mr. MARTIN. Mr. Speaker, that belongs to the Committee on Interstate and Foreign Commerce.

Mr. HEPBURN. The resolution was from that committee.

The SPEAKER. The resolution seems to have come from the Committee on the Judiciary, but it is within the province of the House to dispose of the message.

Mr. HEPBURN. The resolution came from the Committee on Interstate and Foreign Commerce. It is a subject we have dealt with.

The SPEAKER. Without objection, the message will be referred to the Committee on Interstate and Foreign Commerce.

There was no objection.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that there may be an edition of 5,000 copies printed instead of the ordinary number. There will be a great demand for that report. It is a very important one.

The SPEAKER. The Chair suggests to the gentleman from Iowa [Mr. HEPBURN] and the gentleman from South Dakota [Mr. MARTIN] that they examine the matter and take it up later, because it seems to the Chair that that will probably require a concurrent resolution.

KENNEBEC ARSENAL PROPERTY.

Mr. BURLEIGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18990) which I send to the Clerk's desk.

The SPEAKER. The gentleman from Maine [Mr. BURLEIGH] asks unanimous consent for the present consideration of the bill which the Clerk will read.

Mr. PARKER. Mr. Speaker, I desire not to make an objection against the bill if I can have five minutes time in which to state the facts of the case to the House.

Mr. BURLEIGH. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PARKER].

The SPEAKER. Is there objection? The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to convey, by deed duly and properly executed, to the State of Maine, for the use of a State institution, organized under the laws of the State of Maine and maintained by said State, known as the "Maine Insane Hospital," at Augusta, Me., the property situated in the corporate limits of said Augusta, belonging to the Government of the United States, formerly used as an arsenal and known as the "Kennebec Arsenal property," the same comprising about 40 acres, and bounded on the north by private property, on the east by the road to Pittston, on the south by the insane hospital grounds, and on the west by the Kennebec River; said conveyance to provide, however, that the estate thereby created shall continue so long only as the said property shall be used by said State as a part of and in connection with the Maine Insane Hospital only, and in conformity with the terms of this act.

Mr. BURLEIGH. Mr. Speaker, I propose the following amendment.

The SPEAKER. The gentleman from Maine [Mr. BURLEIGH] proposes an amendment to the bill, which the Clerk will report.

The Clerk read as follows:

Page 2, line 4, strike out all after the word "Hospital" and insert the words:

"For the appropriate uses of an insane hospital in conformity with the terms of this act; and that at any time the said property may be taken possession of by the United States whenever the President, in his discretion, shall decide that the said property is needed for the uses of the United States, or that the requirements of this act are not strictly observed by the said State of Maine; and that there shall be no liability on the part of the United States at any time for the use or destruction of any building that may be placed on the said property by the State of Maine."

The SPEAKER. Does the gentleman from Maine [Mr. BURLEIGH] yield to the gentleman from New Jersey [Mr. PARKER]?

Mr. BURLEIGH. Yes; I yield to the gentleman.

Mr. PARKER. Mr. Speaker, I have no objection to the amendment. The amendment might as well be put first.

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

The amendment was agreed to.

The SPEAKER. The gentleman from Maine [Mr. BURLEIGH] yields five minutes of time to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, there is no gentleman in this House for whose wishes on a bill I have greater respect than for those of the gentleman from Maine [Mr. BURLEIGH]. The only reason I speak here to-day is that this bill has not regularly passed the committee and is brought up by signatures to consent to report, and it is perhaps therefore a duty to file, as it were, minority views to that report. This is one of the class of bills that have been passed which give away United States lands with a proviso that we can take them back again. Mr. Speaker, that proviso is worth a pin. If these 40 acres go to the Maine insane hospital—what a purpose!—they will never come back to the United States.

There are 40 acres of land. The letter from the Secretary of War suggests that in time of war they might be useful to camp volunteers on. The plot is right on the edge of the city of Augusta, and I understand that houses back right up on it. There is also an arsenal that could be used, as I understand, very well as an arsenal for the National Guard, as the land could be used for a drill ground for the National Guard; and I do not see why the Government should give it away.

Mr. LITTLEFIELD. Mr. Speaker, I desire to make an inquiry.

Do I understand the gentleman from New Jersey [Mr. PARKER] to state as a legal proposition that we can not by this act create a condition that would give the United States power to resume the title to this property?

Mr. PARKER. You can. You do not do it by this act. You do it only when it is decided to be needed by the United States.

Mr. LITTLEFIELD. Does the gentleman think—I know very little about this——

Mr. PARKER. The gentleman from Maine [Mr. LITTLEFIELD] is taking my time. If he needs time his colleague [Mr. BURLEIGH] or myself will be glad to give it to him after I get through with my statement.

Mr. LITTLEFIELD. I just learned that the proposition was pending. On what condition is it pending?

Mr. PARKER. On unanimous consent, and I have been given five minutes in which to speak. I believe the United States owns too little ground of that sort in the various States. We gave away—and I protested in committee—a large tract of land at Baton Rouge, where there has been an arsenal and where it would be healthy to camp troops. This land in question is at a railroad center which will be useful to the Government at some time. It will be useful now for the National Guard as an arsenal. I do not believe in divesting it of those purposes, and it is fair to state this to the House, because this bill is not discussed in any committee report or in any minority views. I will say likewise to the gentleman from Maine [Mr. BURLEIGH] that it is as good a bill as many that have passed, and some precedents are in favor of it.

Now, I yield, if I have any time left, to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Speaker, I was going to say this. I know very little about it; in fact, hardly anything. I have thought that the purpose and desire was to leave the title of this property so that if the United States Government ever has any occasion to resume the possession of it for any national purpose it can do so without embarrassment.

Now, I think I may safely say this. If this bill does not now contain language for that purpose, I have not any doubt that the gentleman from Maine [Mr. BURLEIGH] would be more than glad to let the gentleman from New Jersey [Mr. PARKER] write such a provision as he desires and put it on this bill.

Mr. PARKER. Does the gentleman ask me a question?

Mr. LITTLEFIELD. In that way is it not satisfactory to the gentleman from New Jersey?

Mr. PARKER. If the gentleman from Maine will pardon me, no man can draw a proviso which, if possession of the land passes from the United States, would ever be worth counting on. From year to year we pass bills avoiding such provisos. Let us look at this thing squarely in the face. If we give this ground we are giving away 39 acres of land built right up with houses. Now, it is for the House to determine whether we shall do so or not.

Mr. PAYNE. Will the gentleman from New Jersey allow me to ask him a question now?

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. PAYNE. Will the gentleman from Maine yield to me for a while?

Mr. BURLEIGH. I yield two minutes to the gentleman.

Mr. PAYNE. How much is this land worth? I know it is a little thing to know anything about the value of United States property.

Mr. PARKER. I will say to the gentleman from New York that on one side, I am informed, it is almost open ground, where the present insane hospital is, and on the other side houses are built right up to this land. It is not perhaps worth very much, a thousand or fifteen hundred dollars as open land. How much it would be worth as city lots I do not know. I do not live at Augusta.

Mr. PAYNE. I would like to ask if the State of Maine, in addition to the gift of Government land, is asking for an appropriation to build an asylum for them?

Mr. LITTLEFIELD. An insane asylum?

Mr. PAYNE. Any kind of an asylum.

Mr. LITTLEFIELD. The State of Maine has not any such insane idea.

Mr. PAYNE. I wonder at their modesty in not asking for a gift of money as well as a gift of land.

Mr. LITTLEFIELD. I hope we fully realize the attitude of the gentleman in the line of modesty. The State of our finances are not so impoverished as to require money.

Mr. PAYNE. Has the gentleman from Maine any idea of the value of this land?

Mr. BURLEIGH. I was told last evening by a gentleman who is largely interested in Augusta real estate that in his judgment the arsenal property in its present condition is not worth more than $12,000, and that if sold at public auction probably would not bring more than $8,000 of $9,000.

Mr. ROBINSON of Indiana. I will state that it costs from $1,000 to $1,200 a year to keep this property in the use of the United States Government, for its care and custody.

Mr. PAYNE. Yield me a couple of minutes.

Mr. BURLEIGH. I yield the gentleman a couple of minutes.

Mr. PAYNE. I was going to remark that I used to have an idea when the United States had property of value that they ought to get the value for it when they parted with the property to anybody except one who is necessarily a beneficiary of some

kind, and then in their magnanimity they might give it away without too much criticism, and sometimes it has been given away for purposes of education. Now, here is an opportunity to give it away to help the State of Maine, the impoverished State of Maine, in their efforts to take care of their insane people. I do not know what the next proposition will be. I have come to the conclusion that what little land the United States has left the sooner we get rid of it the better, because there will not be any more stories of fraud, no more stories of land speculation, no more "grab" and "graft" in that direction if the Government gets rid of it.

Mr. MANN. I will remind the gentleman from New York that the other day a city of his State came to Congress asking for less than an acre of ground and offering to pay $35,000 for it.

Mr. PAYNE. They were ready to pay for it. That is the way New York does things. I am proud to say that we do not come to ask a canal to be built; we build it ourselves. And when it comes to getting property for the insane of the State or the poor of the State, our people have been the habit of making appropriations out of our own treasury for that purpose. Since I have been in the House I have no recollection that any city or town, much less the State, of New York ever came to the Congress of the United States and asked for a gift of land or property. We are able to take care of ourselves; and so is the State of Maine. I should blush, as a Representative from Maine, to sit here and see this bill go through if I represented any portion of the State of Maine.

Mr. MANN. But not if you represented the State of Maine. [Laughter.].

Mr. BURLEIGH. I have here a letter of General Chaffee that I ask to have read.

The SPEAKER. The gentleman from Maine asks to have read in his time the letter as indicated.

The Clerk read as follows:

Memorandum for the Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, February 24, 1905.

The accompanying bill, H. R. 18990, having been referred to the first division for statement of fact and report, the following is submitted from that division:

"This bill if passed by Congress will authorize and direct the Secretary of War to convey, by deed duly and properly executed, to the State of Maine for the use of a State institution, organized under the laws of the State of Maine and maintained by said State, known as the "Maine Insane Hospital," at Augusta, Me., the property situated in the corporate limits of said Augusta, belonging to the Government of the United States, formerly used as an arsenal and known as the "Kennebec Arsenal property."

"Said conveyance to provide, however, that the estate thereby created shall continue so long only as the said property shall be used by said State as a part of and in connection with the Maine Insane Hospital.

* * * * * * *

"The grounds of Kennebec Arsenal embrace about 39 acres and 140 square rods.

"It is situated in Augusta, Me., on the east side of Kennebec River.

"Of this property 19 acres and 140 square rods were conveyed to the United States September 25, 1827, and the remainder August 2, 1836.

"This property was discontinued as an arsenal May 1, 1901, and turned over to the Quartermaster's Department, since which time it has been cared for by two custodians, each paid $50 a month and a ration, in addition to quarters.

"The buildings at the Kennebec Arsenal on June 30, 1898, were as follows:

	Material.	Stories high.	Length.	Breadth.	Use.	Value.
			Feet.	*Feet.*		
Arsenal	Granite	3	120	37	Storage	$29,000
Office and guard-house.	do	1	37	34	Office and guard-house.	2,000
Carpenter shop	do	2	50	30	Carpenter shop	2,000
Artillery shed	do	1	105	30	Storage	2,000
Blacksmith shop	do	1	50	30	do	2,000
Carriage house	Wood	1	47	30	Carriage house	500
Laboratory	do	1	50	23	Laboratory	800
Storehouse	Granite	2	41	25	Barn	1,000
Tool house	do	1	30	20	Tools	1,000
Stables	Wood	2	44	36	Stable	1,000
Officers' quarters.	Granite	2	40	40	Quarters	14,000
Do	do	2	70	30	Hospital	10,000
Laundry	Brick	1	14	10	Laundry	100
Barracks	Granite	2	75	28	Barracks	9,500
Do	do	2	70	30	do	8,000
Do	Wood	2	30	23	Quarters	700
Magazine	Granite	1	89	39	Storage	10,000
Do	do	1	40	20	do	5,000
Ice house	Wood	1	80	16	Ice	300
Woodshed	do	1	76	16	Wood	400
Reservoir	Brick	1	------	------	Water	1,900
Water system	do	------	------	------	------	2,500
Inclosing wall	do	------	------	------	------	33,400
Total						137,100

Total value of buildings, water-supply system, and reservation wall $137,100
The cost of the land was 6,350

Total 143,450

"The buildings must have deteriorated in value since the preceding estimate was made, but to what extent can be determined only by an inspection.

"The value of the land must have increased many times over its purchase price in 1827 and 1836, but no estimate of its present value is on record in the War Department.

"If this bill does not become a law, this property, when no longer required for military purposes, will be turned over to the Interior Department for sale, as provided for in the act of July 5, 1884, and the proceeds of the sale will be turned into the Treasury of the United States.

"The Ordnance Department has no further use for this property, neither has the Quartermaster's Department, as appears from the Quartermaster-General's indorsement, dated February 20, 1905, upon the bill in question.

"Its further use by the War Department under any possible conditions would be as a storage depot for war supplies for immediate issue to volunteers in case of necessity, but for this purpose its location so far east will probably prevent its selection. There appears to be no reason, therefore, for objection by the War Department to the passage of the bill. There is precedent for such an act in the act approved March 1, 1895, granting to the State of Alabama the Mount Vernon Barracks Reservation (published in General Orders No. 38, Adjutant-General's Office, June 19, 1895)."

The Chief of Staff knows of no reason for retaining this property for military use. It is obsolete. It is therefore recommended that it be disposed of as proposed in this bill or transferred to the Interior Department, as provided in the act of July 5, 1884.

CHAFFEE,
Lieutenant-General, Chief of Staff.

Mr. STEVENS of Minnesota. Mr. Speaker, I have been somewhat familiar with the course of legislation in disposing of military reservations throughout the country. In the last three or four sessions of Congress several bills of this character have been enacted. In the last session we passed one bill donating the use of the arsenal at Columbia, Tenn. A session before that a tract of land owned for military purposes in North Carolina was similarly disposed of, and a session before that the arsenal at Baton Rouge, La., was conveyed, and one tract of land, an island, I think, in Boston Harbor, and Fort McHenry, Baltimore, were ceded to the cities of Boston and Baltimore for use as public parks. It has been the policy of this House, whenever the matter has been presented, whenever Government property of this kind could be adapted to legitimate public use, to permit the use of such property, with a residuary use to be retained by the United States whenever the National Government should need the property. It is the policy of the War Department, also it is and should be the policy of Congress, that these arsenals should be abandoned for military uses wherever that can properly be done, for the reason that this course saves much expense to the Government. The proposition before us comes within both of these classes of cases. The property is not needed for military use. It is well adapted to public use for the State. A stringent residuary clause has been adopted completely guarding the rights of the Federal Government to take this property whenever needed, and following the precedents that this House and Congress have adopted in the past I believe that this bill should pass as amended.

Mr. BURLEIGH. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. Mr. Speaker, we have an exact precedent for this legislation in a bill which was passed by Congress in 1895, conveying to the State of Alabama the Mount Vernon Barracks. Subsequent legislation along the same line has also been adopted. This bill has not only the indorsement of the Ordnance Department, the Quartermaster's Department, and the Chief of Staff, but also of the Secretary of War. They all concur in the opinion that the grant of this land to the State of Maine will work no detriment to any governmental purpose; that it can not be used for ordnance, that it can not be used for quartermaster's stores in its present location, being too far in the interior, and the purposes for which it is now desired meet with the approval of the Government.

Mr. BURLEIGH. As has already been said, there are precedents for this kind of legislation, and in my judgment no good reason exists why the property which has been practically abandoned by the United States should not be transferred to the State of Maine for the humane purposes stated in the bill.

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; and was accordingly read the third time, and passed.

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

LEAVE TO EXTEND REMARKS.

Mr. BROWN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania to extend remarks in the RECORD?

There was no objection.

CRIMINAL AND PENAL LAWS OF THE UNITED STATES.

Mr. SHERLEY. Mr. Speaker, I call up Senate joint resolution 107, authorizing the Commission to Revise the Laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary title heretofore reported by said Commission, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Kentucky calls up a joint resolution, which will be reported by the Clerk.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Commission to Revise the Criminal and Penal Laws of the United States be, and is hereby, authorized and required to incorporate in its final report of the revision of the general and permanent laws of the United States the criminal and penal laws and the judiciary title heretofore reported by said Commission, as changed or modified by any act or acts passed since the date of the making of said reports.

The SPEAKER. Is there objection?

Mr. CRUMPACKER. Mr. Speaker, I objected when the resolution was up a while ago, but the gentleman from Kentucky has explained that a final report will be made by the Revision Commission, without question, early in the next session of Congress, and that its duties will then have been completed. I believe the resolution is a proper one, and therefore I make no objection to its consideration now.

Mr. MANN. Mr. Speaker, I understand from the gentleman from Kentucky that the committee having charge of this matter in the coming Congress will, in all probability, bring the result of the work of this Commission before Congress, so that if it amounts to anything we can enact legislation, and if it does not amount to anything we can abolish the Commission. Therefore I do not object.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading; was accordingly read the third time, and passed.

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

THANKS TO HOUSE IMPEACHMENT MANAGERS.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

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

The Clerk read as follows:

Resolved, That the thanks of the House be, and are hereby, extended to the managers on behalf of the House in the impeachment proceedings of Judge Charles Swayne before the Senate of the United States, to wit, HENRY W. PALMER, SAMUEL L. POWERS, MARLIN E. OLMSTED, JAMES B. PERKINS, DAVID A. DE ARMOND, HENRY D. CLAYTON, and DAVID H. SMITH, for the able and efficient manner in which they discharged the onerous and responsible duties imposed upon them.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the House disagree to the amendments of the Senate to the general deficiency appropriation bill and request a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the House disagree to the Senate amendments to the general deficiency appropriation bill and ask a conference with the Senate. Is there objection?

Mr. SIMS. Mr. Speaker, reserving the point, I desire to be recognized.

Mr. UNDERWOOD. I should like to ask the chairman of the committee a question.

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Alabama?

Mr. HEMENWAY. I do.

Mr. UNDERWOOD. I see from the RECORD that the Senate disagreed to the House proposition for mileage. I should like to ask the chairman of the committee, as that is a matter personal to the membership of the House, if he will not allow that question to come up for the House itself to determine before it goes into conference?

Mr. HEMENWAY. I will say to the gentleman, in view of the fact that the House passed upon the question by a yea-and-nay vote, I would not feel like agreeing to the Senate amendment without again submitting it to the House.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. HEMENWAY, Mr. VAN VOORHIS, and Mr. LIVINGSTON.

DIPLOMATIC AND CONSULAR OFFICERS.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 7181) to amend section 1742 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1742 of the Revised Statutes of the United States be amended so that it will read as follows:

"SEC. 1742. No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year, except for such time as he may be ordered away from his post on public business by the President; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to such sixty days."

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask the Clerk to read the letter from the Secretary of State, which explains this bill and one which I am about to offer after this is passed.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, March 1, 1905.

Hon. ROBERT ADAMS, Jr., M. C.,
Acting Chairman Committee on Foreign Affairs,
House of Representatives, Washington.

DEAR MR. ADAMS: I beg leave to ask you to kindly consider, with a view to expediting their passage, Senate bills Nos. 5441 and 7181. The former measure is in relation to the assignment of diplomatic and consular officers and has been reported back from your committee—Report No. 4675—with recommendation that it be passed. The other bill was also favorably reported by your committee on February 20—Report No. 4674. This latter bill recommends the amendment of section 1742 of the Revised Statutes to enable the Secretary of State, in cases of unavoidable delay in transit of diplomatic and consular officers to and from their posts, to extend the time allowed for that purpose.

The other bill is also designed to cover cases of the diplomatic and consular officers who are summoned to this country to give testimony for the Government in suits brought for violations of the revenue laws.

The need for the legislation provided for in these bills has long been felt by the Department, and it is a real and present one. Public business would be very much expedited and our foreign service improved should they speedily become laws.

Very respectfully, yours, JOHN HAY.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think the House is entitled to an explanation showing what the proposed change of law is. There is nothing in the letter and nothing in the bill to indicate in what manner an amendment is proposed.

Mr. ADAMS of Pennsylvania. Mr. Speaker, this is simply a matter of routine business of the Department of State which, under the statute as it now stands, is very much hampered. Under the present statute for no more than sixty days can any officer of the Department be absent from his post in addition to the time taken in transit to go to and from his post. There is no way in which this can be changed under the statute except by this amendment proposed here, to authorize the President to allow the public officer to be absent from his post longer than sixty days at a time.

I can illustrate how the Department is hampered at the present time by citing the case of Andrew D. White, when he was minister to Germany and was ordered by the Government to attend the conference at The Hague. There was the case of a minister being ordered from his post, owing to his great ability, being sent to other duty, without any compensation, duty that took the highest character of man and the deepest learning, and he was detained all of the sixty days that he was entitled to for his leave of absence, and yet, when worn out by extra duty, for which he received no compensation, he was obliged to take his holiday, and there was no way under the law by which he could be allowed compensation.

Mr. PAYNE. The bill the gentleman proposes to have the House pass would not have helped Mr. White in that contingency at all. The second bill, perhaps, would. This would not. This bill, as I understand it, amends a section of the Revised Statutes. I want to ask this question: Under the present statute before it is amended, the extreme limit that these gentlemen can be absent from the post is sixty days; no matter whether they take part or all of the time traveling to or from their post, it is sixty days?

Now, what the gentleman proposes is to add to the sixty days the time actually occupied in traveling home and back, and thus allowing full sixty days at home.

Mr. ADAMS of Pennsylvania. No; the gentleman is mistaken; that is the bill I propose to offer following this.

Mr. MANN. I asked the gentleman if he would not explain

to the House the change, and he has not endeavored to explain it, although the bill is only a page long.

Mr. ADAMS of Pennsylvania. This bill amends the statute to this effect: It inserts the words "unless ordered on public business by the President of the United States." That is all the change.

Mr. FITZGERALD. Mr. Speaker, I recollect the statement in the public press that during the last election there were about 130 important diplomatic and consular officers in this country engaged in the laudable object of encouraging the American people to elect the occupant of the White House. Would this change cover an occasion like that, particularly if ordered home by the President?

Mr. ADAMS of Pennsylvania. It would not, because they must be ordered away on public business. I would like to read a telegram which I just received from the Secretary of State. It is as follows:

The Department would be extremely grateful if you could do something to insure the passage of Senate bill 5441 and S. 7181, both of which have been reported favorably by the House Committee on Foreign Affairs. I regard these bills as of the utmost importance to the interests of the foreign service.

Mr. PAYNE. I want to say in regard to this bill that I do not see so much objection to it because it is left to the order of the President of the United States. When I first spoke I was mistaken. I thought the gentleman had offered the other bill first. When the President makes an order and they attend the public business away from the post, the pay goes on, and that would cover the case of Mr. White, and a diplomat who was called away to the United States to testify in behalf of the United States if so ordered to do by the President of the United States.

Mr. ADAMS of Pennsylvania. That is all; or if he were detained by quarantine. For instance, there was the case of our minister to Peru. He was on his way home and he was detained by quarantine for eighteen days, and there is no way under the statute as it stands to-day by which that pay could be allowed when it reached the Auditor's Department.

Mr. STEPHENS of Texas. Will it permit these gentlemen to have longer than sixty days' leave of absence? Would it result in that?

Mr. ADAMS of Pennsylvania. Not unless they are ordered on the public service by the President.

Mr. STEPHENS of Texas. Then they will be in the public service. Why have this law at all?

Mr. ADAMS of Pennsylvania. This would be on special duty.

Mr. STEPHENS of Texas. Does it not make a change in their pay?

Mr. ADAMS of Pennsylvania. None whatever.

Mr. STEPHENS of Texas. Their pay ceases after sixty days?

Mr. ADAMS of Pennsylvania. This only prevents their pay from being stopped if they are absent from their post more than sixty days.

Mr. STEPHENS of Texas. Does not the gentleman think that the pay ought to be stopped if they are absent from their post more than sixty days?

Mr. ADAMS of Pennsylvania. Not if they are on public service. If they are home on leave, yes; but if they are ordered on public service somewhere else they should be paid, just as in the case I cited of Mr. White, and of our minister to Peru, who was quarantined.

Mr. STEPHENS of Texas. Would political service be service that would permit pay?

Mr. ADAMS of Pennsylvania. Certainly not.

Mr. STEPHENS of Texas. It would have to be the public service of the United States?

Mr. ADAMS of Pennsylvania. Absolutely.

Mr. BURKETT. How many of these cases have occurred? The gentleman has given some investigation to the subject, and he has only cited two instances.

Mr. ADAMS of Pennsylvania. Our late minister to the Argentine Republic was instructed to proceed on extra duty to Portugal, in consequence of which he lost $300 worth of salary while he was on the extra duty, and for which he received no extra compensation. Instead of being remunerated for extra duty, he was mulcted in the sum of $300. Surely the gentleman would not like these gentlemen, who are serving the country at so moderate salaries, mulcted in their pay when doing extra duty?

Mr. BURKETT. No one would want that; but if anyone is ordered out for this extra duty, if there is no way of paying them their salary, they have certain funds provided by which they can take care of that extra service. For instance: I know the law provides for the pay of a deputy who receives a salary while his chief is gone.

Mr. ADAMS of Pennsylvania. There is no way under the contingent fund, as I understand it, that these ministers can be remunerated under the statute, because it expressly says that they can not have any more pay. The contingent fund can not be applied.

Mr. BURKETT. The next officer in charge does get the pay of the officer while he is away.

Mr. ADAMS of Pennsylvania. The secretary becomes chargé d'affaires and gets half the pay of the minister, but that does not do the minister any good.

Mr. BURKETT. I understand that, but it occurred to me that the Executive who would send a person away might have the same difficulty arising in a Department here at home, and we may have to pass a similar law for any of our clerks or chiefs of bureaus here that may be sent out somewhere else.

Mr. ADAMS of Pennsylvania. All I can say in answer to that is if we can not trust our Departments to carry out the routine business in an honest way, why we can not stop them by any statute.

Mr. BURKETT. But the question is here that the thing does not occur. The gentleman has pointed out only two instances in all the history of this country, and if that is all there are there is no very urgent necessity for a statute of this kind.

Mr. ADAMS of Pennsylvania. I have another one here, but when we made the report the Department could not cite the numerous cases that occurred all the time.

Mr. BURKETT. The committee, I submit, before they reported a bill of this sort should at least have more than two cases to cite to us to show that it is more common than two in one hundred years. The gentleman does not want to place a law of this kind on the statute books which, while it would probably be construed satisfactorily shortly after it is passed, twenty years from now might be construed more and more loosely, and under which men might be permitted to go away on salary on very light and trivial excuses. I have no doubt the intention of the law is a good one, but is there enough to necessitate the placing of such a law on the statute books, which would probably be construed very loosely in twenty years?

Mr. ADAMS of Pennsylvania. In reply to that I can only cite the letter of the Secretary of State, who is supposed to be a good and competent and a fair and honest judge, and also his telegram showing how urgent he considers the matter, both of which have been just read, urging the passage of these bills.

Mr. BURKETT. Let me say to the gentleman we learned three or four days ago from this very same Department there has been trouble about the publication of a book, the illuminated edition of the Declaration of Independence. Now, the law is very strict on that printing matter. It was passed a good many years ago, and yet it appeared from remarks of gentlemen on the floor that the law has been construed so loosely and so carelessly that they have taken an appropriation that was made for the regular departmental work and reports, if we can believe what was stated here on the floor, and used it for some other work that was not essential along the line of their work. Now, if this same Department is going to construe this law so loosely as they construed that printing law of ten years ago, it will be able to take any of these consuls or diplomats away on almost any cause and still pay them their salary. Now, I am not objecting to the matter if it is a necessary thing, but is the case urgent enough to warrant the putting of this law upon the statute book and running the gantlet, as it will, of construction on the part of this Department?

Mr. ADAMS of Pennsylvania. Mr. Speaker, I would state to the honorable gentleman that this bill has been considered by the Senate committee, passed by the Senate, and was considered by the House committee and reported here, and comes up at this late day at the request of the Department. That the letter and the telegrams which have been read certainly show, and I trust that the House will comply with the desire of our able Secretary to better run the foreign service, which he is certainly doing in a most admirable way.

Mr. PAYNE. I want to call the attention of the gentleman to the language of the bill. I have been able to get hold of a copy of it and I do not see why it does not cover and duplicate what is in the other bill. It says:

SEC. 1742. No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year, except for such time as he may be ordered away from his post on public business by the President; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to such sixty days.

Now, as I understand the other bill that is just what the other bill does. It allows him, when he comes home on leave, the sixty days, and, in addition, the time of coming to the United States and returning to his post. But the bill which the gentleman proposes to follow this with provides for the same thing; that in coming home on leave the officer may receive sixty days and, in addition, the time usually occupied in the travel to and from the United States; so in both bills the proposition is involved, and I do not know whether that would not give them double time. It seems to me one bill gives all the gentleman desires.

Mr. ADAMS of Pennsylvania. I will explain the other bill when I get to it.

Mr. PAYNE. Explain this bill; the other bill is not up.

Mr. ADAMS of Pennsylvania. What does the gentleman wish to know. I have answered all questions the gentleman has propounded?

Mr. PAYNE. I ask if this bill, in the language just read, does not give the officer sixty days' leave of absence in addition? I will read from the bill:

The time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer.

Mr. ADAMS of Pennsylvania. If he is ordered on public business.

Mr. PAYNE. No; not on public business.

Mr. ADAMS of Pennsylvania. That is the exact language of the bill.

Mr. PAYNE. The first part of the bill refers to being ordered away on public business, and says:

No diplomatic or consular officer—

I have the Senate bill 7181. I went to the Clerk's desk and there happened to be two copies, and I got one—

No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year—

That gives the term of sixty days without being ordered from his post on public business—

except for such time as he may be ordered away from his post on public business by the President.

That gives him beyond the sixty days when he is ordered, as Mr. White was, to The Hague, and gives him that leave of absence. Then it follows, after a semicolon:

But the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to such sixty days.

Or, in other words, when he returns on leave to the United States without being ordered by the public business he has sixty days, and in addition to that he has the time usually employed in coming to the United States and returning to his post of duty.

Mr. ADAMS of Pennsylvania. Then I understand the gentleman from New York [Mr. PAYNE] has no objection to this bill?

Mr. PAYNE. I did not say that. The question is whether the sixty days' leave of absence would apply to the diplomatic consular officers and thirty days to the Department clerk and other people in the employ of the Government. I suppose the sixty days was fixed because the gentlemen necessarily took a portion of it in coming home and returning to their posts. Now, I know that in some cases it will require the whole time to come home and return to the post of duty. And that, I think, is unjust. I think if they had thirty days in addition to the time occupied in coming and going that would be a fair provision.

Mr. GROSVENOR. Will the gentleman from New York [Mr. PAYNE] yield? I would like to ask the gentleman, who seems to know something about the bill, if he does not think the condition of apparent uncertainty as to this legislation makes it doubtful, and whether it had better not be postponed until a coming day, when we can have a full discussion on the important questions involved?

Mr. PAYNE. I am frank to say to the gentleman from Ohio [Mr. GROSVENOR] I yet do not understand the two bills taken in connection with each other.

Mr. GROSVENOR. I have tried my best to get gentlemen here to tell me what it is about, and they give it up.

Mr. PAYNE. I have read the other bill two or three times and this bill once. Taken together, I do not know what the effect would be if you passed the legislation.

Mr. ADAMS of Pennsylvania. The trouble with the gentleman from New York [Mr. PAYNE] is that he is discussing two bills when there is only one bill before the House, and he lumps up the provisions of one bill with the provisions of the other, and I do not wonder that the gentleman from Ohio [Mr. GROSVENOR] is somewhat confused in his conception of the import of this bill. If the gentleman from Ohio [Mr. GROSVENOR] will permit me, I will tell him the provision of this bill is very simple. I will read him the statute as it now stands and then the amendment, and I think with his clear conception he will discern the simplicity of this bill.

Section 1742 of the Revised Statutes reads at present:

No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer of the United States may be allowed in addition to such sixty days.

The amendment proposed in the bill simply inserts the words:

Except for such time as he may be ordered away from his post on public business by the President.

That when an officer is ordered on business by the President outside of his post or is delayed by unforseen circumstances on the sea or by quarantine or by any other act which under the law comes under the act of God, that the gentleman shall not be mulcted in his pay. The gentlemen well know that the pay of those in our foreign service is not so large at the present day that they can very well afford to lose any of it.

Mr. GROSVENOR. May I ask the gentleman a question? I think I have a pretty good record on that question of increase of pay, but there is danger that too many casualties will happen.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Reserving the right to object, I would like to inquire of the gentleman——

The SPEAKER. The inquiries have now run about forty minutes.

Mr. HITCHCOCK. I object.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask that the second may be considered, as ordered.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The gentleman from Pennsylvania [Mr. ADAMS] is entitled to twenty minutes and the gentleman from Alabama [Mr. UNDERWOOD] is entitled to twenty minutes.

Mr. ADAMS of Pennsylvania. Now, Mr. Speaker, in order not to weary the House, I do not wish to repeat what I have already said and the questions which I have answered.

The bill is very simple in its character. It only amends the statute by authorizing the President to order a diplomatic or consular officer on public business, and if he does so for the good of the service it provides that the time so employed shall not mitigate against the leave of absence to which they are entitled under the statute as it now stands. That is the whole intent, the whole scope, and the whole object of the bill; and I am sure if the Members will listen they will see the merits contained therein and comply with the urgent request of the Secretary of State.

Mr. BURKETT. Would this bill cover a quarantined person—the case of the minister from a South American country?

Mr. ADAMS of Pennsylvania. It would cover the minister from Argentine, who was ordered away about public business.

Mr. BURKETT. Was he the quarantined man, also?

Mr. ADAMS of Pennsylvania. He was coming home.

Mr. BURKETT. It would not cover the man last year who was quarantined?

Mr. ADAMS of Pennsylvania. I am in doubt about that.

Mr. PERKINS. Will the gentleman allow me to ask him a question?

Mr. ADAMS of Pennsylvania. Certainly.

Mr. PERKINS. Do I understand that if a member of this service is under an order performing some specific duty, away from the post to which he is assigned, that is to be charged against his vacation account?

Mr. ADAMS of Pennsylvania. That is charged against his vacation account, because the statute is so arbitrary that it states that a man shall not be absent from his post any more than sixty days and get compensation. The Auditor so holds.

Mr. PERKINS. Even when ordered from the post by the President?

Mr. ADAMS of Pennsylvania. If he is away from his post.

Mr. PERKINS. Then that ought to be amended.

Mr. ADAMS of Pennsylvania. That is the object of the bill.

Mr. PAYNE. I want to say that since debate has gone on I have found a copy of the present statute, which appears in the report of the committee.

Mr. ADAMS of Pennsylvania. I read it.

Mr. PAYNE. There is only a slight addition that this amendment makes in the language of the statute. I will first read the language of the statute:

No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year.

Now, these words are added, "except for such time as he may be ordered from his post on public business by the President." That is all I see added to the statute.

Mr. ADAMS of Pennsylvania. That is all. There is not the slightest objection to the bill.

Mr. PAYNE. I do not think there is, if the House understood what it is:

Beyond the term of sixty days, except for such time as he may be ordered away from the post on public business by the President.

Mr. ADAMS of Pennsylvania. I ask for a vote, Mr. Speaker.

Mr. UNDERWOOD. Mr. Speaker, I think there is a reason and good reason why the House should not pass the bill at this time in its present form. Now, I recognize what the gentleman from Pennsylvania says as to the necessity of some legislation to meet an emergency that may arise in the transfer of a diplomatic or consular officer. I want to call the House's attention to the great expense that the Government is put to by transferring these officers from their stations by allowing the secretary to draw one-half of their salaries. Under the law, when a minister or diplomatic officer leaves his station on leave of absence, or for any extraordinary purpose, the secretary becomes chargé d'affaires and draws one-half of the minister's or ambassador's pay. Now, you can all see from that when a secretary is receiving from three to five thousand dollars salary and an ambassador that is drawing $17,000 salary leaves his post it enormously increases the salary of the secretary. Now, the House can understand that if this is done only for extraordinary purposes it would not be such a great charge on the Government; but when you examine the reports you find that the appropriation for the purpose of paying chargé d'affaires for their extra pay by reason of the minister leaving his post has been growing from year to year. For the last ten years it has been constantly increasing; and this year the Secretary of State has asked a deficiency of $40,000 over what we gave him last year; and we gave him every dollar he asked for this purpose. Yet they have increased it over $40,000 this year without being able to show any extraordinary demands.

I do not mean to say that there may be some particular case that has arisen where a minister may have been ordered from his post, but they have not been able to show any extraordinary demands for these ambassadors or ministers leaving their posts of duty, and it has been increased, so I have been informed, largely by the fact that it has become the custom of many of the consular and diplomatic agents to leave their posts and take their full sixty days every year, even if they remain in the immediate neighborhood of their station; so that thereby they increase the salary of the secretary, who then becomes the acting minister or ambassador. Well, now, if this bill passes in its present shape, without amendment, allowing the minister to be ordered from his post, besides taking his regular sixty days' leave, to leave his post under extraordinary demands, we might soon find ourselves in a condition where we have got the secretary, who draws ordinarily pay, as fixed by the Government, from three to five thousand dollars, drawing $17,000 salary, and at the same time the ambassador or minister drawing his $17,000 salary.

Now, I have no objections to the main features of this bill as reported by the gentleman from Pennsylvania, but I do not think the bill should pass without some limitations put on it as to when and how the secretary shall draw this additional pay. In the interest of economy it ought to be limited to protect the Government from these extraordinary charges, because you have no way on earth to control them if you pass the bill in this shape. It merely lies between the ambassador or minister and his secretary; and we all know that when these relations are intimate and close it is natural for the ambassador or minister to want to help his secretary and his friend along by increasing his pay. The result is that most of the secretaries draw as much as double their salaries every year, or increase their salaries to that extent, without the authority of Congress, without the sanction of the executive department of the Government; and I think it is a serious objection to this bill that it is to be allowed to pass in this shape without some amendment regulating and controlling that fact.

Mr. PERKINS. Would it be possible, under this bill, for the ambassador to increase the salary of his secretary, as has been suggested, except by the action of the President?

Mr. UNDERWOOD. Well, he now can take his sixty days' leave——

Mr. PERKINS. He has that by law.

Mr. UNDERWOOD. He has it by law if the Department authorizes it; but Mr. Secretary Peirce, when he was before the Appropriations Committee only a few days ago, stated that it was customary for the Department always to grant them sixty days' leave; that it has become a custom in the Department, and then the secretary draws the full pay of the ambassador.

Mr. PERKINS. That is the law now.

Mr. HUNTER. Only half the pay of the ambassador.

Mr. UNDERWOOD. Only half.

Mr. PERKINS. But this bill would only increase that when there was an express order of the President, given on account of some demand of the public service.

Mr. UNDERWOOD. As I say, it would increase it that amount when the President sent an ambassador away, but I do not think it ought to increase it that amount. There ought to be some limitation on it. He ought not to be allowed to order an ambassador away from his post, say, for six months, and then give him sixty days' leave of absence, and then pay the secretary that proportion of $17,000 a year when he was willing to serve for $3,000 or $5,000, as the case may be, and the Government only recognizes his services to be worth that.

Mr. BURKETT. Does not the gentleman think we can assume that the President would only order an ambassador or minister away when there was some special public exigency?

Mr. UNDERWOOD. Oh, the gentleman from New York is building a straw man and proceeding to knock him down. I am not assuming that the President is going out of his way to make an illegal order. I am not assuming that it will be unnecessary; but I say that it is unnecessary to pay these secretaries this enormous additional salary without coming to Congress, without any authority of Congress for doing so, when the secretary could act and ought to act without this additional compensation. I think this bill should be limited to that extent.

Mr. SCUDDER. I should like to ask my friend whether, as a matter of fact, the only change in existing law as made by the present bill is to be found in the following words:

Except for such time as he may be ordered away from his post on public business by the President.

Mr. UNDERWOOD. Why, of course. The gentleman from New York does not understand my objection.

Mr. SCUDDER. I understood the objection, but I thought possibly the gentleman did not realize that the only change in existing law was contained in those few words.

Mr. UNDERWOOD. Unquestionably.

Mr. SCUDDER. Unless it is by the positive direction of the President.

Mr. MANN. Let me ask the gentleman this: There is no limitation here as to what the public business shall be. How do we know what the President will do? The President will act upon the suggestion of the Secretary of State, who acts upon the suggestion of an under-Secretary of State, who acts upon the suggestion of a clerk or upon the suggestion of a chief of a bureau, who acts upon the suggestion of a clerk, until at the end it usually gets down to a question that is determined by a thousand-dollar salaried clerk. Who knows what this officer may be directed to do? The public service that is required need not necessarily be in the diplomatic service. The President under this can appoint a commission—can appoint anything he pleases in the way of diplomatic officers, directing them to do anything he may desire, call it business, and while they are doing that the secretary will draw the increased salary.

Mr. UNDERWOOD. I think what the gentleman from Illinois states is apt and pertinent to the question, and I agree with him. I merely have this to say in conclusion. This system now in operation is doubling the cost of the diplomatic service. It has increased from year to year. Last year we gave them every dollar they asked for and they came back with a deficiency of $40,000 this year simply to cover leaves of absence of these ministers and ambassadors. This is an extension of the evil. It increases the cost of the service, and takes away the power from the House to control the appropriations for this purpose. I do not think the bill ought to pass without some amendment limiting it in that respect.

Mr. Speaker, I now yield five minutes to the gentleman from Nebraska [Mr. HITCHCOCK].

The SPEAKER. The gentleman has but three minutes remaining.

Mr. HITCHCOCK. Mr. Speaker, my reason for objecting to the bill was because I thought it was important to have discussion. The little discussion that has been had reveals clearly that it is a bad bill in its present form. It has been well said that legislation would be proper, and I think it would be, to enable the President of the United States, in an emergency, to permit a minister or an ambassador while on full pay to leave his ordinary place of duty and go to another assigned by the President. But this bill throws open the whole diplomatic and consular service to a general loose practice. It places in the nominal discretion of the President the power to permit any one of the hundreds of diplomatic and consular representatives of the United States to be absent from his place of duty any

length of time on so-called "public business." There is no limit or specification as to what public business is intended.

As the gentleman from Illinois has well said, while the President's discretion would ordinarily be sufficient to protect the interests of the country, everybody knows that with the thousands of duties thrust upon the President of the United States he is forced to take the judgment of subordinates running down ultimately to a $1,000 clerk. He can not personally investigate these cases.

If this bill passes there will be hundreds of attempts to take advantage of it. It is a dangerous thing to permit the passage of a bill like this, which opens the door so wide to unlimited expenditure. It is a temptation to junkets, a temptation to run up salary expenditures not in the public interest.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 18809. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 18467. An act making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes; and

H. R. 17865. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4938.

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

H. R. 11204. An act to ratify and confirm a lease made by the Seneca Nation of New York Indians by John Quilter.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 19178. An act to authorize the Apalachicola and Northern Railway to construct and maintain a bridge across the Apalachicola River and the East St. Mary River;

H. R. 19098. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri;

H. R. 19097. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri;

H. R. 19050. An act to authorize the county of Ouachita to construct a bridge across Ouachita River, Arkansas;

H. R. 14393. An act granting an increase of pension to Deborah W. Annable; and

H. R. 15021. An act for the relief of Gilbert Shaw.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 7042) authorizing the Secretary of the Navy to accept the torpedo boats *Stringham* and *Goldsborough*.

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

Resolved by the House of Representatives (the Senate concurring), That the Superintendent of Documents be, and he is hereby, authorized and directed to issue to the Library of the House, for use in said library, twenty-five copies each of volume No. 21 and volume No. 27 of the United States Statutes at Large, twenty-five copies of the Revised Statutes of the United States, and twenty-five copies each of volume No. 1 and volume No. 2 of the Supplement to the Revised Statutes of the United States.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1904, 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. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the House of Representatives of the following titles:

H. R. 11664. An act to reimburse the Illinois Central Railroad Company for damage to union depot at Louisville, Ky., by blasting in the Ohio River;

H. R. 3535. An act to grant honorable discharge to William A. Treadwell; and

H. R. 18040. An act to authorize Gila County, Ariz., to issue $40,000 in bonds to build a court-house, etc.

The message also announced that the Senate had passed joint resolution (S. R. 114) to continue in force the provisions of section 2 of an act to provide for the temporary government of the Canal Zone at Panama, the protection of the canal works, and for other purposes, approved April 28, 1904.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House was requested:

H. R. 3916. An act for the relief of James S. Harber.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I call up the conference report on the bill H. R. 18809, the river and harbor bill. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Ohio calls up the conference report on the river and harbor bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read as follows:

Your conferees report that they have agreed upon all the amendments to the bill except—

No. 11, appropriating $500,000 additional for the Delaware.

No. 12, striking out the conditional provision for State aid.

No. 91, providing for survey of Savannah Harbor with a view to obtaining 30 feet.

No. 111, providing for a survey of the Delaware River, with a view to obtaining 35 feet in depth.

No. 114, providing for a survey of Galveston Harbor, with a view to obtaining a depth of 35 feet.

The conference committee recommend that the balance of the report, excepting the items disagreed on, be adopted by the House, and that the House adhere to its disagreement to the amendments named.

T. E. BURTON,
B. B. DOVENER,
Managers on the part of the House.

Mr. BURTON. Mr. Speaker, first a parliamentary inquiry. Is it in order first to move that the report be adopted upon the amendments agreed upon?

The SPEAKER. It is.

Mr. BURTON. I move that the conference report be agreed to.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I wish to ask at the proper time to move that the House recede and concur in the Senate amendment.

The SPEAKER. The proper time is not at present.

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

Mr. BURTON. Mr. Speaker, I understand a wish has been expressed for a separate vote on certain amendments. I take it that the motion adopted merely approves the part agreed upon, all except the five amendments.

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

Mr. SIBLEY. Mr. Speaker, I will move that the House recede and concur on all the Senate amendments.

The SPEAKER. Is a separate vote demanded on any of these amendments? If not, the motion of the gentleman from Pennsylvania will be in order.

Mr. BURTON. I will say to the gentleman that on two of the five amendments there is practically no disagreement.

Mr. DALZELL. If I understand the gentleman, the only amendments on which there is real disagreement are those relating to the Delaware River and Savannah Harbor—only those two.

Mr. BURTON. Those are two.

Mr. DALZELL. Why not report an agreement on the other three?

Mr. BURTON. An agreement has been reached and the report adopted.

Mr. DALZELL. Leaving out only two?

Mr. BURTON. Leaving out the five. I will say to the gentleman from Pennsylvania that as regards the Galveston item it is not insisted upon unless other provisions are made for surveys. The insistence is upon Philadelphia and Savannah. Mr. Speaker, I think we will get at this more clearly if we have a separate vote and I demand a separate vote upon the first item, amendment No. 11.

Mr. SIBLEY. Mr. Speaker, I have made the motion to recede and concur in the Senate amendments and upon that I ask the previous question.

Mr. BURTON. Mr. Speaker, I demand a separate vote.

The SPEAKER. The gentleman from Pennsylvania [Mr. SIBLEY] will take note that there are four or five amendments and it is the right of any Member to demand a division. The gentleman's motion does take precedence of a motion to disagree, but if a separate vote is demanded it can be demanded upon each amendment separately. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment No. 11, page 14, line——

Mr. SIBLEY. Mr. Speaker, I understand the Senate and House conferees have agreed upon three amendments of the five, and that leaves but two——

Mr. BURTON. Mr. Speaker, I would state to the Chair that the gentleman's statement is hardly correct. The first amendment adds $500,000 to the authorization for the Delaware River below Philadelphia. The sum of $500,000 was appropriated and $750,000 authorized in the bill as it passed the House unconditionally, and an additional $500,000 was promised provided the State of Pennsylvania or other agency should contribute an equal amount. By a separate amendment $500,000 was added by the Senate to the $750,000 in the first proposition, making it $500,000 cash and $1,250,000 continuing contract, and the second or conditional provision is stricken out. Now, as I stated during the consideration of the bill, I have no objection to striking out this conditional provision, but they are so interdependent that it seems desirable to bring them both before the House. I will state also that the Galveston item is not pressed unless the others are adopted. If the others are adopted, those who favored the 35-foot survey for Galveston think, very naturally, and I agree with them, that they should also have a survey, but they are ready to drop it in case the others are thrown out. I want to say, Mr. Speaker, before I relinquish the floor, that I trust the House will act promptly on these amendments, will vote to nonconcur by a decisive vote, and if that is done I am satisfied we will have a bill. [Applause.]

Mr. DALZELL. Will the gentleman allow me to make an inquiry?

Mr. BURTON. Certainly.

Mr. DALZELL. Do I understand from your last statement that the only difference between the House and Senate in respect to the Delaware River improvement is that condition that the State of Pennsylvania supply an equal amount——

Mr. BURTON. No, not at all; there is no difference between the House and Senate on that. The Senate amendment adds to the five hundred thousand cash and $750,000 contingent contract $500,000 more. That is the first Senate amendment.

Mr. DALZELL. But the conditional part in regard to the State of Pennsylvania has gone out or will go out.

Mr. BURTON. We have no difference about that. There will be no difficulty about it; but the two provisions are so dependent upon each other that it seemed best to report a disagreement upon the latter amendment, No. 12, as well.

Mr. SIBLEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Pennsylvania?

Mr. SIBLEY. Mr. Speaker, I am going to ask time in my own right on my motion to recede and concur.

The SPEAKER. The gentleman from Pennsylvania will take notice that, while a motion to recede and concur in a Senate amendment takes precedence of a motion to further disagree, yet the gentleman from Ohio is not taken from the floor by that motion. He is entitled to an hour's time, as being in charge of the bill, and does not lose it until the expiration of the hour.

Does the gentleman from Ohio [Mr. BURTON] yield to the gentleman from Pennsylvania [Mr. SIBLEY]?

Mr. BURTON. Reserving, of course, the balance of my time, I would like to know first how much time the gentleman from Pennsylvania desires?

Mr. SIBLEY. I want half a minute, and perhaps several.

Mr. BURTON. I would say to the gentleman that his statement is rather indefinite. I think he can bring mathematical calculation to bear on the question and get a little nearer to the time he desires.

Mr. SIBLEY. I think perhaps, then, if the gentleman would give us half his time, that would be satisfactory.

Mr. SULZER. Mr. Speaker, I was going to suggest that the gentleman from Ohio yield to the gentleman from Pennsylvania a half hour of his hour's time.

Mr. BURTON. I must decline to accede to that request, because it is late in the session, and I do not think we will desire so much time.

Mr. SIBLEY. I think the gentleman will make just as much time on his bill.

Mr. BURTON. I desire to yield all the time to the gentleman from Pennsylvania that he may reasonably ask.

Mr. SIBLEY. I am not the only one who is interested in the river and harbor bill. There are others, and I do not want to use the time to their prohibition.

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

Mr. SIBLEY. Give us about thirty minutes. I think the gentleman has had the floor on the merits of this proposition almost exclusively on that side.

Mr. BURTON. Does the gentleman from Pennsylvania intend to occupy thirty minutes?

Mr. SIBLEY. Not personally, perhaps, but there are others who are equally interested from Pennsylvania.

Mr. BURTON. Mr. Speaker, a parliamentary inquiry. Am I not entitled to dispose of the time?

The SPEAKER. The gentleman is entitled to one hour, less the time he has already consumed, to dispose of as he chooses.

Mr. DALZELL. Mr. Speaker, another parliamentary inquiry. After the gentleman from Ohio has exhausted his time is not the gentleman from Pennsylvania [Mr. SIBLEY] entitled to the floor in his own right on his own motion to concur?

The SPEAKER. Undoubtedly so, unless in the meantime the previous question should be ordered.

Mr. SIBLEY. Mr. Speaker, I demand the previous question upon my motion.

Mr. BURTON. One moment, Mr. Speaker. I have not yet yielded the floor. If the gentleman from Pennsylvania will kindly give me his attention; I take it we could finish this discussion in a very brief time, but if he insists upon thirty minutes I am willing to grant it. I do not desire to stifle discussion upon the subject, and I will yield to him thirty minutes if he asks it, that of course to include all who are in favor of the motion to recede and concur.

Mr. BUTLER of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUTLER of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from Ohio a question. Do I understand him to say that the insistence upon the Galveston proposition depended largely on the dispositon of the survey of the Delaware River?

Mr. BURTON. Very largely. I do not understand that it comes into the Senate bill as an independent proposition, but they feel entitled to it if the others have a 30 or 35 foot survey.

Mr. BUTLER of Pennsylvania. That if the claim for the survey of the Delaware River should be surrendered by the Senate it would not be insisted upon at Galveston?

Mr. BURTON. I am so informed.

The SPEAKER. The gentleman yields thirty minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Speaker, I desired at the very outset of the remarks of the gentleman from Ohio [Mr. BURTON] to ask him this: Did I correctly understand him in the statement, that if the House accepts his proposition to nonconcur, there will then be an agreement to have a river and harbor bill?

Mr. BURTON. I would say that to the gentleman from Pennsylvania [Mr. SIBLEY] as my best judgment on the subject.

Mr. SIBLEY. Mr. Speaker, if I believed that to be the case, I would not ask thirty minutes or three minutes, but my judgment is, and my information is, to the exact contrary. I believe there is a disposition existing upon the part of gentlemen on the other side, in the coordinate branch of the legislative body of this nation, to the effect that they have some rights in this matter as well as the House, and that they will not, one and all, bow down and submit to one individual. It may be the proper thing here, Mr. Speaker, but it does not obtain, I think, in the other body.

Now, at the very outset, before this bill ever went to the other branch of this legislative body, there went from the chairman of this committee a letter to a Senator which, in effect, stated that in the event they saw fit to preserve their constitutional right and amend this bill, there would be no river and harbor bill. I ask the gentleman from Ohio [Mr. BURTON] if I am quoting him correctly?

Mr. BURTON. The gentleman from Pennsylvania [Mr. SIBLEY] is not quoting that correctly.

Mr. SIBLEY. Has the gentleman from Ohio [Mr. BURTON] the letter, then, and will he read it?

Mr. BURTON. I have not.

Mr. SIBLEY. Now, in my time, will the gentleman from Ohio read the letter which, before the river and harbor bill went out of this House, he sent to the Senator from Pennsylvania, and say whether or not I am justified in the terms—not in language, but in idea?

Mr. BURTON. Mr. Speaker, I will say to the gentleman from

Pennsylvania [Mr. SIBLEY] that he is first of all mistaken by saying that it was before the bill went out of this body that any letter was written.

Mr. SIBLEY. Before it went to the Senate?

Mr. BURTON. It was after it had gone to the Senate that a letter was written, but it did not contain any threat. And I will state to the gentleman from Pennsylvania [Mr. SIBLEY] that if he desires to bring here a personal, private letter I must insist on explaining, in his time, the circumstances under which it was sent.

Mr. SIBLEY. Mr. Speaker, I am sure the distinguished chairman of the Committee on Rivers and Harbors has a half hour of his own, and I do not intend to occupy all the time. Perhaps that explanation would come better in his own time. I do not think it is necessary to take it out of my time.

I am sorry the gentleman from Ohio [Mr. BURTON] referred to it as a personal letter. The chairman of a great committee of this House can not send to the Senate such a letter as that, stating that there must be no amendment put upon this measure, and then rise and say it was a personal letter. It was a public letter, and he wrote it as chairman of this great committee.

Now, then, Mr. Speaker, if that is the case, there can be no conference. There can be no free conference when at the very outset, or before that conference is called, there exists a document of this character. The gentleman from Ohio [Mr. BURTON] possesses rights upon this floor the same as any other Member of this House. He has a right to his individual opinion and his individual judgment, and I am proud to say that his judgment is usually very good. But, I assure you, we do not get the benefit of it very often, only about once in two years, when he comes into this House and attacks some great bill, or when he makes a great speech attacking an appropriation bill or attacking the members of a committee who have framed the bill. That is about the only time we hear from the chairman of this great committee. He says that this House must bow to his will or there shall not be legislation affecting the various States of this nation.

Mr. Speaker, I do not care to go into that phase of the subject. The gentleman is doubtless an eminent authority upon rivers and harbors. This House has not challenged his judgment ordinarily. We recognize the fact that he gives a great deal of his time to it, and a great deal of his attention. But when he says that if the House does not stand by his proposition, and he gives notice in advance, practically, there will be no amendments permitted, my point is that there can then be no free conference; and I believe the Speaker should appoint conferees who are willing to weigh, sift, and test and try the evidence, and upon terms of justice determine whether it is possible that there can be an agreement between the two bodies. I believe that no one man should ever undertake to make that determination in advance. I do not believe that it is courtesy, common courtesy to a coordinate branch of this Government. Therefore, I am willing to assure my friend, not from one Senator or from two, not from three, but from many, that if you pass this motion, if you wish a river and harbor bill, and you stand back of the chairman of the committee, who has stated here in this House and elsewhere that that bill will never pass with the Senate amendment in it, you will never get a bill at this session of Congress.

Mr. JAMES. Then you are bringing from the United States Senate to the House information under which you inveigh against the chairman of the committee here. [Applause.]

Mr. SIBLEY. No; I say this to you because I wish to announce in advance what this gentleman has said—that he has written his individual will on this bill and that they will exercise equally their rights as lawgivers in opposition thereto.

Mr. JAMES. Will you give the name of one of the imperial Senators who told you to convey to the House this information? [Laughter.]

Mr. SIBLEY. Well, I will say to the gentleman that I saw a Senator, lofty in character, patriotic in service and duty, not belonging to this side of the Chamber, but yours in politics——

Mr. JAMES. It does not matter which side.

Mr. SIBLEY. No; because it is broader, to my mind, than the aisle which divides the two sides. It is because every portion of the Federal Union is interested——

Mr. WILLIAMS of Mississippi. Mr. Speaker, I deisre to make the point of order. In imitation of the point of order made by the gentleman from New York [Mr. PAYNE] this morning, I desire to state the point of order as follows: The gentleman from Pennsylvania is now quoting opinions of Senators for the purpose of influencing this House. [Laughter.] I was not even allowed to quote one for the purpose of concurring in what he said. I make the point of order that the gentleman is out of order.

Mr. SIBLEY. Mr. Speaker, I desire to withdraw the remark. I think the gentleman is correct.

The SPEAKER. The gentleman will proceed in order. It is not in order to state what took place in the Senate in debate.

Mr. BURLESON. Under rules laid down by Thomas Jefferson.

The SPEAKER. As much in order now as then. [Laughter.]

Mr. SIBLEY. I wish to reserve the balance of my time, but I merely want to state this as my individual judgment. I would not willingly deceive anybody. Sometimes I think I am more liable to mistakes than the average man. I think I am much given to indulgence in expression of opinions which I entertain, and often find that they are erroneous after a long period of time has elapsed. But I wish to state this, and respectfully invite the attention of every Member here, that if there is to be any river and harbor bill at this session that it will be best that we should recede and concur. There is no great vital principle, no great moral issue at stake. The chairman states that they have substantially agreed on three. Now, then, let them get together on the other two. Pennsylvania does not ask a great deal. The Delaware River is bordered by the three States of New Jersey, Pennsylvania, and Delaware. Now, for the first time in the history of the river and harbor bill the chairman of the River and Harbor Committee has evolved the principle that a State will be required on a great national waterway to appropriate and pay one half of the expense and the Government the other half, and that even when three different States might be interested therein.

I say to every gentleman who wishes the passage of a river and harbor bill at this session that my judgment is you can have it within twenty minutes if this House will recede and concur in the reasonable amendments that I believe the Senate have an equal right with this body to place upon that bill. I reserve the balance of my time, Mr. Speaker. How much time have I remaining?

The SPEAKER. The gentleman has fifteen minutes.

Mr. WM. ALDEN SMITH. Mr. Speaker, I should like to ask the gentleman from Pennsylvania a question.

Mr. SIBLEY. I yield.

Mr. WM. ALDEN SMITH. We all recognize the merits of the Pennsylvania proposition, but I want to say to the gentleman from Pennsylvania, if he will permit me, that there are many harbors upon the shores of Lake Michigan that are in great need of the money that this bill carries, and the mariners of our lakes will be jeopardized in the safety of their lives and the public interest will not be subserved if this bill should fail.

Mr. SIBLEY. That is why I wish to help you to insure against failure, because it is an absolute certainty that your mariners and your harbors will be cared for if this House recedes and concurs.

Mr. MANN. By what authority does the gentleman make that statement?

Mr. SIBLEY. There is no gentleman here who does not know that that is a certainty. If anyone cares so little about it that he is willing to jeopardize these important interests, if he is willing to let this bill fail, he has but to agree with the chairman of the committee.

I reserve the balance of my time.

The SPEAKER. The gentleman reserves the balance of his time.

Mr. SIBLEY. I will ask if the chairman of the committee will use part of his time now?

Mr. BURTON. I will do so. I yield ten minutes to the gentleman from Texas [Mr. BURGESS].

The SPEAKER. The gentleman from Texas [Mr. BURGESS] is recognized for ten minutes.

Mr. BURGESS. Mr. Speaker, one of these items includes the State of Texas, a survey for the harbor at Galveston, with a view to obtaining a uniform depth of 35 feet. There seems to be some misunderstanding with reference to the effect of that item on the part of gentlemen on the other side. Our position is that neither of the ports involved in this matter needs now any additional survey. The fact is that the work at neither one can be completed under the appropriations in the House bill, or with the proposed Senate amendments; and even if the money may be added to the item for the Delaware River, then the work can not be completed under that, but another river and harbor bill will have to carry an appropriation to complete the existing project there before it will be in a condition, as a business proposition, to be surveyed for a greater depth.

Mr. SIBLEY. Will the gentleman yield?

Mr. BURGESS. I yield to the gentleman.

Mr. SIBLEY. I should like to ask the gentleman why the

chairman of the Committee on Rivers and Harbors should object so strenuously? If that money could not be used, the Federal Treasury would not be the loser.

Mr. BURGESS. I have not said the money could not be used. I repeat, if you got in this bill the $500,000 additional proposed by the Senate, which you ought not to get, because it would be relatively more than other meritorious projects anywhere in the country have received, you would have to have another appropriation, in another river and harbor bill, to finish the project; and when the present project is finished, that is as early as any business man contends there is any necessity for any additional survey.

Mr. ADAMS of Pennsylvania rose.

Mr. BURGESS. Just one moment. One at a time, now. That is our contention with reference to Galveston, a port having many million dollars more of exports than yours, a port on the open Gulf and not on a stream, the maintenance in which of the channel is subject to question under conditions. Still, we say another appropriation will have to be made to complete the existing project at Galveston, and we are willing to wait and not embarrass this bill by a spirit of selfishness until the time comes, when we will get it as quickly as we need it, and that is your actual condition.

Now, just a word more. This bill must be framed on honest lines if this work is to command the confidence and respect of the country, and I am amazed that any gentleman on this floor who knows THEODORE BURTON should intimate that he wants to dominate and to make a bill as he wants it, regardless of anybody's rights. [Applause.]

Ah, the gentleman from Pennsylvania forgets the record for four years in Congress. I have seen bills come in here under the whip and spur when one or two or three men wished to assert, and did assert, their right to run over the will of the majority of this House. But that was never done by the chairman of the River and Harbor Committee. Both bills that have been passed since I was a Member of this House were passed in the open, subject to amendment, subject to debate, subject to the will of the House; and what of all this talk about one man's domination? And especially does it come with ill grace from the State of Pennsylvania, for you sat here silent and did not open your mouths at the time the bill passed, when the chairman said to you, "Do you want this item to stand or not?" Dictation! "If you don't want it, it can come out." Did you say "Come out?" No. You sat silent; let it go over to the Senate, and then screen yourselves behind an imaginary Senatorial power to get more than you ought to have and that you were willing to advocate in the open with your own colleagues. [Applause.]

I want to say nothing unkind, because next to my own State, Pennsylvania is one of the dearest States to me in the Union. My maternal grandfather and grandmother were born near the banks of the Delaware River, grew to manhood and womanhood and were married in the City of Brotherly Love. That is true, and I feel kindly to all of you, but I tell you you are wrong in this fight. This motion to concur is wrong. The gentleman from Ohio [Mr. BURTON] and the committee are right in this matter. You have your proportion under the exigencies of the Treasury; under the pressure of all sides you get as much as anybody else, and you ought not to threaten the House that the bill won't pass unless we give you more relatively than you ought to have, and that is all your talk comes to in plain United States when it is translated into the Texas vernacular. [Laughter and applause.]

I believe that the chairman is right when he says that no Senator in the Senate upon a trivial amendment like these that could not be fought out in the open, the position of the House being right, will dare to defeat this bill on account of these items. He will go out of political life, if he does do it, even in Pennsylvania.

Mr. SIBLEY. I want to suggest to the gentleman that the Senators from the State of Pennsylvania will not act differently from their sense of duty, even if they were required to go out of the Senate therefor.

Mr. BURGESS. I assume that both Senators from Pennsylvania will act as they believe their duty directs them to and their State demands, and I assume as a logical necessity that they will agree to take $1,200,000 rather than to take nothing because they can not get $500,000 more.

Mr. SIBLEY. I ask my friend from Texas if he believes that the Senators from Pennsylvania are so differently constituted from other sections of the United States that they will, under a threat, surrender their constitutional right because of a fear of their retirement from public life if they do not?

Mr. BURGESS. I will say to the gentleman from Pennsylvania that I believe——

Mr. COCKRAN of New York. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from New York will state it.

Mr. COCKRAN of New York. The gentleman from Pennsylvania and the gentleman from Texas are talking about the state of the minds of the Senators from Pennsylvania, and on that no Member of this House is competent to testify. [Laughter.]

Mr. BURGESS. I will say to my colleague that it is my belief that the Senators from Pennsylvania compare favorably in ability and character and devotion to the public good with any other Senators from any other State in the Union. I have no controversy with gentlemen on that ground. I do say, however, that I believe that the gentleman from Pennsylvania is mistaken when he insinuates—because what you say can mean nothing else—that there will be no bill in this House unless the House concurs in the Senate amendment.

Mr. SIBLEY. Let me ask the gentleman if that has not been practically the statement of the chairman from the time this bill passed this House—that he would not submit to an amendment on the part of the other body?

Mr. BURGESS. A complete answer to the gentleman from Pennsylvania is that the chairman has conceded upon many items, as the conference report shows, and only five are now to be submitted out of nearly 121. In the conference he yielded many more to the Senate than the Senate yielded to him.

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

Mr. BURTON. I yield the gentleman one minute more.

Mr. BURGESS. In conclusion, Mr. Speaker, I want to say that there is no doubt in my mind that in the chairman of this committee you have one of the fairest chairmen that you ever furnished to the country. [Applause.] I want to say to you, as a Democrat, that we would be proud of him if he sat on our side, and we would rally to a man whenever he took a position honestly and candidly in a matter. [Applause.]

There is no doubt of this, if you will think but a moment. He could not be actuated by any but the proper motives. He has no feeling against Pennsylvania or the Delaware River. He has no interest in the matter and could have none. He must stand, as chairman, for what he thinks is right for all sections and all States, to mete out fairly what each is proportionately entitled to receive, and he deserves our respect if we believe he has done that, and for one I do believe that profoundly. [Applause.]

Mr. SIBLEY. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask the attention of the House for five minutes. This debate has reached a point far above the personality of the chairman and far above his individual views. There is a principle involved. The discussion has now reached, as I say, a point far above the individuality of the chairman or any differences that may exist personally among the Members, when it is stated here positively that he believes this bill will fail unless we disagree and insist. It is founded on the principle that is involved in the question in the amendment now before this House. Coupled with the appropriation for the Delaware River is the condition that the State of Pennsylvania must contribute an equal amount for a further appropriation, and my information from the Senate comes not from any individual, but because the Senators believe that the doctrine involved in this condition, while it only affects the State of Pennsylvania to-day, next session, of course, may affect any other State in this Union, and you will be liable to have the same condition imposed on every other State in any appropriation bill that comes from the Committee on Rivers and Harbors. So it behooves you, gentlemen, to take in the importance of the condition that here exists, for it is liable to come back to you in the future. It is far above the wants and considerations of the locality of Philadelphia, and my information, founded upon conversations with many of the Senators, is not because they are in sympathy with the local needs of Philadelphia, but it is founded on the principle involved in this doctrine.

It is new in these bills, and it is dangerous to establish a precedent here. The gentleman from Ohio [Mr. BURTON] seems to think that because he has receded on nearly every other amendment that was in his bill and has taken his stand square on this doctrine, that he ought to be supported. He may disavow he is against Philadelphia, but the doctrine stands and it is up to this House to decide to-day whether this is to be the future doctrine in the appropriation for rivers and harbors, that the committee can couple a condition in the bill that every State, if the committee chooses to say so, must contribute before the appropriation will be available.

Now, as to the merits of the claim for Philadelphia, the gentleman from Texas [Mr. BURGESS] is not accurate in his statement when he says we are asking for an appropriation for more money. The entire appropriation is provided for in the act of 1899 of $5,310,000. What we are asking for is the rapid expenditure of this money. I know the proposition has been made that no more money shall be appropriated——

The SPEAKER. The time of the gentleman has expired.

Mr. SIBLEY. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MORRELL].

Mr. MORRELL. Mr. Speaker, the question before the House, in my judgment, is not a personal one, and I feel that personalities in a discussion of great principles are somewhat to be regretted. We have here and are asked to agree in amendments, as far as the State of Pennsylvania is concerned, which mean simply the striking out of words which, in my judgment, are establishing a principle that no State in this Union can afford to inaugurate and stand by, viz, that when we ask for our just demands in regard to improvements which are recognized to be national we must come, as I said the other day, with a sop in our hands, and only then may we expect to be given quid pro quo. Mr. Speaker, as far as the extra survey is concerned, there are several precedents, and I have and propose to insert in the RECORD as part of my remarks a letter from the engineer officer in charge of the dredging of the Delaware River that such precedents have occurred before, namely, that surveys have been granted before the completion of a contract:

ENGINEER OFFICE, UNITED STATES ARMY,
Philadelphia, Pa., January 4, 1905.

Gen. EDWARD MORRELL, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have been a good deal delayed in sending you the information which you asked when I last saw you regarding projects for rivers and harbors in the case of which surveys for additional depth were ordered by Congress in advance of the completion of projects for lesser depths. The delay has been due to my having to leave Philadelphia on a number of trips on duty, on one of which I was absent twelve days. I have thus far found three cases of important works where surveys for greater depths appear to have been ordered while lesser projects were under way.

The first of these is Boston Harbor. At that locality there are now three projects under way, each of them under a continuing contract. It is practically certain that each of these projects is based on an examination and survey ordered by a prior river and harbor act, though my annual reports of the Chief of Engineers earlier than 1903 are still packed away, so that I can not absolutely verify this. The first project is for 27 feet, adopted by the river and harbor act of July 13, 1892, when the first appropriation was made. The estimated cost is $1,488,751. Under this project there had been expended to June 30, 1904, $1,170,429.35.

The second project was for 30 feet and was adopted by the river and harbor act of March 3, 1899, the estimated cost being $455,000. Under this project there had been expended to June 30, 1904, $334,845.20. In the case of both of these projects the full depth has now been gotten, but not the full width. The third project was adopted by the river and harbor act of June 13, 1902, and is for 35 feet depth, the estimated cost being $7,994,248.68. Under this project there had been expended to June 30, 1904, $246,139.43. All of these are described in the Annual Report of the Chief of Engineers for 1904, page 54.

The second case is that of Baltimore Harbor. In this case the act of June 3, 1896, authorized a 30-foot channel, with bottom width of 600 feet. The work was completed May 22, 1903. The following is quoted from Annual Report of the Chief of Engineers for 1904, page 179:

"Congress, by concurrent resolution, called for an estimate of the cost of increasing the depth of the channel to 35 feet. That estimate is printed in the Annual Report of the Chief of Engineers for 1901, pages 1394–1395. A revised estimate is printed in the report for 1903, pages 1032–1033."

It appears, therefore, that an estimate of the cost of the 35-foot channel was ordered by Congress either in the session ending March 4, 1901, or in the previous session.

The third case is that of Winyah Bay, S. C. (Annual Report of the Chief of Engineers for 1904, page 249.) The project for a 15-foot channel was adopted in 1889, and by the river and harbor act of June 3, 1896, the work was placed on the continuing-contract system, at an estimated cost for completion of $2,016,250, of which $1,868,500 has been appropriated. I was in charge of this work until April, 1903, at which time the depth of 14 feet had been secured in a narrow channel, which was then being widened and deepened by dredging. The work was then incomplete and no report had stated that it was completed. The river and harbor act of June 3, 1902, directed a survey with a view to obtaining a channel depth of 18 feet, which survey has since been made.

The above are the only cases of this kind that I have yet found, but it is likely that there may be others, and in case I find any such I will write you again in regard to them.

I am very sory that, for reasons above given, my search has necessarily been less exhaustive than I had hoped.

Very respectfully,

J. C. SANFORD,
Major, Corps of Engineers.

ST. JOHNS RIVER, FLORIDA.

The original plan of improvement, adopted in 1880, contemplated the formation of a channel with mid depth of not less than 15 feet at mean low water from Jacksonville to the ocean. June 30, 1896, the available mid-channel depth on the bar at mouth of the river was reported to be "14 feet, as last year." The river and harbor act of August 18, 1894, authorized a survey and estimate of cost with a view to securing depth of 24 feet from Jacksonville to the ocean. Twenty-four-foot project adopted by river and harbor act of June 3, 1896. (See Annual Report Chief of Engineers, 1896, pp. 186–187.)

HUDSON RIVER, NEW YORK.

The plan of improvement adopted in 1867 proposed making the navigable depth between New Baltimore and Albany 11 feet and between Albany and Troy 9 feet.

Operations to June 30, 1892, resulted in securing a depth of 10 feet nearly all the way from New Baltimore to Albany and of 8 feet nearly all the way from Albany to Troy.

The river and harbor act of July 13, 1892, adopted the new project prepared under act of September 19, 1890, which provided for a depth of 12 feet up to the State dam at Troy. (See Annual Report Chief of Engineers, 1893, p. 92.)

PENSACOLA HARBOR, FLORIDA.

Dredging project adopted in 1881 contemplated depth across inner bar 24 feet deep at mean law water. June 30, 1895, depth across inner bar was only 20.45 feet; June 30, 1897, between 20 and 21 feet; July 27, 1898, 24 feet. In 1895 a board of engineers recommended that dredging be tried to open channel 26 feet deep. In December, 1895, this channel was opened to 24 feet, but by May, 1896, it had shoaled to 20 feet. In 1896 the same board recommended that a dredge be built to open a channel of 30 feet.

The river and harbor act of March 3, 1899, authorized work toward securing a depth of 30 feet at mean low water. (See Annual Report Chief of Engineers, 1899, p. 296, and prior years.)

Now, I think we are all united in one thing, and that is the desire to get a river and harbor bill passed at this session. It is simply a question as to whether the judgment of the distinguished chairman of this committee is the one to be relied upon, to the effect that there will be no bill if the Senate amendments are agreed to, or the opinion which has been expressed that if the Senate amendments are not agreed to the bill will be talked to death in the Senate.

At least, in my judgment, we have in our hands the certainty of having a river and harbor bill by simply voting to agree to the Senate amendments. If we do not agree to the Senate amendments I fail to see any argument that has or can be presented by the chairman of the Rivers and Harbors Committee or any member of that committee which makes it apparent or plain that by disagreeing to the Senate amendments we then shall have a river and harbor bill, and by that means alone. If we agree to these amendments, the conferees go back to conference with nothing except the fact that we have agreed to the amendments made by the Senate and the bill ipso facto practically becomes a law. If we disagree, they go back to the conference with the possibility of the conferees never agreeing, or, on the other hand, of the bill being talked to death in the Senate. I feel that we are all interested in this great public measure, and I sincerely trust that we will vote to concur in the amendments which have been placed in this bill by the Senate.

As far as the State of Pennsylvania is concerned, not one dollar of ready money is added by these amendments of the Senate. It simply provides that we shall still have the sum of $500,000 and an additional $500,000 in the continuing contract to that already allowed without forcing the great State of Pennsylvania to contribute from its treasury a half a million dollars.

As far as Pennsylvania is concerned, we do not know in our State whether the revenues of the State will warrant any such appropriation. The appropriation bills of the State have not as yet been passed by the State legislature, and here we are legislating in Congress to force upon the legislature of a State a proposition to make it appropriate half a million dollars for a purpose which is essentially national and belongs only and entirely to the National Government.

Mr. Speaker, I trust that when the time to vote comes, realizing that we have a bird in hand rather than a bird in the bush, we will vote to concur in the Senate amendment. [Applause.]

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

The SPEAKER. The gentleman from Ohio has eleven minutes and the gentleman from Pennsylvania five minutes.

Mr. BURTON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. LORIMER].

Mr. LORIMER. Mr. Speaker, I regret very much that the gentleman from Pennsylvania [Mr. SIBLEY] deems it necessary to make a personal attack upon the chairman of the Committee on Rivers and Harbors. By inference it might be taken from the statement of the gentleman from Pennsylvania that the gentleman from Ohio [Mr. BURTON] pays little or no attention to his duties as a Member of Congress. I know, because I serve on the Committee on Rivers and Harbors with him, that there is no Member of this House who devotes as many hours out of the twenty-four, and no Member of this House who devotes as many days out of the three hundred and sixty-five in the year, to his duties as a Member of Congress as does the chairman on Rivers and Harbors [applause], and if it be true that he is only occasionally on the floor of the House it is because he is attending to his duties in his committee room as chairman of that committee; and so, Mr. Speaker, it does seem to

me that the statement of the gentleman from Pennsylvania, that the chairman of the Committee on Rivers and Harbors is only in this House when he wants to make trouble falls flat when Members of the House know the facts. Mr. Speaker, this is my first term of service on that committee, but I have found in the past two years that appropriations in the past made by that committee have not always been on what business men would call business-like methods. We have begun the work of improvements all over this country, appropriating a few thousand dollars here to-day and a few thousand dollars there to-morrow, and continuing in this sort of appropriation and practically never completing any project within a reasonable time. The Committee on Rivers and Harbors has now begun, as I believe, to operate under business-like methods. It is the desire, I believe, of every member of the committee that every project that is begun shall be completed, and in a reasonable time, before new surveys are ordered for additional improvement of rivers and harbors where the work of existing project is not completed. Therefore the motion of the gentleman from Pennsylvania that we recede and concur in the Senate amendment does not seem to be a reasonable one to me, because this is a double-barreled proposition. They not only ask for $500,000 more than the amount appropriated by this branch of Congress, but they also ask that a survey for a project of 35 feet be included in the amendment——

Mr. ADAMS of Pennsylvania. Will the gentleman permit me?

Mr. LORIMER. Yes.

Mr. ADAMS of Pennsylvania. How much will that cost?

Mr. LORIMER. I do not know what it will cost.

Mr. ADAMS of Pennsylvania. Ten thousand dollars, the engineer says.

Mr. LORIMER. I do not know what it will cost, Mr. Speaker, but, as a matter of principle, if it only costs 10 cents it is just the same. They are now operating under a project for a 30-foot draft.

Mr. Speaker, I have no sympathy with participation. I am a member, as I have said, of that committee, and voted against recommending to the House that Pennsylvania participate in the improvement of the Delaware River.

The SPEAKER. The time of the gentleman from Illinois [Mr. LORIMER] has expired.

Mr. BURTON. I yield another minute to the gentleman from Illinois [Mr. LORIMER].

Mr. LORIMER. Another minute will scarcely get me through.

Mr. BURTON. Well, I have only five minutes left.

Mr. BUTLER of Pennsylvania. Was there any other condition of this kind in the bill?

Mr. LORIMER. There is no other condition of this kind in the bill.

Mr. ADAMS of Pennsylvania. Not in the harbor of Mobile?

Mr. LORIMER. Not that I know of.

Mr. STAFFORD. Or not so far as the Milwaukee inner harbor project is concerned?

Mr. LORIMER. Not so far as Milwaukee is concerned, because the people in that city have agreed to make the improvement.

The city of Chicago, Mr. Speaker, is exactly in the same condition as the city of Philadelphia. The Senate put in an amendment of $200,000 to improve the Chicago River, and the conferees struck it out for the reason that the city of Chicago is not prepared to go on with the work. We have appropriated a million and a quarter of dollars, and that is as much money as can be used by the engineering department in the next two years improving the Delaware for the benefit of the city of Philadelphia. We have given to the State of Pennsylvania more money in this appropriation bill than any other State in the Union. This bill carries for the State of Pennsylvania, Mr. Speaker, $4,000,000, or $2,500,000 more than is appropriated for the great State of Illinois with rivers and harbors surrounding it on almost every side. [Applause.]

The SPEAKER. The time of the gentleman from Illinois [Mr. LORIMER] has expired.

Mr. BURTON. Does the gentleman from Pennsylvania [Mr. SIBLEY] desire to use the balance of his time?

Mr. SIBLEY. Not at present.

Mr. BURTON. I trust the gentleman from Pennsylvania will give me the close of the debate?

Mr. SIBLEY. I will. I will give the gentleman from Ohio [Mr. BURTON] the close of the debate.

Mr. BURTON. There are only five minutes more.

Mr. SIBLEY. I think the gentleman from New York [Mr. SULZER] asked for two minutes, and I yield that much time to him. Otherwise I will yield the balance of the time to the gentleman from Ohio [Mr. BURTON].

Mr. SULZER. How much time does the gentleman yield to me?

Mr. SIBLEY. How much time does the gentleman from New York [Mr. SULZER] require?

Mr. SULZER. Three minutes.

Mr. SIBLEY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, personally I like and respect the gentleman from Ohio [Mr. BURTON]. Personally I like and respect the gentleman from Pennsylvania [Mr. SIBLEY]. I regret that the motives of either gentleman have been criticised, or that this question—a great question—has degenerated into personalities. It is greater than that. It is a great question of commercial administration, and I want to say that from a careful study of the proposition that we have before us that I think the gentleman from Ohio [Mr. BURTON] is wrong, and I believe the gentleman from Pennsylvania [Mr. SIBLEY] is right. [Applause.]

. When this bill first came before the House I questioned the wisdom and the expediency of the provision in it in regard to the Delaware River improvement. I said at that time, and I repeat it now, that the provision making the State pay half the cost of deepening the Delaware channel was wrong in principle. It was the first attempt in the history of the country to saddle such an expense on a State, and I believed it would establish a very bad precedent, that sooner or later would come home to afflict and burden the various States of our country. Because if it could be done regarding the State of Pennsylvania it could also be done regarding the State of New York, the State of Mississippi, or any other State. I was then against that provision compelling the State of Pennsylvania to pay $500,000 as part of the expense of this Delaware River and harbor improvement. I voted against it at that time, and then asked that some member of the Pennsylvania delegation rise in his place and move to strike it out. I shall vote against it now. It is wrong in principle, indefensible, and wholly contrary to our theory of Government. This is not a local improvement; it is national. It does not only benefit the city of Philadelphia, but the entire country. The State of Pennsylvania should not pay one cent of the expense for this river and harbor improvement.

This obnoxious provision has been stricken out in the Senate, and as I understand the remarks of the chairman of the committee, he is willing now to accede to that. I am glad to know that. So far so good, and I am glad the Senate did strike that provision out because I do not want to see that kind of a precedent established.

Now, what is the next question? It is the question of whether $500,000 more shall be added to the appropriation for the improvement of the river and harbor of Philadelphia. I am a friend of the city of Philadelphia. It is a great city, and I am not provincial. I am willing to help Philadelphia all I can. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. I would like to have a few minutes more.

Mr. SIBLEY. I yield to the gentleman two minutes more—all the time I have left.

Mr. SULZER. I thank the gentleman from Pennsylvania. I say that appropriation should be made. It is just and fair. We are appropriating in this bill thousands and thousands of dollars to improve brooks and creeks all over the country that you can not get a rowboat up. [Laughter and applause.] But Delaware River, a great commercial waterway, can not——

Mr. CHARLES B. LANDIS. Will the gentleman allow me?

Mr. SULZER. I hope the gentleman will not interrupt me. I have only two minutes. Delaware River and Bay, I say, is one of our greatest waterways. It ought to have a 35-foot channel—because Philadelphia is one of the greatest commercial ports of this country. In my own city of New York we have a 40-foot channel in order that the great greyhounds of the ocean may come in and go out of New York Harbor without running aground..

Philadelphia ought to have a 35-foot channel. She can not maintain her commercial importance much longer without it. I am in favor of giving it now to Philadelphia. She needs it for the great steamers of the Atlantic and the Pacific that must enter and go out of her harbor. Those great ships draw more than 30 feet of water and can not enter Philadelphia until she has a 35-foot-deep channel. Let us vote this additional appropriation for the City of Brotherly Love. Let us give her what she wants and economize in other directions.

Now, what is it going to cost to get this survey for a 35-foot channel? A paltry $10,000; and if we appropriate this addi-

tional $500,000, and it is not needed, it will not be spent. The Secretary of the Treasury will not pay it out unless it is honestly spent. I have no "pork" in this pork barrel. I am asking no favors and I can not be punished, so I do not care, for one, whether the river and harbor bill fails or not. It is up to the gentleman from Ohio. But I do say that if you want to pass this bill, the quickest way to pass it is to recede and concur in the Senate amendments. Fail to do this, and I predict that the bill will fail. I trust the motion of the gentleman from Pennsylvania will prevail. [Applause.]

Mr. BURTON. Mr. Speaker, the question before the House is a very simple one. I think it will only be necessary for me to repeat a little of what was said during the general discussion of the bill.

A claim has been strenuously made that Philadelphia has been discriminated against. I assert that not only in the prior bill but in this bill the Philadelphia channel is treated more generously than any other. I placed the challenge before the gentleman from Pennsylvania to dispute that fact when the bill was up for discussion, and I leave it to the House to tell what the determination was in regard to it. Three years ago, in the bill of 1902, we appropriated or authorized for six projects of a similar nature, of which Philadelphia or the Delaware River was one, receiving a little less than the average for the others. In the two years following more money was expended from the national Treasury on this Philadelphia project than on all five of the others. And yet they come here with the monstrous declaration that we have been discriminating against them. I take it that facts are valuable in this House, and not imagination and declamation or personal attacks upon the chairman on the alleged ground of unfairness. [Loud applause.] Come on with your facts. Philadelphia in this bill is to have $500,000 cash and $750,000 continuing contract. So we are dealing more generously by it than by any of the other projects in the bill. We have already piled Ossa on Pelion for the sake of harmony, and now they ask us to pile on Mount Olympus also by concurring in the Senate amendments.

The gentleman from New York, I have great consideration for him. He was talking about something that is not in the bill. He said millions and millions of dollars have been appropriated in this bill for little creeks.

I only ask him to give some intelligent consideration to the subject; and if he will examine some remarks made by me in 1902 he will find an itemized statement of appropriations for the smaller streams of the country. The total amount for them in that bill was less than $1,120,000. The gentlemen from Pennsylvania and New York have told us that we must concur in the Senate amendment or the bill will fail. It is reported that there are two Senators who are not satisfied with the provisions for their localities in this bill. I hear of no others. In the langugae of the gentlemen mentioned there is a veiled threat to this House. As chairman of the conference committee I can say that without giving to the conference an unusual amount of time we have agreed upon most of the items. There were 121 amendments. In something over 40 the House has receded; in between 30 and 40 the Senate has receded; in the rest we have agreed with amendments. So that we have yielded in a very much larger number of cases than the Senate. In this provision you are seeking to obtain for your project a preference beyond that for any other place in the country. I believe in dealing equally and fairly by all the rivers and harbors of the country [loud applause] wherever they are [applause], and so long, Mr. Speaker, as I am chairman of this committee no threat of the loss of the bill will deter me for one minute from that. [Applause.] It is far better that we should lose the bill than that we should establish a precedent that one man or two men, by insisting on something that is unreasonable, can hold up Congress and dictate to the House of Representatives. If Philadelphia will not take what is reasonable, if the people of Philadelphia desire to be more generously treated than any other locality in the bill, and they wish to take the responsibility of defeating the bill, let them take it. [Applause.] Mr. Speaker, I move the previous question.

Mr. ADAMS of Pennsylvania. Mr. Speaker, a parliamentary inquiry. Is this previous question on the motion of the gentleman from Ohio [Mr. BURTON] or on the motion of the gentleman from Pennsylvania [Mr. SIBLEY]?

The SPEAKER. On the motion of the gentleman from Pennsylvania to recede and concur.

The question was taken; and the previous question was ordered.

The SPEAKER. The question now is on the motion to recede from the disagreement to the Senate amendment and concur in the same

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 76, noes 189.

So the motion was disagreed to.

Mr. SULZER. Mr. Speaker, I do not desire to call for the yeas and nays, but I simply desire to say that the pork barrel is mighty and will prevail. [Laughter.]

The SPEAKER. The question now is on the motion of the gentleman from Ohio to disagree to the Senate amendments and ask for a conference.

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

The SPEAKER appointed as conferees on the part of the House Mr. BURTON, Mr. DOVENER, and Mr. LESTER.

CONSTRUCTION AND MAINTENANCE OF ROADS, ETC., IN ALASKA.

Mr. POWERS of Maine. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 7012) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, be, and the same is hereby, amended so that it shall read as follows:

"SEC. 4. That the common council of the incorporated towns in said district shall have the power, and it shall be their duty, in their respective towns to establish school districts, to provide the same with suitable schoolhouses, and to maintain public schools therein and to provide the necessary funds for the schools; but such schools when established shall be under the supervision and control of a school board of three members, consisting of a director, a treasurer, and a clerk, to be elected annually by the vote of all adults who are citizens of the United States or who have declared their intention to become such and who are residents of the school district. The members of said board first elected shall hold their offices for the term of one, two, and three years, respectively, and until their successors are elected and qualified, and one member of such board shall be elected each year thereafter and shall hold his office for a period of three years and until his successor is elected and qualified; and they shall each, before entering upon the duties of their office, take an oath in writing to honestly and faithfully discharge the duties of their trust. In case a vacancy in the membership of said board occurs from death, resignation, removal, or other cause, such vacancy may be filled by a special election, upon ten days' notice, called by the remaining members of the board upon the petition of five qualified voters. All money available for school purposes, except for the construction and equipment of schoolhouses and the acquisition of sites for the same, shall be expended under the direction of said board, and the treasurer of said board shall be the custodian of said money, and he shall, before entering upon the duties of his office, give his bond with sufficient sureties, to the school district, in such sum as the common council may direct, and subject to its approval, but not less than twice the amount that may come into his hands as treasurer, conditioned that he will honestly and faithfully disburse and account for all money that may come into his hands as such treasurer. The said board shall have the power to hire and employ the necessary teachers, to provide for heating and lighting the schoolhouse, and in general to do and perform everything necessary for the due maintenance of a proper school."

The SPEAKER. Is there objection?

There was no objection.

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

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

DUTIES AND COMPENSATION OF THE SECRETARY OF THE DISTRICT OF ALASKA.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17863) to further prescribe the duties of the secretary of the district of Alaska, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That in case the law requires or authorizes any service to be performed or any act to be done by the secretary of the district of Alaska and there is no provision of law requiring the payment of a fee for such service by the person for whose benefit the same is performed, the Secretary of the Interior may prescribe such fees for said service as he may deem proper.

SEC. 2. That all fees received by the secretary of the district of Alaska as such secretary, from every source whatsoever, shall be disbursed, on the order of the governor of the district of Alaska, for the benefit of the Alaska Historical Library and Museum, as provided in section 32, chapter 1, Title I, of an act approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes;" and all such receipts and disbursements shall be accounted for in the manner prescribed in said section.

SEC. 3. That the secretary of the district of Alaska, before entering upon the duties of said office, shall execute a bond with sufficient sureties, to be approved by the Secretary of the Interior, and in such penal sum as the Secretary of the Interior may prescribe, conditioned upon the safe-keeping, faithful disbursement, and proper accounting for all moneys from whatsoever source which may come into his hands as such secretary.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

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

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

REPORT ON EXTENSION OF CAPITOL BUILDING.

Mr. HEPBURN. Mr. Speaker, I desire to present the report of the joint commission on the plans for the extension and completion of the Capitol, and ask that it lie on the table and be printed.

The SPEAKER. The gentleman from Iowa makes the following report.

The Clerk read as follows:

Report on the plans for the extension and completion of the Capitol.

The SPEAKER. The same will be printed and referred to the Committee on Appropriations.

BRIDGES IN THE STATES OF MISSISSIPPI AND ALABAMA.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 6841) to authorize the Pensacola, Alabama and Western Railroad Company, a corporation existing under the laws of the State of Florida, to construct a bridge over the Tombigbee River, in the county of Lowndes, in the State of Mississippi, and to construct a bridge over the Alabama River, between the counties of Clarke and Monroe, in the State of Alabama, and to construct a bridge over the Black Warrior River, between the counties of Greene and Marengo, in the State of Alabama.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, this is a Senate bill, and I wish to say, if the gentleman will yield to me, that I have no desire to defeat the passage of the bill, and it possibly might be defeated if it were amended; but it has been the invariable rule of the Committee on Interstate and Foreign Commerce to require bridges to be commenced within one year and completed within three years, so that these franchises could not be used for speculative purposes. This bill provides that the bridges shall be commenced within three years and completed within five years. So far as I am concerned, I shall not offer the amendment, although I do not wish it to be taken as a precedent for any future action in the House.

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. CANDLER, a motion to reconsider the last vote was laid on the table.

UNITED STATES RECLAMATION SERVICE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution 98, to print a second and revised edition of the Third Annual Report of the United States Reclamation Service, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior be authorized and directed to have prepared, and the Public Printer to print as soon as may be practicable, a second and revised edition, with necessary illustrations, of the Third Annual Report of the Reclamation Service, House of Representatives Document No. 28, Fifty-eighth Congress, third session, the edition to be 6,000 copies, of which 1,000 are to be bound in form similar to the preceding reports of the Service; and of that entire edition one-third shall be for the use of the Senate, one-third for the use of the House of Representatives, and one-third for distribution by the Director of the Geological Survey.

The following committee amendments were read:

In line 11 strike out the word "one-third" and insert in lieu thereof the words "one thousand five hundred."

In line 12 strike out the word "one-third" and insert in lieu thereof the words "two thousand five hundred."

In line 13 strike out the word "one-third" and insert in lieu thereof the words "two thousand."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the third reading of the joint resolution.

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

INTERNATIONAL EXCHANGE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following Senate concurrent resolution 99, which I send to the desk and ask to have read.

The Clerk read as follows:

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

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate concurrent resolution.

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

BEEF-PACKING INDUSTRY.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 5,000 copies of the Report of the Commissioner of Corporations on the Beef Industry and the message of the President of the United States of March 3, 1905, transmitting the same to the House of Representatives, of which 1,000 copies shall be for the use of the Senate, to be distributed through the Senate folding room; 3,000 copies for the use of the House of Representatives, to be distributed through the House folding room, and 1,000 copies to be distributed through the document rooms of the Senate and House of Representatives, respectively.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the concurrent resolution.

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

RAILROAD RATES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That there be printed for the use of the House of Representatives 2,000 copies of the hearings had before the Committee on Interstate and Foreign Commerce of the House of Representatives during the Fifty-eighth Congress, together with all bills relating to railroad rates reported by said committee to the House of Representatives, and the reports accompanying such bills, and the present statutes relating to interstate commerce.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the resolution.

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

IMPEACHMENT OF CHARLES SWAYNE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 111, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 10,000 copies of the proceedings in the Senate of the United States in the matter of the impeachment of Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, of which 4,000 shall be for the use of the Senate and 6,000 for the use of the House of Representatives; and that the Committee on Printing be, and is hereby, directed to prepare an index thereto.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I desire to ask the gentleman, if we have not had this Swayne proceeding printed—nearly all of it, if not all of it—in the RECORD, and certainly we have had it enough in the newspapers, as well as quite a number of official copies. Why does not the gentleman cut down the number to one-half that provided in the resolution?

Mr. CHARLES B. LANDIS. I would say to the gentleman from Tennessee that the committee that was in charge of that matter has insisted upon this number.

Mr. GAINES of Tennessee. Well, I withdraw my motion.

Mr. CHARLES B. LANDIS. I do not think it is an excessive number.

Mr. GAINES of Tennessee. They say there is a great demand for it.

The question was taken; and the concurrent resolution was agreed to.

PRINTING REPORT OF EIGHTH INTERNATIONAL GEOGRAPHIC CONGRESS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following Senate joint resolution:

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Joint resolution (S. R. 109) to print the report of the Eighth International Geographic Congress.

Resolved, etc., That the Public Printer be authorized and directed to print the report of the Eighth International Geographic Congress, held in the United States in September, 1904, the edition to consist of the usual number for the use of the Senate and House of Representatives, and 1,500 copies to be bound for the use of the Eighth International Geographic Congress.

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

The question was taken; and the Senate joint resolution was agreed to.

PRINTING AND BINDING PROCEEDINGS OF CONGRESS UPON ACCEPTANCE OF STATUE OF FRANCES E. WILLARD.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for consideration of the following.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Senate concurrent resolution 105.

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

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I would like to ask the gentleman from Indiana if this resolution is in the usual form?

Mr. CHARLES B. LANDIS. Yes; except that in some instances a thousand is given to the governor to distribute instead of to the delegation from the State.

Mr. WILLIAMS of Mississippi. How is it in this resolution?

Mr. CHARLES B. LANDIS. This resolution gives fifteen hundred copies, to be distributed by the governor of the State.

Mr. FINLEY. How will the House quota be distributed—through the folding room?

Mr. CHARLES B. LANDIS. In the same way they are always distributed; through the folding room.

The SPEAKER. The Chair hears no objection.

The question was taken; and the concurrent resolution was agreed to.

REPORT ON BEET-SUGAR INDUSTRY.

Mr. CHARLES B. LANDIS. I ask unanimous consent for the consideration of the following concurrent resolution.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

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 the use of the Department of Agriculture.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, if that right exists, I would like to inquire of the gentleman from Indiana if there is not some way by which it can be arranged that the gentlemen who want these reports can have printed what they need without printing a lot for other Members of Congress who have no use for them whatever. The gentleman has frequently criticised the printing bills, and here is a proposition to print 12,000 copies in order to supply a dozen or more gentlemen on this floor with fifteen or twenty copies apiece.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Illinois that the special commission that will probably sit during the vacation will attempt to figure out some way by which a more equitable and judicious distribution can be made.

Mr. GAINES of Tennessee. Now, will the gentleman tell us who wants these beet-sugar reports?

Mr. CHARLES B. LANDIS. I would say the Secretary of Agriculture states there are on file now in the neighborhood of a thousand requests.

Mr. GAINES of Tennessee. I understand that; but from whom do they come—from people raising beets to make sugar?

Mr. CHARLES B. LANDIS. From people raising beets for beet sugar. The request comes almost entirely from those States engaged in the manufacture of sugar from beets.

Mr. GAINES of Tennessee. How much will it cost to print these reports?

Mr. CHARLES B. LANDIS. I will say further that it also comes from people who desire to go into that business. I will say more requests have come from the State of Colorado, probably, than any other State in the Union.

Mr. GAINES of Tennessee. How much would it cost now to print these reports?

Mr. CHARLES B. LANDIS. Thirteen hundred and thirty-five dollars.

Mr. GAINES of Tennessee. How many reports?

Mr. CHARLES B. LANDIS. Twelve thousand.

Mr. GAINES of Tennessee. And there is an order of a thousand by Mr. Secretary Wilson, and now you ask to print 12,000 in addition. You desire to cut down expenses, and you bring this in here. The sugar-beet business is in the hands of a sugar trust, and you ought to let them print this report. There is a demand, and the only demand I know of on top of the earth, for a thousand, and of these reports you are to print 13,000.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Tennessee [Mr. GAINES] the Representatives from the States where this industry is thriving state that they have requests every day for this publication, and they have been very insistent on action by the committee. And the recommendation for the passage of this resolution was only made after continued insistence on the part of these Representatives.

Mr. GAINES of Tennessee. Tell me this: What good will really come from this kind of a report—that is, this particular kind of a report? We know how to raise these beets.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Tennessee [Mr. GAINES] I have never been engaged in the business myself, and can not answer that question, but the same good will come from these reports that comes from the boll-weevil publication.

Mr. GAINES of Tennessee. Oh, no; we did not know anything about that. The boll weevil was raising itself, and we did not know anything about that evil or weevil either. We do know a great deal about the beet-sugar business, and I think myself this is a great big and unnecessary expense.

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

The resolution was agreed to.

STATUES OF HOUSTON AND AUSTIN.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of concurrent resolution No. 81, with amendment.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the proceedings in Congress upon the exercises appropriate to the reception and acceptance from the State of Texas of the statues of Sam Houston and Stephen F. Austin 16,500 copies, of which 5,500 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statues to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

The following amendments were also read:

In line 6, after the words "five thousand," strike out the words "five hundred."

In line 7, after the word "Senate" strike out the word "and."

In line 8, after the words "House of Representatives," insert the following: "Five hundred copies for the use of the Senators from the State of Texas and 1,000 copies for the use of the Representatives from the State of Texas."

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

The resolution as amended was agreed to.

DIGEST OF DECISIONS OF COURT OF CLAIMS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 41.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for the present consideration of Senate joint resolution, of which the Clerk will read the title.

The Clerk read as follows:

Joint resolution (S. R. 41) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court.

The amendments were also read.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

MEXICAN COTTON-BOLL WEEVIL.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of joint resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] asks for unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That there be printed 25,000 copies of the Report on the Mexican Cotton-Boll Weevil, etc., of which 5,000 copies shall be for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 10,000 copies for the Department of Agriculture.

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

The joint resolution was agreed to.

REPORT ON VENEZUELAN CASES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for present consideration of concurrent resolution No. 100, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 1,100 copies of the report of the agent of the United States in the arbitration of the Venezuelan cases before The Hague tribunal, with accompanying appendixes, referred to in the message of the President to the Senate and House of Representatives dated January 23, 1905, 200 for the use of the Senate, 400 for the use of the House of Representatives, and 500 for the use of the Department of State.

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

The concurrent resolution was agreed to.

FOREST LAWS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution No. 210, providing for printing and compilation of all Federal and State forest laws, with amendments, and ask that the Committee of the Whole House be discharged from the further consideration of the resolution.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for the present consideration of House joint resolution 210, and asks that the Committee of the Whole House be discharged from further consideration of the resolution. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there shall be printed 25,000 copies of Bulletin No. 57 of the Bureau of Forestry of the Department of Agriculture, which is a compilation of all Federal and State forest laws, of which 5,000 copies shall be for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the Department of Agriculture.

The committee amendments were also read, as follows:

Strike out the word "twenty-five," in line 3, and insert in lieu thereof the word "ten."

Strike out all after the word "laws," in line 6, to and including the word "copies," in line 8.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I would like to ask if this compilation is now prepared?

Mr. CHARLES B. LANDIS. The compilation is now prepared; yes, sir.

Mr. FITZGERALD. Is it proposed to pay somebody for compiling this work?

Mr. CHARLES B. LANDIS. I think not; and I have had no suggestion along that line.

Mr. FITZGERALD. Will a resolution come afterwards?

Mr. CHARLES B. LANDIS. If it should be presented to the committee, I should say to the gentleman from New York [Mr. FITZGERALD], I would oppose it. I think this compilation has already been made, and made by persons in the employ of the Department of Agriculture.

Mr. MANN. The bulletin has been issued by the Bureau of Forestry, and there can be no special compensation.

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

The amendments were agreed to.

The joint resolution as amended was ordered to a third reading; and was accordingly read the third time, and passed.

TO QUIET CERTAIN LAND TITLES IN MISSISSIPPI.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 1344.

The Clerk read as follows:

A bill (S. 1344) to quiet certain land titles in the State of Mississippi.

Be it enacted, etc., That in all cases in which lands in the State of Mississippi have heretofore been sold by authority of the State of Mississippi, or by claim of authority of the State of Mississippi, and the right to make such sales was claimed to be by virtue of an act of Congress approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim the 'swamp lands' within their limits," the said lands so sold as aforesaid shall be held to be of the class and kind mentioned in said act of Congress, and said sales are hereby ratified and confirmed, and the titles to said lands are hereby validated and vested in the purchasers, respectively, thereof as of the date of said sales in all respects as if title of the United States had passed by such sales: *Provided*, That no valid title or valid claim under the public-land laws of the United States heretofore acquired and now existing to any of said lands shall be affected by this act.

SEC. 2. That where any of said purchasers has conveyed any of the land as purchased by him or her, his or her vendee or subvendee shall be vested with title as if the title of such purchaser had been perfect by such original purchase.

SEC. 3. That this act take effect and be in force from and after the date of its approval.

Mr. BOWERS. I desire to offer an amendment to the bill.

The SPEAKER. The gentleman, if he receives unanimous consent, desires to offer an amendment, which the Clerk will report.

The Clerk read as follows:

After section 2 insert:

"SEC. 3. This act shall not apply to the counties now composing the Third Congressional district, to wit: Tunica, Quitman, Coahoma, Bolivar, Sunflower, Leflore, Holmes, Washington, Sharkey, and Issaquena."

Amend section 3 by changing number thereof to section 4.

Mr. LACEY. I think a word of explanation ought to be made on account of the peculiarity of the character of this bill. If the gentleman will yield to me, I will do so.

Mr. BOWERS. With a great deal of pleasure.

Mr. LACEY. This bill involves the question of quieting land titles in swamp lands in Mississippi. There were questions as to whether the bill ought to pass, and the matter was referred to all the delegation from that State, and they opened up the widest communications in their districts. The only objection came from the district represented by the gentleman from Mississippi [Mr. HUMPHREYS]. With the exception of that district, it seemed to be desired all over the State of Mississippi. So that with this amendment no objection that I know of has been made to the bill by anybody. I desire to say that it received the unanimous report of the committee.

Mr. BOWERS. It applies only to that State.

Mr. ROBINSON of Arkansas. Does it apply to any other State except Mississippi?

Mr. LACEY. It applies only in Mississippi, and not in the district of Mr. HUMPHREYS, in Mississippi.

Mr. BOWERS. That is correct.

Mr. PAYNE. I will ask the gentleman, that being a general bill, what it embraces?

Mr. LACEY. It embraces swamp lands sold by the State to various settlers and purchasers, and a controversy has arisen whether the title was parted with or whether it is now in the Government. When the State parted with the title, they sold the land to other persons. Several thousand acres are affected. This only quiets the title, and many of the titles are forty or fifty years old.

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

The amendments were agreed to.

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

LEASE MADE BY THE SENECA NATION OF NEW YORK INDIANS

The SPEAKER laid before the House the bill (H. R. 11204) to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter, with Senate amendment, which was read.

Mr. DRESSER. I move to concur in the Senate amendment.

The motion was agreed to.

LEPER COLONY IN HAWAII.

The SPEAKER. The Delegate from Hawaii [Mr. KALANIANAOLE] asks unanimous consent to make a statement.

Mr. KALANIANAOLE. Mr. Speaker, I desire to correct some statements made upon this floor during yesterday's debate on the bill to provide a national leprosarium.

The gentleman from Texas [Mr. BURLESON] and the gentleman from Mississippi [Mr. WILLIAMS] both stated that the entire island of Molokai, in the Territory of Hawaii, is given over to a settlement and home for the leper unfortunates of the Hawaiian Islands.

Mr. Speaker, the facts are that only a small isolated peninsula of that island is used for this purpose. The area used forms less than 5 per cent of the entire island of Molokai.

It is wholly separated from the remainder of the island by an impassable mountain pali or cliff, and the only access to it is by special steamers calling there under the charge of the Territorial board of health.

The island of Molokai proper is inhabited just as the other islands of the Hawaiian group are, and it includes farmers, stock growers, fishermen, and one sugar plantation. The inhabitants of the main part of the island of Molokai are, for all practical purposes, just as remote from the leper settlement as are the dwellers on the other islands; and from the physical formation of the island it would not be practicable to extend the present settlement.

Now, that this question has arisen I desire to state that the citizens of the Territory of Hawaii are unalterably opposed to ever having any lepers in the mainland sent to the settlement at

Molokai. At a heavy expense of nearly a quarter of a million dollars per year the people of Hawaii provide for all the needs of their leper unfortunates, and they bear this heavy financial burden cheerfully rather than to have it supported by the Federal Government, as was suggested by the Senatorial Commission sent to Hawaii recently, and thereby make it possible to have lepers sent there from the mainland.

The conditions of the lepers segregated on Molokai is as comfortable as they can reasonably be made. The inmates are organized as a local community, with a strong neighborhood and community feeling pervading the settlement. To bring outside lepers there from the various States would not only be an enforced expatriation of those unfortunates beyond the sea, but it would at once and forever destroy the present local community and neighborhood life of the settlement.

Both the transportation of lepers from the mainland and their maintenance on Molokai would be enormously more expensive than would be the cost of their transportation to and maintenance in a leprosarium in some isolated settlement in this country.

The transportation of lepers on steamers running to Hawaii would be a means of deterring thousands of tourists from using those same steamers. It would be easy to provide separate coaches for their transportation on the mainland; but the cost of ever providing a special ship for the carrying of lepers to Hawaii would be enormous for the small number to be carried.

The disease of leprosy is not as contagious as consumption, and there could be no possible danger of contagion to surrounding people from a properly located leprosarium in some State or Territory of the mainland.

Hawaii objects to having a single leper sent to her from the United States, because there is no place for them in the present settlement, because the bringing in of outsiders would be an unwarranted intrusion on the band of unfortunates already there, and, most of all, because it would be the height of injustice for the Government of the United States to force additional lepers upon the small Territory which already has a heavy burden of this kind and should not have that burden increased in a new and complicated form.

We do not ask that the care of our own lepers should be borne by the Federal Government. We ask only that we be left free to meet our own difficult problem without the addition of endless complications and trouble that would surely come from sending outside lepers to Molokai.

A Federal station is now to be established on Molokai for the scientific study of the disease of leprosy with a view to discovering a remedy for it. The result of those investigations will be available for the use of all of the States and of the world. This will be in a sense Hawaii's contribution to the national leper problem, and with that the nation should be content.

To break up the present leper settlement at Molokai by forcing upon us lepers from all the States would be an act of injustice unworthy of this great nation, and I am glad to believe that it is a piece of unwise legislation and in effect an act of tyranny over the weak by the strong to which this House will never consent. [Loud applause.]

Mr. ROBINSON of Indiana. I understand the gentleman's position to be that it will be very destructive to the business interests of the Hawaiian Islands and the trade of the ports to have a leper asylum there.

Mr. KALANIANAOLE. Yes.

Mr. ROBINSON of Indiana. Can the gentleman state the amount of trade that passes through Honolulu Harbor?

Mr. KALANIANAOLE. You mean the commerce that passes through that harbor?

Mr. ROBINSON of Indiana. Can you make a comparatively accurate statement as to that port—how large the trade of that port of Hawaii is, where does it go to, where does it come from?

Mr. KALANIANAOLE. I hesitate to give an offhand statement of the trade that passes through there.

Mr. ROBINSON of Indiana. I am speaking of the amount of trade. I want to show the importance of the harbor and the great trade and commerce that goes through the harbor of Honolulu.

Mr. KALANIANAOLE. Ours is a great central port of call for the trans-Pacific trade between the United States and the Orient, and also for steamers in the Australian trade. Our tonnage last year amounted to three and three-quarter millions of tons. Most of our receipts and shipments are from and to the mainland of the United States.

Mr. ROBINSON of Indiana. I understand the port is tenth or eleventh in importance of all the ports of the United States.

Mr. KALANIANAOLE. Yes; in point of customs receipts our port is tenth in the United States.

Mr. ROBINSON of Indiana. Paying to the United States.

Mr. KALANIANAOLE. We are paying a million and a quarter of dollars; that is, our people are paying to the Federal Treasury to-day a million and a quarter dollars over and above all expenses that are paid into the Territory.

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. I ask unanimous consent for two minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. And within that time I want to say that the gentleman from Hawaii has mistaken the position taken by the gentleman from Texas and by myself. We have not advocated the establishment of a leprosarium in the Hawaiian Islands. We have merely said that if the National Government wanted to establish a leprosarium anywhere it would be better to put it in the Island of Molokai. I want to apologize for my geographical ignorance regarding Hawaiian matters. I knew there was a leprosarium there—since that new word has been coined—and I thought it covered the entire island. I now understand that it covers a peninsula totally separate from the balance of the islands. So my argument would still hold. The argument that we wanted to make was that not the National Government, but that each State and Territory ought to take care of its own lepers, and not appeal to the Federal Government as a matter of paternalism to take care of them. We meant merely that if we were going to have a national leprosarium it was better to institute one as national where a leprosarium already existed; and if that had been done, by the way, it would not have resulted in imposing any further financial burdens upon the people of Hawaii, as the gentleman from Hawaii thinks, but the Federal Government would pay the expenses of the leprosarium, and of the care of all the lepers sent to the island and now in it.

Mr. KALANIANAOLE. But we do not want them sent there.

Mr. WILLIAMS of Mississippi. I do not want to be understood as having advocated the degree of paternalism that would be involved in establishing a leprosarium anywhere.

REPORTS OF UNITED STATES COURTS.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4196) to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes.

The SPEAKER. Where is this bill? The Chair understood it was in the House.

Mr. STEVENS of Minnesota. It is before the Committee on the Judiciary.

The SPEAKER. The gentleman asks unanimous consent to discharge the Committee on the Judiciary from the further consideration of the bill and to consider it in the House.

The bill was read.

The SPEAKER. Is there objection?

Mr. SOUTHWICK. Mr. Speaker, I object.

Mr. WILLIAMS of Mississippi. I object, Mr. Speaker. I understand this matter was before the Judiciary Committee and has not been favorably reported.

Mr. LITTLE. They refused to report it.

Mr. WILLIAMS of Mississippi. And the committee refused to report it. Therefore, I object.

Mr. STEVENS of Minnesota. Mr. Speaker, I move to suspend the rules and that the Committee on the Judiciary be discharged, and that the bill be passed.

The SPEAKER. The gentleman moves to suspend the rules and discharge the Committee on the Judiciary from the consideration of the Senate bill just read. The bill itself is not at the Speaker's table. It is in the Judiciary Committee.

Mr. MANN. I raise the point of order that the bill itself is not before the House.

The SPEAKER. The Chair is of the opinion that the point of order is well taken.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 18939. An act for the relief of the heirs and assignees of Thomas Whaley and wife;

H. R. 18514. An act to amend an act to prohibit the passage of special or local laws in the Territories to limit Territorial indebtedness and to legalize the indebtedness of school district No. 1, in Pawnee County, Okla.; and

H. J. Res. 222. Joint resolution permitting Ying Hsing Wen

and Ting Chia Chen, of China, to receive instruction at the Military Academy at West Point.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18969) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

SENATE RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. R. 114. Joint resolution to continue in force the provisions of section 2 of an act to provide for the temporary government of the Canal Zone at Panama, the protection of the canal works, and for other purposes, approved April 28, 1904—to the Committee on Interstate and Foreign Commerce.

PRINTING OF IRRIGATION COMMITTEE HEARINGS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to have printed as a House document certain hearings before the Committee on the Irrigation of Arid Lands relating to the progress of the work of the reclamation surveys.

Mr. PAYNE. I suppose that will be charged to the reclamation fund.

Mr. MONDELL. If it is possible, we would be very glad to have it done.

The SPEAKER. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 8 o'clock this evening.

The motion was agreed to.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House took a recess until 8 p. m.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

JAMES S. HARBER.

The SPEAKER laid before the House the bill (H. R. 3916) for the relief of James S. Harber, with a Senate amendment.

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes, and had further insisted upon its amendments, had agreed to the conference asked by the House of Representatives, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. R. 18990. An act authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Me., to the State of Maine for public purposes;

H. J. Res. 227. Joint resolution for printing the report on the Mexican cotton-boll weevil;

H. R. 18481. An act granting a pension to Paul G. Morgan;

H. R. 9980. An act granting an increase of pension to Edwin A. Haradon; and

H. R. 17589. An act to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 98) to print a second and revised edition of the Third Annual Report of the United States Reclamation Service.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1344) to quiet certain land titles in the State of Mississippi.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to present a conference report on the sundry civil appropriation bill, and ask unanimous consent that the statement of the House conferees be read in place of the conference report.

The SPEAKER. The gentleman from Indiana presents a conference report on the sundry civil appropriation bill, and asks unanimous consent that the statement of the House conferees be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18969) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 13, 17, 18, 22, 23, 25, 30, 35, 36, 40, 41, 53, 55, 56, 59, 69, 90, 95, 100, 103, 104, and 106.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 9, 12, 14, 15, 16, 19, 20, 21, 24, 26, 28, 29, 31, 32, 33, 34, 37, 38, 39, 42, 43, 44, 45, 48, 49, 50, 51, 52, 60, 63, 64, 65, 66, 67, 68, 70, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 94, 96, 97, 98, 99, 101, and 102, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and insert as a separate paragraph on page 7, after line 19, the following:

"To make good to the appropriation for construction, the estimated amount saved in rental by the uninterrupted occupancy of the building during the period of construction of extension thereof, fifteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "The President in his discretion may temporarily detail any vessel or vessels of the Navy to remove or destroy derelicts in the course of vessels at sea. The regulations to govern the detail and service of said vessels shall be prescribed by the Secretary of the Navy and approved by the President;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: Strike out the matter by said amendment and insert in lieu thereof the following: "Delaware Bay and River, namely: Toward establishing a light-house and fog-signal on Goose Island Flats, forty thousand dollars, and the total cost of said light-house and fog-signal, under a contract which is hereby authorized therefor, shall not exceed eighty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following: "and from the amount hereby appropriated there may be expended for surveys in the mining regions of Nevada, situated south of the first standard parallel north of Mount Diablo base line, not to exceed twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: Strike out from said amendment all after the word "Wyoming" in line 3, down to and including the word "township" in line 13, and insert in lieu thereof the word "townships;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert, "one million four hundred and eighty-four thousand four hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In the last line of said amendment, strike out the word "seventy-five" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Reindeer for Alaska; for the support of reindeer stations in Alaska, and for the instruction of Alaskan natives in the care and management of the reindeer, fifteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "twelve thousand dollars;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "twentyeight thousand dollars;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and, on page 38, of the bill after line 25, insert as a separate paragraph the following:

"Toward the construction of a light-ship to be placed on the outer bar of Brunswick, Georgia, forty thousand dollars, and the total cost of said light-ship, under a contract which is hereby authorized therefor, shall not exceed ninety thousand dollars."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million two hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "sixty-two thousand nine hundred and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "three million nine hundred and thirteen thousand two hundred and fifty-nine dollars;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In line 2 of said amendment strike out the words "That no part of the appropriations herein" and insert in lieu thereof the following: "That hereafter no part of the appropriations;" and the Senate agree to the same.

J. A. HEMENWAY,
F. H. GILLETT,
M. E. BENTON,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

Statement.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18969) making appropriations for sundry civil expenses for the fiscal year 1906, submit the following written statement in explanation of the effect of the action agreed upon, and submitted in the accompanying conference report, on each of the Senate amendments, namely:

On amendment No. 1: Appropriates $15,000, as proposed by the Senate, for additional land for site for the Baltimore, Md., custom-house.

On amendment No. 2: Appropriates $10,000, as proposed by the Senate, for repairs to post-office and court-house at Detroit, Mich.

On amendment No. 3: Appropriates $15,000 to make good to the appropriation for construction of the public building at Jacksonville, Fla., the estimated amount saved for rental by the uninterrupted occupancy of said building during the construction of the addition thereto.

On amendment No. 4: Inserts the provision authorizing the exchange of the site for the public building at Nevada, Mo.

On amendment No. 5: Inserts the provision proposed by the Senate authorizing the sale to the city of Providence, R. I., of land belonging to the United States in said city.

On amendment No. 6: Appropriates $12,000, as proposed by the Senate, for fitting up offices in the appraiser's stores building in San Francisco.

On amendment No. 7: Strikes out the appropriation of $6,000 proposed by the Senate in excess of the limit of cost for the Yankton, S. Dak., public building.

On amendment No. 8: Strikes out the increase proposed by the Senate of $50,800 in the appropriation for the acquisition of the site for the addition to the post-office building in Washington.

On amendments Nos. 9 and 10: Appropriates, as proposed by the Senate, $11,600 for the Reedy Island Delaware River quarantine station and strikes out the appropriation of $8,900, as proposed by the Senate, for the Delaware Breakwater quarantine station.

On amendment No. 11: Inserts as a substitute for the amendment of the Senate a provision authorizing the President to temporarily detail a vessel or vessels of the Navy to remove or destroy derelicts in the course of vessels at sea.

On amendments Nos. 12, 13, and 14: Appropriates $100,000 and authorizes a contract not to exceed $175,000, as proposed by the Senate, for a new revenue cutter for Albemarle and Pamlico sounds and Neuse River; strikes out the appropriation of $50,000 proposed by the Senate for a revenue cutter at San Francisco, and appropriates $30,000, as proposed by the Senate, for a site in Maryland for a depot for the Revenue-Cutter Service.

On amendment No. 15: Inserts the provision proposed by the Senate tendering to the Commissioners of the District of Columbia the building occupied by the United States Government exhibit at the St. Louis exposition.

On amendments Nos. 16, 17, and 18: Strikes out the increase of $10,000 proposed by the Senate in the appropriation for the Interstate Commerce Commission.

On amendments Nos. 19 and 20: Makes a verbal correction in the text of the bill and increases by $30,000, as proposed by the Senate, the appropriation for assistant custodians and janitors of public buildings.

On amendment No. 21: Inserts the provision proposed by the Senate making the necessary appropriations of the Alaska fund provided for in the act approved January 27, 1905.

On amendments Nos. 22, 23, and 24: Strikes out the appropriation of $12,000 proposed by the Senate for the water purification plant at the Ellis Island immigrant station and inserts the appropriation proposed by the Senate of $100,000, with authority to contract up to $200,000, for the San Francisco immigrant station.

On amendments Nos. 25, 26, 27, 28, 29, and 30, relating to light-houses: Strikes out the appropriation of $14,400 proposed by the Senate for the Isle au Haut light station in Maine; appropriates $50,000 as proposed by the Senate, with authority to contract up to $135,000, for a light-house tender for the third district; appropriates $40,000, with authority to contract up to $85,000, for a light-house on Goose Island Flats, Delaware Bay and River; appropriates $30,000, as proposed by the Senate, for the lens and equipment for the Diamond Shoal light station in North Carolina; appropriates $25,000, as proposed by the Senate, for the Rock of Ages, Michigan, light station, and strikes out the appropriation of $8,000 proposed by the Senate for the Pungoteague Creek, Virginia, light beacon.

On amendment No. 31: Increases by $35,000, as proposed by the Senate, the appropriation for salaries of keepers of light-houses.

On amendment No. 32: Increases by $35,000, as proposed by the Senate, the appropriation for expenses of light vessels.

On amendments Nos. 33, 34, 35 and 36: Increases by $5,000 the appropriation for expenses of fog signals, and strikes out the appropriation of $10,000 proposed by the Senate for lights in Alaskan waters.

On amendments Nos. 37, 38, and 39: Appropriates $3,520, as proposed by the Senate, for the steamer *Curlew*, for the Fish Commission; appropriates $50,000, as proposed by the Senate, for fish hatcheries in Alaska, and makes a verbal correction in the text of the bill.

On amendments Nos. 40 and 41: Strikes out the provision proposed by the Senate making the appropriation for food, fuel, and clothing for native inhabitants of the island of St. Paul and St. George, Alaska, available for other necessaries of life.

On amendments Nos. 42 and 43: Appropriates, as proposed by the Senate, $5,000 for repair to heating and lighting plants of the Interior Department, and $24,000 for improving the heating of the old post-office building.

On amendment No. 44: Appropriates, as proposed by the Senate, $580,000 toward the construction of the Senate office building.

On amendment No. 45: Makes available for 1906, $1,800 of the unexpended balance for the Capitol grounds.

On amendment No. 46: Authorizes the use of $25,000 of the appropriation for survey of public land in certain mining regions of Nevada.

On amendment No. 47: Inserts the provision authorizing the resurvey of certain townships in Wyoming.

On amendments Nos. 48, 49, 50, 51, 52, 53, and 54, relating to the Geological Survey: Increases, as proposed by the Senate, the amount for geological surveys $25,000; for the preparation of the report of mineral resources, $25,000, and strikes out the appropriation of $1,500, proposed by the Senate, for rent for the Geological Survey.

On amendment No. 55: Strikes out the appropriation proposed by the Senate giving to the disbursing clerk of the Geological Survey $1,000 additional compensation.

On amendment No. 56: Appropriates $5,400, as proposed by the House, for protection and improvement of the Yosemite National Park and strikes out the provision proposed by the Senate receding and regranting to the United States the Yosemite Valley.

On amendment No. 57: Appropriates $50,000, instead of $75,000 as proposed by the Senate, for education in Alaska.

On amendment No. 58: Appropriates $15,000, instead of $20,000 as proposed by the Senate, for reindeer in Alaska, and strikes out the provision proposed by the Senate authorizing an investigation of the reindeer herds of Alaska.

On amendment No. 59: Strikes out the appropriation of $20,000, proposed by the Senate, for a railroad map of the United States.

On amendments Nos. 60, 61, 62, 63, 64, 65, 66, and 67: Increases the amount for subsistence and other expenses at the Freedmen's Hospital from $9,000 to $12,000 and makes certain verbal corrections in the text of the bill.

On amendment No. 68: Appropriates $50,000, proposed by the Senate, for machinery for the arsenal at Augusta, Ga.

On amendment No. 69: Appropriates $400, as proposed by the House, for the additional salary of the chief clerk of the office of Public Buildings and Grounds.

On amendment No. 70: Appropriates $100,000, as proposed by the Senate, for improving Portland Harbor, Maine.

On amendment No. 71: Appropriates $40,000 and authorizes a contract up to $90,000 for a new light-ship on the outer bar of Brunswick, Ga.

On amendment No. 72: Inserts the provision proposed by the Senate authorizing payment for materials furnished and work done at or near Sawyers Bend, in the harbor of St. Louis, Mo.

On amendment No. 73: Appropriates, as proposed by the Senate, $9,500 for marking places where American soldiers fell in Cuba and China.

On amendment No. 74: Appropriates $1,200,000, instead of $1,000,000 as proposed by the House and $1,500,000 as proposed by the Senate, for construction and enlargement of buildings at military posts.

On amendment No. 75: Appropriates, as proposed by the Senate, $100,000 and authority to contract up to $300,000 for the Army General Hospital.

On amendment No. 76: Appropriates $40,000, as proposed by the Senate, for a sea wall at Sandy Hook, N. J.

On amendment No. 77: Appropriates $7,500, as proposed by the Senate, for improvements to the Presidio Military Reservation at San Francisco.

On amendments Nos. 78, 79, 80, 81, 82, and 83: Inserts, as proposed by the Senate, provision for the civilian commissioners of the four national military parks and increases the appropriation for the Chickamauga and Chattanooga Park from $27,000 to $31,000.

On amendments Nos. 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93, relating to the National Home for Disabled Volunteer Soldiers: Appropriates, as proposed by the Senate, $7,200 for the storage reservoir at the Pacific Branch; $6,000 for a conservatory at the Marion Branch; strikes out, as proposed by the Senate, $25,000 for the refrigerating and cold-storage plant at the Danville Branch; appropriates $12,000, as proposed by the House, instead of $14,000, as proposed by the Senate, for clerical services for the office of the president and general treasurer, and increases by $600, as proposed by the Senate, the amount for clerical services for managers.

On amendments Nos. 94 and 95: Inserts the provision proposed by the Senate limiting to $10,000 the salary of the district attorney for the southern district of New York, and restores to the bill the appropriation of $23,800 for fees of district attorneys for the District of Columbia, proposed to be struck out by the Senate.

On amendments Nos. 96 and 97: Inserts the provisions proposed by the Senate with relation to the allowance to United States judges for travel and attendance.

On amendments Nos. 98 and 99: Increases by $6,000, as proposed by the Senate, the appropriation for general expenses for the Reform School for Boys.

On amendment No. 100: Strikes out the appropriation of $40,000 proposed by the Senate for a site for a building for the Bureau of American Republics.

On amendments Nos. 101 and 102: Inserts the provisions proposed by the Senate to pay $1,000 for services in compilation of treaties in force, and $750 for preparing the third edition of Senate election cases.

On amendments Nos. 103 and 104: Strikes out the appropriation of $39,600 proposed by the Senate for printing a report of the census of the Philippine Islands.

On amendment No. 105: Inserts the appropriation proposed by the Senate restricting the use of illustrations in public documents.

On amendment No. 106: Strikes out the provision, proposed by the Senate, authorizing the issue of a license to the Columbia Golf Club, of the District of Columbia.

The bill as finally agreed upon appropriates $67,063,750.66, being $1,771,670 more than as it passed the House, $675,600 less than as it passed the Senate, and $9,223,539.32 more than the appropriations for the current year.

J. A. HEMENWAY,
F. H. GILLETT,
M. E. BENTON,
Managers on the part of the House.

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

Mr. SMITH of Kentucky. Mr. Speaker, I desire to ask the gentleman from Indiana what became of the Senate amendment to that provision in the sundry civil bill relating to the expenses of judges when holding court outside of their districts.

Mr. HEMENWAY. I will read the amendment.

Mr. SMITH of Kentucky. I shall be pleased to have the gentleman read it.

Mr. HEMENWAY. But before reading it, perhaps I had better state briefly what the effect of it is. It limits the expenses to $10 per day.

Mr. SMITH of Kentucky. That is the absolute maximum?

Mr. HEMENWAY. Yes.

Mr. CLAYTON. Is it actual expenses?

Mr. HEMENWAY. That is it. It requires that it must be the expenses actually incurred, not exceeding $10 a day.

Mr. PALMER. Read it.

Mr. HEMENWAY (reading):

All reasonable expenses actually incurred for travel and attendance of justices or judges who shall attend the circuit court of appeals held at any other place than where they reside, not to exceed $10 per day, the same to be paid upon written certificate of said judge; and such payments shall be allowed to the marshal in the settlement of his accounts with the United States.

Mr. PALMER. That relates to judges of the circuit court of appeals. How about district judges?

Mr. HEMENWAY. The same, exactly.

Mr. SMITH of Kentucky. Does it impose any penalty in case a judge falsifies his certificate?

Mr. HEMENWAY. It does not.

Mr. SMITH of Kentucky. I understood the House put in a penalty.

Mr. HEMENWAY. That is in the deficiency bill. This is the sundry civil bill; but the conferees in charge of the sundry civil bill thought this the better provision.

Mr. SMITH of Kentucky. It uses the language "actually incurred?"

Mr. HEMENWAY. Actually incurred.

Mr. SMITH of Kentucky. Not to exceed $10?

Mr. HEMENWAY. Not to exceed $10 a day.

Mr. SMITH of Kentucky. I thought the other language was about as plain as it could be drawn; but if anything, this makes it a little clearer.

Mr. HEMENWAY. I believe this is the best provision, and the conferees on the sundry civil bill agreed to this.

Mr. SMITH of Kentucky. There is a general law fixing a penalty for a false certificate.

Mr. UNDERWOOD. When the sundry civil bill went to the Senate it did not have the provision in it.

Mr. CLAYTON. The gentleman agrees that the language put in here is so clear that there is no room for any judicial construction?

Mr. HEMENWAY. I do not think that there is.

Mr. FITZGERALD rose.

Mr. DALZELL. I want to ask the gentleman a question.

Mr. HEMENWAY. I will yield to the gentleman from New York first.

Mr. FITZGERALD. Have the conferees agreed to the amend-

ment regarding compensation for the district attorney for the southern district of New York made by the Senate?

Mr. HEMENWAY. The provision in this bill fixes the salary of the district attorney for the southern district of New York at $10,000, just as the Senate provided.

Mr. DALZELL. What became of the amendment about the Geological Survey making the investigation in regard to the development of the platinum industry in this country?

Mr. HEMENWAY. The House agreed to the Senate amendment.

The SPEAKER. The question is on agreeing to the conference report.

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

PERMITS FOR LICENSED PLACES TO OPEN SUNDAY, MARCH 5.

Mr. BABCOCK. Mr. Speaker, I desire to submit the following joint resolution and have it read as amended, and ask unanimous consent for its present consideration.

The Clerk read as follows:

Joint resolution (H. J. Res. 230) to authorize the chairman of the excise board of the District of Columbia to issue certain permits.

Resolved, etc., That the chairman of the excise board of the District of Columbia is hereby authorized, if in his discretion the comfort of those persons visiting the capital on the occasion of the inauguration of the President requires the same, to grant permission to the proprietor or proprietors of restaurants, barber shops, and places in which are conducted businesses for which licenses are required under existing law to keep such places open for the accommodation of the public on Sunday, March 5, 1905: *Provided*, That no saloons or public bars shall be permitted to be open for business on said day.

Mr. SMITH of Kentucky. Mr. Speaker, I reserve the right to object.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman a question, Mr. Speaker, reserving the right to object. Does this merely keep eating places open?

Mr. BABCOCK. Mr. Speaker, I want to say a word in reference to this resolution, and how it was brought about in the first place.

Mr. GROSVENOR. Mr. Speaker, I wish to ask if unanimous consent has been given?

Mr. WILLIAMS of Mississippi. No; I reserved the right to object while the gentleman is making an answer.

Mr. BABCOCK. Mr. Speaker, I want to state to the House that this matter has been misrepresented and misconstrued. This resolution was brought to me, drafted by an official of the District, with the sole object in view of accommodating the guests that will be here Sunday, the 5th of March. There was no intention on the part of anyone that a drop of liquor should be sold or that a bar should be kept open in the District of Columbia on Sunday. There are restaurants here that cater to a large number of people, and I would say that on the 5th day of March there will be forty to fifty thousand people in Washington not stopping at hotels, but quartered in other places. The idea embodied in this resolution is that such restaurants as Harvey's and that class, which can not open under the present law, shall close their bars and cater to the public and sell them such food as hotels would under ordinary conditions.

Now, Mr. Speaker, under this resolution this matter was placed in the hands of the chairman of the excise board. The resolution, Mr. Speaker, might have been more specific and direct as to what might or might not be, but the fear was that if the resolution said "restaurants, eating houses, etc.," that it might be taken advantage of by what we term "free lunch" places and places that do not come under the head of caterers. For this reason it was thought best to leave it largely in the discretion of the chairman of the board. I am told by the chairman of the excise board that it would apply to about a dozen restaurants in Washington. Their bars would be closed, no liquor would be sold, and a great many thousand people would be accommodated. Mr. Speaker, I believe that that is all there is to this resolution. It is simply in the interest of the guests and people visiting Washington.

The SPEAKER. Is there objection?

Mr. MADDOX. I want to say a word. Does the gentleman from Maine intend to object?

Mr. LITTLEFIELD. I will object.

Mr. BABCOCK. Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. The gentleman from Wisconsin moves to suspend the rules and pass the joint resolution.

Mr. LITTLEFIELD. Mr. Speaker, I demand a second.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. If the question is put for a suspension of the rules, and if the second is granted, can the bill be amended, or must it pass just as it is or be defeated as it is?

The SPEAKER. Just as it is.

Mr. WILLIAMS of Mississippi. That is what I wanted to call attention to.

Mr. LITTLEFIELD. Mr. Speaker, I demand a second.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wisconsin, Mr. BABCOCK, is entitled to twenty minutes and the gentleman from Maine, Mr. LITTLEFIELD, is entitled to twenty minutes.

Mr. BABCOCK. Mr. Speaker, a number of gentlemen have requested that the resolution be again read for the information of the House.

The SPEAKER. Without objection, the resolution will be again reported.

There was no objection, and the Clerk again reported the resolution.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I will ask the gentleman from Wisconsin to yield to me for a moment.

The SPEAKER. Does the gentleman yield?

Mr. BABCOCK. I yield.

Mr. WILLIAMS of Mississippi. Mr. Speaker, of course the gentleman from Wisconsin understands that upon the motion to suspend no amendments are possible. I would like to ask him if he would not himself beforehand move to amend his resolution by striking out what is now in the resolution after the word "*Provided*," the resolution now reading, "*Provided*, That no saloons or public bars shall be permitted to be open for business on said day." Nobody knows just the legal definition of "saloons or public bars." I would ask him whether he would be willing to substitute for that language about the following language:

Provided, That no malt, vinous, or alcoholic liquors shall be sold contrary to the existing laws of the District of Columbia.

Mr. BABCOCK. Mr. Speaker, I will be very glad to accept that amendment or any amendment that would prevent the sale of liquor on Sunday.

Mr. WILLIAMS of Mississippi. I then suggest that the gentleman amend his motion before he moves the suspension of rules, so that the resolution may read with that language.

Mr. BABCOCK. It is not the intention to permit the sale of liquor, but that these places which are now closed by law because there is a bar in them, and which under the law can not open for the sale of bread and butter, may be permitted to cater to the public for the sale of food, at the same time closing their bars and selling no liquor.

The SPEAKER. Does the gentleman from Wisconsin ask unanimous consent to embody the amendment indicated by the gentleman from Mississippi?

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that that may be done. I would ask the gentleman to reduce his amendment to writing?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I will dictate it to the Clerk:

Provided, That no malt, vinous, distilled, or other intoxicating liquors shall be sold contrary to the existing laws of the District of Columbia.

The SPEAKER. Is there objection to the modification of the resolution?

Mr. LITTLEFIELD. Mr. Speaker, I would like to make a suggestion, and in the absence of being allowed to do so, I shall object.

Mr. BABCOCK. Mr. Speaker, I will yield to the gentleman from Maine.

Mr. LITTLEFIELD. Mr. Speaker, my suggestion is simply this: I would not make the qualification against existing law, because when this joint resolution passes the joint resolution is existing law. I would say that no malt, vinous, spirituous, or other intoxicating liquors shall be sold on said day.

Mr. WILLIAMS of Mississippi. Well, that is satisfactory.

Mr. BABCOCK. Mr. Speaker, I do not object to any amendment that will prevent the sale of liquor on Sunday.

The SPEAKER. The Clerk will report the proposed modification of the joint resolution, as offered by the gentleman from Maine, by unanimous consent.

The Clerk read as follows:

Provided further, That no malt, vinous, spirituous, or other intoxicating liquors shall be sold or given away on any of said premises during said day, and such giving or selling shall be subject to the penalties of existing law.

The SPEAKER. Is there objection to the modified resolution, as proposed?

Mr. BARTHOLDT rose.

The SPEAKER. Does the gentleman object?

Mr. BARTHOLDT. I do not object, but I would like to have this extended to committee rooms. [Laughter and applause.]

Mr. KLUTTZ. And to the State of Maine.

The SPEAKER. The Chair hears no objection. The question is, Shall the rules be suspended and the joint resolution passed?

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

CREIGHTON CHURCHILL.

Mr. BRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following bill on the Private Calendar, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6826) for the relief of Creighton Churchill, an ensign on the retired list of the Navy.

Whereas the retiring board in the case of Ensign Creighton Churchill, United States Navy, found him incapacitated for active service, said incapacity being the result of an incident of the service; and

Whereas said incapacity no longer exists, as shown by a recent examination of the eyes, said examination showing vision to be normal with the use of glasses: Therefore, that the Navy Department may be enabled to command the services on the active list of the said Creighton Churchill,

Be it enacted, etc., That the action of the retiring board in the case of Creighton Churchill, now an ensign on the retired list of the Navy, be hereby set aside, and the President, by and with the advice and consent of the Senate, is hereby authorized to appoint him a lieutenant on the active list of the Navy as of date of March 3, 1899, to take rank next after that of his classmate, Ford Hopkins Brown: *Provided*, That the said Churchill shall establish to the satisfaction of the Secretary of the Navy, upon examination provided by law for the promotion of officers, his mental, moral, professional, and physical fitness to perform the duties of a lieutenant on the active list of the Navy: *And provided further*, That he shall receive no pay or emoluments by reason of such reappointment to the active list of the Navy except from date of such reappointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy and in any grade to which he may hereafter be promoted.

The amendment was read, as follows:

Strike out the preamble and all after the enacting clause and insert the following:

"That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore Creighton Churchill, now an ensign on the retired list, to the active list of the Navy: *Provided*, That the said Churchill shall, upon examination in accordance with regulations to be prescribed by the Secretary of the Navy, before an examining board composed of five members, of whom three shall be line officers his senior in rank and the remaining two medical members, satisfactorily establish his mental, moral, professional, and physical fitness to perform active service, the place to which he shall be restored to be determined by the Secretary of the Navy after recommendation with regard thereto by said board: *And provided further*, That the said Churchill shall be carried as additional to the number of the grade to which he may be restored or at any time thereafter promoted."

Mr. STEPHENS of Texas. Mr. Speaker, I desire to inquire the object of this legislation and the necessity for it.

Mr. WILLIAMS of Mississippi. How did he get off the list?

Mr. FITZGERALD. Mr. Speaker, I reserve the right to object.

Mr. BRICK. This ensign was in the Navy for a number of years.

Mr. SMITH of Kentucky. Before there is any discussion of this bill, I want to reserve the right to object.

Mr. BRICK. I will explain this. Creighton Churchill was a graduate of the Naval Academy at Annapolis. He was in the Navy as an ensign, and he became sick and was relieved from the service on account of sickness. Now he has become well again, and he desires to be restored to the Navy upon examination as to his fitness mentally, morally, and physically.

Mr. LITTLE. How old is he? What is his age?

Mr. BRICK. Forty years.

Mr. GILLETT of Massachusetts. How long has he been out?

Mr. TALBOTT. What is his age now?

Mr. BRICK. Forty years.

Mr. SMITH of Kentucky. What was his record while he was in the service?

Mr. BRICK. His record was first class. He is a first-class man. He has been educated at the public expense at Annapolis, and he is now ready to go back, and wants to go back, and the Navy wants him back. Now, the bills there read "promoted." I ask for an amendment consistent with what Secretary of the Navy Moody recommended—that he be transferred from the retired list to the active service.

Mr. WILLIAMS of Mississippi. How long has he been on the retired list?

Mr. TALBOTT. Is he on the retired list now?

Mr. BRICK. Yes.

Mr. CLAYTON. How long was he in the service?

Mr. TALBOTT. Was his disability incurred in the line of duty?

Mr. SMITH of Kentucky. I would like to ask the gentleman this question: How long since the bill was reported in the committee?

Mr. BRICK. This bill has been reported since about January, I think.

Mr. TALBOTT. Had his service anything to do with his sickness?

Mr. BRICK. He could not have been retired unless his sickness had been incurred in the line of duty.

Mr. HUNT. And his disability has been removed?

Mr. BRICK. Yes, sir; and they want him back.

The SPEAKER. Is there objection? [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. BRICK, a motion to reconsider the last vote was laid on the table.

COMPENSATION OF PERSONS EMPLOYED IN UNITED STATES COURTS.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2207, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That on and after the passage of this act the per diem pay of all persons employed in any court of the United States under section 715 of the Revised Statutes, now fixed by law at $2 a day, shall be $3 a day.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to have some information as to the probable increase in the expense and the reason for the increase of pay of these gentlemen? My experience has been that there are always a dozen men who want the place for every place that is offered.

Mr. LITTLEFIELD. Mr. Speaker, I will say to the gentleman from New York [Mr. PAYNE] that in the first place the bill is unanimously reported by the Senate Judiciary Committee and it passed the Senate without division. It comes down from the House Judiciary Committee, and with the exception of one man on the committee it is concurred in by all of the members. I wrote the Attorney-General a few days ago and supposed I inclosed a copy of the bill, but I find I did not and I have not been able to get a definite estimate of the amount of increase. The fact is that in sections like the district of Maine, for instance, and many other districts, criers receive under existing conditions very inadequate compensation, and the compensation of $3 a day will not give them anything more than what is fair and reasonable.

The criers and bailiffs are under the direction of the court, and they can not exceed three in any court, and under all these conditions the committee thought it wise and judicious.

Mr. PAYNE. Does the gentleman say that they are limited by law to three in a court?

Mr. LITTLEFIELD. Yes.

Mr. PAYNE. Criers and bailiffs?

Mr. LITTLEFIELD. Yes.

Mr. PAYNE. I never attended a United States court that I did not stumble over a good many of them.

Mr. LITTLEFIELD. Well, there are deputy marshals around, too.

Mr. COOPER of Wisconsin. What do they do?

Mr. LITTLEFIELD. They cry the court, and they are for the service of the court.

Mr. MADDOX rose.

Mr. KLUTTZ. Mr. Speaker, I reserve the right to object.

Mr. LITTLEFIELD. I do not think the gentleman intends to object. I will say to the gentleman from Georgia [Mr. MADDOX], however, that this is a bill increasing the pay of criers and bailiffs from $2 to $3 a day.

Mr. KLUTTZ. I will say to the gentleman from Maine [Mr. LITTLEFIELD] it was the gentleman from North Carolina who objected this time, and not the usual objector from Georgia. I desire an explanation.

Mr. LITTLEFIELD. I will say to the gentleman from North Carolina [Mr. KLUTTZ] that the existing law gives criers and bailiffs $2 a day, and in very many districts where they have to be so that they can be reached by the court, and it gives

them extremely inadequate compensation. They only get pay when they are in actual attendance upon the court. If a court is in session half the time, it would give them one hundred and fifty days in a year, say $300. They have to be where they can be reached, and they have to be subject to the call of the court. They can be engaged in no other business. The result is that the compensation under such circumstances is extremely inadequate. This gives them $3 a day when in actual attendance. That is all.

Mr. KLUTTZ. They might resign.

Mr. LITTLEFIELD. That is very true.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Does the gentleman think we can stand this expense?

Mr. LITTLEFIELD. Yes, I think so.

Mr. OLMSTED. Reserving the right to object, I would like to ask the gentleman from Maine [Mr. LITTLEFIELD] a question.

Mr. HAMLIN. Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from Missouri [Mr. HAMLIN].

Mr. OLMSTED. Is this to increase compensation?

Mr. LITTLEFIELD. Yes.

Mr. BURLESON. Does it increase the compensation of judges?

Mr. LITTLEFIELD. No.

Mr. OLMSTED. Could you not get a thousand criers to serve at $2 a day?

Mr. LITTLEFIELD. I do not think so.

Mr. OLMSTED. I can send them up to you from my district.

Mr. LITTLEFIELD. That may be true, but I do not think so.

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

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

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

JAMES G. FIELD.

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

The Clerk read as follows:

A bill (S. 1786) restoring James G. Field, naval surgeon, to the line of promotion.

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore James G. Field, surgeon, United States Navy (not in the line of promotion), to the line of promotion in accordance with the date of his original commission of May 23, 1887, to take rank next after Surg. Eugene P. Stone: *Provided*, That the said Field shall be carried as additional to the number of the grade to which he shall be restored, or at any time thereafter promoted.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker——

Mr. PAYNE. Mr. Speaker——

Mr. KLUTTZ. I object.

The SPEAKER. The Chair will recognize, if he desires it, the gentleman from Colorado to move to suspend the rules and pass this bill. Under that motion, if it is seconded, gentlemen can be informed.

Mr. BONYNGE. I make that motion.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill.

Mr. PAYNE. On that motion I demand a second.

Mr. BONYNGE. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Colorado is entitled to twenty minutes, and the gentleman from New York [Mr. PAYNE] to twenty minutes.

Mr. BONYNGE. Mr. Speaker, all that this bill proposes is to put James G. Field, who is now in the service, but not in the line of promotion, in line of promotion. He has been in the Navy for over twenty years. He was surveyed some years ago on account of ill health. Afterwards he was restored to the Navy, but is not in line of promotion. This bill simply proposes to put him in line of promotion. I do not understand that there is any other similar case in the Navy. He is actually in the service, but no matter how long he may remain in that service he can not be promoted under present conditions.

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

Mr. BONYNGE. Certainly.

Mr. HULL. Is he a commissioned officer of the Navy?

Mr. BONYNGE. He is a surgeon.

Mr. HULL. A contract surgeon in the Navy?

Mr. BONYNGE. I understand that he is a surgeon. The gentleman from Virginia [Mr. RIXEY], of the Naval Committee, is probably better informed, and I yield to him.

Mr. BUTLER of Pennsylvania. Has there been a report of the committee on this bill?

Mr. BONYNGE. There has been.

Mr. RIXEY. Mr. Speaker, I will state that James G. Field entered the Navy as an assistant surgeon when he was 21 years of age. He remained a number of years, and was then surveyed by a board, appointed for the purpose of examination, and put upon the retired list because of ill-health. It was against Mr. Field's protest. He insisted that he ought not to be retired, but the Department insisted that he should be, and he was put upon the retired list and remained there until the Spanish war came on. Then he offered his services to the Department. His services were accepted during the Spanish war, and then, by special bill, he was restored to the active list of the Navy, where he ought to have been in the line of promotion; but, on account of jealousies, or for some other reason on the part of officers in the service, he was not put in line of promotion.

Mr. HULL. If he was restored to the active list, how does it happen that he could not be in the line of promotion from the date of his restoration?

Mr. RIXEY. Because the bill restoring him provided that he should not be in line of promotion. This man entered the Navy when he was 21 years of age; he has been in the Navy all the time from that time to the present, with the exception of the time he was on the retired list. He is now in the regular service, not as a contract surgeon. He has the rank of surgeon.

Mr. HULL. Does this bill give him the rank from the time of the passage of the act of Congress?

Mr. RIXEY. I think this bill gives him the rank which he would be entitled to from the date of his commission. The bill, however, will speak for itself in that respect.

Mr. HULL. He has been upon the retired list for several years. Congress put him on the active list, and the bill ought to be amended so as to put him in line of promotion from the date of his restoration by act of Congress to the Navy, otherwise it might give him promotion while he was on the retired list.

Mr. RIXEY. I will state to the gentleman that I am not informed as to what position he ought to occupy.

Mr. WILLIAMS of Mississippi. I will ask unanimous consent that the bill be read.

Mr. BUTLER of Pennsylvania. Will the gentleman from Virginia tell me when this bill was reported?

Mr. RIXEY. Probably two weeks ago.

Mr. BONYNGE. Let me say to the gentleman from Virginia, and also to the gentleman from Pennsylvania, that a similar House bill has been on the Calendar, I think, for two months—all of this session, I believe. I believe it was reported last session. It came up under what was kown as the Dalzell order, and on a point of order made by the gentleman from New York it was ruled out under the Dalzell order. It was a very close question as to whether it ought not to come within the provision of the Dalzell order.

Mr. SMITH of Kentucky. Why have not persons interested in this measure moved to suspend the rules and pass this bill before?

Mr. BONYNGE. I have been endeavoring to obtain recognition for a long time, and this is the first opportunity I have had to make the motion. Now, Mr. Speaker, I ask that the bill be reread, as many of the gentlemen around here have asked for it.

The SPEAKER. The bill will be reported again in the time of the gentleman from Colorado.

The Clerk again read the bill.

Mr. HULL. Mr. Speaker, if the gentleman will yield to me——

Mr. BONYNGE. I desire to yield to the gentleman from Virginia for such time as he may desire. I ask the gentleman from Virginia to get a copy of the report and have it read at the desk. I want to say also before I yield to the gentleman that the House bill, exactly similar to the Senate bill, was reported April 12, 1904, and has been on the Calendar of the House since that time.

Mr. HULL. If the gentleman will move to suspend the rules with an amendment striking out "from the date of his original entry into the service" and make it "the date of his restoration," it would improve the bill.

Mr. BONYNGE. The bill says that.

Mr. HULL. No; it goes clear back to the date he was first in.

Mr. BONYNGE. I do not understand that it does, but the

report I have asked to be read I think will explain the matter, if gentlemen will wait.

Mr. RIXEY. Mr. Speaker, I ask that the Clerk read the report.

The SPEAKER. The Clerk will read the report in the time of the gentleman from Virginia.

The Clerk read the report (by Mr. BRANDEGEE), as follows:

The Committee on Naval Affairs, having considered the bill (H. R. 14509) for the relief of James G. Field, surgeon in the United States Navy, reports it back with a Department substitute and recommends the passage thereof.

The substitute is as follows:

"Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore James G. Field, surgeon, United States Navy (not in the line of promotion), to the line of promotion in accordance with the date of his original commission of May 23, 1887, to take rank next after Surg. Eugene P. Stone: *Provided,* That the said Field shall be carried as additional to the number of the grade to which he shall be restored or at any time thereafter promoted."

The Department letter is self-explanatory:

NAVY DEPARTMENT,
Washington, March 17, 1904.

SIR: Referring to the committee's communication of the 4th instant, requesting the views of the Department with regard to certain bills pending in the House of Representatives, among them H. R. 5032, "for the relief of James G. Field, surgeon in the United States Navy," I have the honor to state that, concurring in the views of the Bureaus of Medicine and Surgery and Navigation, the measure in question is regarded with favor, and is accordingly commended to the consideration of the committee.

While the Department does not, in view of his condition when placed on the retired list, regard the board by which he was recommended for retirement as having erred in its conclusions with respect to Doctor Field's unfitness for active service, he has, having already been restored to the active list not in line of promotion, demonstrated the fact that he is so far recovered as to be capable of performing active duty, and as he is now serving at sea on board the U. S. S. *Bennington*, the commanding officer of which vessel commends his services, it is believed that he may well be given his former place on the list and the benefits of promotion.

The provision in the bill that makes Doctor Field an additional number in his grade prevents any injury to those surgeons above whom he will be placed if it becomes a law. It is suggested, however, that the bill be amended so as to provide that he shall be an additional number not only in the grade of surgeons, but also in any grade to which he may hereafter be promoted, and by adding, in order that there may be no misunderstanding as to his rank, the words "to take rank next after Surg. Eugene P. Stone."

As Doctor Field is already on the active list, and as a surgeon while out of the service and engaged in active practice may properly be supposed to have lost nothing of experience in his profession, as is the case with an officer of the line, it is not thought necessary to treat this case according to the rule adopted by the Department and enunciated in its communication of the 24th of December last (No. 10484–03) to the committee on Naval Affairs of the Senate, in relation to Capt. Seth M. Ackley, United States Navy, copy of which letter accompanied the Department's communication to your committee in said case on January 26 last.

A draft of the bill as it is proposed to be amended is herewith submitted.

Very respectfully, CHAS. H. DARLING, *Acting Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. RIXEY. Mr. Speaker, it seems from the report of the Committee on Naval Affairs that this bill is recommended by the Bureau of Medicine and Surgery, the Bureau of Navigation, and the Secretary of the Navy himself as a proper bill. It comes to the House, therefore, as well recommended as a bill of this kind can be. It does seem to me that there has never been a bill presented more meritorious than this one. This young man elected, as soon as he became of age, to cast his lot with the Navy, and entered the Navy as an assistant surgeon, remaining there until he was placed upon the retired list against his own wishes. He protested to the Department that he was improperly placed on the retired list, and the Department in reviewing this bill, while replying to this protest, states that it still adheres to the opinion that Doctor Field was properly retired, but admits that he has so far recovered his health that he is entitled to be restored to the Navy. He has been restored by a former bill, but on account of the jealousy of other officers or for other reasons he was restored to the Navy not to be in the line of promotion. Now, I hold it to be an act of injustice to this young man who elected to cast his fortunes with the Navy when he became of age and who was retired against his protests and without any fault of his, being restored to the Navy, that he be kept there during the balance of his life without the chance for promotion.

It seems to me nothing but right that he should be in line of promotion, dating from his first enlistment in the Navy, because his retirement was through no fault of his own. I yield back the balance of my time.

Mr. BONYNGE. How much time have I left?

The SPEAKER. The gentleman has five minutes.

Mr. PAYNE. Mr. Speaker, my original intention was to get the facts in this case. They seem to be now pretty well before the House. This man was retired because of ill health, as the gentleman from Virginia says. He was in ill health up to the time of the Spanish war, when he was restored to the Navy, but not to the line of promotion.

This bill seeks to put him in line of promotion from the date 1887, eleven years before the Spanish war. If it was to put him in line of promotion from the date he was put in active service by the former bill, at the time of the Spanish war, it would not be so objectionable. But, as I understand it, this would not only entitle him to pay in the grade in which he would be from the time of his restoration to the Navy, from 1887 down to the present time, but it would open up the door of back pay.

Gentlemen of the House may be surprised, perhaps, at that statement; but recently I had occasion to examine a claim made for back pay under similar circumstances. It was contained in the omnibus bill, and the conferees left it in the bill, and the back pay was given to the man from the time that he was restored to the Army. And this was founded on a brief of a case in the Supreme Court of the United States that went from the Court of Claims. I do not know whether that is what these gentlemen intend by this bill or not.

Mr. RIXEY. I would like to interrupt the gentleman from New York to state that I have known Doctor Field from his infancy. He is now a resident of the State of Colorado. He was raised in my county, and he is the son of a former attorney-general of Virginia. As I have stated, I have known him from his infancy, and I have never heard it suggested from any source that there was any question of back pay. I am sure the gentleman from Colorado [Mr. BONYNGE] will accept any amendment which will provide against any claim for back pay.

Mr. PAYNE. Well, I would not object to the bill, if it dated from the time he was restored to active service in the Spanish war, and not back to 1887.

Mr. RIXEY. May I ask the gentleman this: As Doctor Field enlisted in the Navy in 1887, is it not fair that he should be put in line of promotion as of that date? The Bureau of Navigation, which is always particular about this question of promotion and the order of precedence, and the Secretary of the Navy recommend this bill as without objection in that respect.

Mr. PAYNE. I have nothing further to say. I yield to the gentleman from Iowa [Mr. HULL] such time as he may desire.

Mr. HULL. Mr. Speaker, this is certainly a very unusual bill. Here is an officer who entered the Navy in 1887. During his service he lost his health. A board of his officers were convened, and declared that he was not fit for active service, and he was placed on the retired list of the Navy under existing law.

Every officer of the Army or Navy who is placed upon the retired list before reaching high rank is opposed to the action putting him upon the retired list. I assume that no injustice was done him at the time he was placed on the retired list. Some years elapsed while he was on the retired list. The Spanish war come on. The Navy wanted officers. They passed a bill through Crongress restoring him to the active list of the Navy. At the time that was passed it was stated on this floor, I think, that it was not proposed to give him promotion; but I do not believe that Congress should put any man on the active list without giving him promotion. So if this bill should be amended by striking out the words "original commission of May 23, 1887," and inserting "restoration to the active list of the Army," I should have no objection.

Mr. HAY. This man was only out of the Navy two years.

Mr. HULL. That does not make any difference, whether he was out two years or ten years.

Mr. HAY. He ought to be entitled to promotion from the time he was put on the retired list.

Mr. HULL. No; from the time he was put on the active list.

Mr. HAY. But he served some seven or eight years before he was placed on the retired list.

Mr. HULL. That is very true, and he got his promotion for that. You carry him by this bill as an additional surgeon of the Navy. You make one surgeon of the Navy outside of the line of the Navy. You make him an extra surgeon. If we were to come here to make an army surgeon who had been on the retired list a supernumerary surgeon on the active list, to be promoted as others are without displacing anybody, there would not be a man in this House who would vote for it.

Mr. RIXEY. I should like to ask the gentleman a question?

Mr. HULL. It seems to me, Mr. Speaker, that the Congress of the United States ought to give this man promotion from the date that Congress restored him to the active list of the Navy; that is all the gentleman ought to ask.

Now, so far as the necessity for his service is concerned, it seems to me that the bill should be further amended, providing that he should be not an extra surgeon, but a surgeon of the Navy, in regular line from the date of his restoration. There certainly must come a time when even the Navy will have all the surgeons they need. It seems to me as though you are legislating wildly when you go on and on and on in this line. That is all I desire to say about it.

Mr. BONYNGE. Mr. Speaker, I yield two minutes to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Speaker, in reply to the gentleman from Iowa [Mr. HULL] I desire to call the attention of the House to the fact that by restoring this man to the active list and in the line of promotion we do no other officer or anybody else any injustice.

Mr. HULL. We carry him as an extra?

Mr. WILLIAM W. KITCHIN. We carry him as an extra.

Mr. HULL. Does not the gentleman think that it does the Government an injustice?

Mr. WILLIAM W. KITCHIN. No; not if the Government needs his services, as it does.

Mr. HULL. Why didn't he start in from the bottom like they do in all other services?

Mr. WILLIAM W. KITCHIN. He started in from the bottom, as all the other surgeons did. He served every day and every year that the Government would permit him to serve. There is some question as to whether the retiring board performed their full duty in retiring him against his protest, but the Department will not say that that board erred, but says that board was justified in its conclusion. In any event, when this man's services were needed in the time of war the Government accepted his services. He has served faithfully since the beginning of the Spanish war. Since the time he first entered he has not been out of the Navy a day willingly. He has served his country in every capacity with fidelity. Now the Department says he is fit for service, he is competent, and he has the experience. To adopt this bill will wrong no one. It will give the Government the services of an officer well qualified, and permit him to have what he ought to have—the right to promotion just as all other surgeons in the Navy have. He should not continue to have no hope of promotion, and there is not a gentleman in this House, in my judgment, who can regard his conscience for one moment and say that this man ought to serve the Government with no hope of promotion.

The great question is whether you will put him in the line of promotion or not. The gentleman from Iowa [Mr. HULL] knows it makes very little difference as to whether the time he was out be counted in estimating his promotion. This bill will wrong no one. It says he is to take rank next after Surg. Eugene P. Stone. Now, that is the rank that the Department thinks he ought to have. I am not an expert upon those things, and therefore I take the judgment of the Secretary of the Navy on it and submit that this House ought to take the judgment of the Secretary of the Navy on a technical matter of that sort. The man deserves this, and for one I am surprised at anyone seriously taking the position that this man ought not to have the right to be promoted with his fellow-surgeons. [Applause.]

Mr. HEPBURN. Did not this officer accept this position without the possibility of promotion?

Mr. WILLIAM W. KITCHIN. He did, I will say to the gentleman from Iowa. He did so when his country needed his services and war was on.

Mr. HEPBURN. Oh, yes!

Mr. WILLIAM W. KITCHIN. He would have served as a volunteer in the ranks, perhaps. It is not every man who goes to war that goes for dollars and cents. There are patriots in this land who go for the love of country. [Applause.]

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, there are some mysteries about this case. In the first place this gentleman came into the service as a surgeon, we are told, at 21 years of age, usually the time that a young gentleman is finishing his collegiate course. He comes in and then is suddenly retired. That is not so very astonishing. I think that 21-year-old surgeons ought to be retired. Midwives probably would be just as efficient. [Laughter.] Then he comes in a little later under disabilities that he accepts. He wanted to get in and he was willing to come in with these disabilities upon him—that he should have no claim to promotion or additional rank.

Now, these gentlemen come here after he has made his agreement, after he has been content with his lot, and ask what? Not only that he shall be restored to the line of promotion, but that he shall be equipped with this right during years of time that he was not in the service. There is another mystery in this case. He was discharged because of ill health.

Mr. WILLIAMS of Mississippi. Mr. Speaker, will the gentleman pardon a question?

Mr. HEPBURN. I would rather not be interrupted now.

Mr. WILLIAMS of Mississippi. I think the gentleman from Iowa has misunderstood the facts in the case. I think the question would clear them up. Is or is not the gentleman aware of the fact that the cause of the man's retirement was physical illness, in the judgment of the Department? The gentleman rather insinuated that it was because of his incompetency as a surgeon.

Mr. HEPBURN. I was just coming to that. The reason is given by those proponents of this bill that it was ill health, but when the officer who recommends his restoration to the active list with promotion justifies himself for it by saying that he lost nothing in a professional way by being out of the Navy, because all of his time he was engaged in the active practice of his profession as a surgeon.

This man in ill health, retired for ill health, engaged in active practice and therefore is fit for promotion as gentlemen who have been continuously in service. Now, this is another of the mysteries. I would not object to this officer being restored from the date of his last entry into the service and then let the Department fix his rank. Do not undertake to do it in a bill, do not say that he shall be next after somebody, which means that he shall be in front of many other persons. There are other officers here to be considered who have been in the service all the time as well as this gentleman who has been out. But I think some of the mystery perhaps is cleared up by the gentleman from Virginia, who informs us that he is the son of our late Attorney-General Field, his neighbor, whom he has known since he was an infant. That may explain something. [Applause.]

Mr. BONYNGE. Mr. Speaker, is there any more time left on the other side? If so, I would like to have them use some of it now.

Mr. PAYNE. Mr. Speaker, I will yield to any gentleman who may desire to speak. How much time have I remaining?

The SPEAKER. Nine minutes.

Mr. PAYNE. How much has the gentleman from Colorado?

The SPEAKER. Three minutes.

Mr. PAYNE. Does the gentleman want any more time?

Mr. BONYNGE. Yes.

Mr. PAYNE. I will yield the gentleman a couple of minutes.

Mr. BONYNGE. I desire to use my time for the close of the debate. If you want to use any time, use your time now.

Mr. PAYNE. I do not propose to use any more time, and I will give the gentleman two minutes or five minutes if he wishes it.

Mr. BONYNGE. Mr. Speaker, the gentleman from Iowa has spoken of mysteries being in this case. The fact is that the mystery to me is that there should be any opposition to a bill of this character. This gentleman I have known for some six or seven years. He lived in Denver while he was retired. He was retired because of ill health, as the Secretary of the Navy has stated in his letter to the Naval Committee, and retired over his protest. He did not believe that his health was injured so as to prevent him from discharging his duties as a surgeon, but over his protest the board retired him.

He came to Denver and there was engaged in the active practice of his profession. He had a large practice, considering the time he had been engaged in practice there. When the war broke out with Spain he offered his services again. He was restored by an act of Congress, but not placed in line of promotion. When this bill was offered and presented it was sent to the Secretary of the Navy for his report, and when the Secretary of the Navy made his report he endeavored to protect the others who were ahead of this man by a provision stating whom he should succeed in the line of promotion. The Secretary of the Navy, in his report to the Naval Committee, says:

> The provision in the bill that makes Doctor Field an additional number in his grade prevents any injury to those surgeons above whom he will be placed if it becomes a law. It is suggested, however, that the bill be amended so as to provide that he shall be an additional number not only in the grade of surgeons, but also in any grade to which he may hereafter be promoted, and by adding, in order that there may be no misunderstanding as to his rank, the words "to take rank next after Surg. Eugene P. Stone."

The gentleman from Iowa suggests that the Department should fix the rank. The Department has fixed whom this man should succeed if restored in the line of promotion. The substitute that the Department submitted to the Naval Committee is the bill that has been reported. It has received a unanimous report from the Committee on Naval Affairs of the House; it

received a unanimous report from the committee in the Senate. It passed the Senate of the United States unanimously. The only reason it has not been brought before the House before this time was because of the rules of the House we were not able to reach it on the Private Calendar.

It is a bill that asks nothing but justice. The man was only out of service, as I understand, for less than two years. The Navy Department has reported that it will do no injustice to those above whom he will be placed. So I submit, Mr. Speaker, that the bill ought to receive the unanimous support of all Members of this House. [Applause.]

The SPEAKER. The question is on the suspension of the rules and discharging the Committee on Naval Affairs from further consideration of this bill.

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

Mr. HULL. Division, Mr. Speaker.

The House divided; and there were—ayes 227, noes 51.

Two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

GENERAL DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to present the conference report on the general deficiency bill, and I ask unanimous consent that the statement of the conferees be read in place of the report.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] presents the conference report on the general deficiency bill, and moves that the statement of the conferees be read in lieu of the report. Is there objection?

There was no objection.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 11, 13, 14, 15, 16, 17, 19, 21, 28, 30, 35, 38, 43, 54, and 92.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 7, 9, 10, 12, 18, 20, 22, 23, 24, 26, 29, 31, 33, 34, 36, 37, 39, 40, 41, 42, 45, 46, 47, 48, 49, 50, 51, 53, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 79, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments, as follows: Strike out in line 5 of the amendment the words "March fifth" and insert in lieu thereof the words "July first;" and in line 6 of said amendment strike out the words "one thousand and eighty dollars" and insert in lieu thereof the words: "one thousand five hundred and ninety-one dollars and twelve cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following: "To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year ending June thirtieth, nineteen hundred and six, one million five hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: Add after the word "Numbered" the following: "One hundred and ninety;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "One thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "one thousand four hundred and thirty-one dollars and fifteen cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following:

"Indian Office: For the following for the fiscal year ending June 30, 1906, namely: three copyists at one thousand dollars each, and two copyists at nine hundred dollars each, paid from the tribal funds of the Choctaw and Chickasaw Nations, Act of April 21st, nineteen hundred and four; in all, four thousand eight hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "one hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following: "There shall be employed in the office of the Secretary of the Senate an assistant Secretary of the Senate (Henry M. Rose) at an annual salary of five thousand dollars, and the sum of six thousand six hundred and twenty-five dollars is hereby appropriated for the balance of the present fiscal year and for the fiscal year ending June 30, 1906;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: On page 81 of the bill, in line 11, strike out the word "fourth" and insert in lieu thereof the word "third"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following: ": *Provided*, That of the document entitled 'The Declaration of Independence,' the Public Printer shall deliver to the Senate five hundred and forty copies and to the House of Representatives one thousand one hundred and seventy copies for distribution, and the residue of the present editions of said document shall be delivered to the Department of State, and no further copies of said document shall be printed unless expressly authorized by Congress, and no money shall be paid to any person for the preparation of said book;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: Add at the end of said amendment the following: "One hundred and eighty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows: Add, after the word "Numbered," the following: "One hundred and eighty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows: Add, after the word "Numbered," the following: "One hundred and eighty-five;" and the Senate agree to the same.

On the amendment of the Senate numbered 77 the committee of conference have been unable to agree.

J. A. HEMENWAY,
H. C. VAN VOORHIS,
L. F. LIVINGSTON,

Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,

Managers on the part of the Senate.

The statement was read, as follows:

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19150) making appropriations to supply deficiencies in appropriations, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on the Senate amendments:

The Senate by its amendments proposed the following reductions, namely: To meet anticipated deficiencies in the appropriation for collecting customs during the fiscal year 1906, $3,000,000; to meet an anticipated deficiency in the appropriation for the support of the Public Health and Marine-Hospital Service for the fiscal year 1906, $200,000, and for mileage to Senators and Members of the House for the second session of

the Fifty-eighth Congress, $190,000. With reference to these sums, it is agreed by the conference committee that for the collection of customs $1,500,000 be appropriated to meet the anticipated deficiency for 1906, which will be sufficient to conduct the service during the first half of the fiscal year, and until the next Congress can again give further consideration to the subject. It is agreed that the $200,000 for the Public Health and Marine-Hospital Service for 1906 be restored to the bill. On the matter of mileage for Members of the House and Senate, the conference committee have been unable to agree.

Otherwise, the Senate, by its amendments, added $1,951,233.78 to the amount appropriated by the bill as it left the House. Of this sum it is agreed that the Senate recede from $576,742.82. The remainder of the sum, $1,374,490.96, covers additional deficiencies, including judgments of the courts and ascertained amounts certified by the accounting officers of the Treasury, since the bill was reported to the House.

On amendment No. 1, with reference to the relief of Cora B. Thomas, a clerk in the Treasury Department, who was seriously injured in an elevator accident, it is agreed that she be paid her salary at the rate of $1,600 per annum from July 3, 1904, until July 1, 1905, and that the Secretary of the Treasury be authorized in his discretion to continue her as a clerk in the Treasury Department in her present grade.

The provision proposed by the House repealing section 3687 of the Revised Statutes, making a permanent appropriation for the expenses of collecting the revenue from customs, is stricken from the bill as proposed by the Senate amendment.

The provision inserted by the Senate amending the law with reference to parting and refining bullion is stricken out.

The amendments proposed by the Senate to return to the Citizens' Bank of Louisiana the money taken from said bank by military order of June 19, 1862, is stricken from the bill.

The provision with reference to the disposition of the document entitled "The Declaration of Independence," proposed to be stricken out by the Senate, is restored to the bill, modified so as to give the odd number of the documents to the Department of State instead of to the Superintendent of Documents.

The bill as finally agreed upon appropriates $30,918,310.12.

J. A. HEMENWAY,
H. C. VAN VOORHIS,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. HEMENWAY. Mr. Speaker, I move the adoption of the conference report.

Mr. GAINES of Tennessee and Mr. BAKER rose.

Mr. HEMENWAY. I yield to the gentleman from New York [Mr. BAKER] for a question.

Mr. BAKER. I desire to move that——

Mr. HEMENWAY. I did not yield for that. I simply yielded for a question.

Mr. BAKER. Then I will ask the gentleman from Indiana [Mr. HEMENWAY] a question. I wish to ask the chairman of the committee what action the conference committee on behalf of the House has taken with the Senate on the mileage grab?

Mr. HEMENWAY. The item in regard to the mileage is the one not agreed to.

Mr. PERKINS. Mr. Speaker, I suppose I have a right to move that the committee be instructed——

Mr. HEMENWAY. The gentleman from New York [Mr. PERKINS] has no right to make a motion, and has only the right to ask a question.

Mr. PERKINS. Then I reserve the right until the time comes.

Mr. GAINES of Tennessee. What disposition does this conference report make of this mileage question?

Mr. HEMENWAY. It leaves it up in the air. It is the one question not agreed to. I move the agreement to the conference report. The mileage question is not included.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] moves——

Mr. SULZER. Mr. Speaker, I desire to ask the gentleman from Indiana [Mr. HEMENWAY] whether the conferees have agreed upon amendment numbered 62?

Mr. HEMENWAY. Will the gentleman from New York [Mr. SULZER] state what it is about?

Mr. SULZER. The expenses of inquiries and investigation ordered by the Senate.

Mr. LIVINGSTON. It has been concurred in.

Mr. SULZER. Then anything further can not be done about that?

Mr. HEMENWAY. No; nothing further can be done. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. WILLIAMS of Mississippi. Mr. Speaker, in the first place, I make the point of order, so that we can hear one another. In the next place, I want to ask the gentleman from Indiana [Mr. HEMENWAY] a question. The Senate put an amendment on here, I understand, to pay a certain amount of money back to the Citizens' Bank of New Orleans, La., in the discretion of the President of the United States. What became of that amendment?

Mr. HEMENWAY. The Senate receded from that amendment.

The SPEAKER. The question is on agreeing to the conference report.

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

Mr. HEMENWAY. Mr. Speaker, I move that the House recede from its disagreement to amendment No. 77, and agree to the same.

Mr. OLMSTED. What amendment is that?

Mr. HEMENWAY. It is the amendment concerning mileage.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] moves that the House do recede from its disagreement with the Senate to the amendment indicated, and concur in the same.

Mr. TAWNEY. Mr. Speaker, I want to ask——

Mr. HEMENWAY. I yield for a question.

Mr. TAWNEY. Before the question is put, I want to ask just one question of the gentleman from Indiana.

The SPEAKER. Does the gentleman yield to the gentleman from Minnesota?

Mr. HEMENWAY. I yield to the gentleman for a question.

Mr. TAWNEY. The House by 20 majority voted for the mileage proposition as it went to the Senate. Is the gentleman from Indiana entirely clear on the question of whether or not Members and Senators are entitled to their mileage as a matter of law?

Mr. HEMENWAY. I will say to the gentleman that I examined the law something over a year ago, and reported a bill to this House at the time on mileage. I believe it is authorized by law; but that does not determine the question as to whether or not the Members of the House, under the circumstances, want to accept the mileage.

I will say further to the gentleman, that in view of the fact that the House by a yea-and-nay vote voted for the mileage the conferees did not feel that they could agree to the amendment. So we reported it back as disagreed to, and I now move concurrence in the amendment.

Mr. TAWNEY. You make that motion notwithstanding your opinion of the legal rights of Members of the House to the mileage the bill carried when it went to the Senate. Then I move the following amendment to the motion of the gentleman from Indiana.

Mr. HEMENWAY. I will let the gentleman offer it.

The SPEAKER. A motion to recede and concur has precedence of a motion to disagree. Did the gentleman yield for the purpose of allowing the gentleman to offer his amendment?

Mr. HEMENWAY. I did not yield to the gentleman from Minnesota for the purpose of offering the amendment, but to ask a question. He can offer it for information.

Mr. TAWNEY. I move to amend the motion of the gentleman from Indiana——

Mr. GRIGGS (to Mr. HEMENWAY). Let him offer it.

Mr. TAWNEY. I ask that my amendment be read.

Mr. WILLIAMS of Mississippi. I reserve the point of order on the motion of the gentleman from Minnesota.

The SPEAKER. The amendment has not yet been reported.

Mr. CLARK. Mr. Speaker, I want to ask gentlemen to sit down, so that we can hear.

The SPEAKER. The amendment will be read for information.

The Clerk read as follows:

Moved that the House concur in the Senate amendment striking out the amendment of the House with an amendment as follows: In lieu of the paragraph as agreed to by the House and disagreed to by the Senate insert the following: "To pay the mileage due Members and Delegates for attendance upon the second session of the Fifty-eighth Congress, $145,000."

Mr. SULZER. I make the point of order on that.

Mr. WILLIAMS of Mississippi. I make the point of order on that.

The SPEAKER. The gentleman from Indiana has made the point of order and the Chair is prepared to rule. The Chair reads from the Digest:

The stage of disagreement having been reached, a motion to recede and to concur takes precedence of a motion to recede and concur with an amendment.

The reason for that is that the motion of the gentleman from Indiana tends to bring the two bodies more speedily to a conclusion. It is well defined and well sustained by a number of authorities the Chair will not consume the time of the House to read. Therefore the Chair sustains the point of order to the amendment offered by the gentleman from Minnesota at this stage, and the question is on the motion to recede and concur in the Senate amendment.

Mr. HEMENWAY. Mr. Speaker, I yield to the gentleman from Indiana, to be heard on the merits.

Mr. TAWNEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. If the motion of the gentleman from Indiana is voted down, will it then be in order to move to concur in the Senate amendment with the amendment which I have offered?

The SPEAKER. Undoubtedly.

Mr. HEMENWAY. I yield to the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Speaker, I voted for the amendment to the general deficiency bill appropriating money for the payment of mileage to Senators and Members of the House of Representatives for the session of Congress beginning on the first Monday in December, 1903, commonly known as "the first regular session of the Fifty-eighth Congress." Congress was called in extraordinary session by the President early in the month of November of that year, and an appropriation was made for the payment of mileage to Senators and Members for that session.

The extra session of necessity closed before the regular session began, and no appropriation was made for the payment of mileage to Senators and Representatives for the regular session. The proposition under consideration carries an appropriation for that purpose.

The law plainly provides that the compensation for Senators and Representatives shall be $5,000 a year, and, in addition thereto, mileage at the rate of 20 cents a mile, to be estimated by the nearest route usually traveled in going to and returning from each session of Congress. There is no question that there have been three sessions of the Fifty-eighth Congress, and under the plain provision of the law each Member is entitled to mileage for each session. Nothing can be clearer to my mind than this right; and the only question is, Shall an appropriation be made to pay to Members that which the law clearly and unequivocally gives them? This law was enacted nearly forty years ago, and it has been construed from that time to the present as allowing Members of Congress mileage for each session, regular or special.

The mileage provision was not designed as commutation money to cover the expense of travel, but as a part of the compensation of Members of Congress. Everybody knows that at the time the law was passed it did not cost to exceed 5 cents a mile to travel to and from the National Capitol, and yet the mileage allowance was fixed absolutely at 20 cents a mile. The law provides that in addition to the fixed salary each Member of Congress shall be paid the sum of 20 cents a mile for each mile necessarily traveled in coming to and returning from the capital as part of his compensation.

If the law intended to simply reimburse Members of Congress for expenses of travel in attending sessions it would require an account to be made and payment would be made only for the actual expenses necessarily incurred in travel, but it does not mean any such thing. It means precisely what it says and what it has been construed to mean for forty years, with the consent of the entire country. Members of the House who believe in the theory that the mileage provision was intended only to cover expenses, can not consistently accept more than their actual expenses of travel in attending sessions of Congress.

I can not understand why a Member of Congress should refuse to accept mileage for the regular session that begun on the first Monday in December, 1903, because he did not expend anything in the way of travel, and yet accept 20 cents a mile for every other session, when he could not reasonably have expended more than 5 cents a mile.

But the law plainly gives to each Member 20 cents a mile without regard to what he shall expend. It is like mileage to witnesses and jurors—absolute. If a Member of Congress should be at the national capital on private business before the opening of a session—if he should be here for the purpose of arguing a case before the Supreme Court of the United States and should remain until the session of Congress opened, in one sense he would not have incurred any expense of travel to attend the session of Congress. He was necessarily here when Congress opened, and yet no one would question his right to take the mileage allowance at the rate of 20 cents a mile without regard to the question of whether he spent any of it or not.

A Member who lives near the capital receives less mileage, of course, than one who lives a distance away, and the point is made that the compensation upon that theory would be unequal. The mileage plan was adopted for the purpose of equalizing compensation. A Congressman who lives in Maryland, for instance, gets a small allowance for mileage, but he can be at home during all of the holidays, the temporary recesses of Congress, and Sundays, and can devote part of his time and attention to his own private business. One who lives a long distance away can not do that. When he comes to the capital to attend a session of Congress he has to arrange his affairs with a view of remaining away all of the time during the session, and the mileage is given to compensate him for the extra sacrifice of his interests in being kept away from his home during the entire session. It is a just and equitable arrangement.

It is true that none of the Members of Congress went home between the special session in 1903 and the following regular session. None of them spent any money in traveling between the two sessions, but the extra mileage was allowed as extra pay for the special session of Congress. Ordinarily there is one session of Congress each year, and the salary was fixed in view of that custom. During vacations of Congress Members generally engage in private business, and, as a rule, they can have half the time for their private affairs. When an extra session of Congress is called it involves an interruption of business and an increased expenditure. Members would draw their salary just the same if the extra session were not had, and in order to compensate them in a measure for the financial disadvantage on account of the extra session the mileage is provided.

While I firmly believe that Members of Congress are entitled to mileage pay for three sessions during the present Congress, yet there seems to be doubt in the minds of some people about this right. My vote in favor of the proposition originally was the expression of my honest views upon the subject. In view, however, of the fact that I have an interest in the legislation and there is a difference of opinion in relation to the propriety of the appropriation, it would seem to be the better course for me to oppose it. I have always made it a rule in public life that where my own interests are involved on one side and the interests of the public upon the other to resolve the doubt against my own interests, and, therefore, in order that I may not seem to be prompted by personal motives, I will support the motion to concur in the amendment of the Senate eliminating the appropriation from the deficiency bill.

Mr. HEMENWAY. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I shall vote against this mileage. I voted against it at the last session. I am going to vote against it now. For us to say that we are entitled to this "mileage," simply because the law may permit Congress to give it to us, does not satisfy my conscience that we are, as a matter of equity or as a matter of right, entitled to it. And why? Because Congress was in actual session when it is claimed the mileage accrued. Congress was here legislatively, Congress was here as a matter of fact, Congress was here as a matter of law, and every Member of Congress was presumed to be here in person if not here in fact.

Not only were we here in Washington, but here in this Chamber if a Representative and the Senate Chamber if a Senator when the extra session of this Congress ended and the moment when the first regular session of this Congress begun.

We were paid mileage for the extra session. This provision now proposes to reimburse Members of Congress for coming here to this regular session and going home, when, in fact, we were here when the regular session begun and did not go home nor have to return here to the regular session, because already here. We incurred, then, no expenses for coming to or going from this regular session and were paid mileage to the extra session. Hence I say for us, simply because we have the right of legislative might, to reach our hands into the Treasury of the United States and pay ourselves mileage under such circumstances is but legislatively assuming that to be a fact which we personally and officially know is not a fact, and therefore a false basis for this legislation.

In thus taking this money, this mileage, from the Treasury we would take it without having paid, or agreed to pay—incurred—all or any part of it in attending the first regular session of this Congress, and without giving to the people of this country any consideration, moral or equitable, therefor, and hence I contend this legislation is without merit in the eyes of common decency and public or private morality, and brings this Congress as such and the Members thereof into rightful disrepute, which we should avoid as a body and as individuals.

In short, gentlemen, the law may permit this legislation, but it does not compel it; we may appropriate for this mileage, but the facts do not warrant it; nor will I accept it if allowed. [Applause in the House and galleries.]

Mr. PERKINS. Mr. Speaker, I think the House should consider most of all the dignity and consistency of our own body. One year ago, when the question of mileage was before this House, we decided by an almost unanimous vote we would not take the mileage. Now, a year later, at the very close of this Congress, the last night of our existence, to change that position and at this late hour vote this money into our own pockets, would certainly, regardless of any question of original right, be very seriously criticised by all the people of these United States.

Mr. HEMENWAY. Mr. Speaker, I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I do not suppose there is a lawyer on the face of God's earth who could be admitted to the bar under any respectable system in the United States who doubts that there is absolutely due to every Member of this House the amount of mileage that would be assessed under our rules; but I shall support the motion of the gentleman from Indiana. I shall do it, however, with the distinct understanding that the public shall in the end understand what this issue is.

It is not entirely sufficient to satisfy me, upon a question of this nature, that some newspaper jumps onto a Member of Congress for a vote upon a trifling matter of this character.

Now, when you come to look at it, the gentleman from Tennessee [Mr. GAINES] is wholly mistaken about what he understood that he himself did, and it is not strange therefore that the public should be as easily misled as he is. [Laughter.] Now, I traveled to the second session of this Congress, and so did every other man who did his duty.

What have we done, and what is our situation? We came here in obedience to the demand of the President of the United States to the first session of the Congress. The Constitution of the United States called us into session on the first Monday in December at a regular session. Was that one session, or was it two sessions? The public are mistaken, and grievously mistaken, about one fact, and if that fact had been insisted upon from the beginning there would be no difficulty about this question.

The law of the United States gives to the Member of Congress $5,000 per annum, "and in addition thereto" a certain amount per mile for the distance that he travels. There is not a word said about its being for his traveling expenses, and it never has been so considered. It also provides that this payment shall be for each session of Congress. Now, all I have to add to this is that somebody connected with this affair will certainly bring a suit to recover his mileage, and when he has done so I do not have any doubt about what the result will be.

Some years ago there was a question made about the loss of the balances due to Congressmen caused by the defalcation of an official. I myself lost some $350 in that defalcation. Very wise men on this floor, men calling themselves great lawyers, said that we could never get that back from the Government; certainly not; that the Government had sent it to our agent here; that our agent here had the money and ran away with it; that we had trusted our agent; and that went up all over the United States, and was promulgated upon the floor of this House by a gentleman who claimed to be one of the great lawyers of the House.

Well, very quietly we all who knew anything about it decided that the Government of the United States had undertaken to pay the Members of Congress the money that was due to them, and had selected its own agents by which it would carry the money, and the final answer to it all was that you could not get your pay anywhere else by any other system than from the Sergeant-at-Arms; and so suit having been brought a recovery was easily had, and everybody took the money as far as I ever heard.

It will be remembered that on that occasion the newspapers howled at the Members of Congress and charged them with all sorts of villainy because they wanted the pay that the law allowed them. Then came the unanimous decision of the five judges of the court in an opinion that no man can gainsay, but no apology was ever made by a single newspaper that shouted graft and rascality about the Congressmen.

Here is the statute:

That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be paid from the 1st day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and coming from each regular session of Congress; but nothing herein contained shall affect the mileage accounts already accrued under existing laws.

Note the word "thereto." Compensation is the thing enacted, and then it says "in addition thereto." "Thereto" what? To what does "thereto" relate? Why, certainly, to the word "compensation."

Let us illustrate: A Representative from Chicago travels to Washington, we will say, 1,000 miles. He pays for his railroad ticket 2 cents a mile, $20; for his sleeping berth, $5; for his meals, $3; and for porterage, etc., say $1. This makes his total expenses $29. How much does he get? He receives $400 under the statute, as these gentlemen construe it, and he is $342 to the good. Now, take a Representative from Baltimore. He travels 40 miles. He has no sleeping berth to pay for nor meals, but he pays $2 for his ticket. He has traveled 40 miles and he is entitled to $16. Take out the $2, and he is $14 to the good. Now, the difference between him and the thousand-mile Representative is $340. This answers the whole proposition. The law, as they construe it, distinctly provides an inequality of pay, and you can not escape it, and it answers every argument made against the construction for which I contend.

Now, I want to point out what we, all of us, have done. If gentlemen will turn to the documents they will see what Congress has done, and, if I may be permitted, Mr. Speaker, they will see what the Senate of the United States—that gives all—let us see what they have done. Every bill that a Senator has introduced into this session of Congress says the "third session of the Fifty-eighth Congress." They have the first session, the second session, and the third session. Then all of a sudden they have discovered that there has never been any third session. We have all been sending out these documents, printing the Directory, printing the CONGRESSIONAL RECORD, printing everything, and calling it the third session of the Fifty-eighth Congress, and all of a sudden some tender consciences have come to the resolution and say that all this printing has been nonsense and that there was never any such session, and that there is no such session, and never has been only two sessions in this Congress. In the long run the public will understand that it is the same sort of clamor that is hurled at Congressmen to frighten them in the discharge of their duty. [Applause.]

Every Congressman has an absolute right to the pay that the Government has promised and which is provided by law, and it is a sign of cowardice for a man who believes this statement to vote to deprive himself of it lest newspapers should howl at him. Illustration is made of the "back-salary grab," as it is called. Now, I have two things to say about that: First, there was no relation between the character of that claim and this claim. In that case it was confessed by everybody that it was voting to pass a statute creating a salary for service that had already been accomplished and which therefore was, to all intents and purposes, back salary, and yet so strongly did the people of this country believe that Congressmen were underpaid that in the case of many men who were of value to the country and stood well with their constituents and who voted for that salary bill and who took the money have continued to prosper in public life as they had done theretofore. But that is neither here nor there. The question in this case is: Are Congressmen entitled to this mileage? It is said by some, and very intelligent men have used that argument, that to put the construction I have upon this law would be to make the pay of one Congressman more than another. The very nature and terms of the law, as confessed by everybody, does the same thing. To illustrate: Upon that construction these gentlemen get 20 cents a mile for every mile of travel, and yet a Congressman, if he paid the full railroad fare from his home here, from every home in the United States, would pay less than 3 cents a mile and would have 17 cents a mile, at least, as clear money, clear compensation for his services, and the man who lived the farthest away would get the greatest amount of money. So you see, Mr. Speaker, it is a short-sighted argument and has no force whatever when you come to consider that the law, as they construe it, provides this very distinction which they say negatives the theory which we have assumed in this behalf.

Mr. HEMENWAY. I now yield to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, more than a year ago, when this question first came before the House, I stated then that I did not believe that there had been either an actual or a constructive recess; that the session of Congress called by the President had merged into the session that begins on the first Monday in December. Therefore I did not believe, as a matter of law, that we were entitled to mileage. I believed that then and I believe that now. But I think that this question goes far beyond a question of law. It goes to the integrity of the

House of Representatives of the United States. We have a special trust given to us by the people of the United States, and that is to hold the purse of the nation. The people of the country are liberal and generous in their criticisms of Members of Congress as to their votes on appropriations in this country. It is because they trust their Representatives, and believe in their honor and integrity.

Now, I do not criticise any gentleman who has not agreed with me because we did differ on many of these questions, but I do say that when we use the word "mileage," leaving out all questions of technicality, all questions of law, that mileage does contemplate travel, and when the great public in this country understands that one session merges into another in less than one month's time, they understand that there was no opportunity given to this body to travel anywhere or go anywhere, and, therefore, from their interpretation, they will not, and can not, understand how a Member of Congress can draw mileage for a trip which he never took, that he never had the opportunity of taking, and never contemplated taking.

And if we were to vote mileage to ourselves under these circumstances I believe that we would discredit the House of Representatives before the people of the United States, and I shall therefore vote again against the question of the Members of the House taking mileage and vote to recede and concur in the Senate amendment.

Mr. HEMENWAY. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I am going to vote with the gentleman from Indiana. I voted with Mr. Holman on the same kind of a question in the Fifty-fifth Congress.

That was an extra session called to meet eleven days after March 4, 1897. I see men all around me now who were Members of the Fifty-fourth and reelected to the Fifty-fifth Congress who never went home, who never traveled a mile, and yet they voted for and received mileage for that extra session. Now, why impugn the honor and integrity of men here to-day because they think under the law they are entitled to the same treatment, when these other gentlemen sat right here and never went home nor traveled a mile nor a day and voted for mileage for extra session in 1897 and took the money? What is the difference? I voted then against mileage, as I am going to vote to-night. I voted a year ago as I am going to vote to-night; but I think every man in this House can vote for this and be as honest as the gentlemen who voted for mileage for the extra session in 1897. I say every honorable man who regards mileage as expenses must refund what mileage he has ever drawn except that which he has paid out for travel. Let us do what we did with Judge Swayne, and take nothing but actual expenses and expel the Member who takes more.

Mr. BURLESON. But we didn't expel Judge Swayne.

Mr. SIMS. If you are going to be square and consider this as expenses, I say morally you have no right to take anything but expenses. Now, I say that every man in this House has a right to vote against this or vote for it without his motives being impugned. I shall vote against it, but I think gentlemen who vote for it can be just as honest as I am, and I know some of them did not go home and did not travel a day between the adjournment of the Fifty-fourth Congress and the extra session of 1897 who voted for and took mileage for that extra session. While I do not feel that I am entitled to mileage as provided in this amendment, I have no reflection to cast on those who vote otherwise. But if gentlemen contend that mileage is to cover actual expenses incurred, then they, to be consistent, should refund all mileage heretofore received by them not actually paid out as traveling expenses.

Mr. HEMENWAY. Mr. Speaker, I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. HEFLIN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HEFLIN. I wish to ask the gentleman from Tennessee [Mr. SIMS] a question.

The SPEAKER. But the gentleman from Indiana [Mr. HEMENWAY] has yielded the floor to the gentleman from New York [Mr. FITZGERALD].

Mr. HEFLIN. Is it not a fact that——

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is not in order at this time, as the gentleman from Indiana [Mr. HEMENWAY] has yielded to the gentleman from New York [Mr. FITZGERALD] for two minutes, and the gentleman from New York has been recognized.

Mr. FITZGERALD. Mr. Speaker, I voted for the item for mileage, and I intend to vote against the motion offered by the gentleman from Indiana [Mr. HEMENWAY]. The gentleman from Ohio [Mr. GROSVENOR] has well expressed what I am convinced is the law regarding mileage for Members, and neither clamor nor criticism from misinformed persons, nor from well-informed but malevolent persons, will deter me from voting for what I believe to be in accordance with law. The amount to which I shall be entitled, should this provision prevail, is less than $100—to be accurate, $96—and if anybody supposes or imagines that because I would be entitled to this sum I am engaged in an effort to take that to which I am not legally entitled or to do that which is dishonorable I can only say that I have the supremest contempt for the persons who entertain such views. I repeat that, believing that the mileage is authorized by law, I intend to vote again for the appropriation if the motion of the gentleman from Indiana [Mr. HEMENWAY] be voted down. [Applause.]

Mr. HEMENWAY. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, I have absolutely nothing but a feeling of curiosity for the philosophy—because it is simply curious—that enables a man to grow hysterical from receiving mileage for a trip that he did not take, who continually takes mileage at ten times the amount actually expended. [Applause.] This provision was made at a time when it cost 40 cents a mile to go and come. It was made at a time when there were no railroads and no passes, when travel was not a luxury, and now it is a pure gratuity, and we take it whether we travel or not. I shall, however, support the motion of the gentleman from Indiana [Mr. HEMENWAY], not because I believe the gentlemen who vote for mileage do anything wrong, but because I will not vote to give myself or any other Member of this House this pitiful amount when it will give a lot of fools who are given to criticism and some to the editing of papers a chance to criticise this great body for petty larceny. [Applause and laughter.]

Mr. HITCHCOCK. Mr. Speaker, will the gentleman from Indiana yield?

Mr. HEMENWAY. Mr. Speaker, has the time of the gentleman from Kentucky expired?

The SPEAKER. Yes.

Mr. HITCHCOCK. Will the gentleman yield to a question?

Mr. HEMENWAY. No. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. TAWNEY]. [Applause.]

Mr. TAWNEY. Mr. Speaker, I appreciate the fact that we are nearing the closing moments of this session and that it is very difficult to obtain a hearing in this House at this hour, but I want to say in respect to the proposition now pending before the House, that whether it is voted up or voted down, to me personally it makes no difference whatever. If the House should vote that every Member was entitled to the mileage, there is not enough money that would be due me to justify me in sacrificing anything for the sake of receiving that sum. This proposition was before the second session of this Congress when I happened to be in the chair. For two days the point of order made by the gentleman from Maine and the gentleman from Georgia was discussed as to whether or not the provision carried in the urgent deficiency bill appropriating money for the payment of mileage to Senators, Representatives, and Delegates for the second session of Congress was authorized by law. That debate, I repeat, continued for two days—one of the most exhaustive debates on a point of order ever made in this House during the twelve years I have served here.

After a most careful and exhaustive consideration of the law the Chair was compelled to rule that the law authorized the payment of the mileage because it was the second session of the Fifty-eighth Congress, notwithstanding the fact that there was no formal ending of the first or no formal beginning of the second session, because the law, the Constitution of the United States, fixed the time of the beginning of one session and the beginning of another session, just as the law dividing time fixes the time for the beginning and the close of one day and the beginning and the close of another day, without respect to any formal action by the law-making power. Now, the act authorizing that appropriation is contained in the statutes of the United States, and was approved July 28, 1866. Subsequent to that enactment there was another act passed in 1864 repealing the act of 1866 providing for the payment to Members, Senators, and Delegates of their actual traveling expenses. Subsequent to this the act of 1874 was repealed, and in express terms the act of 1866 was reenacted; and the act of 1866 expressly provides:

That the compensation of each Senator, Representative, and Delegate in Congress, shall be $5,000 per annum, to be paid from the 1st day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and coming from each regular session of Congress; but nothing herein contained shall affect the mileage accounts already accrued under existing laws.

Twenty cents in addition to the compensation of $5,000 is the amount fixed as the total compensation of Senators, Representatives, and Delegates for their services during each year for which they have been elected to the House or to the Senate of the United States.

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

Mr. HEMENWAY. I yield the gentleman further time.

Mr. TAWNEY. Now, Mr. Speaker, the House, it is true, as some gentleman has said, in Committee of the Whole has decided against this proposition in the second session of this Congress, but there were certain conditions at that time presented by certain amendments offered, one by the amendment offered by the gentleman from Ohio which no doubt influenced many men in their voting on that proposition at that time, the amendment of the gentleman from Ohio being that mileage that was not collected and paid within twenty days from the date of the enactment of that act should revert to the Treasury of the United States.

There were certain matters of that kind, one on this side of the House, that undoubtedly resulted in the success of the amendment striking out that provision in the appropriation bill, but I have no more doubt on the proposition, as I said at the beginning or near the beginning of the second session of this Congress, that as a matter of legal right we are entitled to this mileage as additional compensation, which is the express language of the law, than I have on any legal proposition that has ever been presented or considered by me for that purpose since my admission to the bar.

Now, Mr. Speaker, just one word in conclusion. If the House, as it voted the other night on the proposition of our having the legal right to the amount allowed and specified by law, recedes at the dictation of the other branch of Congress, I certainly do not have that consideration for my colleagues in this branch that I once had. But if the other branch of Congress does not agree with us in the legal construction of the law, which expressly gives to us this mileage as additional compensation, then I propose that they do not need to accept it. We will concur in their amendment with an amendment eliminating the Senate mileage and take that ourselves which the law has authorized and which it allows to us as a matter of legal right. [Applause.]

Mr. HEMENWAY. Mr. Speaker, two of the strong lawyers of this House decided that an appropriation for mileage was in order on the general deficiency bill. As to the law, I have never had any doubt. As to the propriety of accepting the mileage, I have always had grave doubts, and I have no doubt that that is the condition of the mind of many of the Members of this House to-day. While they have no doubt of the legality of the mileage, they feel that there is a serious question as to whether or not they ought to accept it.

Mr. Speaker, I now move the previous question.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] moves the previous question upon his motion that the House do recede and concur in the Senate amendment.

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

Mr. RIDER. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 201, noes 19.

So the previous question was ordered.

The SPEAKER. The motion is on the question of receding, and concurring in the Senate amendment.

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

The House divided; and there were—ayes 173, noes 72.

So the motion was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the votes by which the conference report was adopted and the motion to recede and concur agreed to, was laid on the table.

The SPEAKER. The gentleman from Indiana [Mr. MIERS] is recognized.

Mr. MIERS of Indiana. Mr. Speaker, I leave the House to-morrow at noon, and I ask the attention of the Members only for one moment.

The SPEAKER. The gentleman from Indiana [Mr. MIERS] asks unanimous consent to make some remarks. How much time does the gentleman require?

Mr. MIERS of Indiana. Just a moment.

The SPEAKER. Is there objection?

There was no objection.

Mr. MIERS of Indiana. Mr. Speaker, I ask the attention of the House only for a moment. In the eight years that I have been a Member of this House I have participated in many battles, political and nonpolitical. Sometimes I have tasted the bitter waters of defeat, sometimes supped the pleasures of victory.

Public life is not always satisfying. Sometimes we see our cherished measures defeated and our fondest hopes crushed. To him who conscientiously labors for the best interest of his constituents and the welfare of the Republic upon the whole can feel a reasonable degree of satisfaction. All this would hardly be worth the striving for if it were not for the esteem and confidence we inspire in our associates. To me the cherished remembrances of these eight years will be many, but none so dear as the associations and the friendships formed. I am pleased to know that these friendships are not confined to this side of the Chamber alone, nor by political lines. Thanking you, Mr. Speaker, and the Members one and all for many acts of kindness, I quit the House with cherished feelings of friendship and good will, and wish for you one and all an honorable, happy, and prosperous future. For my successor I can make no better wish than may his associations while a Member of this House be as pleasant as mine have been. [Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 18754. An act to prohibit interstate transportation of insect pests, and the use of the United States mails for that purpose.

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

S. R. 115. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove in the Yosemite National Park.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17863. An act to further prescribe the duties of the secretary of the district of Alaska, and for other purposes;

H. R. 17514. An act granting an increase of pension to John H. Williams; and

H. R. 12273. An act authorizing the appointment of certain midshipmen in the United States Navy.

The message also announced that the Senate had agreed to the foregoing concurrent resolution of the House of Representatives.

REPORTS OF THE DIRECTOR OF THE MINT.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the House concurrent resolution No. 74.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That there be printed 3,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals for the calendar year 1903, bound in cloth and wrapped for use of the Director of the Mint.

And be it further resolved, That there also be printed 3,000 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1904, to be bound in cloth and wrapped for the use of the Director of the Mint.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask what need there is of this report. I have a number of them that I would be glad to present to the Director of the Mint, and I think the same may be said of most of the Members of this House.

Mr. CHARLES B. LANDIS. I would say that the Director of the Mint has sent several communications to the Committee on Printing stating that he had a large number of requests for these reports.

Mr. MANN. If the gentleman from Indiana [Mr. CHARLES B. LANDIS] will permit, I have served in this House eight years, and have had an annual quota of the reports of the Director of the Mint, and also a report on the production of precious metals. I have never had a single request for either one of those documents, and I will guarantee that there is not 20 per cent of the membership of this House who ever had a request for either one of them. How does it happen that the Director of the Mint has so many requests?

Mr. CHARLES B. LANDIS. I do not think the experience of the gentleman from Illinois [Mr. MANN] has been the experience of the average Member of Congress. I know that I have had many requests for these reports, and I have also had——

Mr. GAINES of Tennessee. Will the gentleman from Indi-

ana [Mr. CHARLES B. LANDIS] tell me how many of the copies of this report he has to his credit now?

Mr. CHARLES B. LANDIS. I have none.

Mr. GAINES of Tennessee. You will be surprised to find out that you have a whole lot.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Tennessee [Mr. GAINES] that there is no provision by which copies of this report to the credit of Members of Congress can be transferred except by their voluntary transfer to the credit of the Director of the Mint.

Mr. GAINES of Tennessee. Mr. Speaker, I object to this.

Mr. MANN. As the gentleman from Tennessee [Mr. GAINES] objects, I will say to the gentleman from Indiana [Mr. CHARLES B. LANDIS] that if the Director of the Mint has a request for this report and will send it to me, I will supply the request with great pleasure.

Mr. GAINES of Tennessee. I will do the same thing.

Mr. CHARLES B. LANDIS. I would suggest that if the Director of the Mint desires a number of copies of this report that those Members of Congress who have a quota to their credit voluntarily transfer them to his credit.

Mr. GAINES of Tennessee. When he asks for them he will get mine, and not before.

Mr. GILLETT of California. You have not got any.

Mr. CHARLES B. LANDIS. Mr. Speaker, I move that the rules be suspended and the concurrent resolution be passed.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass the concurrent resolution.

Mr. WILLIAMS of Mississippi. A question for information, Mr. Speaker. Can we have the concurrent resolution read again, or have it explained? Have it reported again or explain it, whichever the gentleman thinks can be most brief.

The SPEAKER. The Clerk will again report the concurrent resolution.

Mr. WILLIAMS of Mississippi. I do not think the House understands it.

The resolution was again reported.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS of Mississippi. I ask for a second.

Mr. CHARLES B. LANDIS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana is recognized for twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] is recognized for twenty minutes.

Mr. WILLIAMS of Mississippi. In the time of the gentleman from Indiana, I want to ask him a question.

Mr. CHARLES B. LANDIS. I yield to the gentleman as much time as he desires.

The SPEAKER. The gentleman has twenty minutes.

Mr. WILLIAMS of Mississippi. We each have time. You ought to speak first in your time. I want to ask you a question, because my action may be predicated upon it.

Mr. CHARLES B. LANDIS. I yield to the gentleman for a question.

Mr. WILLIAMS of Mississippi. I ask the gentleman from Indiana whether or not these reports are to be published and distributed in the regular way?

Mr. CHARLES B. LANDIS. To that I will say to the gentleman from Mississippi that the Director of the Mint has entirely exhausted the quota placed to his credit, and he asks this Congress, as he has asked previous Congresses for a number of years, to give him an additional quota.

Mr. WILLIAMS of Mississippi. For what year are these reports?

Mr. CHARLES B. LANDIS. On Precious Metals, for 1903, and on the Operations of the Mint, for 1904.

Mr. GAINES of Tennessee. I want to find out now about these previous reports.

Mr. CHARLES B. LANDIS. This same resolution has been passed in the last three or four Congresses.

Mr. GAINES of Tennessee. And this is the same as in previous years?

Mr. CHARLES B. LANDIS. Less.

Mr. MANN. Can the gentleman tell how many of these reports the Director of the Mint had in the first instance?

Mr. CHARLES B. LANDIS. I can not say.

Mr. MANN. Can the gentleman tell from what sources the requests come?

Mr. CHARLES B. LANDIS. From all sources. From libraries, from schools, from men interested in economic and business questions, from men interested in the coinage question, from men generally interested in the production of precious metals and in mines and mining, and from bankers and business men generally.

Mr. MANN. What I wish to inquire especially of the gentleman is, whether certain classes of people, like mine owners, like assayers, or certain scientific people, make requests for these books specially, if he knows?

Mr. CHARLES B. LANDIS. They do. Gentlemen sitting by me state that to-day they received requests for this publication.

Mr. MANN. They ought to be put up as curiosities.

Mr. CHARLES B. LANDIS. Mr. Speaker, I do not desire to consume any of the time of the House in this matter any further than to say that the Director of the Mint has been very insistent on the Committee on Printing reporting this concurrent resolution and stating that the number of copies of these reports he is authorized to print has long since been exhausted. The distribution that has been made formerly has been through the folding room, each Member of Congress receiving an allotment. The distribution here proposed is entirely through the Bureau of the Mint. Under the law at the present time the Director of the Mint can not call upon Members of the House for any relief. His only relief is from this body, and a resolution similar to this has been passed by previous Congresses.

That is the only explanation that I desire to make, further than to say that these requests come from mine owners, from libraries, from business men, from high schools, from engineers, and from other people interested in coinage and the production of precious metals.

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

Mr. CHARLES B. LANDIS. I will.

Mr. GAINES of Tennessee. Now the gentleman has said very clearly that nearly every person who knew anything about the question has written to the Director of the Mint.

Why in the world, if they have sense enough to understand that very intelligent and abstruse report in some places, why have they not gumption enough to send to accommodating Members of Congress in the House and the Senate? I am told by the gentleman from Nebraska, who is going to be made a Senator, that there are 25,000 copies of this report to the credit of Congress now.

Mr. BURKETT. Three thousand eight hundred.

Mr. GAINES of Tennessee. About 3,800.

Mr. CHARLES B. LANDIS. How many did you miss it? There are no copies of these reports to the credit of any Member. There have been 1,000 copies of these reports printed for the Department under authority of existing law, and no Member of this House has a single copy to his credit, nor of the one preceding. Of older reports he may have. How many did you miss it?

Mr. GAINES of Tennessee. I have been running with you for some time now, and you will excuse me.

Now, think of it. The gentleman has been trying to bring about some sort of reform in printing. Is this the way he is going to reform?

Mr. CHARLES B. LANDIS. The gentleman is not fair. The gentleman knows just as well as I do that the Director of the Mint has no authority to control the copies of any document which are to the credit of Members of Congress. The requests for these reports naturally come largely from business men, who naturally write to the Department, and not to Members of Congress.

Mr. GAINES of Tennessee. Of course not; but can not the constituent—the mine owner, the doctor, the lawyer, the schoolteacher, the baby, the little papoose, and the whole crowd of them—write to Members of Congress and get these publications? What I want the gentleman to do is to practice what he has been preaching about a reform in this horrible waste of printing. I think this is a waste, and hence I am opposed to it.

Mr. CHARLES B. LANDIS. I would suggest to the gentleman from Tennessee that possibly he has had no requests for this publication because his people do not know that he is here. [Laughter.]

Mr. GAINES of Tennessee. I am satisfied that they have heard of my friend from Indiana. They have heard him talk to himself and confess that he is in Congress. [Laughter.]

Mr. WILLIAMS of Mississippi. I am not certain that the House understands this resolution. I think there will be no trouble about it, if the House does. It is a resolution to publish 3,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals, to be wrapped and bound for the use of the Director of the Mint, and then to publish 3,000 additional copies of the Report of the Director of the Mint, to be wrapped and bound for the use of the Director

of the Mint. I hope the House understands that these two reports have already been published once and distributed in the usual way, and the only reason given by the gentleman from Indiana [Mr. LANDIS] for the publication of 3,000 additional copies of each is that the Director of the Mint says that his quota is exhausted and that he has calls for more.

Now, Mr. Speaker, there has been so much complaint about the profligacy of expenditure in connection with the public printing that the complaint has found a lodgment in the heart of the occupant of the White House himself. If we are going into the business of printing additional copies of public documents simply because executive officers have had their quota under the law exhausted and would like to have more, then indeed will there be no end to this printing woe. Of the making of many books there is no end, somebody has said. Of the printing of books at the expense of the Federal Government I begin to believe there is no end.

Mr. MANN. Will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Illinois.

Mr. MANN. Would it not be perfectly practicable for the Director of the Mint to do what the Secretary of Agriculture does with reference to certain publications, and that is to reply to a request by saying that there is a quota to the credit of Members of Congress, and suggest to the applicant that he write to his Member of Congress?

Mr. WILLIAMS of Mississippi. Not only is that perfectly possible and feasible, but even if it were not possible, even if it were not feasible, if the quota of all the Members of the Senate and House had been exhausted, and the quota of the Director of the Mint has been exhausted, I should still object to a further and additional publication if the object of that publication was to put them to the credit of the Director of the Mint.

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

Mr. WILLIAMS of Mississippi. Yes; for a question.

Mr. GAINES of Tennessee. For a short statement.

Mr. Secretary Wilson wrote to me not ten days ago, saying that there were to my credit certain books. Why can not the Director of the Mint do the same thing?

Mr. WILLIAMS of Mississippi. He can do it if the books are credited to Members, and I understand they are; but I do not want to put it upon that ground. I want to put my opposition to this on the ground that we are not to publish books whenever an executive officer happens to want more of them.

The SPEAKER. The question is on suspending the rules and agreeing to the resolution.

The question being taken, the Speaker announced that in the opinion of the Chair, two-thirds not having voted in the affirmative, the motion was rejected.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I desire to present a conference report on the river and harbor bill, together with a statement thereon. I suggest that the statement be first read; and as the report is quite brief, I will not ask unanimous consent that the reading be dispensed with.

The SPEAKER. If there be no objection the Clerk will read the statement before reading the report.

The Clerk read the statement, as follows:

The House conferees on House bill No. 18809, river and harbor bill, would respectfully report that they have reached an agreement with the Senate conferees, under which the authorization for the Delaware River below Philadelphia is increased $250,000 and the $500,000 conditionally appropriated is stricken out.

In the Senate amendment for a survey for Savannah the depth is changed from 30 to 26 feet, and the provision retained.

The Senate amendment providing for a survey of the Delaware below Philadelphia is stricken out.

The depth for a survey at Galveston is changed from 35 to 30 feet, and the provision retained.

A hasty computation makes the Senate additions $4,374,367, of which amount there is concurred in by the House $1,490,000, and rejected $2,884,367; in addition to which, it should be stated, that the $500,000 conditionally appropriated by the House has been stricken out, making in all $3,384,367.

THEODORE E. BURTON,
B. B. DOVENER,
RUFUS E. LESTER,
Managers on the part of the House.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18809) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 111.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "one million dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the word "thirty" insert "twenty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the word "thirty-five" insert "thirty;" and the Senate agree to the same.

THEODORE E. BURTON,
B. B. DOVENER,
RUFUS E. LESTER,
Managers on the part of the House.

J. H. GALLINGER,
KNUTE NELSON,
JAMES H. BERRY,
Managers on the part of the Senate.

Mr. BURTON. Mr. Speaker, I suggested that the report be read, but it is perhaps unnecessary. And pending that motion I shall be ready to answer any question or yield to any gentleman who desires any time. If there is no one who desires to ask a question I ask for a vote on the motion.

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

TRANSPORTATION OF INSECT PESTS.

The SPEAKER laid before the House the bill (H. R. 18754) to prohibit the interstate transportation of insect pests with a Senate amendment.

The Senate amendment was read.

Mr. HASKINS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

LEAVE TO PRINT.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent that my colleague [Mr. BEALL] be given permission to print the remarks that he would have made on the acceptance of the statues of Sam Houston and Stephen Austin.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

YOSEMITE VALLEY GRANT.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution 115 and strike out the legislation proposed by the resolution and leave in the appropriation proposed.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill of which the Clerk will report the title, and moves to amend by striking out all legislation.

The Clerk read the joint resolution, as follows:

Joint resolution (S. R. 115) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa big tree grove in the Yosemite National Park.

Resolved, etc., That the recession and regranting unto the United States by the State of California of the "cleft" or "gorge" in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headquarters of the Merced River and known as the Yosemite Valley, with its branches or spurs, granted unto the State of California in trust for public use and recreation by the act of Congress entitled "An act authorizing a grant to the State of California for the 'Yosemite Valley' and of the land embracing the 'Mariposa big tree grove,'" approved June 30, 1864 (13 Stat., 325), as well as the tracts embracing what is known as the "Mariposa big tree grove," likewise granted unto the State of California by the aforesaid act of Congress, is hereby ratified and accepted, and the tracts of land embracing the Yosemite Valley and the Mariposa big tree grove, as described in the act of Congress approved June 30, 1864, be, and the same are hereby, reserved and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and set apart as reserved forest lands, subject to all the provisions of the act of Congress approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations," as well as the provisions of the act of Congress approved February 7, 1905, entitled "An act to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include said lands in the Sierra Forest Reserve," and shall hereafter form a part of the Yosemite National Park.

All revenues derived from privileges granted under the act of October 1, 1890, the act of February 7, 1905, as well as under this measure, shall be paid into the Treasury of the United States, to be ex-

pended under the direction of the Secretary of the Interior in the management, protection, and improvement of the Yosemite National Park. There is hereby appropriated from any moneys in the Treasury, not otherwise appropriated, for the management, protection, and improvement of the Yosemite National Park, to be expended under the supervision of the Secretary of the Interior, the sum of $20,000.

The Clerk read the amendment proposed, as follows:

Strike out all of the bill after the enacting clause down to and including the word "Park," in line 1, on page 3.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I hate to object, but this seems to be a big job to undertake to pass at the last minute.

Mr. HEMENWAY. I will say that in the effort to secure legislation by which California cedes back to the United States this park, which it has a right to do under the law, the appropriation was placed in with the legislation and the whole item was stricken out of the bill. In order that the appropriation may stay in this action is necessary.

Mr. WILLIAMS of Mississippi. Has the State of California ceded the whole of it?

Mr. HEMENWAY. Yes. Now, by this amendment I strike out all the legislation, so that it may be considered by the appropriate committee, and leave in the appropriation for the care of the park.

Mr. WILLIAMS of Mississippi. I withdraw the objection.

The SPEAKER. Is there further objection?

There was no objection.

The amendment was agreed to.

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

RESOLUTIONS OF BOARD OF TRADE.

Mr. BURTON. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the resolutions adopted in the thirty-fifth annual meeting of the Board of Trade, held at Washington in the month of January.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire why there is any special favoritism to be extended to this organization?

Mr. BURTON. I will state that this is a very prominent and influential organization made up of delegates from the different commercial bodies throughout the United States.

Mr. MANN. I am aware of what it is. I introduced a copy of the resolution to the House myself.

Mr. BURTON. I take it that the gentleman from Illinois presented them as petitions.

It was the desire of the officials and members of the organization that as these resolutions pertained to a variety of subjects of national legislation they be printed in the RECORD.

Mr. MANN. Well, Mr. Speaker, if we grant permission to print these resolutions in the RECORD, how will we make the refusal to permit the Podunk city council to have its resolution printed in the RECORD? Where are we going to draw the line? There is a national association or congress that meets in Washington almost every day in the year.

Mr. BURTON. I would state there is a vital difference between this body and the other bodies mentioned by the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

ARMOR-PLATE TRUST.

Mr. VANDIVER. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. VANDIVER. Mr. Speaker, under section 5 of Rule XXII—

All resolutions of inquiry addressed to the heads of Executive Departments shall be reported to the House within one week after presentation.

On February 24 I introduced a resolution of inquiry directed to the Attorney-General of the United States. Under the rules, at the expiration of one week the resolution becomes privileged, if the committee has not considered it. I requested the committee, if it met, to consider it, and requested that I might have an opportunity of appearing before it for the purpose of explaining the resolution. The committee has had no meeting. The chairman of the Judiciary Committee, to which the resolution was referred, informed me that that committee has had no meeting and no consideration of the resolution.

Mr. JENKINS. Mr. Speaker, I make the point of order against the gentleman from Missouri, on the statement of the gentleman, that his resolution is not privileged.

The SPEAKER. When was the resolution introduced?

Mr. VANDIVER. On February 24. I will send the resolution to the Chair.

Mr. JENKINS. Mr. Speaker, in support of the point of order I would like to be heard.

The SPEAKER. The gentleman from Wisconsin makes the point of order that this is not a privileged question. In other words, that the week's time has not elapsed.

Mr. VANDIVER. Mr. Speaker, I desire to be heard on that point of order. If the Chair will indulge me for a few moments, I think I can satisfy the gentleman from Wisconsin.

The SPEAKER. This resolution seems to have been introduced February 24, and this is the 3d day of March. The week's time required to make a resolution of inquiry privileged is seven days, exclusive of either the first or the last day. If both days are excluded, but six days have elapsed.

Mr. VANDIVER. But if we exclude either, Mr. Speaker, full seven days have elapsed, and the rule says either, not both.

Mr. MANN. Mr. Speaker, I call the attention of the Chair to the fact that this is not the 3d day of March, so far as this House is concerned.

Mr. VANDIVER. But that is a technicality the gentleman can not avail himself of.

The SPEAKER. The decision is a week's time is required to make a resolution of inquiry to make it privileged—seven days, exclusive of either the first or the last day, but not exclusive of both.

Mr. WILLIAMS of Mississippi. "Or," not "both."

Mr. DALZELL. Mr. Speaker, before we go further, I make the point of order that the resolution by its terms is not a privileged resolution.

Mr. VANDIVER. Mr. Speaker, I am prepared to argue that question with the distinguished gentleman from Pennsylvania.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas under date of September 6, 1901, the American Anti-Trust League, a nonpartisan organization, maintained for the purpose of enforcing the law against trusts and unlawful combinations in restraint of trade, did petition the Attorney-General of the United States to institute civil and criminal proceedings against the Carnegie Steel Company and the Bethlehem Steel Company as combining and constituting an armor-plate trust for controlling the price of armor plate, and did file with the Attorney-General and with the President a statement of facts and evidence showing that the said armor-plate trust and its constituent members had combined and conspired to control and monopolize the trade and commerce in armor plate, and that the said armor-plate trust had so far succeeded that they had become the sole bidders, the Government being the sole purchaser, and thus an absolute monopoly being established which enabled the said armor-plate trust to sell many thousand tons of armor plate to the United States Government at prices ranging from $445 to $520 per ton, after a duly appointed board of expert naval constructors had reported that the actual cost of said armor did not exceed $197 per ton; and

Whereas the official reports of the Secretary of the Navy have shown that "* * * an inspection of the prices paid * * * will indicate what is not denied, that the Carnegie and Bethlehem companies agreed with each other as to prices. They have divided the contracts of this Government between themselves, each bidding lower than the other for one-half of the armor required at any time by the Government; * * *" and

Whereas additional evidence of this conspiracy to prevent free and open competition in bids for armor plate has been shown in the hearing of the present Secretary of the Navy, when, on January 26, 1905, Secretary Morton stated to the House Committee on Naval Affairs that the bids of the Bethlehem and Carnegie companies for 7,820 tons of armor plate, which had been opened on January 12 last, were discovered to be "identical;" and

Whereas in spite of this accumulated evidence of conspiracy in restraint of trade the said Secretary of the Navy awarded contracts to these two companies at $453 per ton, when an independent company outside of the trust had offered to furnish exactly the same armor for $398 per ton, thus increasing the cost to the Government $55 per ton in order to favor the trust, and thus indicating the powerful influence which the aforesaid armor-plate trust has acquired over the Government and officials of the United States: Therefore

Resolved, That the Attorney-General inform the House, at his earliest convenience, whether or not any proceedings have been instituted, either civil or criminal, against the said armor-plate trust, and if not why not.

Resolved, That the Attorney-General also inform the House what steps have been taken by him to determine whether or not the said armor-plate trust should be prosecuted for violation of the United States antitrust law of July 2, 1890, or other United States statutes against trusts and combines in restraint of trade.

The SPEAKER. What is the point of order made by the gentleman from Pennsylvania [Mr. DALZELL]?

Mr. DALZELL. Mr. Speaker, the second section of that resolution is not privileged. It asks for the opinion of the Attorney-General as to whether or not said armor-plate trust should be prosecuted for violation, etc. That is not privileged. It does not ask for facts, but for an opinion.

Mr. VANDIVER. Mr. Speaker, I beg the gentleman's pardon, but the resolution asks for information as to whether the Attorney-General "has taken any steps" to determine whether or not there is a combination. It does not ask for any opinion, it asks for facts.

Mr. DALZELL. Why, Mr. Speaker, it has been decided times out of number that Congress has no power to call upon the Attorney-General for an opinion, and if part of a resolution is not privileged the whole of it is not privileged.

Mr. WILLIAMS of Mississippi. But it does not call for an opinion; it calls for certain facts.

The SPEAKER. The Chair will hear the gentleman from Missouri briefly.

Mr. VANDIVER. Now, Mr. Speaker, there are two points of order that have been made against this resolution. On the first point of order, made by the gentleman from Wisconsin, that one week's time——

The SPEAKER. The gentleman need not address himself to that point of order. The Chair is with the gentleman on that point. [Applause on the Democratic side.]

Mr. VANDIVER. I am glad to know it, Mr. Speaker. I had not heard any expression from the Chair, but I felt sure it would be right. On the second point of order raised by the gentleman from Pennsylvania I ask for a careful reading of the resolution itself, and if the Clerk will return the copy to me which I sent to the desk I desire to call particular attention to the wording of it.

Resolved, That the Attorney-General inform the House at his earliest convenience whether or not any proceedings have been instituted, either civil or criminal, against the said armor-plate trust, and if not, why not.

That is, in view of the petition and evidence that was filed with him we want that information. Second:

Resolved, That the Attorney-General also inform the House what steps have been taken by him to determine whether or not the said armor-plate trust should be prosecuted for vollation of the United States antitrust law of July 2, 1890, or other United States statutes against trusts and combines in restraint of trade.

In other words, the resolutions call for information on two points, and two points only. First, whether or not any proceeding has yet been instituted, and if not, why the proceeding has not been instituted on the basis of the information filed with the Attorney-General.

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

Mr. VANDIVER. Yes, sir.

Mr. MANN. How could the Attorney-General answer "why not" without giving an opinion?

Mr. VANDIVER. Well, he could simply state the fact why he had not proceeded with this information filed with him.

Mr. MANN. Why, it involves an opinion to state "why not."

Mr. VANDIVER. There need not be any opinion expressed.

Mr. MANN. If your resolution asked——.

Mr. VANDIVER. All I ask of him is to state the facts why he did not. He might state he did not have the time or he did not have the funds to prosecute it, as in the case of some other investigations.

Mr. PALMER. Or that there was no case against the companies.

Mr. VANDIVER. Yes; he might state that, if it was the fact. This second resolution simply asks for information as to whether or not he has taken any steps to determine the question whether or not any proceedings could be instituted.

Mr. PAYNE. Why does not the gentleman proceed to the second point of order on the resolution upon which the point of order was made?

Mr. VANDIVER. I will read that part again.

The SPEAKER. The question in the mind of the Chair, to get at the exact point, is, the point of order made by the gentleman from Pennsylvania is that the second clause of the resolution that calls upon the Attorney-General for an opinion is not privileged and therefore, containing matter that is not privileged, it renders the whole resolution not privileged, and upon that point the Chair will be glad to hear the gentleman.

Mr. VANDIVER. Now, Mr. Speaker, upon that point I think the simple statement of the resolution itself is very clear. It does not call for any opinion; it simply calls for a statement of facts.

Mr. DALZELL. Better read it.

Mr. VANDIVER. It has been read twice in full. It calls for certain information from the Attorney-General, and this simply asks whether or not any proceedings have been instituted based on certain information, and if not, why not. In other words, simply a statement of fact as to whether the Attorney-General had found that information sufficient to base a proceeding upon or not. That is all there is in it. The simple reading of the resolution, Mr. Speaker, makes that point very plain.

The SPEAKER. The Chair will be glad to hear the gentleman from Missouri [Mr. VANDIVER] read the second clause of the resolution.

Mr. VANDIVER. Does the Chair refer to the second resolution, or the second clause of the first resolution?

The SPEAKER. The second resolution.

Mr. VANDIVER. I will read again, Mr. Speaker.

Resolved, That the Attorney-General also inform the House what steps have been taken by him to determine whether or not the said armor-plate trust he prosecuted—

It says "what steps have been taken." It does not call for any expression of opinion by him as to whether or not the steps taken are proper or sufficient, but a statement of fact as to whether any steps have been taken or not. It does not call upon the Attorney-General for any more than that.

Mr. PAYNE. Why does not the gentleman from Missouri [Mr. VANDIVER] read the whole of that resolution?

Mr. VANDIVER. I have read the whole of it twice.

Mr. WILLIAMS of Mississippi. The gentleman from Missouri [Mr. VANDIVER] has read it. Now, Mr. Speaker, I desire to read to the Chair once more the resolution about which the Chair is now in doubt. The Chair seems to have an idea that this second resolution calls for an opinion from the Attorney-General upon some subject or other. So I desire to read it again.

Resolved, That the Attorney-General also inform the House what steps have been taken by him to determine—

There is no opinion about that. It means what judicial steps, what steps as a prosecuting national attorney, have been taken by him to determine whether or not said armor-plate trust should be prosecuted for violation of the United States antitrust law. It means what steps have been taken by him in any court of the United States to determine whether there has been a violation of law or not. Then it says:

the antitrust law of July 2, 1890, or other United States statutes against trusts and combines in restraint of trade.

Would anybody say to me that if I address an inquiry to a prosecuting attorney to know what steps he had taken to determine whether a defendant was guilty, or somebody charged or alleged to be guilty, was guilty of violating the law, that it was calling upon him for an opinion? It is calling upon him to know what steps he has taken to ascertain the opinion of a court, and not calling upon him for his opinion. It is calling upon him to know what he has done under the law, not what he thinks under the law. If he has not done anything, he can respond that he has done nothing. If he has done something, he can respond that he has done that, whatever it is. There is not the slightest inkling of a demand to know what his opinion is, nor what he thinks anybody else would decide, but simply to know what steps he has taken under the law to determine whether these people are guilty or not guilty. And by the demand it means what steps he has taken in a court of competent jurisdiction. [Applause on the Democratic side.]

Mr. VANDIVER. Now, Mr. Speaker, just another word.

The SPEAKER. Will the gentleman send the resolution to the desk?

Mr. VANDIVER. Certainly. And I request the Speaker to read the resolution and let it speak for itself. I only desire to add this, that for the present Attorney-General, who was, not many years ago, an honored Member of this House, I have the highest personal esteem. It was not during the administration of the present Attorney-General that this information was filed. It was during a preceding administration of the office. I make no reflection upon any gentleman who has occupied the office of Attorney-General, but I think, Mr. Speaker, after all the developments that have come out here, after every Secretary of the Navy for the last ten years has clearly intimated, and some of them openly charged, that these two great corporations are in a combination with each other to control the price of armor plate, and after the distinguished gentleman from Illinois [Mr. Foss], who presides over the Committee on Naval Affairs in this House, yesterday on this floor plainly and frankly conceded the fact, it is certainly time for us to find out officially whether or not the Attorney-General of the United States has undertaken any proceedings against this most palpable combination of all the great trusts that are now sucking the lifeblood of the commerce of the country. [Applause.]

We want to know simply what efforts are being made by the Department of Justice to enforce the law against the Carnegie and the Bethlehem Company, which are admitted to be in a combination against the Government. It is well known, sir, that if a deluded, poverty-stricken denizen of the swamps of Arkansas or the mountains of Kentucky undertakes to brew a little beer or distill a little moonshine whisky a United States marshal, with all the enginery of the United States behind him, will follow the offender to the uttermost ends of the earth or bring him to justice and to jail. I believe, sir, that same majesty of the law should preside with equal justice and certainty over the conduct of the mightiest millionaire magnate that now rules the empire of commerce. And now, Mr. Speaker,

I ask for a ruling on the points of order. [Applause on the Democratic side.]

The SPEAKER. The Chair, on a hasty reading, not upon a close reading of the resolution, taking the second resolution, was in doubt as to whether the second resolution was privileged. If it is not privileged, of course that would vitiate the first resolution, because nonprivileged matter with a privileged matter renders both nonprivileged.

The Chair will read the second resolution:

Resolved, That the Attorney-General also inform the House what steps have been taken by him to determine whether or not the said armor-plate trust shall be prosecuted for violation of the United States antitrust law of July 2, 1890, or other United States statutes against trusts and combines in restraint of trade.

That calls for a statement of fact, and not of opinion, as the Chair erroneously thought upon the first reading. The Chair holds the resolution to be privileged. [Applause.]

Mr. PAYNE. I raise the question of consideration.

Mr. JENKINS. I move to lay the resolution on the table.

Mr. VANDIVER. I move that the Committee on the Judiciary be discharged from further consideration of the resolution, and that it be considered by the House.

Mr. PAYNE. Mr. Speaker, I raise the question of consideration.

Mr. WILLIAMS of Mississippi. Why not vote the question directly up or down. Why attack it in the flank?

Mr. PAYNE. I am attacking it right in front.

Mr. WILLIAMS of Mississippi. Make a frontal attack.

Mr. PAYNE. I have made a frontal attack.

Mr. WILLIAMS of Mississippi. Then vote it up or down.

Mr. PAYNE. We do not propose to stay here and have any debate on it.

Mr. WILLIAMS of Mississippi. We do not want any debate. Vote on the question right now.

Mr. SULZER. Let us have a vote on the merits.

The SPEAKER. The Chair is not being enlightened by side remarks. [Laughter.]

Mr. VANDIVER. Now, I ask unanimous consent, pending the motion I have made, that the preamble to the resolution be read, for the information of the House, as the basis on which the resolution is founded.

Mr. JENKINS. I shall be obliged to object to that, Mr. Speaker, as the House does not need any information on this subject.

The SPEAKER. The Chair finds the following in the Digest: "The question of consideration may not be raised on a motion relating to the order of business."

Mr. DALZELL. Then, Mr. Speaker, I move to lay the resolution on the table.

Mr. VANDIVER. Mr. Speaker——

The SPEAKER. A motion to discharge the committee is not debatable. The gentleman from Pennsylvania moves to lay the motion on the table.

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

Mr. WILLIAMS of Mississippi. I had the floor, and yielded it to the gentleman to make no other motion.

The SPEAKER. A motion to lay on the table intervenes, and is in order.

Mr. WILLIAMS of Mississippi. Then, Mr. Speaker, in order to save the public time thus late at night, I ask for the yeas and nays now.

The yeas and nays were ordered.

Mr. CANDLER. What is the vote on?

The SPEAKER. The motion is to lay on the table the motion of the gentleman from Missouri.

Mr. WILLIAMS of Mississippi. The question is on the motion to lay on the table.

Mr. PAYNE. Regular order!

The SPEAKER. The Chair has stated it. The Clerk will call the roll.

The question was taken; and there were—ayes 108, nays 95, answered "present" 10, not voting 170, as follows:

YEAS—108.

Acheson	Calderhead	Dwight	Hildebrant
Alexander	Campbell	Evans	Hill, Conn.
Allen	Capron	Fordney	Hinshaw
Bartholdt	Cassel	Foster, Vt.	Hogg
Bates	Conner	French	Hunter
Beidler	Cooper, Pa.	Gaines, W. Va.	Jenkins
Bingham	Cousins	Gardner, Mass.	Jones, Wash.
Birdsall	Currier	Gardner, N. J.	Kennedy
Bishop	Curtis	Graff	Knowland
Bonynge	Cushman	Greene	Kyle
Brandegee	Dalzell	Hamilton	Lacey
Brick	Darragh	Haskins	Landis, Chas. B.
Brooks	Davidson	Hedge	Landis, Frederick
Brown, Wis.	Dixon	Hemenway	Lawrence
Burkett	Dovener	Henry, Conn.	Lilley
Butler, Pa.	Dunwell	Hepburn	Littlefield
Lorimer	Mondell	Rodenberg	Volstead
Loud	Morrell	Scott	Wanger
Loudenslager	Mudd	Sibley	Warner
Lovering	Murdock	Smith, Iowa	Warnock
McCleary, Minn.	Palmer	Smith, Pa.	Webber
McCreary, Pa.	Parker	Southwick	Weems
McMorran	Payne	Sterling	Wiley, N. J.
Mann	Perkins	Stevens, Minn.	Wilson, Ill.
Marshall	Porter	Sulloway	Wood
Martin	Prince	Tawney	Wright
Miller	Reeder	Thomas, Ohio	Young

NAYS—95.

Adamson	Dinsmore	Kluttz	Scudder
Aiken	Emerich	Lamar, Fla.	Sherley
Baker	Esch	Lamb	Sims
Bassett	Finley	Legare	Slayden
Beall, Tex.	Fitzgerald	Lever	Small
Bell, Cal.	Foster, Ill.	Lind	Smith, Ky.
Benny	Garner	Little	Snook
Bowers	Glass	Livernash	Spalding
Bowie	Goulden	Lloyd	Sparkman
Brantley	Granger	McAndrews	Stephens, Tex.
Broussard	Griggs	Macon	Sullivan, Mass.
Brundidge	Gudger	Minor	Sulzer
Burgess	Hay	Padgett	Tate
Burleson	Heflin	Patterson, N. C.	Taylor
Burnett	Hitchcock	Pou	Thayer
Candler	Hopkins	Randell, Tex.	Thomas, N. C.
Cassingham	Houston	Ransdell, La.	Underwood
Clark	Howard	Richardson, Ala.	Vandiver
Cooper, Wis.	Hughes, N. J.	Rider	Van Duzer
Cowherd	Hunt	Rixey	Wallace
Davey, La.	Johnson	Robinson, Ark.	Williams, Ill.
Davis, Minn.	Jones, Va.	Ruppert	Wynn
De Armond	Keliher	Russell	Zenor
Denny	Kitchin, Wm. W.	Ryan	

ANSWERED "PRESENT"—10.

Bartlett	Foss	Meyer, La.	Williams, Miss.
Brownlow	Hardwick	Olmsted	
Cromer	Howell, Utah	Patterson, Pa.	

NOT VOTING—170.

Adams, Pa.	Fowler	Lamar, Mo.	Rucker
Adams, Wis.	Fuller	Lester	Scarborough
Ames	Gaines, Tenn.	Lewis	Shackleford
Babcock	Garber	Lindsay	Sheppard
Badger	Gardner, Mich.	Littauer	Sherman
Bankhead	Gibson	Livingston	Shiras
Bede	Gilbert	Longworth	Shober
Benton	Gillespie	Lucking	Shull
Boutell	Gillet, N. Y.	McCall	Slemp
Bowersock	Gillett, Cal.	McCarthy	Smith, Ill.
Bradley	Gillett, Mass.	McDermott	Smith, Samuel W.
Breazeale	Goebel	McLachlan	Smith, Wm. Alden
Brown, Pa.	Goldfogle	McLain	Smith, N. Y.
Buckman	Gooch	McNary	Smith, Tex.
Burke	Gregg	Maddox	Snapp
Burleigh	Griffith	Mahon	Southall
Burton	Grosvenor	Marsh	Southard
Butler, Mo.	Hamlin	Maynard	Sperry
Byrd	Harrison	Miers, Ind.	Spight
Caldwell	Haugen	Moon, Pa.	Stafford
Castor	Hearst	Moon, Tenn.	Stanley
Clayton	Henry, Tex.	Morgan	Steenerson
Cochran, Mo.	Hermann	Needham	Sullivan, N. Y.
Cockran, N. Y.	Hill, Miss.	Nevin	Swanson
Connell	Hitt	Norris	Talbott
Cooper, Tex.	Holliday	Otjen	Thomas, Iowa
Croft	Howell, N. J.	Overstreet	Tirrell
Crowley	Huff	Page	Townsend
Crumpacker	Hughes, W. Va.	Patterson, Tenn.	Trimble
Daniels	Hull	Pearre	Van Voorhis
Davis, Fla.	Humphrey, Wash.	Pierce	Vreeland
Dayton	Humphreys, Miss.	Pinckney	Wachter
Deemer	Jackson, Md.	Powers, Me.	Wade
Dickerman	Jackson, Ohio	Powers, Mass.	Wadsworth
Dougherty	James	Pujo	Watson
Douglas	Kehoe	Rainey	Webb
Draper	Ketcham	Reid	Weisse
Dresser	Kinkaid	Rhea	Wiley, Ala.
Driscoll	Kitchin, Claude	Richardson, Tenn.	Williamson
Field	Kline	Robb	Wilson, N. Y.
Fitzpatrick	Knapp	Roberts	Woodyard
Flack	Knopf	Robertson, La.	
Flood	Lafean	Robinson, Ind.	

So the motion to lay the resolution on the table was agreed to.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I voted in the negative. I wish to withdraw my vote because I am paired with the gentleman from New York [Mr. WADSWORTH].

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WILLIAMS of Mississippi, and he answered "present."

The Clerk announced the following additional pairs:

For the session:

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. WOODYARD with Mr. HARDWICK.

Balance of session:

Mr. WADSWORTH with Mr. WILLIAMS of Mississippi.

Until further notice:

Mr. CROMER with Mr. GRIFFITH.

Mr. FOWLER with Mr. BARTLETT.

For this day:

Mr. BURLEIGH with Mr. WEBB.

On this vote:

Mr. HITT with Mr. MADDOX.

Mr. MCCARTHY with Mr. LUCKING.
Mr. LITTAUER with Mr. MCLAIN.
Mr. LAFEAN with Mr. LAMAR of Missouri.
Mr. KNOPF with Mr. KLINE.
Mr. GIBSON with Mr. LESTER.
Mr. CRUMPACKER with Mr. RICHARDSON of Tennessee.
Mr. FOSS with Mr. GARBER.
Mr. MORGAN with Mr. GREGG.
Mr. ADAMS of Pennsylvania with Mr. PAGE.
Mr. DRAPER with Mr. HARRISON.
Mr. HAMILTON with Mr. BYRD.
Mr. LONGWORTH with Mr. MCNARY.
Mr. OLMSTED with Mr. GILBERT.
Mr. BROWNLOW with Mr. BENTON.
Mr. WARNOCK with Mr. BADGER.
Mr. BUCKMAN with Mr. CROFT.
Mr. WM. ALDEN SMITH with Mr. BANKHEAD.
Mr. MARSH with Mr. MAYNARD.
Mr. MOON of Pennsylvania with Mr. MIERS of Indiana.
Mr. NEEDHAM with Mr. PATTERSON of Tennessee.
Mr. NEVIN with Mr. PIERCE.
Mr. NORRIS with Mr. PINCKNEY.
Mr. OVERSTREET with Mr. MOON of Tennessee.
Mr. POWERS of Maine with Mr. PUJO.
Mr. POWERS of Massachusetts with Mr. ROBINSON of Indiana.
Mr. ROBERTS with Mr. RAINEY.
Mr. SMITH of New York with Mr. WILSON of New York.
Mr. SNAPP with Mr. ROBB.
Mr. SOUTHARD with Mr. RUCKER.
Mr. SPERRY with Mr. SHACKLEFORD.
Mr. THOMAS of Iowa with Mr. SHOBER.
Mr. TIRRELL with Mr. SMITH of Texas.
Mr. TOWNSEND with Mr. SOUTHALL.
Mr. VREELAND with Mr. STANLEY.
Mr. WACHTER with Mr. SWANSON.
Mr. WATSON with Mr. TRIMBLE.
Mr. MAHON with Mr. WADE.
Mr. ADAMS of Wisconsin with Mr. WILEY of Alabama.
Mr. BEDE with Mr. TALBOTT.
Mr. BABCOCK with Mr. MCDERMOTT.
Mr. BOUTELL with Mr. GRIGGS.
Mr. BOWERSOCK with Mr. SPIGHT.
Mr. BROWN of Pennsylvania with Mr. BREAZEALE.
Mr. BURTON with Mr. COCKRAN of New York.
Mr. GILLETT of Massachusetts with Mr. HILL of Mississippi.
Mr. CASTOR with Mr. COOPER of Texas.
Mr. BURKE with Mr. CLAYTON.
Mr. DEEMER with Mr. SHULL.
Mr. DOUGLAS with Mr. FIELD.
Mr. DRESSER with Mr. FLOOD.
Mr. DRISCOLL with Mr. GAINES of Tennessee.
Mr. FULLER with Mr. DOUGHERTY.
Mr. GARDNER of Michigan with Mr. GOLDFOGLE.
Mr. GROSVENOR with Mr. LIVINGSTON.
Mr. HAUGEN with Mr. GILLESPIE.
Mr. HOWELL of New Jersey with Mr. HAMLIN.
Mr. HUFF with Mr. HENRY of Texas.
Mr. HUMPHREY of Washington with Mr. HUMPHREYS of Mississippi.
Mr. HULL with Mr. JAMES.
Mr. KETCHAM with Mr. LINDSAY.
Mr. KINKAID with Mr. LEWIS.
Mr. KNAPP with Mr. KEHOE.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 18809. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. R. 14622. An act prohibiting the selection of timber lands in lieu of lands in forest reserves.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the proceedings in Congress upon the exercises appropriate to the reception and acceptance from the State of Texas of the statues of Sam Houston and Stephen F. Austin, 16,500 copies, of which 5,000 copies shall be for the use of the Senate, 10,000 copies for the use of the House of Representatives, 500 copies for the use of the Senators from the State of Texas, and 1,000 copies for the use of the Representatives from the State of Texas; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statues to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 115) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa big tree grove in the Yosemite National Park.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

H. J. Res. 230. Joint resolution to authorize the chairman of the excise board of the District of Columbia to issue certain permits; and

H. R. 6826. An act to transfer Ensign Creighton Churchill from the retired to the active list of the Navy.

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. 18990. An act authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Me., to the State of Maine for public purposes;

H. R. 18467. An act making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 11204. An act to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter;

H. J. Res. 227. Joint resolution for printing the Report on the Mexican Cotton Boll Weevil;

H. R. 17589. An act to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes;

H. R. 3535. An act to grant honorable discharge to William A. Treadwell;

H. R. 11664. An act to reimburse the Illinois Central Railroad Company for damage to Union Depot at Louisville, Ky., by blasting in the Ohio River;

H. R. 14393. An act granting an increase of pension to Deborah W. Annable;

H. R. 15021. An act for the relief of Gilbert Shaw;

H. R. 815. An act to correct the military record of James Houselman;

H. R. 18040. An act to authorize Gila County, Ariz., to issue $40,000 in bonds to build a court-house, etc.;

H. R. 19098. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri;

H. R. 19050. An act to authorize the county of Ouachita to construct a bridge across Ouachita River, Arkansas.

H. R. 19178. An act to authorize the Apalachicola and Northern Railway to construct and maintain a bridge across the Apalachicola River and the East St. Mary River;

H. R. 19097. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River, near the city of St. Charles, in the State of Missouri;

H. J. Res. 222. Joint resolution permitting Ying Hsing Wen and Ting Chia Chen, of China, to receive instruction at the Military Academy at West Point;

H. R. 17865. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 18514. An act to amend an act to prohibit the passage of special or local laws in the Territories, to limit Territorial indebtedness, and to legalize the indebtedness of school district No. 1, in Pawnee County, Okla.; and

H. R. 18939. An act for the relief of the heirs and assignees of Thomas Whaley and wife.

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

S. 7042. An act authorizing the Secretary of the Navy to accept the torpedo boats *Stringham* and *Goldsborough;*

S. R. 107. Joint resolution authorizing the Commission to Revise the Laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary title heretofore reported by said Commission;

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

S. 7012. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establish-

ment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;" and

S. 5108. An act to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18596. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi;

H. R. 11861. An act granting a pension to Sarah E. Hayner;

H. J. Res. 225. A resolution providing for the printing annually of the reports of the Bureau of Immigration;

H. R. 11802. An act for the relief of Adolph Spiegel, as the successor of the firm of Spiegel, Finkelstein & Co.;

H. R. 18597. An act to authorize the county of Quitman to construct a bridge across the Tallahatchie River, Mississippi;

H. R. 4407. An act authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady;"

H. R. 18688. An act authorizing the President to appoint S. J. Call surgeon in the Revenue-Cutter Service;

H. R. 3628. An act for the relief of Claude B. Alverson;

H. R. 18598. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi;

H. R. 19203. An act to provide for celebrating the birth of the American nation, the first permanent settlement of English-speaking people on the Western Hemisphere, by the holding of an international naval, marine, and military celebration in the vicinity if Jamestown, on the waters of Hampton Roads, in the State of Virginia; to provide for a suitable and permanent commemoration of said event, and to authorize an appropriation in aid thereof, and for other purposes;

H. R. 15609. An act providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes; and

H. R. 17941. An act to amend the act entitled "An act to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras," approved April 28, 1904.

LIEU TIMBER LANDS.

Mr. LACEY. Mr. Speaker, I desire to present a conference report on the bill (H. R. 14622) prohibiting the selection of timber lands in lieu of lands in forest reserves, for the purpose of having the same printed in the RECORD.

The SPEAKER. If there be no objection, the report will be printed in the RECORD.

There was no objection.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until to-morrow at 10 o'clock a. m.

The motion was agreed to.

Accordingly (at 11 o'clock and 55 minutes p. m.) the House took a recess until 10 o'clock a. m., Saturday, March 4, 1905.

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 assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ida J. Cole, sole heir of Martha C. Cole, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the chairman of the excise board of the District of Columbia, transmitting a report of the operations of the board for the license year ended October 31, 1904—to the Committee on the District of Columbia, and ordered to be printed.

Report of joint commission on plans for the extension and completion of the Capitol building—to the Committee on Appropriations, and ordered to be printed.

Hearings before the Committee of the House on Irrigation of Arid Lands—ordered to be printed as a House document.

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. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 54) to amend the act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891 (First Supplement to the Revised Statutes, second edition, p. 913), reported the same with views of the minority, accompanied by a report (No. 2854, part 2); which said bill and views of the minority report were referred to the House Calendar.

Mr. SHERLEY, from the Committee on Revision of the Laws, to which was referred the Senate resolution (S. Res. 107) authorizing the Commission to Revise the Laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary title heretofore reported by said Commission, reported the same without amendment, accompanied by a report (No. 4898); which said resolution and report were referred to the House Calendar.

Mr. TATE, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 3566) to provide for the selection of a site for the establishment of a navy-yard and dry dock on or near Sabine Pass, or the Neches or Sabine River, in the State of Texas, reported the same with amendment, accompanied by a report (No. 4901); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

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. KALANIANAOLE: A bill (H. R. 19205) to provide for the repayment of certain customs dues—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 19209) for the relief of Mrs. Catherine Bub—to the Committee on Claims.

By Mr. HUGHES of New Jersey: A joint resolution (H. J. Res. 231) appropriating certain money for the purpose of investigating possibility of communicating diseases in street and railroad cars—to the Committee on Interstate and Foreign Commerce.

By Mr. BEIDLER: A resolution (H. Res. 546) requesting certain information from the Supervising Architect of the Treasury Department—to the Committee on Public Buildings and Grounds.

By Mr. McNARY: A resolution (H. Res. 548) requesting the President of the United States to reconvene the Joint High Commission to consider reciprocal trade relations between Canada, Newfoundland, and the United States—to the Committee on Ways and Means.

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. TATE: A bill (H. R. 19206) for the relief of the estate of William Fenn, deceased, late of Cherokee County, Ga.—to the Committee on War Claims.

By Mr. WALLACE: A bill (H. R. 19207) granting an increase of pension to William Jackson Williams—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 19208) for the relief of Silas Garrison, of Littleton, Wetzel County, W. Va.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of National Livestock Association of Denver, Colo., for transfer of administration of forest reserves to the Department of Agriculture—to the Committee on Agriculture.

Also, petition of Washington Camp, No. 632, Franklindale, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Iroquois and Vermilion counties, Ill., against a parcel-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER: Petition of the Gilbert S. Graves Bible Class of Emanuel Baptist Church, of Buffalo, N. Y., against sale of intoxicating liquors on Government premises—to the Committee on Alcoholic Liquor Traffic.

By Mr. BONYNGE: Petition of citizens of Berthoud, Otero

County, Telluride, and Iliff, Colo., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BRICK: Petition of citizens of Fulton County, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of citizens of Maine, against repeal of the Grout law—to the Committee on Agriculture.

Also, petition of Kennebec Lodge, No. 343, Brotherhood of Railway Trainmen, favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of citizens of Franklin and Hancock, Me., for equitable railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Maine, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL: Petition of citizens of Cowley County, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Texas: Petitions of citizens of Reno, Abilene, and Keene, Tex., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DANIELS: Petition of citizens of Tulare County, Cal., for equitable railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIDSON: Petition of citizens of New Holstein, Wis., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of New London, Wis., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DOUGLAS: Petition of citizens of Binghamton, New York City, Elmira Heights, Buffalo, and Williamstown, N. Y., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. FITZGERALD: Petition of citizens of the State of New York, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARDNER of Michigan: Petition of citizens of Battlecreek, Fulton, and Grandledge, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAMLIN: Petition of citizens of Racine City, Sedalia, Polk, and St. Joseph, Mo., altogether 403 petitioners, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAMILTON: Petition of the Methodist Episcopal Church of Vandalia, Mich., favoring all bills before Congress to suppress sale of intoxicating liquors—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Christian Church of Vandalia, Mich., favoring Senate amendment to the statehood bill relative to sale of intoxicating liquors—to the Committee on the Territories.

By Mr. HEMENWAY: Petition of citizens of Muncie, Ind., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Brooksburg, Ind., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. MARSHALL: Petition of citizens of Etna, N. Dak., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. McMORRAN: Petition of citizens of Leslie, Alden, and Corunna, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. NORRIS: Petition of citizens of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PORTER: Petition of Pittsburg Chapter of the American Institute of Bank Clerks, favoring the Gaines bill—to the Committee on Banking and Currency.

Also, petition of board of game commissioners of Pennsylvania, for protection of wild animals, birds, and fish in forest reserves of the United States—to the Committee on Agriculture.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Felix Weeden—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: Petition of 1,123 citizens of Grand Rapids; also citizens of Ottawa County and Ada, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEVENS of Minnesota: Petition of citizens of Minnesota, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WARNER: Petition of citizens of Chicago, Ill., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WALLACE: Paper to accompany bill for relief of Jackson Williams—to the Committee on Invalid Pensions.

By Mr. WEBBER: Petition of citizens of Richland County, Ohio, for equitable railway rates—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *March 4, 1905.*

The recess having expired, the Senate reassembled at 10 o'clock a. m. Saturday, March 4.

EXPENSES OF INAUGURAL CEREMONIES.

Mr. HALE. I introduce a joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1905, and ask for its present consideration.

The joint resolution (S. R. 116) to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1905, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1905, in accordance with such programme as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police, three days at $3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $2,000, or so much thereof as may be necessary, in addition to the sum appropriated by the joint resolution approved January 31, 1905, the same to be immediately available.

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

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 18754) to prohibit interstate transportation of insect pests, and the use of the United States mails for that purpose.

ENROLLED BILLS SIGNED.

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

H. R. 17589. An act to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes;

H. R. 18990. An act authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Me., to the State of Maine for public purposes; and

H. J. Res. 227. Joint resolution for printing the Report on the Mexican Cotton-Boll Weevil.

STATEMENT OF APPROPRIATIONS.

Mr. GORMAN. Mr. President, the hour approaches and only a short time is left before the expiration of the present Congress, which has been in some respects a very extraordinary one in the matter of legislation. As has been customary, and it is proper, I submit, the chairman of the Committee on Appropriations has heretofore favored the country with a terse statement of the condition of the Treasury and the appropriations made by the present Congress. I ask the distinguished Senator from Iowa, the chairman of the committee, if it is possible for him to give us the benefit of a statement of that sort now. I am aware that he has been pressed to an extraordinary degree, but knowing his familiarity with the whole subject, I trust he will be able to furnish the Senate and the country with a short statement.

Mr. ALLISON. Mr. President, it is not possible at this moment to give an accurate detailed statement of the appropriations made at the present session of Congress. That statement will be prepared by the clerks of the two Committees on Appropriations—the clerk of the Senate committee and the clerk of the House committee—and will be printed in the RECORD, probably on Monday, or on Tuesday at the furthest. I ask leave, on behalf of the Committee on Appropriations of the Senate, to print such a table in the RECORD when it is prepared.