

others, of North Adams, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LIVINGSTON: Petitions of Rev. Theron H. Rice and 20 others, and C. C. McClaughry and 23 others, of Atlanta, Ga., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PATTERSON of North Carolina (by request): Paper to accompany bill for the relief of William D. Young—to the Committee on Claims.

By Mr. PAYNE: Petition of William Henry Butler and others, of Geneva, N. Y., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, paper to accompany bill H. R. 14925, granting an increase of pension to Robert T. Porter—to the Committee on Invalid Pensions.

By Mr. PORTER: Resolution of United Labor League of Western Pennsylvania, in favor of bill to increase salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petitions of William L. Fuchs and R. A. Bethune, of Buffalo, N. Y., in favor of Senate bill 4845—to the Committee on Public Buildings and Grounds.

By Mr. SIMS: Petitions of W. L. Noell and 16 others, and B. F. Morgan and 26 others, of Huntington, Tenn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SLAYDEN: Petitions of O. H. Robbins and 14 others, of Milburn, Tex., and J. C. Beasley and 12 others, of Brady, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SNOOK: Petition of Abel Comstock, in favor of bill H. R. 5760, providing pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petitions of T. A. Eppes and 34 others, of Clarksville, Va., and Rev. S. H. Dana and 14 others, of Exeter, N. H., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SULZER: Petition of the Council of the Historical Society of Pennsylvania, relative to the proposed sale of the custom-house building in Philadelphia—to the Committee on Public Buildings and Grounds.

By Mr. THOMAS of Iowa: Petition of citizens of Mapleton, Sioux City, and other towns in Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WACHTER: Papers to accompany bill granting an increase of pension to Joseph W. Miller—to the Committee on Invalid Pensions.

By Mr. WALLACE: Petition of business men of Arkansas, against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. C. Herring and 82 others, and A. O. Wallis and 60 others, of Warren, Ark., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WEEMS: Papers to accompany bill H. R. 9286, granting an increase of pension to S. Amanda Mansfield—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany bill granting an increase of pension to Mrs. N. G. Heard—to the Committee on Pensions.

SENATE.

THURSDAY, April 14, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

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

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

ADULTERATION OF FOODS, DRUGS, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, a report by the Chief of the Bureau of Chemistry relative to investigations of adulterated foods, drugs, and liquors made under the provisions of paragraph 2 of the act of March 1, 1899, etc.

Mr. HEYBURN. I ask that the communication be printed and referred to the Committee on Manufactures. I understand the other documents referred to have been already printed.

The PRESIDENT pro tempore. They have been already printed.

Mr. HEYBURN. I ask to have printed only those that have not been already printed.

The PRESIDENT pro tempore. The matter not printed in the report will be printed and referred to the Committee on Manufactures, and the printed report will be referred to the same committee.

FINDINGS BY 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 Thomas G. Johnson v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John H. Cahoon and Charles G. Cahoon, heirs at law of Benjamin J. Cahoon, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate in compliance with its request the bill (S. 3361) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the maintenance and supply of fuel and illuminating gas and its by-products in Honolulu.

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:

A bill (H. R. 1924) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers;

A bill (H. R. 6937) for the relief of the estate of Elizabeth S. Cushing;

A bill (H. R. 10007) to authorize the Commissioner of the General Land Office to transmit original papers to be used as evidence;

A bill (H. R. 13738) to authorize Frank P. Harman to bridge the Tug Fork of the Big Sandy River near Delorme, in Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky;

A bill (H. R. 14110) to authorize the donation of a certain unused and obsolete gun now at Chickamauga Park, Ga., to Phil Kearny Post of the Grand Army of the Republic, at Nelsonville, Ohio; and

A joint resolution (H. J. Res. 84) for the acceptance of a statue of Gen. Thaddeus Kosciuszko, to be presented to the United States by the Polish-American citizens.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of the Trades Council, American Federation of Labor, of Tacoma, Wash., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

Mr. ANKENY presented a petition of General Grover Post, No. 51, Department of Alaska and Washington, Grand Army of the Republic, of Auburn, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. ALLEE presented a petition of sundry citizens of Kent County, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented a petition of the Crescent Coal and Mining Company, of Chicago, Ill., and the petition of S. C. Schenck, agent for the Delaware, Lackawanna and Western Railroad Company, praying for the enactment of legislation providing for the lowering of the tunnels under the Chicago River; which were referred to the Committee on Commerce.

He also presented a memorial of the Addressograph Company, of Chicago, Ill., remonstrating against the enactment of legislation proposing to change the price of printed copies of specifications and drawings of patents; which was referred to the Committee on Patents.

Mr. BURROWS presented a petition of the Woman's Club of Traverse City, Mich., praying for the purchase of a national forest reserve in the White Mountains of New Hampshire; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Volinia, Mich., praying for the passage of the so-called "parcels-post bill" and also the postal-check bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Central City Lodge, No. 64, Brotherhood of Boiler Makers and Iron-ship Builders, of Jackson, Mich., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Trades and Labor Council of Kalamazoo, Mich., praying for the passage of the so-called "eight-

hour bill;" which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of the city council of Los Angeles, Cal., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Army and Navy League of San Francisco, Cal., remonstrating against the passage of the so-called "Bell amendment" relative to canteens in Soldiers' Homes; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the fortification of the harbor at San Pedro, in that State; which was referred to the Committee on Commerce.

He also presented petitions of sundry Afro-American citizens of Sacramento, Los Angeles, Stockton, Oakland, and Riverside, in the State of California, praying for the confirmation of W. D. Crum as collector of customs for the district of Charleston, S. C.; which were referred to the Committee on Commerce.

Mr. OVERMAN presented a petition of the congregation of the Methodist Protestant Church of Henderson, N. C., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BLACKBURN presented a petition of sundry citizens of Frankfort, Ky., praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was ordered to lie on the table.

Mr. DRYDEN presented a petition of the Joseph Campbell Preserve Company, of Camden, N. J., praying for the enactment of legislation providing for the registration and protection of trademarks; which was referred to the Committee on Patents.

He also presented a petition of the Marine Review, of Cleveland, Ohio, praying for the enactment of legislation to restrict to American vessels the shipping of supplies for the Panama Canal between the United States and Panama; which was ordered to lie on the table.

He also presented petitions of D. W. Hull, of Jersey City; of the Young People's Society of Christian Endeavor of the Presbyterian Church of Greenwich, and of the Philomathean Club, of Newark, all in the State of New Jersey, 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.

Mr. BEVERIDGE presented a petition of Typographical Union No. 35, American Federation of Labor, of Evansville, Ind., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Medical Society of Owen County, Ind., praying for the enactment of legislation to increase the efficiency of the Medical Department of the United States Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Democratic Club of Heavener, Ind. T., praying for the enactment of legislation providing for the admission of Oklahoma and Indian Territories into the Union as States; which was referred to the Committee on Territories.

He also presented a petition of the Century Club of Greencastle, Ind., praying for the enactment of legislation creating the Colorado Cliff Dwellings National Park; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Home Missionary Society of Indianapolis, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Richmond Sketch Club, of Richmond, Ind., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented a petition of E. C. Atkins & Co., of Indianapolis, Ind., praying for the enactment of legislation to provide for the registration and protection of commercial marks, prints, and labels used in foreign or interstate commerce; which was referred to the Committee on Patents.

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

Mr. PENROSE presented a petition of Commodore Barry Council, No. 578, Knights of Columbus, of Philadelphia, Pa., praying that an appropriation of \$50,000 be made for the erection in the city of Washington of a statue of Commodore John Barry; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 10516) for the relief of Edward J. Farrell, reported it without amendment.

Mr. ALLEE, from the Committee on Indian Depredations, to whom was referred the bill (S. 275) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. FAIRBANKS on the 31st ultimo, proposing to appropriate \$250,000 for acquiring additional land for the enlargement of Fort Niagara, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 4699) to relinquish and quit claim to Jacob Lipps, of Pensacola, Fla., his heirs and assigns, all the right, title, interest, and claim of the United States in, to, and on certain property in the city of Pensacola, Escambia County, Fla., reported it with amendments, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13509) authorizing the Secretary of War to transfer to the Columbia Military Academy certain property in Maury County, Tenn., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4813) authorizing the Secretary of War to transfer to the Columbia Military Academy certain property in Maury County, Tenn., reported adversely thereon; and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom the subject was referred, submitted a report relative to the subject of changing the rank, titles, and duties of certain military officers by legislation in the army appropriation bill; which was ordered to lie on the table.

Mr. BLACKBURN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1127) for the relief of William J. Hines, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on the Judiciary, to whom was referred the bill (S. 3843) providing for the hearing of cases upon appeal in the circuit court of appeals for the ninth district in the State of Washington, reported it with an amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 11966) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect, reported it with an amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 4778) for the relief of Pay Inspector E. B. Rogers, United States Navy, reported it without amendment, and submitted a report thereon.

GOVERNMENT DAMS IN ILLINOIS RIVER.

Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 85) to authorize the lowering of the height of the Government dams in the Illinois River at Kampsville and Lagrange, to report it favorably without amendment, and I ask for its present consideration.

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

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

PORT OF GULFPORT, MISS.

Mr. MALLORY. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 10956) to amend sections 2566 and 2567 of the Revised Statutes of the United States, 1878, so as to remove the port of entry for the district of Pearl River from Shieldsboro to Gulfport, and for other purposes, to report it without amendment.

Mr. MONEY. I ask for the present consideration of the bill. There is no opposition to it. It is recommended by the Secretary of the Treasury.

The Secretary read the bill.

Mr. HOAR. I did not quite catch the import of the bill. It seems to be an important one. Is it reported by a committee?

The PRESIDENT pro tempore. It is reported by the Committee on Commerce.

Mr. MONEY. It has passed the House.

Mr. HOAR. All right.

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.

CERTAIN HOMESTEAD ENTRIES.

Mr. NELSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4636) to validate certain original homestead entries and extend the time to make final proofs thereon, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill. It is very short.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in all cases where aliens have heretofore made original homestead entries, based upon void declarations of intention to become citizens of the United States made before United States commissioners, such original entries are hereby validated, and the time of such entrymen in which to make final proof on their entries is hereby extended for a period of two years to enable such entrymen to legally secure final naturalization papers; but nothing in this act shall be held to affect existing adverse claims to land embraced in such entries.

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

HENRY BRADLEY.

Mr. ALLEE. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 4682) for the relief of Henry Bradley, to report it favorably without amendment, and I submit a report thereon.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill.

The bill was read; and there being no objection, it was considered as in Committee of the Whole. It proposes to relieve Henry Bradley (having served in the military service of the United States, in Company A, Second United States Infantry, the full term of five years, and having been honorably discharged from such service) from any disability now or heretofore existing since the date of his said discharge by reason of any defective naturalization, or by reason of not having been fully or duly naturalized under the laws of the United States; and he is hereby authorized to prosecute, in the Court of Claims of the United States, Indian deprecation claim numbered in said court 453, and entitled "Henry Bradley v. The United States and the Sioux Indians."

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

MEDAWAKANTON BAND OF SIOUX INDIANS.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 5420) for the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minn., to report it favorably without amendment, and I submit a report thereon. I request the immediate consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Interior to sell, dispose of, and convey the fractional northwest quarter of the northeast quarter (18 $\frac{2}{3}$ acres) of section 1, in township 112 north, of range 35 west of the fifth principal meridian, Redwood County, Minn. (heretofore purchased for use of the Medawakanton band of Sioux Indians residing in Redwood County, Minn.), for cash at the best obtainable price, not less than \$15 per acre; and to purchase other lands in that county for those Indians with the proceeds arising from such sale. But the written consent of a majority of the adult male Indians in Redwood County, Minn., belonging to the tribe shall be first given to such sale.

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

CALUMET RIVER IMPROVEMENTS.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 13742) in relation to the location of the navigable channel of the Calumet River, Illinois and Indiana, to report it favorably without amendment.

Mr. CULLOM. I am anxious to have the bill disposed of, and I ask that it be taken up for consideration. It is a short bill.

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

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

The preamble was agreed to.

OCONTO HARBOR (WISCONSIN) IMPROVEMENT.

Mr. QUARLES. The Committee on Commerce instruct me to report a concurrent resolution as a substitute for Senate joint

resolution No. 42. The joint resolution should be indefinitely postponed. I ask for the immediate consideration of the substitute concurrent resolution.

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

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the harbor at Oconto, in the State of Wisconsin, with a view to obtaining a depth of 18 feet and ascertaining the necessity for providing an interior basin outside the river channel to be used for a harbor.

The joint resolution (S. R. 42) authorizing and directing the Secretary of War to cause a survey and examination to be made of the harbor at Oconto, Wis., with a view to securing a depth of 18 feet of water and the necessity for providing an interior basin at the mouth of the river, was indefinitely postponed.

BONDING PRIVILEGE AT PEORIA, ILL.

Mr. QUARLES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5369) to extend to Peoria, Ill., the privileges of the seventh section of the act of Congress approved June 10, 1880, governing the immediate transportation of merchandise without appraisement, to report it favorably without amendment, and I submit a report thereon.

Mr. CULLOM. I ask that the bill may be considered. There is no question about it.

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

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

CARE OF INSANE PERSONS IN INDIAN TERRITORY.

Mr. STEWART. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 5408) making an appropriation for building, equipping, and maintaining an asylum for the insane in the Indian Territory, to report it favorably with an amendment in the nature of a substitute, and I submit a report thereon.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill.

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

The amendment of the Committee on Indian Affairs was, to strike out all after the enacting clause and to insert:

That the Secretary of the Interior is hereby authorized to make proper arrangements for the care and support of insane persons in the Indian Territory, and for that purpose the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided, however,* That insane Indians in said Territory shall be cared for at the asylum at Canton, Lincoln County, S. Dak.

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.

The title was amended so as to read: "A bill to provide for the care and support of insane persons in the Indian Territory."

WHITE STONE HILLS BATTLEFIELD, NORTH DAKOTA.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 10018) granting to the State of North Dakota 640 acres of land, embracing the White Stone Hills battlefield and a burial ground of soldiers killed in that engagement, to report it without amendment, and I submit a report thereon. I ask for its present consideration.

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

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

Mr. HANSBROUGH. I move to strike out the preamble. I think it ought to be stricken out.

The motion was agreed to.

LANDS IN CRAWFORD COUNTY, WIS.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 14621) for the disposal of the unsold lots in the Fort Crawford military tract at Prairie du Chien, Crawford County, Wis., to report it favorably without amendment.

Mr. QUARLES. I ask unanimous consent for the immediate consideration of the bill. It is a purely local matter and has passed the House unanimously.

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.

H. H. THORNTON AND BEN D. ROCHBLAIVE.

Mr. FULTON. I am instructed by the Committee on Claims, to whom was referred the bill (S. 3197) for the relief of H. H. Thornton and Ben D. Rochblaiive, to report it favorably with

amendments, and I submit a report thereon. I call the attention of the Senator from Florida [Mr. MALLORY] to this bill.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill.

Mr. COCKRELL. I should like to ask why it was that the Treasury Department did not pay interest on that judgment?

Mr. MALLORY. I think it was an oversight on the part of Congress. During the last Congress an appropriation was made to pay the principal, but there was no provision for interest at all. However, the act of 1843 providing for the payment of interest on judgments in favor of private parties in the United States courts provides that the payment of the interest which the State laws give on judgments shall attach to the interest on United States judgments. This is a judgment against an individual in a matter in which the United States undertook the obligation of protecting the individual, the collector of customs, who seized the vessel on suspicion of being a filibuster. The Government has paid the principal, and the interest amounts now to somewhere near forty-odd dollars.

Mr. SMOOT. I understood that the bill called for 6 per cent, but, as I remember it, the committee passed upon 4 per cent interest, and I should like to ask the Senator—

The PRESIDENT pro tempore. The amendments have not been acted upon. 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 amendments of the Committee on Claims were, in line 8, before the words "per centum," to strike out "six" and insert "four;" and in the same line, after the words "per annum," to insert a comma and the following:

Namely, from the 29th day of April, 1901, to the 14th day of February, 1902: *Provided*, That such sum shall be accepted in full satisfaction and payment of the balance due on said judgment, principal, interest, and costs.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of moneys in the Treasury not otherwise appropriated, to the said H. H. Thornton and Ben D. Rochblave the amount of interest now due on the judgment aforesaid, calculated from the date of its rendition, at the rate of 4 per cent per annum, namely, from the 29th day of April, 1901, to the 14th day of February, 1902: *Provided*, That such sum shall be accepted in full satisfaction and payment of the balance due on said judgment, principal, interest, and costs.

The amendments were agreed to.

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

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

The preamble was agreed to.

GRAND RAPIDS AND INDIANA RAILWAY.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (S. 5436) for the relief of the Grand Rapids and Indiana Railway Company, to report it favorably with an amendment, and I submit a report thereon. So as to follow the precedent, I ask for the immediate consideration of the bill.

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

The amendment of the Committee on Claims was, in line 14, to strike out "twenty-eighth" and insert "twenty-seventh;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$25,089.75 to the Grand Rapids and Indiana Railway Company, for transporting the United States mail under its present corporate name and under its former corporate name, the Grand Rapids and Indiana Railroad Company, over postal routes Nos. 24018 and 137018, during the period between July 1, 1876, and June 27, 1896, both inclusive.

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.

LOUISIANA PURCHASE EXPOSITION.

Mr. BURNHAM, from the Select Committee on Industrial Expositions, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the invitation extended to the Congress of the United States by the Louisiana Purchase Exposition to attend the formal opening ceremonies of said exposition, to be held at St. Louis, Mo., April 30, 1904, be, and is hereby, accepted.

That the President pro tempore of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee, to consist of ten Senators and fifteen Representatives of the Fifty-eighth Congress, to attend the formal opening ceremonies referred to and to represent the Congress of the United States on that occasion.

BILLS INTRODUCED.

Mr. McCUMBER introduced a bill (S. 5501) granting an increase of pension to Sarah A. Rowe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 5502) to authorize the President to reward distinguished or especially meritorious service rendered by army officers of certain grades; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 5503) to amend sections 4092, 4093, 4094, 4095, 4096, and 4129, so as to restore the right of appeal from judgments of the minister and consular courts of the United States in China which existed prior to the enactment of the law of March 3, 1891, and to provide for a similar right of appeal from judgments of other minister and consular courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. NELSON introduced a bill (S. 5504) to amend an act entitled "An act to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River," approved March 29, 1904; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ANKENY introduced a bill (S. 5505) granting an increase of pension to William B. Chapman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5506) to acquire certain ground for a Government reservation; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DRYDEN introduced a bill (S. 5507) to reimburse Capt. Sydney Layland for sums paid by him while master of the United States transport *Mobile* in July and August, 1898; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5508) granting a pension to Abraham B. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5509) granting an increase of pension to Susie G. Seabury; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5510) to remove the charge of desertion from the record of Samuel A. Crawford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5511) to provide for the retirement of certain letter carriers and regulating the pay of the same; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5512) granting an increase of pension to John W. Carleton (with accompanying papers);

A bill (S. 5513) granting a pension to Sarah E. Kimball;

A bill (S. 5514) granting an increase of pension to Samuel S. Lamson;

A bill (S. 5515) granting an increase of pension to Sharrington P. Stackpole;

A bill (S. 5516) granting a pension to Amanda Dunbar; and

A bill (S. 5517) granting an increase of pension to Joseph P. Garland.

Mr. PERKINS introduced a bill (S. 5518) granting a pension to Bernard J. Boldermann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 5519) to permit the use of unoccupied Government grounds in the District of Columbia by the City Gardens Association; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5520) granting an increase of pension to Sallie Noble;

A bill (S. 5521) granting an increase of pension to James Searles Mann;

A bill (S. 5522) granting an increase of pension to Elizabeth Kane (with an accompanying paper); and

A bill (S. 5523) granting an increase of pension to James Minnick (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 5524) to correct the military record of John Flaherty; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. DUBOIS introduced a bill (S. 5525) for the extension of Twenty-third street from S street to California avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. BERRY submitted an amendment authorizing the Secretary of War to make contracts for \$1,000,000 worth of levee work upon the Mississippi River in order to repair the damage caused by the flood of 1903, etc., intended to be proposed by him to the bill (H. R. 14754) providing for the restoration or maintenance of channels or of river and harbor improvements, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MARTIN submitted an amendment authorizing the Secretary of the Treasury to pay such sum, not exceeding \$25,000, as compensation for difference in values in order to accomplish the exchange of tracts of land, to acquire certain lands desired for the use of the Government Hospital for the Insane, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate a sum not exceeding \$25,000 as compensation for difference in values in order to accomplish the exchange of tracts of lands and to acquire certain lands desired for the use of the Government Hospital for the Insane, as provided for by the act of Congress approved March 3, 1901, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate \$150,000 for protection of the harbor at Natchez, Miss., intended to be proposed by him to the bill (H. R. 14754) providing for the restoration or maintenance of channels or of river and harbor improvements, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate \$1,073.35 for compensation to George W. Fleming for services as inspector of letter boxes from March 29, 1902, to June 11, 1903, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$3,000 for the acquisition of additional land adjacent to the United States Naval Hospital at Yokohama, Japan, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

WILLIAM RADCLIFFE.

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 Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, relating to the claim of William Radcliffe, a British subject, for compensation for the destruction of his fish hatchery and other property at the hands of a mob in Delta County, Colo., in the summer of 1901.

I recommend that, as an act of equity and comity, provision be made by the Congress for the payment of the sum of \$25,000 to Mr. Radcliffe in full settlement of this claim.

THEODORE ROOSEVELT.

WHITE HOUSE, April 14, 1904.

GAS SUPPLY FOR HONOLULU, HAWAII.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 3361) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the maintenance and supply of fuel and illuminating gas and its by-products in Honolulu, returned to the Senate at its request. In the absence of objection, the vote by which the bill was passed will be reconsidered, and the bill will be postponed indefinitely.

SALE OF PANAMA CANAL PROPERTY.

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

The Secretary read the resolution submitted by Mr. MORGAN on the 13th instant, as follows:

Resolved, That the Attorney-General is hereby directed to inform the Senate, at his earliest convenience, of the present state of the negotiation or agreement between the New Panama Canal Company and the Government of the United States, together with a copy of any agreement or agreements that have been made or proposed by said parties, or either of them, touching the sale of the property of the said canal company since March 11, 1903; and that he also transmit to the Senate copies of all papers relating thereto that are or have been in his possession and under his control, so as to inform the Senate fully as to the entire transaction.

Mr. MORGAN. Mr. President—

Mr. HOPKINS. Unless the Senator desires to discuss the resolution this morning, I move that it be referred to the Committee on Interoceanic Canals. I think it should be considered by the committee before it is taken up by the Senate.

Mr. MORGAN. Mr. President, as I stated on yesterday, this

resolution, in identical words, is pending before the Committee on Interoceanic Canals, and has been for some time. This resolution was offered in the committee as a substitute for one that I had offered in the Senate, which was referred to that committee for consideration. When a resolution was offered by a Senator of the opposite political party I at once accepted it as a substitute for my resolution, and I thought we had agreed to it; but it seems that there was some reason—unknown to me, of course—why that agreement was not carried into effect. The resolution went over to the next meeting of the committee, when there was no quorum present, and the resolution was not considered.

The pressure of the bill that is now before the Senate made it necessary for me either to go without the information called for by that resolution or else to press its consideration before the Senate. Now the motion is to refer it back to that committee again. The committee really have given it all the consideration they desire, I suppose, or that they intend to, and I regard this motion, of course, as the defeat of the proposition.

I do not think that the Government can afford to go on with the bill that is now before the Senate, withholding from this body and from the country the information that is called for by the resolution. It relates entirely to the contract mentioned in the Hay-Varilla treaty as a contemplated contract, which has to be consummated before we can take any step whatever under this bill to furnish a government for Panama or before the Government of the United States seems willing to consummate the treaty with Panama by paying the \$10,000,000 that we are obligated to pay. We are in a very queer condition about the whole matter.

Here is a treaty that is proclaimed as the supreme law of the United States. We have all got to obey it and work according to it; and yet it is known that that treaty contains an obligation to Panama for \$10,000,000, which was to be paid on the exchange of ratifications, and that time has passed now for five or six weeks and payment has not been made. There is no complaint that the money is not in the Treasury to make the payment. It is assumed or asserted that it is there. The President has not paid that money, and that treaty, therefore, is not complete as against Panama, if Panama chooses to make the objection, nor is it complete as against any other government that might form a combination with Panama for the purpose of defeating all our rights on the Isthmus.

I can not account at all for the fact that opposition is being made to having the Congress of the United States informed as to what is going on about this contract. It strikes me with astonishment that the Government should not be willing to inform the Senate about a contract that is mentioned in the bill that is before the Senate. I can not understand it, nor can I understand the necessity or the propriety of delaying the request upon the Attorney-General for information. But, of course, I know that I am powerless and this side of the Chamber is powerless to handle this question.

I can only present the facts, as I have briefly done, to indicate that the purpose necessarily is—I assume that it is the purpose, and I think I am exactly correct in the assumption—to prevent this information from getting to the Senate before a vote is taken on the pending bill, which the Senator from South Dakota [Mr. KITTREDGE] is pressing with such energy and pertinacity. I do not object to his pressing the bill at all, but I do object, as a Senator, to being compelled to vote upon a proposition as to which the Government has full information and as to which it withholds all information whatever.

Having said this much, of course the Senate can vote upon the proposition to refer the resolution.

Mr. HOPKINS. Mr. President, the resolution, as I read it, has no relation to the bill under consideration. The information that the resolution calls for is of such importance that, it seems to me, the Committee on Interoceanic Canals should consider it before action is taken by the Senate. Therefore I made the motion for its reference.

Mr. MORGAN. Mr. President, I can not understand, and I should like for the Senator, if he can, to explain, why it is that the resolution has no reference to the bill that is now pending here.

Mr. HOPKINS. Why, Mr. President, the bill that is under consideration is to establish a civil government down there on the canal zone, and the information that the resolution calls for is something that is entirely foreign to that bill, as its reading indicates.

Of course I do not propose to take up the time of the Senate by giving in detail all the reasons why I think there is no relation between the bill and the resolution.

Mr. MORGAN. Well, I do not think there is any scarcity of time for the consideration of a bill of this importance in the Senate, or in the country either. We had better consider it properly as we go along. The pending bill provides that it shall take effect in establishing a government; but when? When a contract

has been made with, or when certain rights have been acquired from, the New Panama Canal Company. The resolution asks for information as to what rights have been obtained or are being obtained or are in contemplation by the Department of Justice, to which this whole matter has been turned over by order of the President. Everybody knows that his Attorney-General is conducting this negotiation or arrangement in Paris, and the bill refers expressly to the very questions that are brought up by the bill before the Senate, upon which information is asked in the resolution.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois [Mr. HOPKINS] to refer the resolution of the Senator from Alabama [Mr. MORGAN] to the Committee on Interoceanic Canals.

The motion was agreed to.

SARA A. WARDELL.

Mr. GALLINGER. Mr. President, on yesterday the bill (S. 5223) granting a pension to Sara A. Wardell, daughter of Eliakim Wardell, a private in Hunt's company, Wessenfel's regiment, Army of the American Revolution, at the rate of \$12 per month was passed. I think it must have been an inadvertence on the part of the committee. This is the daughter of a soldier. For a great many years we have not been pensioning the children of soldiers. Rule 4 of the Pension Committee reads as follows:

RULE 4. Bills proposing to pension sons or daughters of soldiers will not be entertained except in cases where it is shown by satisfactory evidence that the proposed beneficiary has been idiotic, deformed, or otherwise permanently helpless from a period antedating the age of 18 years, and then only in case of destitution.

The chairman of the Committee on Pensions [Mr. McCUMBER] is not present, and I will therefore not move to reconsider the vote whereby this bill was passed; but I will enter a motion to reconsider it, and will make the motion at the proper time.

Mr. PLATT of Connecticut. What is the bill?

Mr. GALLINGER. This is a bill proposing to pension the daughter of a soldier.

Mr. PLATT of Connecticut. Of the Revolution?

Mr. GALLINGER. Yes; of the Revolution.

Mr. PLATT of Connecticut. There is another bill, I think, besides the one referred to by the Senator, which passed, in which I am interested, and I want them all to be treated alike.

Mr. GALLINGER. Certainly.

The history of this matter is, Mr. President, that some years ago a few pension bills, perhaps five or six, were passed putting on the pension roll daughters of Revolutionary soldiers. It was found that an organization had been formed, and that we were to be asked to pension all such daughters, and the daughters, and sons as well, of soldiers of other wars were claiming equal recognition. The committee, after very careful consideration, concluded that it was an unsafe channel to open to go into the matter of pensioning the children of soldiers, and therefore the rule which I have read was adopted when I was chairman of the Committee on Pensions, and has been continued by the present committee. Had I noticed this bill when it was under consideration yesterday I should have objected to it; but it passed without my notice, and I now simply want to enter a motion to reconsider the vote by which it was passed.

The PRESIDENT pro tempore. The motion will be entered.

Mr. GALLINGER. I also move that the House of Representatives be requested to return the bill.

The motion was agreed to.

GOVERNMENT OF CANAL ZONE.

Mr. KITTREDGE. I move that the Senate proceed to the consideration of the bill (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes.

The motion was agreed to.

TAXATION IN THE DISTRICT.

Mr. SIMMONS. I desire to ask the Senator from South Dakota if he will yield to me to ask for the consideration of a bill upon which action is desired at present. It is in the interest of the District of Columbia.

Mr. KITTREDGE. I will yield to the Senator from North Carolina, with the understanding that he will withdraw his request if there is any opposition or any discussion regarding the bill for which he asks consideration; but I shall decline to yield any further.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (S. 2879) to amend the law relating to taxation in the District of Columbia.

The PRESIDENT pro tempore. The bill will be read.

Mr. STEWART. I think that bill had better lie over, Mr. President. I object to its consideration.

Mr. SIMMONS. Mr. President, I will state to the Senator from Nevada that this bill has been very thoroughly considered in the

District of Columbia Committee, and I think it will not lead to debate.

Mr. STEWART. There is a House bill, I believe, on the same subject.

Mr. SIMMONS. The House bill has been reported, and I understand there is substantially no difference between the two bills.

Mr. STEWART. I think we might as well wait until the House bill gets here and consider both together.

Mr. GALLINGER. Why not send the Senate bill to the other House? Why wait for the House bill?

Mr. STEWART. We usually do that. That is the practice, and I do not want to violate a uniform rule, that is all.

Mr. GALLINGER. That is hardly a rule that the rest of us know anything about.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Chair understand the Senator from Nevada to object to the present consideration of the bill?

Mr. STEWART. Yes.

The PRESIDING OFFICER. Objection being made, the bill goes over.

GOVERNMENT OF CANAL ZONE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Secretary read section 5, as follows:

SEC. 5. That, except as expressly made applicable thereto by this act, the laws of the United States shall not extend to the canal zone.

Mr. MORGAN. What action was taken by the Senate on section 4?

The PRESIDING OFFICER. The Chair is informed that the section was read.

Mr. MORGAN. But no action taken on it?

The PRESIDING OFFICER. So the Chair understands.

Mr. MORGAN. I move to strike out that section.

The PRESIDING OFFICER. The Senator from Alabama moves to strike out section 4, which has been read. Does the Senator desire to have it again read?

Mr. MORGAN. Let it be read.

Mr. KITTREDGE. Mr. President, that section was read yesterday evening just before the bill was laid aside.

Mr. MORGAN. If the section has been read, I do not care to have it read again.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama to strike out section 4.

Mr. MORGAN. Mr. President, I have something I want to say about this section before it goes into the bill.

I am glad that there are some gentlemen here who are very familiar with judicial proceedings and constitutions and laws, so that the Senate may possibly get some advice from them in regard to the conflict, as I conceive it, between section 9 of this bill and section 4.

Section 9 of this bill is one of the most drastic measures, I think, that was ever put on record in the form of a bill, and yet I am not opposed to it. I am not opposed to it, Mr. President, for the reason that I want this canal, when we undertake to construct it, to be a success. I want to have enough power conferred upon the Government of the United States and the commissioners that it appoints there, or other officers that it may appoint there, to free that zone from all improper persons on all occasions when it may be the judgment of the commission that they should be expelled; but I do not know of any other power that is adequate to that end except what we call arbitrary power. It is not arbitrary. It is such power, however, as is exercised by a military commander in a military reservation or in a camp of soldiers or in any other place where he has exclusive military command and jurisdiction.

The safest possible plan to which we could resort for the control of the Panama Canal is through the military laws and regulations of the United States. In the regulations of the Army, which are laws all over the United States, they have what are called provost courts, which are courts that take jurisdiction of minor matters and offenses within the limits of military reservations. They are not courts-martial; they are civil courts with ordinary judicial powers for passing upon questions of that kind. If we had such an establishment in the canal zone, connected, if you please, with the fortresses which we are going to build there, which we have to build there, we should be very much more secure than we could possibly be in the control of that property under the jurisdiction of any mere civil magistrate or commission.

Now, let us see whether we have got to have a fortress or fortresses there. Let us see now whether military control is in pros-

pect, in view of all that we know about the situation there. We will be compelled to resort to military power for the control of the canal zone, both for disciplinary and defensive purposes.

The first situation that presents itself in this connection is the fact that there is a powerful fortress, an old one, but still a powerful fortress, at Panama, perched up on a rock, a large military establishment, that has stood there for centuries, and earthquakes have been unable to break it down or shatter it, behind which guns may be placed that command the full sweep of the four islands which we acquired under the treaty with Panama.

The intervals of water between these four islands are the anchorage grounds for the Bay of Panama. The Bay of Panama is not strictly a bay; it is more properly a gulf. It is an immense opening in the coast, on the north side of which there runs down a long peninsula. At the opening it is over a hundred miles—I think it is about 120 miles—wide, so that the bay is a mere gap, a bight in the Pacific Ocean. When you get inside of the bay you are not any more protected than you are in the Pacific Ocean until you reach these islands, and they are the anchorage grounds for all the ships that come and go through this route to the Pacific Ocean, except vessels of very light tonnage, that may at times move up and go to the wharves and docks at Panama, 3 miles away.

The four islands are situated about 3 miles from this fortress. In order to protect ourselves against it, which is not going to be taken down, and neither is it always going to be in friendly hands—and the truth is it is not in friendly hands to-day—to protect ourselves with this fortress against us, and to protect these anchorage grounds in the Bay of Panama, we have got to make fortifications on one of these islands. I believe Naos is the one that was selected for that purpose.

On the Caribbean side of this Isthmus there is a similar bight in the coast of the Caribbean Sea. It opens up to the north, about 5 miles from the shore of Colon, out to the headlands of this bight. It is shallow water for the most part, with a channel lying in it that leads around a point that De Lesseps improved there by putting his palace on it. That is the ship channel which we have got to enlarge and deepen, at an expense of \$8,000,000, to get in there; and the only place where fortifications can protect that bay against an enemy, local or foreign, is a point back of Colon 2 or 3 miles, where a hill springs up, and where possibly we can locate guns to protect the harbor.

These suggestions at once indicate that if we expect to preserve that property, which is 600 miles from the coast of the United States and more than 600 miles from the nearest place of fortification that we have got, and more than that even, I think, from Guantanamo, where we expect to make fortifications on the southern side of the island of Cuba—if we expect to protect the Caribbean side of the canal zone against a foreign enemy, or against a local enemy, we have fortifications to build at places along there, which will protect this canal, at least so far as to the tide level, about 17 miles out from Colon up to Bohio.

I do not think the Government of the United States would be willing to spend two years, after we get this canal, without having taken very earnest measures to make proper military fortifications in that neighborhood.

This point, Mr. President, whenever we get into a war with a foreign country—and I suppose we may not yet felicitate ourselves upon the idea that we are never going to have any—this canal property belongs to the United States; the canal zone extends out to the 3-mile limit in the Pacific Ocean and to the 3-mile limit in the Caribbean Sea, making the real extent and length of the canal zone 158 miles. We have been in the habit of thinking of it as a matter of 45 miles, but it is about 158 miles that this zone covers. In case of a war with a foreign country that canal zone would be necessarily a point of attack.

The neutrality that we declare there in respect of the ships of all nations, giving them the privilege of going through as neutral ships, does not prevent us from being compelled to defend that canal if we are at war with a foreign country. It is like the case of the Suez Canal. It is neutral; but in the treaty of Constantinople, which declared and is supposed to have secured the neutrality of that canal, the duty rests upon Turkey to protect it against actual assault. Whoever is at war with Turkey has a perfect right to go there and take that property away from Turkey—take all the land on either side of it away from Turkey and Egypt if it can do so. There is no declaration of neutrality that protects Turkey against assault at the terminals or along the canal line if she is at war with a foreign power.

So it is idle for us to think about keeping this canal in operation for centuries and ages to come unless we make necessary provisions to protect it as our property against any foreign assailant or any other assailant.

But are we in the midst of a people there who are entirely friendly and on amicable terms with us? I this morning received a letter from an American citizen residing at Bocas del Toro, making most strenuous complaint against the Panama Government

for confiscating his property, which he and those who preceded him held in title and possession for more than fifty years. A house happened to be burned down upon it. The property was granted by the Colombian Government to somebody who transmitted it by regularly recorded proceedings down to the present owner. And he is only one of many who are making this complaint.

Since the fire has occurred the Government of Panama has asserted that the fire has swept off all the privileges these people had there, and that their property reverts to the Government of Panama, and that they shall not build on it until they buy it. That is the proposition.

When gentlemen called a meeting for the purpose of considering this question, one of the authorities of the Republic of Panama appeared there and forbid the meeting, forbid them from talking about it, and so on. I refer to this to show the Senate that our people are not even to-day on perfectly amicable terms with that little Republic. There are many men in that little Republic to-day who despise the United States just as sincerely as the Colombians do, and they despise the United States because they love Colombia. That is the reason for it.

So we are by no means in a perfectly pacific, friendly country. We must keep troops there always. If there is ever one day during the time the canal is being worked upon when we have not a band of troops there under military command and authority, it will be a day of danger to us and a day of serious neglect on the part of the United States. Not only have we to protect it against troubles that may occur on the canal zone, where there is a restless, turbulent population drawn from all quarters of the earth without the slightest personal friendship with each other, without any line of social intercourse between them that reaches through the whole body, but we have to protect it against marauders, conspirators, pronunciadores, and people of that sort, who are in the zone and on both sides of it. And we will be continually threatened at least with trouble from them. The moment they think we have nothing there with which to protect ourselves but a little police power, that moment we will find ourselves in peril.

More than that it is an unsafe calculation, a very unsafe one, to suppose that the difficulty with Colombia is entirely settled and satisfied. Colombia is too quiet for that. If she were frothing and beating drums and parading about, I should have less apprehension that something serious is afloat. She is taking her time; she is improving it, we may be sure of that, not to make war upon the United States, perhaps, by an open declaration, but by sending out parties, more or less secret, for the purpose of making war and giving harassment to the people in that zone. I would consider it a very negligent way to proceed with this matter if we rely upon anything else for the protection and preservation of our rights and the peace of that territory except an army, and by an army I mean a detachment from the Army, a detachment large enough to take care of our affairs in that zone.

If that is the condition there, and if we follow this line of policy, as I think we will be obliged to do, it necessarily occurs, I think, that the control of the zone should be military, or if in the hands of civil officers it should be equivalent to the military power that may be exercised within a fortress or a camp or a military reservation for military purposes, or like the navy-yard at Pensacola, for instance, 2 or 3 miles long and a mile deep, within which people reside, are inhabitants of it, and where all the powers of the United States are exercised in direct control of these people.

It belongs to the United States and these people are permitted to stay there. They can be expelled at any time. Sometimes it is necessary that they should be expelled.

Section 9 gives to the civil officers there—the commissioners—the most extraordinary powers, and I am not going to complain of them as being contrary to the Constitution of the United States or as contrary to the practice of the Government, because even in their great and far-reaching provisions I find the principles are implanted that are absolutely necessary for the preservation of the peace of that zone. I will read section 9.

SEC. 9. That the said commission shall have the power to exclude from the canal zone, and from all places without said zone which shall be from time to time occupied, controlled, and used by the United States under the provisions of said treaty, all idiots, insane persons, epileptics, paupers, criminals, professional beggars, persons afflicted with loathsome or dangerous contagious diseases, persons who have been convicted of a felony, or other crime or misdemeanor involving moral turpitude, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials, or whose purpose it is to incite or by any means promote insurrection against the Government of the Republic of Panama or of any neighboring republic, and such other persons as will for any reason by their presence within said zone tend in the opinion of said commission to create public disorder, endanger the public health, or in any manner impede the prosecution of the work of constructing, operating, sanitating, and protecting the canal, railway, and auxiliary works to be constructed or controlled on the canal zone by the United States. And the said commission may cause to be expelled from the canal zone any person or persons of the classes above mentioned, and also such persons as may be embraced by any

exclusion act passed by said commission, pursuant to the authority by this section conferred, who may enter the canal zone; and to this end said commission may enact all necessary laws, rules, and regulations. All acts and regulations enacted or made pursuant to the authority of this section shall be in force when the same shall have been approved by the President.

No proposition could be clearer than that that part of the act would be entirely unconstitutional as applicable to any place where civil government was ordained. It is applicable, and while it is very far-reaching and pretty harsh, it is perhaps not unnecessary in any of its provisions for the proper government of the canal zone. When that canal zone is made a reservation of the United States Government for governmental purposes, then you can enact a law even as stringent and as rough and as harsh as this for its protection, but when you put that zone under civil government under the provisions of an act of Congress your commissioners can not exercise those powers. You can not exercise those powers there without segregating that zone from the balance of the territory and property of the United States and by express enactment putting it within the power of the officers in control there to do these very radical things.

Now, this bill, in section 4 and in another section, provides first for a bill of rights, copied from the Constitution of the United States, not completely, but leaving out jury trials, which is the element and one of the foundations of civil government in the United States—not military government. The bill of rights does not apply to military government. It applies to civil government—government to be administered through laws enacted by a legislature or through laws that may be in existence in a particular locality and enforced by the judgments of courts, and, following the judgments of courts, by the executive authority. That is civil power; that is civil law.

Now, in section 4, and in a later section in which a court is established there, we have certain powers conferred upon a judge of the district court of the United States. That judge looks around for the powers which under the Constitution of the United States he is bound to administer, and he finds them in the fourth section—in the bill of rights that is copied into the fourth section. Those powers, Mr. President, when they are given by Congress, are paramount to military power in the same locality. The doctrine of the Government and the Constitution of the United States is that the civil power is paramount over the military. The power to be administered through judges and courts, through executives, through legislatures, is paramount over the power which is to be administered by officers in command of troops.

This bill mixes the two powers together, and it gives the paramount authority to what is really the military power. It enables the commissioners to ride down any judgment or decree that this civil officer, this court, the judge of the district court of the United States may pronounce, with the right of appeal given, up to the Supreme Court of the United States, against the judgment. It enables the commissioners to ride down such a decree, and to banish men from that district for any of the reasons mentioned in section 9, and they are so comprehensive that almost nothing that is offensive to public order in that canal zone is omitted from the list.

Now, what is the situation of this bill, allowing those sections to stand? You have the judge. You have all the paraphernalia of the courts. You have the right of appeal to the United States courts, up to the Supreme Court; on questions involving constitutional rights, certainly up to the Supreme Court. You have secured all these personal rights, and yet you have placed in supremacy over all of that the power of the commissioners to banish men from that district without due process of law. So, if a man who is banished or ordered to leave applies to a judge for a writ of injunction or habeas corpus or prohibition, or whatever it may be, to prevent the commissioners from exercising this supreme and paramount authority, and the judge grants it and issues an order enjoining them, that order stands for nothing or else this proposed act fails, for this act gives them the power over and above the judgment of the court to do these things.

Now, where is the necessity for putting this in the pending bill, for having this tangle of conflicting jurisdiction and powers in this bill? I say that if either of these sections ought to go out it is the one which undertakes to secure the people in this bill of rights, to be administered under the Constitution of the United States through the courts, and which can not be administered, I think, in any instance except through the courts. That section ought to go out and the other ought to stand.

I make no objection to section 9, but I find in section 4 and in the other sections which are put in this bill, in order to execute that section more perfectly, I suppose, difficulty in the administration of the law, and I find that the power given the district judge, copying in that authority the language of the Constitution of the United States, after he has attempted to exercise or has begun to exercise the power, is subordinated to another civil tribunal, the commissioners in that district, who may revoke all

the judgments rendered by this court, which are made subordinate to the power of the commissioners.

If the Senate can find any reason for keeping section 4 in the bill, it is more than I can understand. It may be an ambitious purpose of the Senator in charge of this bill to keep it there. It is about the only remnant left of the original bill he put before the committee. He fought for it and warred for it valiantly down to the last, and has it in there in connection with these vast powers given to the commission in section 9. While I am entirely disposed to oblige the Senator by putting any of his original matter into this bill, I do not think the Government of the United States can afford to take the risk of doing it.

We had better strike it out and have the bill somewhat uniform and somewhat consistent in its provisions, so that questions like these can not possibly arise in that territory. We can not afford to dedicate that little piece of ground to the business of litigation. We want to devote it to the business of building the canal, not to be interrupted by anybody within that zone, and to give power enough to the commissioners to prevent any such interruption.

I merely wanted to point out what I thought were the defects in these sections. I move to strike out section 4.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama to strike out section 4.

The amendment was rejected.

The PRESIDING OFFICER. The reading of the bill will be continued.

The Secretary read section 5, as follows:

SEC. 5. That, except as expressly made applicable thereto by this act, the laws of the United States shall not extend to the canal zone.

The PRESIDING OFFICER. Agreed to.

The Secretary read section 6, as follows:

SEC. 6. That all goods not being of the produce or manufacture of the canal zone coming from the same to the ports of the United States and to the ports of any territory or of belonging to the United States shall be subject to duties as in the case of goods coming from foreign ports.

The PRESIDING OFFICER. Agreed to.

The Secretary read section 7, as follows:

SEC. 7. That all laws in force in the Republic of Panama on the 26th day of February, 1904, and not inconsistent with the provisions of this act shall continue in force in the canal zone and other places over which the United States shall have jurisdiction as aforesaid until altered or annulled by the said commission or by Congress, or suspended by the President under the powers herein conferred upon him.

The PRESIDING OFFICER. Agreed to, if there be no objection.

Mr. MORGAN. No, Mr. President; I offer an objection to that section. Before I undertake to press my objection I should like to inquire of the Senator in charge of this bill what codes of law, if any, enacted by the Republic of Panama or of Colombia, were in force at the date referred to in this section? What are the laws we are there enforcing and enacting by Congress? I have never seen any of them, and I doubt if any other member of the committee has ever seen them. If there is any gentleman on that committee, and there are several of them present in the Senate to-day, who has ever seen one of those laws or one of those codes, I should be very much obliged to him if he would state what it is.

I have looked for them with all the diligence I could and I have not been able to find them. And yet, here we are enacting—and that is one of the incidents of this movement which shows we are progressing without regard to facts—all of the laws that were in force on the 26th day of February, 1904, which, of course, were nothing else than the laws of Colombia and perhaps some ordinances that controlled the different cities—Panama, Colon, and other cities. We are here enacting those laws, and there is not a member of the committee who ever saw one.

I quote the provision:

That all laws in force in the Republic of Panama on the 26th day of February, 1904—

That is the date of the ratification of the treaty—

and not inconsistent with the provisions of this act shall continue in force in the canal zone and other places over which the United States shall have jurisdiction as aforesaid until altered or annulled by the said commission or by Congress, or suspended by the President under the powers herein conferred upon him.

I referred a moment ago to a letter I had received from an American citizen, a very excellent gentleman, Mr. R. K. Warren, dated April 7, 1904, in relation to the action of the Panama Government at Bocas del Toro in respect to a public meeting that was held there to consider and pass resolutions expressive of their views as to what their rights were respecting certain lands they had occupied, some of them for fifty years or more. The letter shows that the Government of Panama, of course, under some law that exists there, sent one of its officers to that place, put him in authority there, and he dispersed that meeting. It was an orderly, civil, well-ordered meeting. He dispersed it because they undertook to consider with each other what their rights

were under the laws of Colombia, under which laws certain grants of property had been made to them.

Now, I want to know whether that was by authority of Panama, and I have no doubt it was.

Mr. MITCHELL. I will state to the Senator that if they were justified in dispersing that meeting under any law in force in Panama, then that law would not by this bill be extended, because to be continued in force those laws must not be inconsistent with this proposed act, and this act expressly confers the right upon parties to assemble and petition.

Mr. MORGAN. Then there is a conflict between this proposed act and those laws, and yet this proposed act reenacts those laws.

Mr. MITCHELL. It reenacts those laws only in so far as they are not inconsistent with this proposed act.

Mr. MORGAN. Yes.

Mr. MITCHELL. So if there is that kind of a law on the statute books in the Republic of Panama it would not be extended, but would be absolutely repealed by this bill, as I think.

Mr. MORGAN. I will ask the Senator whether there is any law in Panama, which existed at the date of the ratification of the treaty, that gives to that Government the right to do these things?

Mr. MITCHELL. I confess, so far as one member of the committee is concerned, as stated by the Senator a moment ago, I have no knowledge whatever as to the character of the laws that are in force now in Panama, and I doubt very much whether any member of the Senate has any very accurate knowledge as to the state of the law in Panama. But I have thought that it would not be wise immediately to repeal all the laws there, but rather to continue them in force in so far as they are not inconsistent with the provisions of this bill, and provide that the President of the United States may suspend any of them at any moment, and further provide that the commission, as soon as they can look into the condition there, may repeal or suspend any of them.

Mr. MORGAN. The point I make on that is this. Those laws for the government of the people who are within that zone come over under the laws of nations. The laws that are found in existence in a country that is acquired from another country come over, under the laws of nations, for the control of those people until they are altered by the subsequent ruling authority. That proposition will not be denied.

Now, is it not better, instead of reenacting those laws by act of Congress, to omit any provision on that subject and leave it with the laws of nations? Let the laws of nations control that. The President knows what they are. He is bound to respect them. The Constitution requires that he shall do it. Why not leave that open? Why put in an express enactment of these laws by Congress?

Mr. MITCHELL. I do not think this bill has any reference at all to the law of nations. It simply has reference to the statutes of that country in force there, which are the statutes, I presume, enacted by the Republic of Colombia and perhaps reenacted or readopted, because I understand they have been readopted for the present by the Republic of Panama.

Mr. MORGAN. I am not speaking of the bill having reference to these laws of nations as laws of nations, but I am speaking of the fact that the laws of nations require that the laws that belong to a particular territory at the time of its acquisition shall continue in force unless they are opposed by the policy of the Government of the United States, in this case or by some law enacted to the contrary by that commission. The laws of nations have that effect.

Now, there is another law that we are reenacting here by Congress, with which Congress has nothing to do in its enactment, but with which the people of the United States have a great deal to do. I have here a copy of the constitution of Panama. Article 26 of the constitution is as follows:

The profession of all religions is free, as is also the practice of all forms of worship, without any other restriction than respect for Christian morality and public order. It is recognized, however, that the Catholic religion is that of the majority of the inhabitants of the Republic, and the law shall provide that it be aided in founding a theological seminary in the capital and in sending missions to the native tribes.

That was the law of the Republic of Colombia at the time of the secession, and the new Government of Panama has adopted it. They believe there in the right of the Government to legislate for the establishment of a church. We do not. We prohibit that in our Constitution. Our Congress has no right to pass any law at all in respect to the establishment of a religion or of a church, but there they have a different system.

Now, at the time of the secession of Panama from Colombia the concordat of 1888 was the law of Colombia. I may say that it was the organic or constitutional law of Colombia. That law required obedience on the part of the citizens of Colombia, without respect to what may have been their actual allegiance, to the concordat of 1888, and that concordat required the clergy to celebrate all valid marriages. They were supported, and liberally supported,

by that in its provisions that required that the Government should provide for their support and limiting the amount in the annual budget, and that concordat annulled every marriage, at the option of either party thereto, that had not been celebrated by a Catholic clergyman, it made no difference in what country in the world it might have been celebrated.

So an American citizen going into the Panama zone, if this constitution and these laws have any force there, could put away his wife, or his wife could put away the husband, on the simple ground that the marriage was void because it had not been celebrated by a Catholic priest; and thereupon the children of that marriage were to be kept in guardianship in a certain way prescribed in the laws until they were of age, under the control of one or the other of the parents or until the remarriage of one according to this law, who had left the former marriage relation and gone off to get a new husband or a new wife.

There never was a more beastly or brutal law enacted in the world than that, and yet the Government of Colombia had been brought to such straits through the influence of the clergy, the Jesuits particularly, within her borders as that she formed that concordat with Pope Leo XIII in 1888. I presented it to the Senate, getting it from our official correspondence with Colombia, and I have commented on it heretofore. In this bill we reenact that law.

Mr. HOPKINS. Mr. President, if the Senator will allow me, it seems to me that he can not be correct, because paragraph 14 of section 4, which has just been adopted, says that "no law shall be made or enforced respecting an establishment of religion or prohibiting the free exercise," etc., reenacting that clause in our Constitution.

Mr. MORGAN. Therefore, Mr. President, we have no right to repeal it. If we enact it here and say that all laws that were in force on the 26th day of February, 1904, shall continue in force until they are repealed by the local government or by Congress—

Mr. HOPKINS. No.

Mr. MORGAN. We do reenact it by that provision.

Mr. HOPKINS. If the Senator will allow me, he is not quoting section 7 exactly as I find it in the bill. It says the laws that are "not inconsistent with the provisions of this act," and one of the provisions of this act is paragraph 14 of section 4, which specifically provides that there shall be no established religion, etc.

Mr. MORGAN. Enacted by whom?

Mr. HOPKINS. By anybody under this law.

Mr. MORGAN. But this has been already established. It is there now. What are we going to do with it? How are you going to get rid of it; how avoid it?

Mr. HOPKINS. But it is not there the moment we take possession. It is not there because we take possession of that zone under this bill.

Mr. MORGAN. I thought we took possession of it under the treaty.

Mr. HOPKINS. Well, this bill effectuates what rights we have under the treaty.

Mr. MORGAN. Then this bill is legislation on the subject of religion of an established church, and Congress has no power to do it.

So here we are, Mr. President, by this unnecessary enactment placing the necessity and the duty upon our own people of obeying that concordat; and the Congress of the United States can not repeal it, because we have no right to pass any law on the subject of the establishment of religion. We shut ourselves off from that power.

Now, would it not be much better, I suggest again, to let the laws of nations operate upon such laws as shall go into effect there, and leave it in the power, as the laws of nations do leave it in the power, of the President of the United States or this commission, without anything being said about it by Congress to abrogate them? We can not pass a positive act here abrogating the concordat in Panama, because in doing that we make a law in respect of the establishment of religion. It shows the folly and the vanity of the effort by statute here to control what shall be the law there.

Mr. MITCHELL. Does the Senator from Alabama think that that provision in the Constitution of the United States, in respect to the establishment of religion, would prevent the United States from eliminating from that zone a local statute of that country providing in a certain way in regard to religious matters that was inconsistent with the Constitution of the United States?

Mr. MORGAN. I do not understand what the Senator means by a local matter.

Mr. MITCHELL. A statute of the Republic of Panama.

Mr. MORGAN. We are dealing with a sovereign Republic now, and that Republic has adopted this from the concordat, and has done it by express provision, by creating an exception to the general law as to the freedom of religion.

Mr. MITCHELL. Now we have, or intend to have very soon

if we have it not now, possession of the canal zone under the treaty and under the law of Congress, if this bill becomes a law. Therefore we have the control of that zone. Panama has nothing to do with it. We have a right to enact such laws as we think proper for the government of that zone. If, then, there is in existence a law of the Republic of Panama which provides for certain things within that zone which we believe to be absolutely pernicious and wrong and unconstitutional, viewed from the standpoint of our own Constitution, what I want to know of the Senator from Alabama is whether the Congress of the United States has not the right to wipe out those provisions?

Mr. MORGAN. I would say so most clearly, except that the Constitution forbids us to legislate on any such subject. Our hands are tied. It is the wiser course I am arguing for. I do not suppose anybody wants us to sustain that concordance in that zone; I know they do not; but the wiser course that I suggested in respect to another feature of this matter is to say nothing about these laws. Let the laws of nations regulate such matters. They bring over such laws as we are willing to adopt, and they put it in our power to disobey those we are not willing to adopt simply by refusing to accept them.

The President can reject such laws under powers given him by the laws of nations, but Congress can not repeal them, because the Constitution forbids it to legislate on the subject of an establishment of religion. The Canal Commission can not repeal these laws, because the law we are now discussing also forbids that commission from legislating on this subject.

Our proper course is to leave it to the President, under the laws of nations, to declare that this article of the constitution of Panama is repugnant to the public policy of the United States and is, therefore, inoperative in the canal zone.

Mr. GALLINGER. Mr. President, I ask the Senator from Alabama if it would be agreeable to him to have me move an executive session, on a matter of some consequence, at this time?

Mr. MORGAN. Well, Mr. President, I think it would be agreeable to me. I am a little fatigued. I shall not object.

Mr. HALE. Before the Senator makes the motion, I wish to inquire of the Senator from South Dakota whether he proposes at the end of the executive session to continue on with his bill?

Mr. KITTREDGE. Yes, Mr. President; I do.

Mr. MORGAN. I must say, about this matter, if there is any unanimous consent required, as certainly one is necessary to displace the order the Senator from Indiana has in charge, I will object.

Mr. HALE. Of course the Senator from South Dakota can then move to proceed to the consideration of his bill, as he naturally will. The Senate would then have to decide.

Mr. MORGAN. If the Senator from Indiana yields to the consideration of this bill I will take the opportunity whenever he gets his bill up again to insist that it is not the regular order.

Mr. HALE. The order of business depends upon the Senate. The appropriation bills, it has been understood, were not to be brought in or urged during the continuance of this important Panama bill, and there is a disposition on the part of the Committee on Appropriations not to interfere with this bill, but it does not depend upon unanimous consent as to what the Senate will do. If objection is made to laying aside the unfinished business by unanimous consent, the Senator from South Dakota can move to proceed to the consideration of the bill which is now before the Senate—which I presume he will do—and it will be for the Senate to decide.

Mr. MORGAN. Certainly.

Mr. HALE. It is not a question of unanimous consent.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. GALLINGER. Mr. President—

Mr. HALE. Let us have this matter settled.

Mr. KITTREDGE. I ask that the unfinished business be temporarily laid aside.

Mr. MORGAN. I object, Mr. President.

Mr. KITTREDGE. I move that the Senate proceed to the consideration of Senate bill 5342, and that the unfinished business be temporarily laid aside.

Mr. GALLINGER. The unfinished business will have to be laid aside.

Mr. KITTREDGE. That it be laid aside.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of the bill (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes.

Mr. FAIRBANKS. Mr. President, I hope the Senator, upon

reflection, will not make that motion. On yesterday the Senator was accommodated by consent to lay aside the unfinished business. It has been before the Senate a considerable length of time. It has met from the first the opposition of the distinguished Senator from Maine [Mr. HALE]. It is a matter that has been debated several days, and it would seem that we are now prepared to vote upon it. It ought in fairness to be voted upon. It can be voted upon in a very short time. If there is any fair objection to it, it can be stated in brief compass and the unfinished business in a frank, straightforward way disposed of.

I am entirely in sympathy with the bill in charge of the Senator from South Dakota and wish to expedite its passage. I am heartily in favor of it. There is no doubt whatever that it will pass, for it ought to pass. I am willing, so far as I am personally concerned, that all measures here should be considered fairly and disposed of in an orderly way.

I do not want to antagonize the bill of the honorable Senator from South Dakota, as he very well understands, but I hope that he will reciprocate and extend to those interested in the unfinished business the same courtesy and consideration that was extended to him on yesterday. If the unfinished business is laid aside, a motion will be made later to take it up when it may best suit the convenience of the Senate to do so, in the hope that it may be speedily disposed of.

Mr. HALE. Mr. President—

The PRESIDENT pro tempore. The motion is not debatable.

Mr. FAIRBANKS. Except by unanimous consent.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Dakota that the Senate proceed to the consideration of Senate bill 5342.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. GALLINGER. 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 twenty minutes spent in executive session the doors were reopened.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS 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. 12446) 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, 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 2.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: " : *Provided further*, That in the judgment of the Secretary of War the eight or ten inch carriage hereby provided for can and will be completed within the sum of \$84,343.03 heretofore appropriated;" and the Senate agree to the same.

GEORGE C. PERKINS,

F. E. WARREN,

JOHN W. DANIEL,

Managers on the part of the Senate.

L. N. LITTAUER,

B. F. MARSH,

Managers on the part of the House.

The report was agreed to.

MARY McLEAN WYLLYS.

Mr. COCKRELL. I enter a motion to reconsider the vote by which the bill (S. 1243) granting a pension to Mary McLean Wyllys was passed, and I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

GOVERNMENT OF CANAL ZONE.

Mr. ALDRICH. Regular order, Mr. President.

Mr. KITTREDGE. I demand the regular order, Mr. President. The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to section 7 of the bill.

The section was agreed to.

The reading of the bill was resumed, and section 8 was read, as follows:

SEC. 8. That no franchise or concession granted by said commission shall be valid until approved by the President, which, however, may be modified or revoked by Congress.

Mr. MORGAN. Mr. President, I would like to inquire of the Senator in charge of the bill what franchises are referred to in this section? I do not understand that this Canal Commission is going down there for the purpose of granting franchises to anybody for any purpose. We have been in the habit, particularly in the case of Cuba, I remember, of prohibiting the granting of franchises until Congress has looked into the subject and made provision of law for that purpose. If this commission can go to Panama and build a canal as they are required to do under the provisions of the Spooner law—which law, by the way, if enforced, is quite enough law for this entire subject—I do not see why they should amuse or entertain themselves in granting franchises to people who may go there. What kind of franchises can a man exercise within that canal zone? What sort of a franchise is it that these commissioners have now got the power under this provision to grant? Unless there is some explanation of some necessity why this commission should be authorized to grant franchises, I do not think the Senate ought to put that provision into the bill.

If we put a provision into the bill in regard to franchises at all, it should be that the commissioners should grant no franchises and not attempt to grant exclusive privileges to individuals for any purpose whatever.

I suppose the provision may relate to banking franchises. I do not know to what else. There may be some opportunity there for savings banks or some other kind of banks, where so much money is being expended amongst such a vast number of people, all of them ignorant perhaps of commercial usages and ways; but I can not conceive of any franchise that this commission ought to be permitted to grant. I should like to have some one name some franchise that the committee suppose the commission ought to have the power to grant.

I move to strike out that section.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama to strike out section 8.

The amendment was rejected.

The PRESIDENT pro tempore. The section is agreed to.

The reading of the bill was resumed; and section 9 was read, as follows:

SEC. 9. That the said commission shall have power to exclude from the canal zone, and from all places without said zone which shall be from time to time occupied, controlled, and used by the United States under the provisions of said treaty, all idiots, insane persons, epileptics, paupers, criminals, professional beggars, persons afflicted with loathsome or dangerous contagious diseases, persons who have been convicted of a felony, or other crime or misdemeanor involving moral turpitude, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials, or whose purpose it is to incite or by any means promote insurrection against the Government of the Republic of Panama or of any neighboring republic, and such other persons as will for any reason by their presence within said zone tend, in the opinion of said commission, to create public disorder, endanger the public health, or in any manner impede the prosecution of the work of constructing, operating, sanitating, and protecting the canal, railway, and auxiliary works to be constructed or controlled on the canal zone by the United States. And the said commission may be caused to be expelled from the canal zone any person or persons of the class above mentioned, and also such persons as may be embraced by any exclusion act passed by said commission, pursuant to the authority by this section conferred, who may enter the canal zone; and to this end said commission may enact all necessary laws, rules, and regulations. All acts and regulations enacted or made pursuant to the authority of this section shall be in force when the same shall have been approved by the President.

The PRESIDENT pro tempore. In the absence of objection, the section will be agreed to.

Mr. MORGAN. I object to it, Mr. President, and I have an observation to make upon it.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Alabama. The section will be regarded as open.

Mr. MORGAN. The proviso to section 4 is this:

Provided, however, That nothing herein shall be construed to limit the power vested in said commission in section 9 of this act.

The powers vested in the commission have just been read by the Secretary at the desk, in section 9. Every one of the powers and prohibitions included in section 4 of this bill are copied from the Constitution of the United States, word for word, but some of the provisions of the Bill of Rights are not included in section 4. The concluding sentence of section 9 reads:

All acts and regulations enacted or made pursuant to the authority of this section shall be in force when the same shall have been approved by the President.

Mr. President, section 9 gives to the President of the United States, therefore, the power, at his pleasure, to repeal any one of these provisions copied from the Constitution of the United States. I do not think that Congress has ever attempted to go quite so far as that. There has been some controversy here—a great deal of it—as to whether the Constitution follows the flag. I contend that it does not follow the flag in this zone, because this zone is not acquired for the purposes of civil government, but for special governmental uses and purposes, which make it inconsistent with the idea that the Constitution of the United States follows the flag into that piece of Government property.

Nevertheless, we have taken up and, so far as we have proceeded with this bill, we have enacted these provisions copied from the Constitution of the United States, and made them in force by positive injunction in the canal zone. Then we turn around and say that the President shall have authority to repeal them at his pleasure, with the assistance of the commission.

I do not see any use in involving ourselves in such an absurdity as that or in entangling the public business in that canal zone with a litigation which must necessarily arise before that circuit court between individuals who claim the privileges of the bill of rights and the commissioners who claim the right, and have the right under this bill, to set them all aside.

I have never before seen a body of citizens of the United States in any department or branch of the Government, or in any location over which our jurisdiction extends, to whom the absolute power was given to annul constitutional provisions that are copied in the very act. I can not conceive how the Senate of the United States, if it must carry these provisions in section 4 into that zone, can turn around and say that the President of the United States, or the commission and the President acting in conjunction, shall repeal them, if they choose to do so.

I do not propose, Mr. President, to change by any motion that I might make, if I had the power to do it, any provision in that section 9, but I want to call attention, as we go along, to the difficulties in which we are involving ourselves by the adoption of section 4. That section ought to go out of this bill.

The PRESIDENT pro tempore. The section is agreed to.

The reading of the bill was resumed; and section 10 was read, as follows:

SEC. 10. That all laws enacted by said commission shall be reported to Congress, which hereby reserves the power and authority at any time to alter or annul the same. Until expressly confirmed by Congress, the President shall have power to suspend by proclamation, in whole or in part, the operation of any law enacted by said commission. He shall report such action, with his reason, to Congress at the beginning of its next ensuing session.

The PRESIDENT pro tempore. The section is agreed to.

The reading of the bill was resumed; and section 11 was read, as follows:

SEC. 11. That said commission shall, for the purpose of protecting the canal, railroad, and all property of the United States, and of maintaining order within said canal zone and upon all auxiliary works, lands, and water without said zone, and in the cities of Panama and Colon, whenever necessity shall arise, as provided in Article VII of said treaty, maintain an adequate police force. If at any time there shall arise necessity for military or naval assistance, said commission shall, if possible, promptly notify the President, to the end that the same may be afforded, and in the event of sudden exigency said commission may call upon any military or naval force of the United States to render assistance, which shall be rendered under such rules and orders as may be made by the President for that purpose.

The PRESIDENT pro tempore. The section is agreed to.

The reading of the bill was resumed; and section 12 was read, as follows:

SEC. 12. That the President may, in his discretion, employ such officers of the Army and Navy or other officers of the United States as he shall designate in the work of quarantine, sanitation, collection and disposition of sewage, and distribution of water, subject to the immediate control and supervision of said commission.

The PRESIDENT pro tempore. The section is agreed to.

The reading of the bill was resumed; and section 13 was read, as follows:

SEC. 13. That, save as hereinafter provided, the executive authority in the canal zone shall be, and is hereby, vested in said commission, in addition to the duties imposed upon them by said act in the construction of said canal. Said commission shall have power to appoint all necessary subordinate officers of the Government provided for by law and to fix their compensation, and to grant pardons or reprieves for offenses against the laws of said commission and those continued in force in said canal zone by this act.

Mr. MORGAN. I would like to have some explanation of the power that is given by the concluding clause of section 13, as follows:

And to grant pardons or reprieves for offenses against the laws of said commission and those continued in force in said canal zone by this act.

The pardoning power connected with the enforcement of any law of the United States rests in the President by the Constitution, and why the commission should have the power to grant pardons or reprieves to any person within the canal zone who offends against any law that is in force there is a proposition which I do not comprehend when I read it in connection with the constitutional rights and powers of the President of the United States.

I think that section ought to be changed so as to grant the power of pardoning and reprieving persons to the President, where it rests by the Constitution. I merely make this suggestion for adoption by the committee, if it is agreeable for them to do so. I will not move to strike it out. It is not necessary to make such a motion as that at this time. I should like to inquire of the chairman of the committee whether he adheres to the text of the section?

Mr. KITTREDGE. The precise question raised by the Senator from Alabama was carefully considered in the committee, and the section as reported was deemed to be the correct course to pursue.

Mr. BACON. What section is that?

Mr. KITTREDGE. Section 13.

Mr. BACON. I should like to submit a question to the Senator as a lawyer. It may be true that the committee has arrived at this conclusion, but the conclusions of the committee are not to be sufficient for the Senate, unless the reasons for those conclusions are communicated to us. Now, the question I desire to submit to the Senator as a lawyer—and we all know his standing as such—is this: There can be no question of the fact that the President of the United States, under the Constitution of the United States, has the power of pardon over any person within the jurisdiction of the United States; that is, where the jurisdiction rests in the Federal authorities. I have had to refer to this section hurriedly, and I may be mistaken about it. The language is as follows:

SEC. 13. That, save as hereinafter provided, the executive authority in the canal zone shall be, and is hereby, vested in said commission, in addition to the duties imposed upon them by said act in the construction of said canal. Said commission shall have power to appoint all necessary subordinate officers of the Government provided for by law and to fix their compensation, and to grant pardons or reprieves for offenses against the laws of said commission and those continued in force in said canal zone by this act.

Now, preliminary to the question, I will say this to the Senator, which I presume he will recognize as a correct proposition, that the laws heretofore in force which are continued in force are laws of the United States just as much so as the laws of a Territory. A Senator suggests to me that they are not laws of the United States. But, assuming that they are laws of the United States, an infraction of those laws, when followed by a penalty, carries with it necessarily under the Constitution the power of the President of the United States to pardon.

Now, this bill proposes to confer the power of pardon upon the commission. Does the Senator hold that this power of pardon by the commission is exclusive of the right of the President to pardon?

The Senator shakes his head, and I presume by that he means to imply that the power to pardon is one, when this bill has been enacted into law, the right to exercise which will vest both in the commission and in the President, not in the way of an appeal from the commission, but a coexisting power on the part of the President to pardon and on the part of the commission to pardon.

The question I desire to propound to the Senator is whether or not that is the proposition; whether under any possible condition it can be true that the power to pardon for offenses committed within the canal zone coexists at the same time with the commission and with the President; is that the proposition of the Senator? The Senator from South Dakota shakes his head. I should be glad if the Senator would explain how it is. I am asking the question in the utmost good faith, and with the desire that a bill shall be passed which shall be most efficient in accomplishing the object we all have in view.

Here is a plain provision that the commission shall have the power to pardon. That the Senator has indicated does not in his opinion oust the constitutional power of the President to pardon. Therefore, the constitutional power of the President to pardon continuing to exist and the additional power to pardon being conferred upon the commission, I desire to know from the Senator how it is that those two powers can be exercised unless they coexist, and if they do coexist whether there is any warrant or precedent for anything to that effect since the foundation of the Government.

Mr. KITTREDGE. Mr. President, of course the power of the President to pardon is by virtue of a constitutional provision. We do not concede that by this legislation the Constitution of the United States has been extended to the canal zone. The commission is given, by the terms of this bill, certain powers—all the powers which we received from Panama through the treaty, within the limitations prescribed by the pending bill.

Mr. BACON. I do not know that I understand the Senator correctly. Do I understand the Senator to say that because the Constitution of the United States has not by Congressional enactment been extended to this zone, the power of the President under the Constitution to pardon does not extend to offenses committed in this zone? Is that the proposition of the Senator? I am asking because I can not combat the proposition unless I correctly understand it.

Mr. KITTREDGE. I fear I do not understand the question of the Senator.

Mr. BACON. The question I asked the Senator is this: The previous question which I submitted to the Senator was as to the coexistence of the power of the President to pardon in this zone and of the power of the commission to pardon for the same offense.

Mr. KITTREDGE. I do not concede that that power exists.

Mr. BACON. The power of the President?

Mr. KITTREDGE. Yes.

Mr. BACON. Very well. That was the last question I asked the Senator. I understood the Senator in reply to say that the Constitution had not been by Congressional enactment extended

to this zone, and that therefore the power of the President to pardon did not extend to the zone, and I asked the Senator if that was correctly stated as his position. I understand him now to say that it is.

Mr. KITTREDGE. I maintain that the power of the President to pardon for offenses committed in this zone does not exist under the Constitution.

Mr. BACON. I think that is a very radical proposition—one to which I am not prepared to give my assent by any means—and if that is correct, I confess to a more serious want of a proper appreciation of the scope and power of the President to pardon than I had ever dreamed before could possibly exist.

I had always thought—and it had never occurred to me that it would ever be disputed—that the power of the President to pardon necessarily extended to any offense over which the Federal power had jurisdiction, wherever the power of the United States extended, and it is not limited to offenses against the civil law. It extends to offenses against the criminal law. It is not limited to cases where there have been penalties imposed by duly organized courts, but it is a broad grant under the Constitution which gives to the President of the United States unlimited power to pardon any man who under any circumstances and anywhere may have offended against the authority of the United States.

Mr. McCREARY. Will the Senator from Georgia allow me to ask him a question?

Mr. BACON. Certainly.

Mr. McCREARY. Is it not true that the President of the United States under the proposed enactment has the power to appoint a United States district judge for that district?

Mr. BACON. Yes.

Mr. McCREARY. Who is to reside there—

Mr. BACON. I presume the reply to the suggestion of the learned Senator is that that is power which is conferred by the pending bill, and to that extent the power exists.

But outside of that this is a most serious question. It is not one that ought to be passed over lightly. I imagine there never has been a more serious question propounded to the Senate of the United States as to executive power than whether or not this unlimited grant of power in the Constitution, as we have always heretofore considered it, is a limited power. That is the proposition of the learned Senator—that when the Constitution without limitation says the President shall have power to pardon, it means that he shall have power to pardon only so far as Congress shall see fit to enact a law extending the provisions of the Constitution to a particular territory.

I think there would be no question about this fact, that if we were engaged in a foreign war and our troops were in China and a man under sentence of death from a military court held in China for an offense committed in China were to appeal to the President of the United States the President of the United States would have the power to pardon him. Who could doubt that?

Mr. HOPKINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. BACON. With pleasure.

Mr. HOPKINS. Without taking issue with the Senator from Georgia upon that proposition, what objection is there to allowing this provision to stand, permitting the commission to have the power to grant pardons and reprieves in the case of certain offenses?

I will say to the Senator that in agreeing to that provision my idea was that after a party had been convicted in the local courts there of various offenses emergencies might arise where it would be the part of justice to have the party thus convicted and who was suffering the punishment therefor reprieved or pardoned, and that the power to do that should be exercised before the information could be conveyed from the canal zone to the President and the action of the President on the application could be returned to the canal zone.

Mr. BACON. The argument ab inconvenienti can not possibly be urged as a reason why a constitutional provision should be disregarded, and the suggestion of the Senator is entirely met by conferring upon this commission the power to reprieve.

Mr. HOPKINS. One moment, if the Senator will allow me. I do not agree with him on the proposition that we are suspending anything.

Mr. BACON. I am sorry we should differ.

Mr. HOPKINS. But on the assumption that the position of the Senator is correct, is it any practical objection to this provision in the bill that it permits the commission to exercise the power here conferred with respect to the minor offenses that are contemplated in this section?

Mr. BACON. The previous remark of the Senator practically suggested that proposition, and I was proceeding to answer it, and, if the Senator will permit me, I will do so.

Mr. President, when we come to a question of constitutional

power, is the question whether or not it is to be exercised one to be determined by the rule of convenience or by the rule of construction and law? The Senator asks, Why is it not reasonable and convenient that the power to pardon in the case of minor offenses should be delegated to this commission? The simple answer is that the Constitution makes no such distinction when it confers the power to pardon upon the President. It relates to every offense, from the lowest to the greatest, and the power to pardon is not one to be parceled out.

When the Constitution confers upon the President of the United States the power to pardon, it gives him not only an unlimited power, but it gives him an exclusive power—one which can not be delegated. The President of the United States, the repository of that delegation of power, could not himself delegate it to anyone else. It never was delegated to Congress. Consequently we can not delegate it to any other. When the Constitution of the United States says that the President shall have the power to pardon, it means that he alone shall have the power to pardon.

Mr. PLATT of Connecticut. Will the Senator from Georgia permit me?

Mr. BACON. Certainly.

Mr. PLATT of Connecticut. I remember that a bill was passed here a short time ago authorizing the Commissioners of the District of Columbia to grant pardons in certain cases. It attracted my attention at the time. I thought it was the exercise of a very doubtful power, but I found in looking at the report accompanying the bill that there was an opinion written by the Attorney-General to the point that the power could be delegated to the Commissioners.

Mr. BACON. If that should be decided by the Supreme Court of the United States, I should yield my obedience to it, but I would never yield my opinion on that point, because I think it is an utter impossibility—

Mr. MITCHELL. I will state to the Senator, also, that there is a law in force, and it has been for the last four years, delegating that power to the governor of Alaska.

Mr. BACON. I can not help it. That is the great trouble under our system of government. A violation of law or an invasion of a prerogative of any department by another department is taken as a precedent and as an authority for a second violation. Now, unless it can be shown upon argument that the first delegation of power was a duly authorized one, it should be no reason why we should follow it as a precedent.

I am very glad to see the learned Senator from Connecticut in his seat and his attention directed to this matter, because I desire to repeat in his hearing now what I said before he came in, that I regard it as a most fundamental and serious question. I do not know at what period in my remarks the Senator came into the Chamber; but the proposition which I made is that the grant of power to the President to pardon is not only an unlimited power, but an exclusive power—in other words, that his power to pardon goes to the utmost limit and can not be abridged—and, in the second place, it can not be delegated by him to anyone else, much less can it be conferred by the legislative department upon anyone else.

Mr. PLATT of Connecticut. When I read over this bill I had some trouble in my mind about granting to the commission the power to pardon, and I thought everything would be provided for that would be necessary if the power were only to relieve, which I think they could do.

Mr. BACON. That is the way I wish the committee would limit it; and I desire to say that my criticism on the bill is a criticism of a friend of the bill. I wish to see the bill perfected, and I desire to see it in absolutely legal form and shape, and I should exceedingly regret that there should be a provision in the bill which would assume that Congress could have the right to confer upon anybody the power to pardon. It is an unlimited power given to the President, with which we have nothing to do.

Mr. SPOONER. I should like to ask the Senator from Georgia a question.

Mr. BACON. I will endeavor to answer it.

Mr. HOPKINS. Mr. President—

Mr. BACON. I yielded to the Senator from Wisconsin.

Mr. HOPKINS. I beg pardon.

Mr. SPOONER. Does the Senator think there is any difference, so far as the power in the President is concerned, between granting pardons and granting reprieves? I have not been able to see any. The Constitution says the President shall have power to grant pardons and reprieves.

Mr. BACON. Technically the Senator would be correct, but he will recognize the fact that in all judicial proceedings the power to suspend a sentence has always been recognized as the proper exercise of a power which did not infringe upon the power to pardon.

I am sorry the Senator from Wisconsin, when he asked me a question, did not wait to hear the answer.

Mr. PLATT of Connecticut. Perhaps technically the power to reprieve and the power to pardon are the same thing, but practically what we want to get at is that—

Mr. BACON. That the sentence shall be suspended.

Mr. PLATT of Connecticut. That there shall be a power to suspend sentence—

Mr. BACON. Yes.

Mr. PLATT of Connecticut. Until the President can act upon it.

Mr. BACON. I hope, as the Senator from Wisconsin asked me a question and then did not listen to the reply, he will read it in the RECORD.

Mr. SPOONER. I beg the Senator's pardon. I should like to hear what he said.

Mr. BACON. I will not repeat it. The Senator can read it tomorrow in the RECORD.

Mr. SPOONER. I think it might be well in all such bills to provide that no sentence shall be carried into execution until time shall have elapsed which will enable the defendant to secure the action of the President upon the application, whether it be in the exercise of the pardoning power or the power to grant reprieves. There might be a distinction between offenses against the laws enacted or the regulations provided by the commission and—

Mr. BACON. I think not. This bill delegates to the commission—

Mr. SPOONER. How is it in the Philippines?

Mr. BACON. I think the same thing is true there.

Mr. SPOONER. I do not understand it is true there under the law.

Mr. BACON. That is the practice. That is not the question. I repeat what I said, that while precedents may be all right in matters of administration, when it comes to a question of constitutional power, or of the invasion of one department by another department illegally and in violation of the Constitution, the first violation can not possibly be accepted as a precedent and a reason for a second violation of it.

Mr. HOAR. Mr. President—

The PRESIDING OFFICER (Mr. BURNHAM in the chair). Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. HOAR. I thought the Senator from Georgia had finished.

Mr. BACON. I was replying to an inquiry. I will yield to the Senator from Massachusetts if he desires to ask me a question.

Mr. HOAR. I wanted to say something on this matter at some convenient time. I will do it at any time that is convenient.

Mr. BACON. I do not hear the Senator.

Mr. HOAR. I did not rise for the sake of interrupting the Senator, but I supposed when he had answered the Senator's question he had gotten through. I want to make a suggestion on this particular point.

Mr. BACON. I had not replied to the question which the Senator from Wisconsin asked me.

The Senator from Wisconsin asked me whether or not this rule would apply in the case of an infraction of a law enacted by the commission, and I was about to reply to that when he asked another question, and that interrupted my reply. My reply is a repetition of what I said in response to a similar inquiry from the Senator from Illinois, that any enactment by the commission is a Federal enactment, because it is an enactment by an authority to which this lawmaking power has delegated the power to make these laws and regulations, and that the power of the President to pardon is not a limited power. It is not confined to grave offenses. It is an unlimited power and an exclusive power. It extends to all limits and is not to be delegated to any other power or shared by any other power. That is my construction.

Mr. SPOONER. I have always understood that in the Territories where, in the exercise of delegated power, the Territorial legislatures created certain offenses against the Territory, which were prosecuted in the name of the Territory, the governor of the Territory from the beginning has had the power to pardon. Of course it is otherwise in cases which were tried in United States tribunals. I think that has always been the practice.

Mr. BAILEY. That must be because, if the Senator will permit me, the Presidential power to pardon is for offenses against the United States.

Mr. SPOONER. Yes; offenses against the United States.

Mr. BAILEY. And those offenses against the Territory are clearly beyond his power.

Mr. HOPKINS. On the same reasoning, offenses against the Panama Commission should be reprieved or pardoned by the commission.

Mr. HOAR. Mr. President, it seems to me this is a very simple matter and that the considerations which have so disturbed the Senator from Georgia [Mr. BACON] have very little to do with it.

There is nothing in the language conferring the pardoning power on the President which makes it exclusive. On the con-

trary, it is in the same passage, separated only by a comma, with the clause conferring upon the President the power to require the opinion of heads of Departments. The Constitution says:

He may require the opinion in writing of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices, and he shall have the power to grant reprieves and pardons for offenses against the United States.

So, in order to see how far the pardoning power is an exclusive power, we must look at the nature of the power as it existed in other governments which our fathers had in view when they framed the Constitution, especially the old State governments, and the nature of the subject itself.

It has been the very general practice from the beginning, I suppose, in all of the States to lodge a qualified pardoning power in other tribunals or other authorities than the governors, the executives, although the constitution says the executive shall have the power to grant pardons. In my own State the county commissioners may commute a sentence for small offenses like drunkenness or small larceny and various other offenses for which a man is committed to the common jail or the house of correction. The power to reprieve is associated with this grant in the same sentence, and yet the courts have always had and exercised the power to reprieve.

Now, as I understand that, these provisions of the Constitution in regard to the President, and all the like provisions which constitute a definition and description of his office, are intended to describe the function and duty of the President of the United States dealing with the States united in the National Government. It has never been supposed that in exercising the powers of a government created not by the Constitution of the United States, but by Congress, we were obliged to pursue in all respects the methods and keep within the bounds and limitations which the Constitution prescribes. We create Territorial governments. They are not created by the Constitution.

They are created by act of Congress, and in creating Territorial governments by act of Congress we lodge the pardoning power. There is no sovereignty there except that of the United States. We create the government for the convenience of administration. We give it legislative power, delegated power, but it is a power which is created for convenience of management in those great spaces of territory which have not become States. In those limits we describe and create all the authorities which are necessary for these quasi and imperfect governments, and among them we lodge the pardoning power with the governor. We might tomorrow provide that in all Territories in this country the pardoning power shall be lodged in the secretary of state or attorney-general. We have the perfect constitutional power to do it, in my judgment.

Now, in creating this convenient form of government, so that there can be some administration of law in the canal zone, it is a machine of our own creation, and we have the same right to do it, and we may lodge the power of commuting sentences or pardoning offenses, and the power of trying the offenders, and the power of administering justice wherever we please, observing always the substance of the rights which, until within the last three or four years, when some of our friends broke loose, we supposed were the constitutional rights of all humanity.

Mr. BAILEY. I understood the Senator from Massachusetts to assert in the beginning that the power to pardon is not an exclusive power. I understood him, in elaboration of that, to say that Congress could vest the power to pardon not alone in the governor of a Territory, but in its secretary of state. Does the Senator from Massachusetts follow that to the point of saying that Congress could vest in the Secretary of State for the United States the power to pardon offenses against the United States?

Mr. HOAR. I did not say that.

Mr. BAILEY. I understand the Senator did not, but would the Senator go that far?

Mr. HOAR. I do not think I should go that far. Undoubtedly the main thing that the Constitution meant to secure was not that the President rather than that some other functionary should exert this power, but that there should be a power somewhere, so that no citizen should be compelled, except in the judgment against his holding office, to submit to a punishment that there was no human power or authority to remit.

Therefore we said the President shall have it. Whether we could go so far as to lodge an unlimited power of pardon in the Secretary of State I should doubt very much, though I presume we might enlarge the power of pardon.

But let me put an analogous case to that which the Senator suggests. I introduced this morning, at the request of the Department of State, a bill regulating the exercise of appeals from judgments in the courts of our ministers and consuls abroad, providing for an appeal to the United States circuit court held in San Francisco. Could there be any doubt in the mind of the Senator that we might, in regard to offenses committed abroad by

American citizens, and for which they were sentenced by our ministers or consuls, lodge the pardoning power in the Department of State? I think we could.

Mr. BAILEY. I am not so sure but that we could in that or any other case. Now take this view—

Mr. HOAR. If the Senator will pardon me, that is exactly this case in principle. As in the main that entire and complete constitutional mechanism is provided by the Constitution, whether the power to pardon in its full extent being exercised somewhere we can bestow it elsewhere by legislation is a very serious question. At any rate, I do not claim that we can. But the proposition I lay down is that Congress may create governments for various national and international purposes; we may create judicial or legislative authority, as has been done in the Territories, as has been done in the District of Columbia, as has been done in Alaska, and in the Philippine Islands, and for temporary purposes in Porto Rico, and as we are now doing in this canal zone; and that Congress may bestow executive, legislative, and judicial powers in creating those mechanisms just when they think proper, without being limited by the provisions of the Constitution which attach to the United States proper.

Mr. BAILEY. Mr. President, I would not be willing to go as far as the Senator from Massachusetts does in his concluding statement. I have myself never entertained any doubt that whatever legislative power the Government of the United States possesses was vested by the Constitution in the Congress of the United States, and I have never believed that Congress can delegate its legislative power. That Congress can create a Territory is undoubtedly true, but my own opinion is that Congress creates that Territory under and in pursuance of that provision in the Constitution which authorizes it to admit new States into the Union, and as necessary to the exercise of the power of admitting new States into the Union it has ample power to erect a Territorial form of government to prepare that Territory and its people for admission.

Just how far this Government can create subordinate tribunals and clothe them with the power to establish rules over the lives and liberties and property of the people is not a question that at this particular time I desire to discuss, nor did I interrupt the Senator from Massachusetts for the purpose of combating his suggestion, but rather for the purpose of developing it. I have frequently thought that when the Constitution gave the President the power to pardon, to grant reprieves, it simply clothed him with the power and did not preclude Congress from clothing any other officer of the Government with that power if in its wisdom it saw fit.

But take it, Mr. President, in another view. Suppose the Constitution had not contained that particular provision? Suppose it was nowhere written there and that anybody should have the power to grant reprieves and pardons. I think it will not be contended, then, that the Government defining a crime and fixing its punishment might not also accompany it with a provision that somewhere there should be a power to pardon it.

Mr. SPOONER. The pardoning power has always been an executive act.

Mr. BAILEY. Certainly; a prerogative of the king. I doubt if there is a government in the world, I doubt if there ever was an enlightened government in the world, that did not clothe some officer of the government with the power to grant reprieves and pardons.

Now, it does not answer my mind fully that when the Constitution gives to the President the power to grant pardons and reprieves it necessarily excluded from Congress the right to clothe other dignitaries with the same power. There is no such thing as a crime against the Federal Government until Congress defines and fixes the punishment, and surely, as a part of its definition, as a part of its punishment, Congress might provide that still after conviction any given officer should have the right not to set the conviction aside, because that is neither legislative nor judicial, but that he should have the right to pardon.

I freely say that one difficulty about that is, as it has occurred to me, suppose Congress should pass a law, even over the President's veto with the necessary two-thirds, pardoning a criminal, that would be the law of the land, but it would be a legislative act, whereas by all of the governments of this and other lands, as suggested by the Senator from Wisconsin, the power to pardon is an executive act. I doubt if Congress can exercise anything but a legislative power itself, and therefore it could not pardon, because to pardon is, by the rules well known by the men who framed and established the Constitution, an executive act; but I am inclined to believe it possible for Congress to clothe other officers of the Government than the President with this power, though I do not state that as my unqualified opinion. I am inclined to believe that Congress could authorize other officers of the Government to exercise its pardoning power.

Mr. MITCHELL. Mr. President, I desire to call the attention

of the Senator from Texas to the fact that there is in the constitutions of many of the States, I presume in every one of them, a provision to the effect that the governor of the State shall have power to grant reprieves and pardons. In all those cases there is the same unqualified, unlimited language that is used in the Constitution of the United States. And yet it is a fact, as the Senator will bear me out, I think, that in very many cases the legislatures of the States in creating municipalities in the States have provided that the mayor of the city shall grant reprieves and pardons.

Mr. BAILEY. It is also true that in many of the States they have in recent years created what is known as a "board of pardons," and, I believe, under the Constitution of the United States. I will not state that I believe it, but I am inclined to believe that under the Constitution of the United States we could create a board of pardons and thus relieve the President of that work. I am not so sure that it would be competent for Congress to do it, but I am inclined to believe that when the Constitution gave him that power it did not intend to deprive Congress of the power to clothe the other officers with it.

Mr. NELSON obtained the floor.

Mr. PLATT of Connecticut. Will the Senator from Minnesota yield to me for a moment, that I may submit a report?

Mr. NELSON. Certainly.

NEBRASKA SENATORIAL INVESTIGATION.

Mr. PLATT of Connecticut. Mr. President, the special committee that was appointed to investigate as to the action of CHARLES H. DIETRICH, a Senator from the State of Nebraska, in connection with the appointment of Jacob Fisher as postmaster at Hastings, Nebr., and the leasing of a building to the Government for a post-office, has authorized me to submit a report, together with the testimony which has been taken by the committee. I ask that the report and the accompanying testimony may be printed and lie on the table, and at some future day a motion may be made with reference to the report.

The PRESIDENT pro tempore. The Senator from Connecticut, from the special committee to investigate charges against the Senator from Nebraska [Mr. DIETRICH] makes a report, and also sends to the desk the testimony, and asks that both be printed and lie on the table.

Mr. PLATT of Connecticut. The report and the testimony in connection therewith.

The PRESIDENT pro tempore. The report and the testimony to be printed in one document?

Mr. PLATT of Connecticut. In one document.

Mr. SPOONER. I suggest to the Senator to include in his request that the report itself be printed in the RECORD.

Mr. PLATT of Connecticut. And I ask that the report be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Connecticut also requests that the report be printed in the RECORD. Is there objection? The Chair hears none.

Mr. BAILEY. I should like to ask the Senator from Connecticut if the printed report of the committee or the testimony includes the written opinion of the court upon the demurrer which I understand was interposed?

Mr. PLATT of Connecticut. We have printed the record in two cases, which records, we think, show all the proceedings that were important. Those records show the decision of Judge Van Devanter in directing the acquittal of Mr. DIETRICH and his opinion overruling a demurrer which was filed in another case. I think all the facts and all the charges were really presented in those two records, and therefore we have not encumbered the record with the record in the other three cases, though they are alluded to.

Mr. BAILEY. I was anxious that the record should contain the written opinion of the judge. I understood he delivered a written opinion.

Mr. PLATT of Connecticut. It does.

The report referred to is as follows:

The special committee appointed under the following resolution, viz: "Resolved, That the President pro tempore shall appoint a committee of five to investigate and report to the Senate all the facts connected with the appointment of Jacob Fisher as postmaster at Hastings, Nebr., and the leasing of the building used at this time for a post-office in that city, and particularly to investigate and report as to the action of CHARLES H. DIETRICH, a Senator from Nebraska, in connection with such appointment and leasing"—having made the investigation required by such resolution, report herewith all the facts regarding which they were directed to make inquiry, and as to the action of Senator CHARLES H. DIETRICH in connection therewith.

Senator DIETRICH was elected a Senator from the State of Nebraska on the 28th day of March, 1901. He took the oath of office on the 2d day of December, 1901, at the opening of the regular session of the Senate. At the time of his election to the Senate he was governor of the State of Nebraska, having been elected at the November election in the year 1900. He took the oath of office as governor on the 3d day of January, 1901, and resigned on the 1st day of May of the same year.

While governor, and on or about March 4, 1901, he called upon the Postmaster-General at Washington and made to him a proposition to lease to

the Government, for the term of ten years, a room for a post-office in a building he was then constructing in the city of Hastings, Nebr., at a rental of \$1,800 per annum, the fixtures, heat, light, and water to be furnished by him, he to keep the same in repair and to furnish all additional fixtures deemed necessary during the term of the lease. This proposition was accepted by the Department, and on March 12, 1901, Senator DIETRICH signed a lease for the same, forwarded it to Washington, and on March 21 the proposition was formally accepted by the First Assistant Postmaster-General.

At this time the post-office was and had for some years been kept in a building owned by a Grand Army post, about 40 feet from the building which was being erected by Senator DIETRICH. The postmaster was notified by the Department of the lease of the new premises, immediately after which numerous protests against the proposed change of location of the office were sent to the Department at Washington. These protests seem to have emanated from two sources—one the Grand Army post, in whose building the post-office was then situated, and the other from a different locality in the city, between which and the locality where the new building was being erected there had been for years an intense rivalry.

These protests were of a character which induced the Postmaster-General to notify Senator DIETRICH that he thought it inadvisable to carry out the arrangement for leasing quarters from him unless he could secure more favorable terms. As a result of this notice Senator DIETRICH, about April 23, 1901, and while still acting as governor of the State of Nebraska, called upon the Postmaster-General in Washington, and, after discussion of the matter, made a verbal proposition to lease the room in question as a post-office for the sum of \$1,300 per annum, with the understanding that the Government would provide, at its own expense, fixtures, heat, light, water, and make all other necessary expenditures.

On April 24, 1901, a written notice was sent to Senator DIETRICH, signed by the First Assistant Postmaster-General, accepting this proposition "for a term of ten years from July 1, 1901, at a rental of \$1,300 per annum, with the understanding that the present equipment in the post-office at Hastings will be used in the new room, and the Department is to defray the expense of removing the equipment and placing the same in position in the new quarters."

While the first contract for leasing the premises, which required Senator DIETRICH to fit the same up at his own expense, was in force, he made an agreement with the officers of the Grand Army post to purchase from said post all the furniture and fixtures belonging to the same and used for the post-office in their building, for the sum of \$500, to be paid whenever Senator DIETRICH took possession of the same, or the post-office was removed to the Dietrich Building. The date of this agreement was April 9, 1901.

On June 9, 1901, Mr. Jacob Fisher was, upon the recommendation of Senator DIETRICH, appointed postmaster at Hastings, and took possession of the office soon after, in the building of the Grand Army post where it was then located. The office was removed to the room in the Dietrich Building on the 21st day of July, 1901, and the fixtures were then removed from the old to the new post-office room.

Senator DIETRICH owned the land upon which the building was erected where the new post-office was located. He began the construction of the building in the summer of 1900, and before making the proposition to the Postmaster-General to lease a room in it for the post-office.

In October, 1900, Gertrude Dietrich, the Senator's daughter and only child, inherited from her grandfather the sum of \$3,300. Senator DIETRICH was the president of the German National Bank, at Hastings, and his brother-in-law, Mr. John Slaker, was cashier. When his daughter inherited the money referred to, Senator DIETRICH consulted with her uncle, Mr. Slaker, as to how it should be invested, and decided, with the consent of the daughter, who was at the time, by the laws of Nebraska, of age to make contracts, that the money should be used in the erection of the building which had been commenced by Senator DIETRICH, who stated at the time to his daughter, to Slaker, and to others that when the building should be completed he intended to convey the land and building to his daughter as her own absolute property. Accordingly, this sum of \$3,300 was used and expended in the construction of the building referred to. The property is valued at about \$9,000, including the cost of the building and the land upon which it is located.

Senator DIETRICH went with his daughter to the Philippine Islands, starting about the middle of June, 1901, and returning about the 1st of October that year. During his absence, as before stated, about the 21st of July, 1901, the Government took possession of the post-office in the Dietrich Building and removed the fixtures from the Grand Army Post Building thereto at its own expense. Mr. Slaker had been directed by Senator DIETRICH, before his departure, to collect the rent and to deposit it to the credit of Gertrude Dietrich in the bank, and this was done from the date of the Government occupation.

Senator DIETRICH instructed Mr. Slaker to prepare a deed conveying the property to his daughter Gertrude, and the deed was prepared by Mr. Slaker according to directions, but its execution was overlooked for some time, and when that fact was discovered by Mr. Slaker he forwarded the deed to Senator DIETRICH, who was then in Washington, where the same was executed and returned by him, and then it was placed on record.

All rents for the building were, from the beginning, as they accrued, collected by Mr. Slaker and deposited in the bank to the credit of Gertrude Dietrich, and checked against by her for her own personal use.

Senator DIETRICH is a widower, a man of independent fortune, and quite able to present to his daughter his interest in the property in question, and the committee finds in the record no reason to doubt that the transfer to the daughter was in pursuance of his intention, announced when he invested her money in the building, and was in perfect good faith, and not in the slightest degree colorable.

After the building was occupied as a post-office the premises were inspected by an inspector of the Post-Office Department, who suggested to Mr. Fisher, the postmaster, that the room was too large for post-office purposes, and that its heating would be too expensive, and further suggested that a room be partitioned off from the rear. When Senator DIETRICH returned from the Philippines in October, he visited Washington and arranged with the Post-Office Department to put up a partition at his own expense, the Department agreeing that it would relinquish the portion of room so to be partitioned off, which proposition was accepted by the Department.

When this arrangement had been made, the postmaster, Mr. Fisher, proposed to Senator DIETRICH that he would rent said room, intending at first to start a restaurant in the same, to be conducted by his son, and it was agreed between Senator DIETRICH and Mr. Fisher that he (Fisher) should take the room and pay rent for it, commencing August 1, 1901, at the rate of \$200 per annum. This arrangement was made some time in November, 1901. Senator DIETRICH soon after came to Washington and did not return to Hastings until the latter part of March, 1902, when he found that the restaurant had not been started and that the room was vacant. He was told by Mr. Fisher that as the Burlington depot had not been completed as soon as he supposed it would be he had given up the idea of establishing a restaurant in the room; that he had negotiated with the Western Union Telegraph Company to put an office therein, but that plan had not materialized.

Thereupon Senator DIETRICH told Mr. Fisher that he was willing to take

the room off his hands and repay the rent which Fisher had paid for same from August 1, which he did, and soon thereafter Senator DIETRICH leased the room for \$300 per year to another party, which lease still continues. The money paid by Mr. Fisher for the rent of the room was paid to Mr. Slaker and deposited to the credit of Gertrude Dietrich, and the subsequent rents have been so collected and deposited. The entire amount paid by Mr. Fisher for the room was \$33.80.

Soon after making the arrangement to lease the same it was agreed between Mr. Fisher and his deputy postmaster, Edwin A. Francis, that they should be jointly interested in the lease of the room, each paying one-half, and sharing equally in any rents that might be derived therefrom. Francis paid to Fisher one-half of the rent while the arrangement lasted, which was repaid by Fisher when Senator DIETRICH took the room off his hands.

APPOINTMENT OF JACOB FISHER AS POSTMASTER.

Fisher was a director in the bank of which Senator DIETRICH was president, and his friends had made application to Senator DIETRICH while he was governor to appoint Fisher to the office of oil inspector of the State. Mr. Fisher, in company with Mr. John D. Mines, visited the city of Lincoln, where the legislature was in session, in February, 1901, and Mr. Mines asked Mr. DIETRICH to appoint Mr. Fisher to such position; but the governor informed Mr. Mines, in the presence of Mr. Fisher, that he did not see his way clear to make such appointment; that if he should appoint him, Fisher would have to live at the capital, and that the expense of doing so would be so great that he would not receive much benefit from the office, but that he would use his influence to have Fisher appointed postmaster at Hastings.

After the election of Mr. DIETRICH as Senator Messrs. Fisher and Mines again visited him, and Senator DIETRICH then assured them that he would recommend Fisher as postmaster. Soon after his election as Senator Mr. DIETRICH took a trip to the Big Horn Mountains, and when he returned therefrom to Hastings he sent for Mr. Fisher, who went to see him, and was told by Senator DIETRICH that he would soon recommend him for postmaster. A conversation thereupon took place with regard to the fixtures in the old post-office, which Senator DIETRICH had, as before stated, agreed to pay for when he should take possession of the same, or when the post-office should be removed to the Dietrich Building.

Senator DIETRICH asked Fisher if he did not think that he could raise among the people who were interested in property in that section of the city the \$500 necessary to purchase the fixtures. Fisher replied that he did not think he could, as the property owners there had recently contributed the sum of \$3,000 to secure the location of the Burlington depot in that vicinity, and that he would rather buy the fixtures himself than go around with a subscription list to raise the money necessary; that other postmasters, when appointed, had purchased fixtures, and that he was willing to do the same. Soon after this Mr. Fisher was recommended by Senator DIETRICH, and on June 8, 1901, received notice that his appointment as postmaster had been made.

Senator DIETRICH and Mr. Fisher both testify positively and unequivocally that the purchase of the fixtures was in no way made a condition of the appointment of Fisher as postmaster, and that the transaction was only such as had been customary upon the appointment of former postmasters, and the committee is satisfied from the evidence that such is the fact.

When the post-office was about to be removed into the Dietrich Building, Mr. Fisher paid to the agent of the Grand Army post the sum of \$500 for the fixtures, and they were removed and installed in the new building.

THE PROSECUTION OF SENATOR DIETRICH.

Senator DIETRICH was indicted in the district court of Nebraska in five different cases, afterwards remitted to the circuit court, the record in two of which is printed with the testimony taken by the committee in this case, which record, as the committee thinks, fairly presents all the charges against him, so that the printing of the record in the other three cases is unnecessary.

In the first of the cases, the record of which is printed, Senator DIETRICH is charged in effect that while a Senator in Congress from the State of Nebraska he took, received, and agreed to receive a bribe from Jacob Fisher for procuring and aiding to procure for said Fisher the office of postmaster at Hastings, Nebr. To this indictment Mr. DIETRICH pleaded not guilty, and a jury was impaneled to try the case. After the opening statement of the United States district attorney, in which he admitted that the date of the offenses charged was prior to the taking of the oath of office of Senator by Mr. DIETRICH, a verdict of acquittal was directed by Circuit Judge Van Devanter, who held that the statute in question did not apply to a Senator-elect, and a verdict of acquittal was accordingly rendered.

In the second case, the record of which is printed, it is charged that Mr. DIETRICH, while a Senator in Congress from the State of Nebraska, did hold and enjoy a contract theretofore entered into between himself and the United States for the use and occupation, for the purposes of a United States post-office at Hastings, Nebr., of a lot and building owned by the defendant. In this case a demurrer was entered, argued, and overruled, but subsequently, on the motion of the district attorney, a nolle prosequi was entered, and Senator DIETRICH was discharged.

One of the other cases against Senator DIETRICH differs from the first, the record of which is printed, only in the manner of charging the same offenses alleged in the first case, and in this case a nolle prosequi was also entered, upon the motion of the district attorney, and Senator DIETRICH was discharged.

In the other two cases Senator DIETRICH and Mr. Fisher were indicted jointly for a conspiracy to violate section 1781 of the Revised Statutes, the ground of such conspiracy being the alleged agreement between Messrs. DIETRICH and Fisher, which was set up as a separate offense in the first case referred to. In these two cases demurrers were entered and sustained, upon the ground that the indictment did not charge a conspiracy, but only separate offenses against DIETRICH and Fisher.

So that, eliminating technicalities, the offenses charged against Senator DIETRICH were:

"First. That as Senator he received from Fisher either the sum of \$1,300 or \$500, or the equivalent of the same in property, for procuring for said Fisher the office of postmaster at Hastings; and

"Second. That as Senator he held and enjoyed a contract with the Government."

The statute which Senator DIETRICH was alleged to have violated in the first case referred to is section 1781 of the Revised Statutes, as follows:

"Every Member of Congress, or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive from any person for procuring, or aiding to procure, any contract, office, or place from the Government or any department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, * * * shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than \$10,000. * * * And any Member of Congress or officer convicted of a violation of this section shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States."

The statute which he was alleged to have violated in the second case is sec-

tion 3739 of the Revised Statutes, which is here quoted, together with the pertinent sections, 3740 and 3741:

"Sec. 3739. No Member of or Delegate to Congress shall directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States, by any officer or person authorized to make contracts on behalf of the United States. Every person who violates this section shall be deemed guilty of a misdemeanor, and shall be fined \$3,000. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced on the part of the United States, in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum of money so advanced.

"Sec. 3740. Nothing contained in the preceding section shall extend, or be construed to extend, to any contract or agreement made or entered into or accepted by any incorporated company where such contract or agreement is made for the general benefit of such incorporation or company, nor to the purchase or sale of bills of exchange or other property by any Member of (or Delegate to) Congress where the same are ready for delivery and payment thereof is made at the time of making or entering into the contract or agreement.

"Sec. 3741. In every such contract or agreement to be made or entered into or accepted by or on behalf of the United States there shall be inserted an express condition that no Member of (or Delegate to) Congress shall be admitted to any share or part of such contract or agreement or to any benefit to arise thereupon."

The committee, desiring to make the fullest possible investigation of all the matters embraced in the resolution, through the Attorney-General of the United States, called upon the district attorney of Nebraska for the complete court record in all of the cases against Senator Dietrich and Mr. Fisher, and also a list of all witnesses by whom the district attorney expected to prove the allegations in the several indictments, together with a summary of what he expected to prove by each witness.

Receiving such list and summary, all of the witnesses whose names were furnished by the district attorney, and other witnesses whose names were brought by the district attorney to the attention of the committee pending the investigation, were summoned, and all appeared before the committee except two, one of whom is dead and the other of whom was so ill as to be unable to appear. Affidavits of each of these witnesses, both separate and joint, had been secured and are printed in the testimony.

In all of the indictments the prosecution relied upon the same facts to prove the offenses charged.

The committee, with the consent of Senator DIETRICH, in order that no possible fact bearing upon the matter might be overlooked, received the statements of all of the witnesses in full, not regarding strictly the rules of evidence in that respect.

It will appear that the committee, with such consent of Senator DIETRICH, admitted not only such evidence against him as would have been competent in a court of justice, but also a good deal of hearsay testimony—being all that was brought to their attention—as a possible clew to further information. The committee did not determine how far this proceeding would have been justified for any reason without such consent, even if they had carefully refrained from attaching any weight to it in their final decision. But it is a fact, did not in the least tend to shake or affect the conviction they have reached.

The committee submits herewith the testimony taken, but deems it unnecessary to set forth in full a summary of the same. Many of the witnesses examined, by whom the district attorney apparently expected to prove the charges against Senator DIETRICH, testified only to matters which, in the opinion of the committee, could not have been accepted in court as legal evidence, relating principally to statements alleged to have been made by Fisher and others, in the absence of Senator DIETRICH, to the effect that Fisher had been required to pay a sum of money in order to secure the appointment of postmaster at Hastings.

The statements of the witnesses thus testifying are positively and unequivocally denied by the parties with whom it is alleged such conversations were had, and an examination of the testimony will, the committee thinks, lead to the conclusion that such alleged conversations are improbable, and never took place.

Upon full consideration of all of the evidence, the committee is of opinion that Senator DIETRICH has not been guilty of any violation of the statutes of the United States or of any corrupt or unworthy conduct relating either to the appointment of Jacob Fisher as postmaster at Hastings, Nebr., or the leasing of the building in question to the United States for the purposes of a post-office.

GEO. F. HOAR.
O. H. PLATT.
JOHN C. SPOONER.
F. M. COCKRELL.
E. W. PETTUS.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 12th instant approved and signed the following act and joint resolution:

An act (S. 4033) to authorize the abandonment of W street NE., Washington, D. C.; and

A joint resolution (S. R. 5) to enlarge the scope of an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893.

The message also announced that the President of the United States had on the 13th instant approved and signed the following acts:

An act (S. 276) to authorize the Government of the United States to participate in celebrating the one hundredth anniversary of the exploration of the Oregon country by Capts. Meriwether Lewis and William Clark in the years 1804, 1805, and 1806, and for other purposes; and

An act (S. 2261) to amend section 4607 of the Revised Statutes, relating to soliciting seamen as lodgers.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I report back from the Committee on Appropriations with amendments of the bill (H. R. 14416) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes, and I submit a report thereon.

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

Mr. ALLISON. I give notice that at the earliest practicable moment I shall ask the Senate to consider this bill. I recognize the importance of the bill now before the Senate, and if it can be disposed of at an early day I shall not interfere with it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee managers at the conference on the part of the House.

The message also announced that the House had passed with an amendment the joint resolution (S. R. 54) to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York; in which it requested the concurrence of the Senate.

GOVERNMENT OF CANAL ZONE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes.

Mr. NELSON. Mr. President, in reference to the matter that has been under discussion, I desire to call the attention of the Senate to a section of the Revised Statutes that has been on our statute books for a great many years:

SEC. 1841. The executive power of each Territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be commander in chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offenses against the laws of the Territory for which he is appointed, and respites for offenses against the laws of the United States, till the decision of the President can be made known thereon.

We have, then, in this statute, and I do not think its constitutionality has ever been questioned, this state of facts: Whenever we establish a local government, a Territorial government, we commit the pardoning power to the executive head of the government in respect to the offenses against that government. It does not relate to offenses against the United States. Offenses against the United States relate to general laws covering all the people of the country; but wherever we organize and establish any form of Territorial government or any form of legislative power, the executive head of that government has, and has always had in our system of government, the right and power to pardon and grant reprieves for offenses against that local government.

So in this instance we are establishing a local government on this canal strip. We make the head of that government a governor of that strip. We give the commission certain legislative functions to enact certain laws. Senators may say those laws are not valid until approved by Congress. That has been the rule to some extent in regard to Territorial legislation. Congress has always had a veto upon the acts of the legislatures of the different Territories.

We are establishing here a local government, and we are simply proposing to give the executive head of that government exactly the same power in principle to pardon offenses committed not against the United States Government, but offenses committed against that government which we have set up in this territorial strip that we have adopted in the case of the Territories of the United States.

In the Territories of the United States there is a double jurisdiction, there is a Federal jurisdiction and a Territorial jurisdiction, speaking about judicial matters. There is a class of cases in the courts of the Territories that are analogous to the cases that go into the Federal courts of the United States, and there is a class of offenses in those Territories the same as offenses against the United States.

Now, wherever offenses are committed in violation of the general laws of the United States, in those cases the pardoning power vests in the President of the United States, and nobody can deprive him of it. But where we set up a local government and establish a government and give it any form of legislative power, little or much, we have a right to give the executive head of that government the power to grant pardons, not for offenses against

the United States as a political entirety, but to grant the executive head of that government the power to pardon for offenses committed against the local laws of that territorial jurisdiction.

It is precisely the same power. If you can question it in this case, you can question it in the cases of all the Territories of the United States, and, by the argument of the Senator from Georgia, in all these years the governors of those Territories have been violating the Constitution of the United States in granting pardons and reprieves for offenses against the Territorial laws.

We do not propose in this paragraph in the bill to give the governor of this Panama strip power to pardon offenses against the general laws of the United States, but simply offenses committed in violation of the territorial legislation in that strip. It is exactly in principle on all fours with the law that is in vogue and which exists in the Territories of the United States.

Mr. MITCHELL. I call the attention of the Senator to the sixty-sixth section of the act providing a government for the Territory of Hawaii. It is the same provision.

Mr. NELSON. It is the same. I have examined our Territorial statutes, and the same rule exists in every case, even in the case of Alaska. We are not departing in this instance more from the constitutional rule than we have done in respect to all the Territories of the United States.

The Constitution lays down no rule as to what constitutes a Territory. It may be small or little. It may be of a limited government. It may be as the first Territorial government of Louisiana was, without a legislature, simply a legislative council.

It does not matter as long as the local government has a legislative power whether it is exercised through a legislature elected as we elect legislatures in the States or in any other body, as long as that authority has the right to enact statutes or ordinances, and violations of those statutes and ordinances are not violations in a technical sense against the laws of the United States, but they are violations against the local laws of that local jurisdiction, and to that extent the governor of that local jurisdiction has the right to grant pardons and reprieves, and we have a right to confer that authority upon him just as much as we had in the case of New Mexico, Arizona, Colorado, or any of the western Territories. There is no difference at all in principle.

Mr. BACON. Mr. President, there is no doubt about all that is said by the Senator from Minnesota [Mr. NELSON] and other Senators as to offenses against Territorial laws being correct; but it has no application to this case, because this is not a Territorial government nor a separate government of any kind whatsoever. It is specially designated in the proposed law simply as an agency representative of the power of the United States Government. Section 2 of the bill is in these words:

That the Isthmian Canal Commission, created by act of Congress approved June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," is hereby empowered, subject to the direction and control of the President, to exercise on behalf of the United States all of the rights and powers granted to and conferred upon the United States by said treaty for the control, use, occupation, and government of the canal zone for the construction, maintenance, operation, sanitation, and protection of a ship canal on the Isthmus of Panama and of the lands and waters without the limits of the canal zone which may be acquired by the United States or occupied under said treaty, including the powers granted to the United States in the cities of Panama and Colon and the harbors adjacent thereto, and also including the power to take or damage private property by said treaty conferred, as well as such other rights, privileges, and powers as may be hereafter granted in that behalf by any treaty or treaties supplementary to the treaty hereinbefore referred to.

Then the bill goes on, in the next section, and confers upon the same body legislative power, which it is not necessary to read in detail. But the point to which I direct the attention of the Senate is that this bill does not profess or undertake to set up a separate Territorial government or a government of any kind except a government exercising on behalf of the United States certain powers. Therefore there can be no offense against the canal zone. There is no such separate entity. There is no such separate government. We have as Congress the direct control of this territory. I use the word "territory" now meaning area, not government. And we, for convenience, put there certain officers to carry out the will of Congress—nothing else.

All the statutes which have been enacted relative to the Territories relate to an entirely different condition of affairs, where there are two separate class of offenses against the United States. In the case of counterfeiting, it may be in a Territory, nobody will contend that the Territorial governor could pardon a man convicted of counterfeiting because the offense was committed within the Territory. That is an offense against the United States, and only the President could pardon in such a case.

Mr. BAILEY. It might be also an offense against the State law. I think every State of the Union has a law against counterfeiting.

Mr. BACON. That is true; but in that case that would not come within the suggestion which I am making. I am speaking of an offense against the laws of the United States, of counterfeiting. The fact that the offense was perpetrated in a Territory would not give to the Territorial governor the power to pardon,

because it would not be an offense against the Territory, but an offense against the laws of the United States.

My proposition is that there can be, under the provisions of this bill, a relation which that property will hold to the United States that no offense there which is not an offense against the United States—

Mr. HOPKINS. Will the Senator from Georgia allow me to interrupt him?

Mr. BACON. Certainly.

Mr. HOPKINS. If the Senator will look at section 3, he will observe that the legislative power—

Mr. BACON. I have just stated that fact. The Senator is not calling my attention to anything I have not already recited myself.

Mr. HOPKINS. I understood the Senator to be reading from section 2.

Mr. BACON. No; the Senator was not paying attention to what I was reading; for I said that in section 2 there might be authority, but in section 3 there was a grant of legislative power.

Mr. HOPKINS. Exclusive in the commission.

Mr. BACON. Suppose that in the island of Guam, where we have only military law, where we have no civil law, Congress should assume to delegate to an officer of the United States Army or Navy power to pardon. Could anybody possibly contend that that delegation of power could be defended? There is a military officer upon whom has been conferred the power to govern that island and to attend to all the details of government, but he is simply the agent of the United States Government, and Congress, in my opinion, would have no possible power to delegate to that naval or military officer the power to pardon.

Here is a piece of property which occupies exactly the same relation to the United States Government that the island of Guam does. It is a piece of territory which has come under the jurisdiction of the United States where it has not been convenient or expedient to attempt to establish civil government and to make it a political entity, but where it is necessary, nevertheless, that the authority of the United States Government shall be exercised.

We do not even create the Panama Commission by this bill. Here is a commission organized for the purpose of the physical construction of the canal, and we know it does not exercise any political power. As a matter of convenience, in the same way as we would delegate to an officer in Guam the power to control the island of Guam, we delegate to this commission heretofore created and organized for a different purpose—we delegate to them for convenience and expediency the power to control this little piece of territory.

I will not pursue that further, Mr. President, but the constitutional question raised by this provision, and which has been discussed here, is an important one. I take issue with the learned Senator who contends that the delegation of the pardoning power of the President is not an unlimited power. I respectfully submit, Mr. President, that it can be nothing else than an unlimited power.

Mr. MITCHELL. An exclusive power.

Mr. BACON. Unlimited and exclusive. See to what conclusion it would bring you if you should say that, in the first place, it is a limited power. Take one at a time, the question of its being limited and the question of its being exclusive. If it is a limited power, who is to define the limitation? If it is a limited power, extending only to some offenses and not to other offenses, who shall draw the line? Certainly not Congress; certainly not the Executive. The Constitution drew no line; and in words it gave as broad a grant of power as any other power ever conferred upon the President. It can not be abridged.

Now, as to the question of whether or not it is an unlimited power. When we come to the question of exclusive power, it seems to me the argument is still stronger. If it is not an exclusive power, it may be shared in its exercise by some other authority. If you endeavor to permit another authority to share it in part, you can not thereby deprive the Executive of the unlimited power.

In other words, if it is not an exclusive power, it must be one in which the power still remains in the President, and the only result of its not being an exclusive power would be that the power could coexist in some other authority. The manifest incongruity of that, the manifest want of intention that such should be the construction, it seems to me is plain, when you come to ask what would be the practical operation of the sharing of the pardoning power at the same time by the President and by some other power. Would it be simply a question as to who should exercise the discretion first, and that that should be exclusive? If the President should refuse to pardon a man upon application where the power was also shared by some one else, could the party, upon his refusal, go to the other person and get what the President had refused; or, if you reverse it, if the convict went first to the other authority to whom the pardoning power had been delegated and he was refused by that authority, could the President then

say, "Well, it has been refused by this power, but I will override that, and I will grant the pardon?" Shall the question be raised as to who shall first have jurisdiction of the question of pardoning?

It seems to me, Mr. President, that it is impossible, according to any correct rule of construction, that the pardoning power can rest in two people at the same time.

The Senator from Massachusetts [Mr. HOAR] has read a section of the Constitution, and says that from it he does not gather any conclusion that it was the intention of the framers of the Constitution to place the exclusive power in the President of the United States. Let us read the provision of the Constitution and see whether there is anything in the reading of it which will indicate that it was intended to be a limited power—that it was limited either as to extent or as to exclusiveness. I will read the whole section in order that the connection may be seen:

SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Where are there any words of limitation there? Where is there the slightest syllable which indicates a purpose on the part of the framers of the Constitution to say that the President of the United States should have the power of pardoning in some cases and not in others? Could any such construction be maintained? Where is there a word in that section which would indicate that, when that power was conferred upon the President, it was intended also to confer the same power upon others? It will not do to say that Congress could confer it upon another authority as to minor offenses and not as to great offenses, because there is nothing to warrant any such distinction.

Mr. MITCHELL. Would the offenses which come under this provision be offenses against the United States?

Mr. BACON. That is the entire practical question in the case; but that question does not come in conflict with the other question as to whether or not this is an exclusive and unlimited power. It may be that these are not offenses against the United States. I think they are from the fact that we have no other political entity between the individual and the Government of the United States.

Mr. MITCHELL. The Senator would concede, then, that they can not properly be called "offenses against the United States," and that then the local government would have the right to pardon?

Mr. BACON. I do not think there is any local government there; but I think that even where there is no government, if the offense is not against the United States, however the authority was acquired, it would not be in conflict with the provisions of the Constitution, because that expressly gives the power to pardon in case of offenses against the United States.

Mr. BAILEY. Mr. President, I desire to call the attention of the Senator from Georgia to the law defining the powers of the governor of a Territory. As I said a moment ago, I am by no means clear on this question. I think that many of the States, under a constitution which clothes the governor with the pardoning power, have organized what are known as "pardoning boards."

Mr. BACON. Yes; I had not reached that. I was coming to that.

Mr. BAILEY. I am not sure—I am frank to say that I have never taken the time or the trouble to investigate—but if there have been any decisions that under such a constitution a pardoning board could not be organized, I would consider that conclusive; or if it be that the pardoning board in all the States, as in my own, is merely an advisory board, then I would say that that is not conclusive. But this provision, to which I now call the Senator's attention, does seem very strongly to establish the power of Congress.

Mr. BACON. I am sure the Senator did not hear what I said. The same question was asked me—

Mr. BAILEY. Not the particular thing to which I am going to call the Senator's attention. The statute to which I have referred provides that—

He—

That is the governor—

may grant pardons and reprieves, and remit fines and forfeitures, for offenses against the laws of the Territory for which he is appointed, and reprieves for offenses against the laws of the United States, till the decision of the President can be made known thereon.

Mr. BACON. I do not question that at all.

Mr. BAILEY. The President's power, as expressed in the Constitution, is to "grant reprieves and pardons." Whether reprieves are nothing but reprieves—

Mr. BACON. Not necessarily.

Mr. BAILEY. I think almost essentially. Of course a respite might be a mere matter of time, and a reprieve might also

reduce the extent of the punishment—for instance, from execution to imprisonment for life. But still it is true that the governor of a Territory, under this statute, is suspending sentence against an offender who has violated the laws of the United States. I do not say that because it is in the statute it ought to be there or that it finds a warrant in the Constitution for being there. I only cite that as rather indicating that the idea of the Congress that passed it was that the power to grant a respite, at least, is not entirely and exclusively with the President.

Mr. BACON. I take no issue with that proposition. What I want to do is to amend the bill so as to limit it to the case at issue.

Mr. BAILEY. I want to say, Mr. President, that I expressly disclaim any willingness to be understood as asserting positively that Congress could clothe any other than the President with this power.

Mr. BACON. Mr. President, with regard to the allusion of the Senator to the organization of the pardoning boards, I think there can be no possible doubt about the fact that in every such case, where the pardoning power in a State is conferred upon the governor and a pardoning board is created, it is simply an advisory board, and at last it takes the pardon of the governor to make their recommendation effective.

I know that is the case in my State; and, without having examined the laws of all the States, I have no hesitation whatever in the belief and feeling of certainty that such will be found to be the case in every State, because it would not stand to reason, it is indefensible to my mind as a matter of logic and of legal construction, that the power to pardon should be conferred upon an executive officer by the Constitution and that an equal power should thereafter be conferred upon another authority by legislative enactment. It seems to me to be an impossibility. I may be entirely wrong, and my idea of the Constitution may be out of joint in that contemplation.

Mr. BAILEY. Mr. President, the Senator from Georgia is seldom out of joint in his legal propositions, but the fact that two bodies might be complete in the exercise of the power is not a conclusive argument against the existence of a right in each body to exercise it. For instance, the Senator knows perfectly well that there are many cases in which either of two courts would have jurisdiction, and that court which first sets its machinery in motion is usually the one to retain the jurisdiction.

Mr. BACON. Yes.

Mr. BAILEY. But even in that case it is not always true that the first obtaining is the one to hold jurisdiction, because in many cases, which the Senator will recall without my naming them, a State court after acquiring jurisdiction over a given case can be ousted of that jurisdiction by filing in that court a petition to remove the case to another court of equal jurisdiction. So, while it is a little awkward to have two officers clothed with the same power, and it might result in the unseemly competition which the Senator indicates, it is nevertheless true that it might be possible that each should have that jurisdiction.

Mr. BACON. Mr. President, under our dual system of government, the concurrent jurisdictions of the courts of the two systems necessarily are a feature; it can not be avoided; and the statutes which have been enacted endeavored, as far as possible, to remove the inconveniences which arise as a necessary result from these concurrent jurisdictions. But it is not so, Mr. President, in the case of pardons. There is no necessity for it; there is nothing which would call for a dual authority in the way of the pardoning power. It is unprecedented, so far as I can ascertain, or so far as I have ever known in any system of government, that the pardoning power should coexist at the same time in two different authorities.

But that, as stated by the Senator from Texas [Mr. BAILEY], is not a conclusive argument. It is possible that such a thing could exist in law, but it is a very strong argument when the matter is in doubt—if it is in doubt—why it should not be so construed, because, in the first place, there would be no reason for it, and, in the second place, great inconvenience would necessarily result therefrom.

I do not desire, Mr. President, to detain the Senate upon the matter. I think, however, the question as to the prerogative of the executive department is certainly a most important one. I only hope, without making any motion in the matter myself, that this will be accommodated in this case by limiting the power of these commissioners to the power of respite.

As suggested by the colloquy between the Senator and myself, and also by what was said by the Senator from Wisconsin [Mr. SPOONER], the power to reprieve is undoubtedly a constitutional power of the President, and, while technically that power might not be invaded, still we do know, as a matter of practical operation, that throughout the administration of the law the power to suspend sentences has never been regarded as one in which there was an invasion of the power of reprieve, nor has it been recognized in any manner as an exercise of the power of reprieve.

Mr. BAILEY. That is judicial.

Mr. BACON. That is judicial. These officers in Panama are there in several capacities. They are there as agents representing both the executive and the legislative departments. They are not there as the governors or as the executive; they are there as the agents of this Government, under an anomalous and abnormal condition of affairs, to try to represent the authority of the United States Government.

I think it would be in harmony with the correct interpretation of the constitutional prerogative of the Executive to limit their power to the suspension of sentences, and not allow it to extend to the point of absolute pardon.

Mr. BAILEY. Mr. President, I suggest, unless there is some reason to satisfy the Senator from Georgia [Mr. BACON]—and I think it would be a much safer rule to adopt—that we simply incorporate in this bill almost the same provision that we find in the statutes with reference to the Territories, namely, that the commission shall have the power to grant respites until the President can decide.

Mr. BACON. I want to call the attention of the Senator from Texas [Mr. BAILEY] to the language of this bill, which would make it proper that there should be at least some distinction if the power is granted, because the power to pardon is unlimited here. There are only two kinds of law that can exist on this territory under the provisions of this bill. One is the system of laws which survives the transition of this area from the jurisdiction of Panama or Colombia to the jurisdiction of the United States; that is, preexisting law and the additional laws which may be enacted by this commission.

This pardoning power is not limited in its phraseology, as is the language of the law there, but really extends to all offenses which may be committed within that zone. If the power to pardon at all is permitted, it seems to me it ought to be limited to the power to pardon for offenses committed against the regulations of the commission. They might be said not to be the law of the United States, though I am inclined to think they are, under the circumstances.

The PRESIDENT pro tempore. The question is on agreeing to section 13.

Mr. MORGAN. Mr. President, the very learned discourses to which we have been treated to-day on this question of the pardoning power ought to inform the Senate that there are about ten or fifteen propositions in this bill that will lead to such disquisitions and such discourses not only here, but in the court that we are going to establish in the canal zone—the district court of the United States. That court will really have unlimited powers, if it follows the lines of the pending bill. Certain provisions of the bill of rights of the Constitution of the United States are to be forced upon the Government down there, and forced upon the judiciary as well as upon the legislature. When we get all of these questions at play in that district, instead of its being a place for the building of a canal it will be a battle ground upon which litigation will flourish.

I think when Senators come to consider a little more profoundly what we are trying to do and the best way to get at it, they will come to the conclusion that after all this zone ought not to be governed as a Territory of the United States, but that it ought to be governed as a reservation, in which we make no effort at all to establish civil government any further than is necessary and advantageous to the work on that canal.

We see now how questions abound and how they will multiply, and that we are about to create a government in the canal zone when we have got no citizenship there to take care of, and are not likely to have. Perhaps there will not be an American who will ever establish his farm or his family between Colon and Panama after this canal is completed, and during the work of construction nobody is going down there to settle. The inhabitants of that zone will be people of various nationalities, and only a small per cent of them will come from the United States.

We are making this elaborate plan of government, it seems to me, more for the purpose of contriving offices to be filled by perfunctory men, to be paid by the Government of the United States, than for any other purpose. The government of this zone ought to be as simple as possible, particularly now. We know nothing about the zone; our commissioners have gone there to make some exploration, and, at all events, the simplest possible legislation ought to be adopted here until we have heard from them and know something about the conditions there that we ought to provide for.

We do not know what Spanish laws or Colombian laws or Panama laws are in force in that zone. There is not a Senator on this floor, certainly there is not a member of the committee, who knows anything about it, and yet we are making enactments here to stand for all time, I suppose, in which we enforce laws without knowing one word about them.

This whole action of laying out an ambitious plan of territorial

government is premature. We had better postpone this bill entirely, and take the provisions of the Spooner Act, if that act applies at all, and if it does not let us make it apply, and govern this zone under that act until we get ready and prepared to legislate about it.

I raise these questions to bring properly before the consideration of the Senate the difficulties we are involving ourselves in, and not to retard the bill.

The Senator from Georgia [Mr. BACON] says he is a friend of the bill. I am a friend of the bill, too, if you put it on the right ground; if you put it on a ground that we can afford to stand upon. We know, according to an old adage, that "As the twig is bent, the tree is inclined;" and it is a mere twig we are acting with reference to now; we are bending it to give it shape; but after a while, when we can not get rid of it, we will find it an abomination instead of an assistance to that canal work.

The PRESIDENT pro tempore. Section 13 is agreed to.

The reading of the bill was resumed, and section 14 was read, as follows:

SEC. 14. That the President may designate a member of said commission to be governor of the canal zone, in which case it shall be the duty of said commissioner to act without additional compensation. It shall be the duty of the governor to take care that the laws and ordinances enacted by the Congress of the United States and by said commission shall be faithfully enforced, and to perform such other functions and duties as may be from time to time prescribed by Congress, by the President, or by the said commission.

Mr. MORGAN. Mr. President, I suggest that in that section 14 there ought to be an amendment. Here are the commissioners as a body in various sections of this bill fully empowered to exercise executive functions as a commission. When we come to create a governor there by the appointment of the President, we do not provide here that all of those executive powers shall be exercised by him. What about the pardoning power? The section that we have passed over confides the pardoning power to the commissioners. When this governor is appointed, does he take over the pardoning power, or does it remain with the commission? Ought there not to be some provision in this section to indicate what his powers are to be when he gets to be governor? How many of these powers heretofore granted to the commission is he to exercise while he is governor? I make these suggestions without offering any amendment.

The PRESIDENT pro tempore. The section is agreed to.

The Secretary read section 15, as follows:

SEC. 15. That the legislative power herein conferred upon said commission shall include the power to enact such laws and regulations as they may deem necessary for the administration of justice in the canal zone.

Mr. MORGAN. There ought to be in this section a provision of this kind, "not inconsistent with the laws of the United States." To give to that commission the unlimited power to establish such judicial procedure there as it may choose to establish is entirely too broad. Its powers ought to be limited by some restriction, and I think the proper one would be, "not inconsistent with the laws of the United States."

I make the suggestion, sir. The committee may act on it or not.

The PRESIDENT pro tempore. The section is agreed to.

The Secretary read section 16, as follows:

SEC. 16. That the canal zone shall constitute a judicial district, to be called "the district of Panama." The President may, by and with the advice and consent of the Senate, appoint a district judge for said district, who shall receive a salary of \$6,000 per annum, and shall hold office for a term of four years unless sooner removed by the President. The district court for said district shall be termed "the district court of the United States for the canal zone," and the judge thereof shall have power to appoint all necessary officials and assistants, including a clerk and interpreter, and such commissioners as may be necessary, who shall have powers and duties analogous to those which are exercised and performed by commissioners of the circuit courts of the United States. The terms of said court shall be holden at such place or places in said zone and on such date or dates as shall be prescribed by act of the commission. Said court shall have and exercise the same jurisdiction in all cases arising in the canal zone under the Constitution and laws of the United States as would be cognizable in the circuit and district courts of the United States if arising in a State, and also all general civil and criminal jurisdiction within said zone. The practice and procedure of said court shall be prescribed by act of the commission, after a conference with said judge. All the pleadings and proceedings in said court shall be conducted in the English language, with such translations into the Spanish language as convenience and justice may require.

Mr. MORGAN. I do not understand the language in line 7 on page 12:

Said court shall have and exercise the same jurisdiction in all cases arising in the canal zone under the Constitution and laws of the United States as would be cognizable in the circuit and district courts of the United States if arising in a State.

"If arising in a State." What do those words mean?

Mr. KITTEDGE. It simply means if the canal zone were in fact a State of the United States.

Mr. MORGAN. I do not know whether one person living in that zone could bring suit in this court against another person in that zone. They can not do it in the circuit court or the district court of the United States. But it would seem from the language of this bill that they might bring a suit there notwithstanding

the fact that the residence of both of the parties, the plaintiff and the defendant, was in the zone. I do not know how to interpret this. I think it would be very much improved by striking out the words "if arising in a State." Then it would read:

Said court shall have and exercise the same jurisdiction in all cases arising in the canal zone under the Constitution and laws of the United States as would be cognizable in the circuit and district courts of the United States, and also all general civil and criminal jurisdiction within said zone.

It is a very broad grant of power, and I doubt very much if the limitation "if arising in a State" does not complicate it.

Mr. SPOONER. That would only be a case where a Federal question was involved. Of course, outside of that it would be diverse citizenship and the jurisdiction conferred by Congress upon courts of the United States.

Mr. MORGAN. Then I understand it is to be made to apply only to Federal questions?

Mr. SPOONER. I do not see at this moment what is gained by the reference to the State.

Mr. MORGAN. Nor do I. I think it only embarrasses the interpretation of the section. It leaves that in doubt which ought to be made certain.

The PRESIDENT pro tempore. The section is agreed to.

The Secretary read section 17, as follows:

SEC. 17. That the circuit court of appeals for the second judicial circuit of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the district court of the United States for the canal zone in all civil cases where the value in controversy shall exceed \$2,000 besides costs, and in all cases of conviction of a crime resulting in a sentence of death or imprisonment for more than one year, and in all cases in which the United States is a party or where the validity of a treaty or statute of or an authority exercised directly under the United States is drawn in question and the decision is against its validity, or where the validity of a statute or regulation of or an authority exercised under the said commission is drawn in question on the ground of its being repugnant to the treaties or laws of the United States and the decision is in favor of its validity, or where any title, right, privilege, or immunity is claimed under this act or any treaty or statute of or commission held or authority exercised directly under the United States and the decision is against such claim, and such final judgments or decrees may and can be reviewed by said circuit court of appeals on appeal or writ of error by the party aggrieved, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the circuit courts of the United States. The judgments or decrees of said circuit court of appeals in all such cases shall be final: *Provided*, That the Supreme Court of the United States may require, by certiorari, or otherwise, any such case to be certified by the circuit court of appeals to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Mr. BAILEY. Mr. President, I simply intend to protest against burdening the Supreme Court of the United States with matters arising in this new and, very probably, litigious community. The Supreme Court of the United States now has all the work it can properly do, and instead of adding to the accumulation there it ought to be the policy of Congress to curtail some of the cases which can now be carried to that court.

Mr. HOPKINS. Does the Senator observe in the proviso that it is left optional with the Supreme Court to determine whether or not it will have the case brought before it by certiorari or other procedure? We have provided in this section that the litigation practically shall be ended, and that only some exceptional cases may go to the Supreme Court.

Our idea was that a case might arise where it would be proper that the Supreme Court should review the questions involved, and in the proviso we arrange it so that the question shall first be passed upon by the court itself as to whether it will take jurisdiction.

Mr. BAILEY. The trouble about that is that a court always hesitates to decline to entertain jurisdiction for any reason affecting its own convenience or the accumulation of its own labors. If the bill provided that certain very important questions might be carried to the Supreme Court, I should not protest.

If I had the power I would completely reform the judiciary system of the United States, and I would allow no case to go to the Supreme Court of the United States that did not involve a constitutional question or did not involve a foreign relation or a law of Congress.

Cases involving merely property rights ought never, because of diverse citizenship, to occupy the attention of that court, crowded as it now is.

An examination of the last three or four volumes—perhaps five or six volumes—of their reports will show that a very considerable part of the time of that court is now consumed in deciding whether cases ought to have come to it through the circuit court of appeals or to have come to it around the circuit court of appeal. The truth of it is that the circuit court of appeals is a great tribunal, and every man's mere property rights are safe there.

We have too many appeals in this country anyway, as we have in all the States. A man who goes before a jury, instructed in the law by an upright judge, should generally be willing to take the results as approaching a just determination of the controversy, and in nine cases out of ten the decision in the trial court

does full justice between the parties. But our policy heretofore has been to permit indefinite appeals until we reach the court of highest resort.

I am not myself of any mind to move to strike this out, because I assume that the committee has considered it carefully, but I venture to say that if every member of the committee were to express himself it would be found that this was put in here as a matter of abundant caution, and yet that abundant caution will overtax a tribunal which already has more to do than properly can be done by it promptly.

After a litigant has had his day in court, under a judge appointed by the President at a salary of \$6,000—and that ought to command the services of a very excellent and very upright lawyer, because it is more than the average salary paid to the supreme court judges in the various States of this Union—and has then had his appeal to the circuit court of appeals, where eminent lawyers sit in judgment, he ought to be satisfied. And we ought not still further to increase the labors of the Supreme Court by bringing before it these questions from a new and litigious community; and to say that it is a litigious community is no reflection upon it, because all new communities are. Before men become acquainted with each other they generally settle their differences by lawsuits and in the court room, and the litigations in that new country, with this new and strange people gathered there, will by far exceed the litigation in any old and established community.

Mr. HOPKINS. Mr. President, I am in entire sympathy with the statement of the Senator from Texas about there being so many appeals, and in the framing of this provision the committee has attempted to provide for the very condition that has been so well stated by the Senator. If he will examine the section he will observe that on all matters of a civil nature below \$2,000 we provide that the district judge's decision shall be final, and that it is only in a civil matter involving more than \$2,000 that a litigant can go to the court of appeals, and in criminal cases it is only when the sentence is death or confinement for more than one year. And in lines 13 and 14 on page 13 of the bill we provide that "the judgments or decrees of said circuit court of appeals in all such cases shall be final."

Out of an abundance of precaution we thought it would be wise to make provision that if some question should arise in the jurisdiction of the court that we create there which is novel in character and of such importance that all of the people are interested in it, the Supreme Court would have the privilege of bringing the case before it.

I will say to the Senator what, of course, on reflection, he himself will remember, that the Supreme Court has now decided, since the circuit courts of appeals have been established, that it will take no jurisdiction of any question except it be a new question or where different courts of appeals have rendered antagonistic decisions, so that it is necessary to have a final decision. I think with the care with which we have drawn this provision it is well for it to stand, allowing the Supreme Court in certain emergencies to take jurisdiction of a case.

Mr. MORGAN. Mr. President, this is a cast-iron bill. Nothing is going to be put into it nor is anything going to be taken out of it by a vote of the Senate. I understand that perfectly well, and it would be a waste of time for anybody to undertake to explain its provisions or to object to any of its provisions, so far as the result in this body is concerned. But this bill has to go through the House of Representatives before it becomes a law, and I do not wish the House and the world to understand that I, as a member of the committee, have sat here and consented to legislation which I think is fatal to the best interests of the canal zone. Hence I rise, perhaps oftener than is agreeable to others, for the purpose of making my attitude and my objections to the bill understood when very briefly stated.

We have established in that zone a district court of the United States and provided a judge for it, and have conferred upon him very broad powers of jurisdiction. We have got about as much use now for a district court of the United States in the canal zone as we have for an academy of music. It is entirely unnecessary. There is not an American citizen living between Colon and Panama. I do not suppose there is a single one living in all that region of country. We have not made citizens of the people there by this treaty. When this treaty is completed, if it ever shall be, by the payment of the money to Panama, the people who are there are liable to be ordered off by the United States, because we have not otherwise provided in this treaty, and they may be compelled to return to their respective bases of allegiance, like we compel the Chinese to go home who are here without the consent of the Government. And that would be one of the very best moves that could be first adopted in that zone.

Mr. CULLOM. Clean it off.

Mr. MORGAN. Clean it off, buy out, condemn, and pay for their possessions. We have already condemned in the treaty any

piece of real estate there we want. We should organize a commission to assess the value of the property and pay to the owners the money, and order them off. That is the first thing which ought to be done with the gang of people there. I do not want to describe them, because I get in a bad humor every time I think of them. I can not talk respectfully about them even to the United States. Instead of doing that we are appointing a governor over them. We are giving them a district court of the United States. We are making no provision for police judges, the officials we want there. If we want to administer the law there at all, according to any judicial system, that is as high a judge as ought to be there—a police judge.

If there are any litigations there involving a sufficient sum of money to entitle the parties, under the laws of the United States, to enter a district court of the United States, whenever a person in the zone wants to commence a civil action against another person in the zone, locate the venue in the district court at Galveston, or New Orleans, or Mobile, or anywhere else within the reach of the zone, and compel the plaintiff to go there and sue. If it is a criminal offense and of the grade of felony, the offenders could be indicted there and convicted there, if guilty, and be pardoned by the President if found worthy of a pardon. That would all work simply enough. It would be no inconvenience to any person there. It would prevent men from carrying on litigation in that section and from going down there and getting together such efficient agencies as packed juries and the like of that, and perjured witnesses, who can commit perjury in that zone and step over in Panama and be entirely safe, if they are natives.

We are anticipating a situation that does not exist and never will exist in that zone until the canal is completed. It will not be less than ten years, it may be twenty or thirty years, before we will have any need for the agencies of government we are putting in this bill. We are providing for the granting of franchises, and in another section for the creation of government depositories for money, and all of this ambitious plan of government upon that little patch of swamp land there, with a few mountains strung between.

I protest that the Senate of the United States ought to act rationally upon this question and with reference to the conditions that exist there. Suppose this bill is passed and the judge is appointed on the 1st or 10th of May. He goes down there and opens his court. Where is he going to open it? There is not a house, unless it is a hospital or a railroad depot, between Colon and Panama where the judge could find a place to sit.

He has to wait there until the legislature—the commission—meets. They have to enact a code of laws. It will take them months and months to do it if they do it right, and after he has started, then the litigation commences. The lawyers of course will go and camp around there for the purpose of getting a little something to gratify their ambitious purposes and their professional zeal. They will have the best time of anybody around.

Now we have to start a case. It involves the sum of \$2,000, and is decided against Mr. A. He takes an appeal to the circuit court of appeals, as described in this proposed act. And here is a great long formula prepared in this bill as to how he shall take his appeal, and as to the jurisdiction of the circuit court of appeals and then of the Supreme Court of the United States. If this is not copied from the statutes governing appeals and writs of error from the district to the circuit court and thence to the circuit court of appeals and the Supreme Court, I am mistaken. Perhaps there have been some changes made in it, some modifications of the law as it stands to-day, to regulate this elaborate and complex and difficult and puzzling system of writs of error and appeals from the district court to the circuit court of appeals and the Supreme Court of the United States.

Well, we put all that in here. Now, of what use can that be, say, for the next five or ten years to come, to any human being who is engaged or will be engaged in that zone? Had we not better drop from this bill these parts about the judicial system and take them up at a later time? Take them up when it can do some good to enact a law and when we can have some time to consider it. The bill has not been given the consideration it ought to have, because we have not had time to do it. Perhaps we were not able to do it. The committee may not be able to give it that sort of consideration with which other lawyers in this body might be satisfied.

We are going too fast and too far in this bill. We ought to provide for what is there now and the conditions that exist, and content ourselves until we get better information about this matter. I want to say that, so far as I am concerned, want of information as to the actual facts of the situation has embarrassed me until I have hardly ventured to offer amendments. I did venture to offer a substitute for the bill, but not as a perfect system, but as something that would do better than this bill for the time being. I believe we ought to drop it all out.

But, as I said, it is a cast-iron bill, and I do not expect to make

any impression upon it by motions to amend. My purpose is to explain my views in regard to it as we go along.

The PRESIDENT pro tempore. The section is agreed to.

The Secretary read section 18, as follows:

SEC. 18. That for the purpose of extraditing fugitives from justice from the canal zone to any State of the United States, or to any organized Territory of the United States, or to any territory belonging to the United States, and to the canal zone from any State of the United States, or from any organized Territory of the United States, or from any territory belonging to the United States, the canal zone shall be deemed a territory belonging to the United States; and all extradition treaties between the United States and other countries shall extend to and be applicable to the canal zone, except as to countries which refuse reciprocally to return, upon the demand of the United States, fugitives from justice to the canal zone for trial for offenses committed therein. Title LXXVI of the Revised Statutes, except section 5230, shall, as far as applicable, extend to and be in force in the canal zone. Any fugitive from justice arrested in the said zone may be, pending examination or after examination and before surrender, admitted to bail by the judge of the United States district court for the canal zone. The said commission shall enact such legislation relative to the extradition of fugitives from justice as shall be necessary by way of supplement to carry into effect the said provisions of Title LXXVI within the canal zone.

Mr. MORGAN. Mr. President, I wish to make a comment on the concluding paragraph of the section, commencing in line 15:

The said commission shall enact such legislation relative to the extradition of fugitives from justice as shall be necessary by way of supplement to carry into effect the said provisions of Title LXXVI within the canal zone.

Those laws are enacted by Congress. Is it now proposed to empower the commission to amend our enactments and to add to them in respect to the very delicate subject of the extradition of fugitives from justice, which perhaps has caused as much trouble to the legal profession and to legislators as any other question? That provision has no place here.

The commission ought not to add anything to or take anything from the laws of extradition. They are not qualified to do it. They do not know anything about it. There is not a lawyer on the commission, so far as I have been advised. I do not suppose the President of the United States is going to give his personal attention to it, or the Attorney-General either, to see whether or not the legislation they may think is necessary to supplement the laws of the United States, which additions are to be enacted by the commission, is proper.

I will move to strike out the sentence beginning "The said commission shall enact" and ending with the section.

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

The SECRETARY. In section 18, page 14, after the word "zone," in line 15, it is proposed to strike out the remainder of the section in the following words:

The said commission shall enact such legislation relative to the extradition of fugitives from justice as shall be necessary by way of supplement to carry into effect the said provisions of title 76 within the canal zone.

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

The amendment was rejected.

The PRESIDENT pro tempore. The section is agreed to.

Mr. HALE. Will the Senator in charge of the bill consent, as there are some reasons why I shall be obliged to be absent from the Senate, to take up the amendment which I offered the other day?

Mr. KITTREDGE. I shall be very happy to accommodate the Senator from Maine.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Maine will be read.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 23. That all stores, supplies, machinery, materials, and men sent by sea, either by the United States or by any of its contractors, for any and all purposes connected with the building of the Panama Canal, shall be transported in United States built vessels or ships whenever the Secretary of War shall be able to enter into contracts with such vessels or ships for such transportation at prices and rates that he may deem reasonable, and, in such case, the provisions of section 3709, section 3826, and sections 3718 to and inclusive of section 3732 of the Revised Statutes of the United States, and all provisions of law prescribing action in departmental contracts, shall not be applicable to contracts made under the provisions of this section; and all transportation at sea, for the purposes of building the Panama Canal as provided in this section, whenever the same may be in charge of the head of any other department of the Government, shall be subject to the provisions of this section as applied to transportation under the Secretary of War.

Mr. MORGAN. I am inclined to favor the adoption of that amendment, but I should like to hear the Senator from Maine explain it somewhat, because it is a new subject.

Mr. HALE. It is guarded. It simply provides that in any transportation of materials, of men or stores, the head of the Department having charge of this transportation, if he can make reasonable contracts with American-built ships, shall give them the preference. If he can not, then he will have to send the stores and supplies in any ships he can get.

I thought first in drawing the amendment of making it imperative that American ships should be used and quit. Then I reflected that there might be emergencies and there might be difficulties in making contracts, and I drew the amendment leaving

that with the Secretary; that if he can make reasonable contracts, he shall put them into American-built ships; if not, then he may take any ship.

Mr. MITCHELL. It is a modification, I suppose, to a certain extent, of a provision in the bill which I presume has not yet become a law, but which passed the House in the last few days.

Mr. HALE. Yes; it is the same provision that we passed in the bill in reference to the Philippines.

Mr. MORGAN. I understand it does not apply the laws of the coastwise trade.

Mr. MITCHELL. It repeals all those in one respect.

Mr. HALE. No; it is in addition to those.

Mr. MITCHELL. I understand that the bill as it has passed the House will not go into effect until 1906.

Mr. HALE. That is the coastwise-trade provision. This is not a coastwise-trade provision.

Mr. MORGAN. The coastwise trade is not included, then?

Mr. HALE. No; there is another amendment which covers that.

Mr. MORGAN. That is an amendment the Senator has offered?

Mr. HALE. No; I have not offered it.

Mr. MORGAN. It is the amendment of the Senator from Maryland [Mr. McCOMAS]?

Mr. HALE. It is the amendment of the Senator from Maryland [Mr. McCOMAS].

Mr. MORGAN. This is the Philippines provision?

Mr. HALE. This is the same as the bill that was passed by the Senate applicable to the Philippines trade.

Mr. SPOONER. Mr. President, I have not had an opportunity to study this amendment, but it impresses me as containing possibilities at first blush of much embarrassment and increased cost possibly in the construction of the canal. I suppose the canal will be constructed under many contracts and that there will be a great many subcontractors. They will make their bids with reference to what they suppose they can perhaps pay for securing the requisite men and the transportation of the requisite material.

If it be left to the Secretary of War to decide for a private citizen who is entering into a contract or a subcontract for work on the canal what shall be paid to the American ship for the transportation of the men and the material, I doubt very much whether it will not interfere with bidders and tend very much to delay and increase the cost of canal construction.

It is not precisely as if the Government were constructing this canal like a provision that its material and men should be transported in American ships. In that event it would be provided, I suppose, that if there were a combination among American ships, the Secretary would have the right to break that combination by a resort to foreign competitors. But this does not apply to Government property solely being transported to the canal zone. It applies, as I heard it read, or thought I heard it read, to the men and to the materials transported by contractors and subcontractors. I am not sure that I am right about it, but, as I heard it read, it provides that all men and all materials that are to be utilized in the construction of the canal shall be transported under a contract not made by the men who are to hire the labor and who purchase the material and who are to utilize it, but by an officer of the Government, at what he deems a reasonable price, thereby depriving the contractor of the possibility of doing the best he can. While it is patriotic, and I am just as much in favor of standing by American ships, wherever it is practicable for contractors to do it, as anyone, I think it is a proposition which deserves a good deal of consideration.

Mr. HALE. I am under some disability now with reference to my eyes, a remnant of my recent illness. I do not want to discuss further the matter to-night unless the bill is to be finished to-night. If it is not likely to be finished to-night, I should like to have the matter go over until morning. I see the force of what the Senator says.

Mr. SPOONER. I said it to invite an explanation from the Senator, who is much more familiar with all the business of shipping than I am.

Mr. HALE. I should not be candid if I did not say that I see the force of the point the Senator makes, that it does not simply apply to Government stores and transportation by officers of the Government who could decide in such cases, but that it applies also to contractors who are sending down under their contracts their men and their supplies, and that there might be difficulty in then invoking the decision of the head of the Department when all the matter had passed from the hands of the Department into the hands of the contractor. I see the force of it, and, as I said, unless the Senator in charge of the bill expects to finish it to-night, if the amendment can go over, perhaps I can make some modification of it which will satisfy that point.

I think the Senator would agree with me, and that if there is anything we can do that will encourage American shipping and will help it in this transportation he would join me in doing it.

Mr. SPOONER. Certainly; if such a provision can properly

be made—and I have not considered it—so as to provide only for ships going to and coming from the ports of the United States in the coasting trade, which reaches everything, because that would operate to exclude all foreign bottoms from that trade; but it would leave the contractor and the subcontractor to competition between coastwise ships.

Mr. HALE. Subject to that provision?

Mr. SPOONER. Certainly.

Mr. HALE. There is another amendment offered by the Senator from Maryland [Mr. McCOMAS] which, as has been stated, covers that point, and if that amendment could be agreed to it would substantially cover what I am seeking to compass by my amendment.

Mr. SPOONER. And yet not shackle the contractors.

Mr. HALE. I see the point.

Mr. HOPKINS. I should like to suggest to the Senator from Maine that if this amendment should be adopted, between this and the next session of Congress nothing would be done under it, and whether it would not be better to let us go on and pass our bill as the committee has reported it, and then take a little more time to investigate the subject and determine by an amendment of the law, if we desire, that the material, the men, etc., shall be transported in American bottoms?

Mr. HALE. Let me ask what is the likelihood of the bill being passed to-night?

Mr. GORMAN. It is nearly 5 o'clock now.

Mr. HOPKINS. We ought to pass it to-night.

Mr. KITTREDGE. Yes; if possible.

Mr. SPOONER. Is the Senator from Maine through?

Mr. HALE. Yes; for the present.

Mr. SPOONER. While I am on my feet I wish to commend the Senator who has the bill in charge—

The PRESIDENT pro tempore. Does the Senator from Maine withdraw his amendment?

Mr. HALE. Not yet.

Mr. BACON. I should like to ask the Senator from Maine a question about the amendment before it is withdrawn, as I see he is going to consider it, in order that he may have his attention directed to one provision in it. If I correctly understand the part of the amendment which is found in the ninth, tenth, eleventh, and twelfth lines, etc., it provides that certain sections of the Revised Statutes shall not apply to articles shipped either by the Government or under contract, so far as advertisements go. Is that the purpose of it?

Mr. HALE. That is it.

Mr. BACON. Now, I desire to ask the Senator a question relative to that matter. In glancing hurriedly at these sections I find some of them apply to the matter of transportation and some of them apply to the matter of purchases. I wish to ask the Senator if I am correct in my understanding that the sections which the amendment provides shall not apply relate to purchases as well as to transportation in doing away with the necessity of advertising.

Mr. HALE. No; it is intended to apply only to the transportation by sea, and the amendment dispenses with the operation of those sections as to advertising, so far as that goes.

Mr. BACON. As the Senator is going to take the amendment under examination, I wish him to compare the various sections specified in the amendment and see whether or not some of the sections do not relate to purchases and not to transportation.

Mr. HALE. I have done that. When I drew the amendment I looked at the sections to see what they cover, and I was satisfied that while the operation of the amendment upon those sections applies only to transportation it does not in any way affect the operation of those sections touching purchases.

Mr. BACON. The suggestion I want to make to the Senator is this: For instance, I will call his attention, not for the purpose of having him examine it now, but at his leisure, to section 3718, which is a section relating both to purchases and to transportation.

Mr. HALE. Undoubtedly.

Mr. BACON. I ask the Senator to examine and see whether some phraseology might not be required here which would exclude from the operation of the bill the portion of that section and other kindred sections which relate not to transportation but to purchases. The Senator will remark that the amendment as drawn makes no distinction as to the different parts of the sections, but includes all of them.

Mr. HALE. Will the Secretary send me my amendment?

Mr. BACON. I can see the purpose of the amendment, but I think the language ought to be guarded so as to carefully exclude such portions of those sections as relate to purchases and do not relate to transportation by sea.

Mr. HALE. I thought that was covered by the phrases that such provisions prescribing the method in departmental contracts "shall not be applicable to contracts made under the provisions of this section," and that the contracts made under the provisions of this section relate only to transportation. The very exclusion which the Senator seeks, and which is proper, of the parts of the

statute that relate to purchases is included, because it applies only to the transaction under this section, which covers only transportation.

Mr. BACON. I did not undertake, the Senator will note, to say that it was not properly drawn; but in the hasty examination I gave it I thought possibly it was necessary to revise the language. However, if the Senator is satisfied that it covers that point, I am content.

Mr. HALE. Is the amendment of the Senator from Maryland [Mr. McCOMAS] on the Secretary's desk?

The PRESIDENT pro tempore. It is not on the Secretary's desk.

Mr. HALE. If the amendment of the Senator from Maryland, as suggested by the Senator from Wisconsin, can be agreed to, I am entirely content with that and will withdraw this amendment.

Mr. TELLER. I have not been able to find out what that amendment proposes in place of the one offered by the Senator from Maine. I should like to know.

Mr. HALE. It is extending the coastwise provision.

The PRESIDENT pro tempore. The Senator from Maryland did not propose his amendment to the Senate.

Mr. MORGAN. I have the amendment here. I will send it to the desk, and it can be read.

Mr. BACON. Will the Senator from Alabama permit me to ask the Senator from Maine another question in reference to his proposed amendment? Does the Senator from Alabama consent that I ask the question?

Mr. MORGAN. I was about to ask for the reading of the amendment of the Senator from Maryland [Mr. McCOMAS], so that we may consider both together.

The PRESIDENT pro tempore. The amendment is here.

Mr. HALE. Let it be read, then.

The PRESIDENT pro tempore. The Secretary will read the amendment of the Senator from Maryland [Mr. McCOMAS].

The SECRETARY. At the end of section 5 insert the following proviso:

Provided, That from and after the time of the possession and occupation on behalf of the United States of the canal zone at Panama and until the construction and completion of a canal connecting the waters of the Atlantic and Pacific oceans, the act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports and places in the Philippine Archipelago, and for other purposes, approved April —, 1904, so far as applicable, shall apply and be in force between ports of the United States and ports or places in the canal zone at Panama and between ports or places in the canal zone at Panama as fully and in the same manner as if the canal zone at Panama were included in the terms and provisions of said act: *And provided further*, That the sections and provisos of said act limiting the time for the same to take effect on the 1st day of July, 1905, shall be applicable to the ports and places in the canal zone on the 1st day of July, 1905.

Mr. TELLER obtained the floor.

Mr. BACON. With the permission of the Senator from Colorado, I wish to ask the Senator from Maine a question. Under the present law all this transportation by sea has to be done under contracts made after advertisement.

Mr. HALE. That is the general law.

Mr. BACON. The amendment proposed by the Senator from Maine will dispense with the necessity of such advertisement. I wish to know from the Senator what the reason is for that proposed change. I have no doubt there is one, but I should like to be informed of it in this particular instance. Why, when the law generally requires advertisement, is it to be dispensed with in these cases?

Mr. HALE. Of course the main object was to secure the control of this trade for American ships. That is the general object. I would not object to the advertisement feature being inserted, if any Senator desires it, when it is applied to American ships. But I had the impression when I drew the amendment that it was left in the discretion of the Secretary, and if emergencies arose and there should be shipments made without the interposition of advertisement it would help forward the dispatch of business. But I do not object to the advertisement provided the general feature of its being confined to American-built ships is adopted. However, if no one objects to the amendment of the Senator from Maryland, and if that can be put upon the bill, I will withdraw my amendment.

Mr. BACON. That has no such exception as is proposed to be inserted in the amendment proposed by the Senator from Maine?

Mr. HALE. No.

Mr. TELLER. Mr. President, this is rather an important amendment, and one that I do not think we can dispose of in a few moments by substituting some other amendment which has not been called to our attention. I never heard of the other amendment until just at this moment.

Mr. HALE. I see the force of that, and I suggested that it go over if the bill is not to be finished to-night. I think it is a very important amendment and Senators ought to have an opportunity to consider it.

Mr. TELLER. Mr. President, I want to make a suggestion or two. I do not intend to interfere with this bill seriously or im-

properly, for I washed my hands some time ago of any connection with it. It is in accord with the policy we adopted, so far as the Senate is concerned, when we passed the bill which, if it has not become a law, I understand it will, providing that all the army supplies shall be transported in American bottoms.

Mr. HALE. Army and navy supplies.

Mr. TELLER. Both army and navy supplies. And that was not enough, Mr. President. Then we provided by law that all the products of our country going to the Philippine Islands and products of that country coming to the United States should come in American bottoms.

We were told that was in the interest of the American ship-owners, men who had ships and who found it not profitable to sail them in competition with the rest of the world, and wanted some exclusive privileges.

I did not vote, Mr. President, for either of those propositions, and I am not in favor of this one; but if you are going into the business in this way, I have some further suggestions to make. I do not think you should confine it entirely to the shipowning people. I do not myself see why they are entitled to any more consideration at the hands of the Government than the men who raise wheat and corn and other supplies that may go down to the Panama country. I do not see why they are any more entitled to consideration than the men who are manufacturing iron and machinery and those things which must go down there.

Now, I make a suggestion to the friends of this measure. Why not include a provision that all the supplies that go there shall be bought in the United States? I do not know whether we are to let contracts or not, but if we are, why not say that the contractor must get his supplies in the United States and then transport them in American ships?

It will be said it was an exceptional case when you introduced some legislation to promote shipping. Nobody pretended when it was under discussion that it was to increase the number of American ships. The evidence was that we have now too many American ships, that they have not business enough. It was to give the American ships, now tied up, business.

Mr. President, it is quite as important that the farmer should raise pork and cattle for the consumption of the people either at home or abroad as it is that we should give to the shipowners a profitable business. I do not see why or upon what principle you can deny an opportunity to sell what they produce to the men who are ready to produce everything that will be needed in the course of the construction of this canal. For instance, I presume that there will be a great quantity of cement used there. This country has been until recently buying cement from abroad. Now we are manufacturing in the United States an immense amount of cement, which is just as good as the kind we have been buying abroad. Why not say that the cement used on the canal shall be bought in the United States?

Mr. MORGAN. We have been buying about 300,000 barrels from abroad.

Mr. TELLER. The Senator from Alabama says we have been buying 300,000 barrels of cement from abroad, and I have no doubt we have been paying a big price for it. American cement is just as good as foreign cement. Why not say that all the supplies—I would not mention "cement" particularly any more than I would potatoes or oats or corn—but while we are taking care of particular industries, why not take care of all of them?

I do not intend to move such an amendment upon this bill of the committee, because if I should move it perhaps I should not feel exactly like voting for it; but I could vote for it with just as much enthusiasm as I could vote for some bills that have already passed here, and I think with a great deal better excuse and with a much clearer conscience, if, instead of saying that all the supplies shall be transported in American ships, we should say that in the first instance they must all be bought from American citizens. If you want to add that, it might perhaps be somewhat mollifying to my ideas about the matter, because I should feel certainly that out of this great outlay of money, amounting to probably three or four or five hundred millions of dollars, we would get some benefit. Up to the present I have not been able to see very much benefit; but if we can make a trade of three or four hundred millions of dollars down there, it might be advantageous to us. We know we can not get the labor down there; that is understood; but if we can furnish the supplies, I do not know but that we could include a provision that the laborers down there should buy their supplies from us. In that way I believe we might make something out of it, and it would be really in accordance with the general principles on which we have been conducting such matters during this session.

The PRESIDENT pro tempore. The section is agreed to.

Mr. GORMAN and Mr. SPOONER. What section is that?

The PRESIDENT pro tempore. Section 18.

Mr. ALDRICH. What has become of the amendment?

The PRESIDENT pro tempore. The Chair understood that

the Senator from Maine [Mr. HALE] did not desire action upon it to-night.

Mr. HALE. I asked the Senator in charge of the bill, who very kindly granted my request, to take the amendment up out of order; but I am willing to let it stand and come up in regular order and let us see whether the Senate can finish the bill to-night without this.

Mr. GORMAN. We can not finish the bill to-night.

Mr. MALLORY. I should like to inquire of the Senator who offered the amendment why he restricts its operations to vessels built in the United States?

Mr. GORMAN. Why not include ships of American register?

Mr. MALLORY. There are other vessels of the United States than those built here.

Mr. ALDRICH. If the Senator will permit me, the Senator from Maine [Mr. HALE] has temporarily withdrawn the amendment, and it is not now before the Senate.

Mr. MALLORY. I beg pardon; I did not know that.

Mr. HALE. Let the Senator in charge of the bill go on and see if he can finish it to-night.

The reading of the bill was resumed; and section 19 was read, as follows:

SEC. 19. That all subordinate officers of the government of said canal zone shall, before entering upon the performance of their duties, take an oath, the terms of which shall be prescribed by the commission; and the said commission may require such bonds or security as it may prescribe from sub-officials of said government and sub-officials of the commission in its relation to the construction of the canal and other works upon the Isthmus whose duties involve the handling or disbursement of public moneys.

The PRESIDENT pro tempore. The section is agreed to.

Section 20 was read, as follows:

SEC. 20. That the President is authorized, in his discretion, to designate two members of said commission to be members of the joint commission provided for by articles 6 and 15 of said treaty, in which case it shall be the duty of said commissioners to act accordingly without additional compensation.

The PRESIDENT pro tempore. The section is agreed to.

Section 21 was read, as follows:

SEC. 21. That the Isthmian Canal Commission shall make to Congress on the first Monday of December in each year, and oftener if required, full and complete reports of all their acts and doings, including in detail all moneys received and expended in the performance of their duties and progress made in the construction of the canal; and the President is authorized to direct such reports to be made to him from time to time by said commission as he may deem necessary.

The PRESIDENT pro tempore. The section is agreed to.

Section 22 was read, as follows:

SEC. 22. That all the expenses of the government of the canal zone, including salaries, shall be paid out of the revenues of said government, as far as said revenues shall be sufficient, and the remainder out of the Treasury of the United States: *Provided*, That an estimate of the proposed expenditures for each year and a detailed report of the expenditures and local revenues for the preceding year shall be submitted to Congress at the beginning of its regular session.

Mr. MORGAN. Mr. President, when this subject was before the Committee on Interoceanic Canals I objected to this section 22. I wish now to state to the Senate the grounds of my objection.

I insist that there ought to be no such thing in that canal zone as a revenue system for the benefit of the local government, taxation for local purposes, or anything of that sort; that all money received by any public official in that canal zone ought to be reported to and deposited in the Treasury of the United States and that all payments of every kind to be disbursed in that zone should be made through and by the War Department.

We should have no two separate funds. If we start a practice of that sort down there, with a treasurer and place of deposit, and the like of that, the first thing we know we are going to have trouble. We may have defaulting officers and a good deal of trouble about things of that kind; and it is loading up the canal zone with unnecessary officials to create a separation between money derived from local taxation and other sources and to provide separate treasurers for the separate funds.

I do not know what local taxation there is going to amount to, or what it means, unless it may be fines levied upon men who commit breaches of the peace. There is not any property there that the Government of the United States can tax, or ought to tax, unless it be personal estate, because the Government of the United States owns, or will own, every foot of land in that zone. That is inevitable. They can condemn and own every foot of it. That is about the first thing they ought to do.

What revenue is it? Is it from licenses from gambling and keeping restaurants and whisky shops and things like that? I do not want any temptations put before the commissioners or anybody else down there to issue licenses for shops, or things of that sort for private purposes or private speculation. Whatever is done in that zone ought to be done by the Government and for its benefit. Every dollar of money that is received from any source ought to be paid into the Treasury of the United States and ought to be paid out and disbursed through the War Department and by the paymasters of the War Department, so that if any defalcations occur we can treat the defaulters like some other persons have been treated, by court-martial and with summary punishment.

We can not be too strict about this. We do not want any bonding of officers and suits brought and defalcations and indictments for embezzlements and things of that sort. We want the money collected there to go into the Treasury of the United States, and we ought to establish that proposition now, because after a while if that canal is a success a very large amount of money will come in from the tolls of the canal. What are we going to do with it? Put it in some depository down there, to be taken care of by the commissioners or their treasurer and paid out to the employees and other persons connected with the canal? I insist not.

I insist that every dollar that comes from any source whatever in the way of revenue to the country should be a dollar of revenue to the Government of the United States, put into the Treasury, accounted for, and paid out through the War Department in the regular way; and there should be no separate system of local finances or local taxation. If tax laws and tariff laws are ever to be enacted for that zone, let us wait until we are correctly informed as to the proper subjects of taxation or of customs duties, and let Congress enact such laws after due investigation by its committees on finance and taxation.

Mr. GORMAN. Mr. President, I suggest to the Senator in charge of the bill that it will be utterly impossible to finish the bill to-night. We have reached a very important portion of it, so far as the financial problem is concerned, and I suggest that we had better adjourn.

Mr. MITCHELL. I am authorized by the Committee on Inter-oceanic Canals to offer an amendment to come in at the end of the last section of the bill.

Mr. HOPKINS. We have not reached that yet.

Mr. MITCHELL. I know; but I submit the amendment, and ask that it may be printed and go over.

Mr. MORGAN. Let the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add to section 27 the following:

The moneys so deposited shall be secured in such manner as the Secretary of the Treasury may direct.

Mr. KITTREDGE. It was the hope of the committee that the bill might be completed to-night, and the committee is somewhat reluctant to accept the suggestion of the Senator from Maryland [Mr. GORMAN], but we shall do so if he thinks it is best.

Mr. GORMAN. I think we had better adjourn.

Mr. KITTREDGE. Then I move that the Senate adjourn.

Mr. HANSBROUGH. Will the Senator withdraw the motion for a moment that I may give a notice?

Mr. KITTREDGE. Certainly.

DEVILS LAKE RESERVATION LANDS.

Mr. HANSBROUGH. I desire to give notice that on the conclusion of the consideration of the pending bill I shall call up the bill (H. R. 11128) to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriations and provision to carry the same into effect, and ask for its consideration.

Mr. KITTREDGE. I renew my motion that the Senate adjourn. The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 15, 1904, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 14, 1904.

PROMOTIONS IN THE ARMY—ARTILLERY CORPS.

To be captains.

First Lieut. Elijah B. Martindale, jr., Artillery Corps, January 21, 1904, vice Price, promoted.

First Lieut. John W. Kilbreth, jr., Artillery Corps, April 1, 1904, vice Harlow, promoted.

First Lieut. Le Vert Coleman, Artillery Corps, April 7, 1904, vice Cronkhite, detailed as quartermaster.

To be first lieutenants.

Second Lieut. Laurin L. Lawson, Artillery Corps, December 14, 1903, vice Ball, resigned.

Second Lieut. William K. Moore, Artillery Corps, January 2, 1904, vice Mower, deceased.

PROMOTION IN THE MARINE CORPS.

First Lieut. Percy F. Archer, of the United States Marine Corps, to be an assistant quartermaster in the Marine Corps, with the rank of captain, from the 31st day of March, 1904, to fill a vacancy created by the act of Congress approved March 3, 1903.

PROMOTIONS IN THE NAVY.

Lieut. William C. Herbert to be a lieutenant-commander in the Navy from the 1st day of January, 1904, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Lieut. (Junior Grade) Orin G. Murfin to be a lieutenant in the

Navy from the 11th day of October, 1903, vice Lieut. Albert L. Key, promoted.

Lieut. (Junior Grade) Clarence S. Kempff to be a lieutenant in the Navy from the 1st day of January, 1904, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Ensign Charles W. Forman to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904, having completed three years' service in his present grade.

APPOINTMENTS IN THE NAVY.

To be assistant surgeons in the United States Navy from the 12th day of April, 1904, to fill vacancies existing in that grade on that date:

Harry F. Hull, a citizen of Colorado.

George L. Wickes, a citizen of New York.

William J. Zalesky, a citizen of Iowa.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Asst. Engineer Michael N. Usina to be a first assistant engineer, with the rank of second lieutenant, in the Revenue-Cutter Service of the United States, to succeed Hermann Kotschmar, jr., promoted.

First Asst. Engineer Hermann Kotschmar, jr., to be a chief engineer, with the rank of first lieutenant, in the Revenue-Cutter Service of the United States, to succeed Frederick W. H. Whitaker, retired.

DISTRICT JUDGES.

James B. Holland, of Pennsylvania, to be United States district judge for the eastern district of Pennsylvania, under the provisions of the act approved April 1, 1904, entitled "An act to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania."

William H. Hunt, of Montana, to be United States district judge for the district of Montana, vice Hiram Knowles, who has resigned, to take effect April 15, 1904.

MARSHAL.

William R. Compton, of New York, to be United States marshal for the western district of New York. A reappointment, his term expiring June 4, 1904.

COLLECTOR OF CUSTOMS.

Isaiah J. McCottrie, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina. (Reappointment.)

REGISTER OF LAND OFFICE.

Albert D. Chamberlin, of Wyoming, to be register of the land office at Douglas, Wyo., his term having expired. (Reappointment.)

CONFIRMATION.

Executive nomination confirmed by the Senate April 14, 1904.

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Homer P. Ritter, of Ohio, for appointment as a member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters."

HOUSE OF REPRESENTATIVES.

THURSDAY, April 14, 1904.

The House met at 12 o'clock m.

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

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5076. An act granting an increase of pension to Stacey Williams;

S. 538. An act granting an increase of pension to Alice W. Stoodley;

S. 3335. An act granting an increase of pension to John Waldo;

S. 2399. An act granting a pension to Michael Nelligan;

S. 4417. An act granting an increase of pension to Chadbourne H. Warren;

S. 5205. An act granting an increase of pension to Joseph Dickinson;

S. 4171. An act granting an increase of pension to Thaddets K. Miller;

S. 5111. An act granting an increase of pension to Charles W. Barrett;

S. 1808. An act granting a pension to James L. Dyer;

- S. 4337. An act granting an increase of pension to William H. Hess;
- S. 3008. An act granting an increase of pension to John R. McMannomy;
- S. 3245. An act granting an increase of pension to Oscar F. Bartlett;
- S. 3666. An act granting an increase of pension to James W. Carrier;
- S. 5265. An act granting an increase of pension to James Stout;
- S. 2396. An act granting a pension to Clarissa Ann La Point;
- S. 2803. An act granting an increase of pension to William H. Ijams;
- S. 3304. An act granting an increase of pension to Andrew A. Kelly;
- S. 4679. An act granting an increase of pension to Samuel R. Shankland;
- S. 4340. An act granting an increase of pension to Rose McFarlane;
- S. 5270. An act granting an increase of pension to Ellen R. Ostrander;
- S. 5034. An act granting a pension to George A. Miller;
- S. 3989. An act granting an increase of pension to Eugene Schilling;
- S. 4223. An act granting an increase of pension to William P. Jackson;
- S. 2183. An act granting an increase of pension to David L. Miller;
- S. 493. An act granting an increase of pension to Richard E. Bouldin;
- S. 5161. An act granting an increase of pension to William H. Seip;
- S. 73. An act granting an increase of pension to William H. Colville;
- S. 4341. An act granting an increase of pension to Henry Armstrong;
- S. 2116. An act granting an increase of pension to Edna Stevens;
- S. 3616. An act granting an increase of pension to Frances E. Plummer;
- S. 4187. An act granting an increase of pension to William G. Tompkins;
- S. 1243. An act granting a pension to Mary McLean Wyllys;
- S. 5125. An act granting an increase of pension to William O. White;
- S. 5180. An act granting a pension to Thomas Smith;
- S. 5179. An act granting an increase of pension to Alonzo Gardner;
- S. 5191. An act granting an increase of pension to Elizabeth C. Way;
- S. 5282. An act granting an increase of pension to William P. Vohn;
- S. 3899. An act granting an increase of pension to J. N. Culton;
- S. 3915. An act granting an increase of pension to Benjamin F. Bollinger;
- S. 5349. An act granting an increase of pension to Rebecca Aumen;
- S. 3432. An act granting an increase of pension to Rosaline V. Campbell;
- S. 423. An act granting an increase of pension to William L. Johnston;
- S. 5372. An act granting an increase of pension to Jesse W. McGahan;
- S. 5213. An act granting an increase of pension to Theodore J. Widvey;
- S. 5230. An act granting an increase of pension to John D. Juger;
- S. 405. An act granting an increase of pension to Darius W. Owens;
- S. 5101. An act granting an increase of pension to Lewis Y. Foster;
- S. 2730. An act granting an increase of pension to Jasper N. Jennings;
- S. 5289. An act granting an increase of pension to Peter Baker;
- S. 1564. An act granting an increase of pension to Daniel W. Working;
- S. 5244. An act granting an increase of pension to John K. Whited;
- S. 103. An act granting an increase of pension to Alexander D. Tanyer;
- S. 741. An act granting an increase of pension to William D. Woodworth;
- S. 4606. An act granting an increase of pension to Edward G. Horne;
- S. 3203. An act granting an increase of pension to George W. Foster;
- S. 3935. An act granting a pension to Mary Cornelia Hays;
- S. 4690. An act granting an increase of pension to Andrew W. Switzer;
- S. 5223. An act granting a pension to Sara A. Wardell; and
- S. 5452. An act fixing the salary of the consul at Niuchwang, China.
- The message also announced that the Senate had passed without amendment bills of the following titles:
- H. R. 7477. An act granting an increase of pension to Cyrenius Dennis;
- H. R. 9633. An act granting a pension to Margaret H. Booth;
- H. R. 4631. An act granting an increase of pension to Julius Krag;
- H. R. 9030. An act granting an increase of pension to John Daly;
- H. R. 5391. An act granting an increase of pension to James Kelcher;
- H. R. 8410. An act granting an increase of pension to George B. Fairhead;
- H. R. 3836. An act granting an increase of pension to David H. Thompson;
- H. R. 8022. An act granting an increase of pension to Hiram Flint;
- H. R. 4987. An act granting an increase of pension to William Y. M. Wilkerson;
- H. R. 12352. An act granting an increase of pension to William H. Cooper;
- H. R. 6911. An act granting an increase of pension to James H. Weston;
- H. R. 6088. An act granting an increase of pension to Marshall Howell;
- H. R. 3670. An act granting an increase of pension to Benjamin F. Barrett;
- H. R. 12297. An act granting a pension to James P. Hurst;
- H. R. 12623. An act granting an increase of pension to Liberty B. Walters;
- H. R. 13448. An act granting an increase of pension to Susan D. Lovell;
- H. R. 11524. An act granting a pension to John F. Burrows;
- H. R. 12664. An act granting an increase of pension to Rachel J. Smith;
- H. R. 7472. An act granting an increase of pension to Henry McQuerter;
- H. R. 4897. An act granting an increase of pension to William Johnson;
- H. R. 5406. An act granting a pension to Rachel Tyson;
- H. R. 5431. An act granting a pension to Susan Laugherty;
- H. R. 11403. An act granting a pension to John M. Bailey;
- H. R. 2194. An act granting a pension to Mary Dewire;
- H. R. 9428. An act granting an increase of pension to Adeline Ballard;
- H. R. 9429. An act granting an increase of pension to John C. Hamly;
- H. R. 4110. An act granting an increase of pension to Antoinette R. Smith;
- H. R. 626. An act granting a pension to Mary A. V. Cook;
- H. R. 908. An act granting an increase of pension to Charles A. Tarbox;
- H. R. 13746. An act granting a pension to Thomas B. Forgan;
- H. R. 2107. An act granting an increase of pension to James W. Whitney;
- H. R. 731. An act granting an increase of pension to Henry S. Hamilton;
- H. R. 3297. An act granting an increase of pension to Renel W. Trask;
- H. R. 12845. An act granting an increase of pension to Charles Bowen;
- H. R. 6868. An act granting an increase of pension to George R. Hanson;
- H. R. 11574. An act granting an increase of pension to Oscar A. Phetteplace;
- H. R. 6502. An act granting an increase of pension to Onslow N. McIntire;
- H. R. 7219. An act granting an increase of pension to George W. Marsh;
- H. R. 13284. An act granting an increase of pension to Daniel W. Graham;
- H. R. 11187. An act granting an increase of pension to Fyanna E. Myers;
- H. R. 6000. An act granting an increase of pension to John B. Salsman;
- H. R. 10480. An act granting an increase of pension to Aaron Bayles;
- H. R. 13655. An act granting an increase of pension to Hannah Hill;
- H. R. 5685. An act granting a pension to Alonzo Sabin;
- H. R. 6334. An act granting an increase of pension to George W. Gyger;
- H. R. 6503. An act granting an increase of pension to Amanda M. Morse;

- H. R. 8014. An act granting an increase of pension to Thomas Andas;
- H. R. 8316. An act granting an increase of pension to James W. Swords;
- H. R. 7752. An act granting a pension to William L. Rutter;
- H. R. 6595. An act granting an increase of pension to John H. McBrayer;
- H. R. 5996. An act granting an increase of pension to Alfred Howser;
- H. R. 6170. An act granting a pension Elizabeth F. Champlin;
- H. R. 6090. An act granting an increase of pension to Frederick C. Wickham;
- H. R. 5314. An act granting an increase of pension to John Woods;
- H. R. 11033. An act granting an increase of pension to Noah Minnich;
- H. R. 2804. An act granting an increase of pension to Michael Cribbins;
- H. R. 11647. An act granting an increase of pension to William C. Scott;
- H. R. 11877. An act granting an increase of pension to Minnie C. Wilkins;
- H. R. 12388. An act granting an increase of pension to Adam Shiria;
- H. R. 3166. An act granting an increase of pension to James M. Howe;
- H. R. 4626. An act granting a pension to Hattie M. Matheson;
- H. R. 4983. An act granting an increase of pension to Charles Gochey;
- H. R. 4056. An act granting an increase of pension to Wilson Snider;
- H. R. 3460. An act granting an increase of pension to Louis P. Anschutz;
- H. R. 2150. An act granting an increase of pension to Robert Whitman;
- H. R. 2148. An act granting an increase of pension to Lawrence Cook;
- H. R. 5198. An act granting a pension to Emeline Simmons;
- H. R. 5193. An act granting an increase of pension to Allen Campbell;
- H. R. 685. An act granting an increase of pension to Philip J. Harlow;
- H. R. 2969. An act granting an increase of pension to George W. Fitzgerald;
- H. R. 14152. An act granting an increase of pension to John Middleton;
- H. R. 13147. An act granting an increase of pension to Euphama A. Young;
- H. R. 11793. An act granting an increase of pension to August Henning;
- H. R. 12964. An act granting an increase of pension to Elizabeth Banks;
- H. R. 13657. An act granting an increase of pension to Francis F. Rogers;
- H. R. 5690. An act granting an increase of pension to James W. Griffiths;
- H. R. 4996. An act granting an increase of pension to Alexander Robertson;
- H. R. 9116. An act granting an increase of pension to Charles W. Abbott;
- H. R. 4241. An act granting a pension to Mary A. Denston;
- H. R. 10502. An act granting an increase of pension to Abram Young;
- H. R. 10790. An act granting an increase of pension to John F. Rokey;
- H. R. 7701. An act granting an increase of pension to James H. English;
- H. R. 5338. An act granting an increase of pension to Joseph S. Wright;
- H. R. 5971. An act granting an increase of pension to Samuel D. Satterly;
- H. R. 12456. An act granting an increase of pension to Marshall Cox;
- H. R. 8074. An act granting an increase of pension to William H. H. Chester;
- H. R. 6558. An act granting an increase of pension to Robert H. Long;
- H. R. 7366. An act granting an increase of pension to Thomas J. Cannon;
- H. R. 5973. An act granting an increase of pension to Henry J. Potter;
- H. R. 8122. An act granting a pension to Adonijah Richards;
- H. R. 6713. An act granting an increase of pension to John E. White, alias Patrick White;
- H. R. 7064. An act granting an increase of pension to Charles Von Lukowitz;
- H. R. 7678. An act granting an increase of pension to Lewis Monjar;
- H. R. 6048. An act granting an increase of pension to William Johnson;
- H. R. 11452. An act granting a pension to Ann Jones;
- H. R. 2810. An act granting an increase of pension to Samuel G. H. Whitley;
- H. R. 2687. An act granting an increase of pension to Isaac N. Willhite;
- H. R. 2606. An act granting an increase of pension to Catherine Bowsher;
- H. R. 8394. An act granting an increase of pension to Reuben W. Bartram;
- H. R. 11662. An act granting an increase of pension John H. Brodrick;
- H. R. 11976. An act granting an increase of pension to Isom R. New;
- H. R. 11937. An act granting an increase of pension to Dennis Spurrier;
- H. R. 2567. An act granting an increase of pension to Alexander D. Ramsey;
- H. R. 5867. An act granting a pension to Ina D. Burdick;
- H. R. 690. An act granting an increase of pension to Mark F. Holderman, alias Michael Holderman;
- H. R. 4908. An act granting an increase of pension to John A. McConnell;
- H. R. 6327. An act granting an increase of pension to Delos Van Deusen;
- H. R. 3653. An act granting an increase of pension to Andrew Sullenberger;
- H. R. 809. An act granting an increase of pension to Lewis Johnson, jr.;
- H. R. 3819. An act granting an increase of pension to Ira Stout;
- H. R. 6962. An act granting an increase of pension to Pauline N. Pearson;
- H. R. 13935. An act granting an increase of pension to John F. Cummins;
- H. R. 4756. An act granting an increase of pension to Lewis R. Gates;
- H. R. 605. An act granting an increase of pension to Frederick Frick;
- H. R. 197. An act granting an increase of pension to John Latty;
- H. R. 2450. An act granting a pension to Lucina Heath;
- H. R. 10973. An act granting a pension to Harry F. Thompson;
- H. R. 5279. An act granting an increase of pension to Granville H. Bishop;
- H. R. 12607. An act granting an increase of pension to John M. Savoree;
- H. R. 9775. An act granting a pension to Anna S. Christopher-son;
- H. R. 12850. An act granting an increase of pension to Simon P. Rittenhouse;
- H. R. 2045. An act granting an increase of pension to Henry Henwood;
- H. R. 10261. An act granting an increase of pension to Henry B. Sparks;
- H. R. 1565. An act granting an increase of pension to Josephine F. Anderson;
- H. R. 6051. An act granting an increase of pension to Ann Dawson;
- H. R. 3244. An act granting an increase of pension to Lewis Kimer;
- H. R. 2005. An act granting an increase of pension to Alexander J. Hood;
- H. R. 6317. An act granting an increase of pension to Maggie Du Bois;
- H. R. 5734. An act granting an increase of pension to John B. Tucker;
- H. R. 8213. An act granting an increase of pension to Thomas Murray;
- H. R. 10579. An act granting an increase of pension to Jacob Dodd;
- H. R. 1910. An act granting a pension to Cephas Kendal Knox;
- H. R. 14181. An act granting an increase of pension to Sarah F. Burnet;
- H. R. 13438. An act granting an increase of pension to John W. Comer;
- H. R. 10824. An act granting an increase of pension to John B. Calhoun;
- H. R. 4604. An act granting an increase of pension to Christian Kloeppel, alias Christian Knuppe;
- H. R. 3734. An act granting an increase of pension to James R. Gibson;
- H. R. 701. An act granting a pension to William C. Montgomery;

H. R. 3445. An act granting an increase of pension to John P. Webb;
 H. R. 6307. An act granting a pension to Elizabeth Hopper;
 H. R. 13507. An act granting an increase of pension to John M. Sullivan;
 H. R. 3246. An act granting a pension to Hedwig A. Maass;
 H. R. 7595. An act granting a pension to Ella Hatfield;
 H. R. 4369. An act granting an increase of pension to August Strick;
 H. R. 9021. An act granting an increase of pension to Joseph Whitman;
 H. R. 14203. An act granting an increase of pension to Edwin J. Jagger;
 H. R. 13236. An act granting an increase of pension to George H. Otis;
 H. R. 13310. An act granting an increase of pension to Samuel A. Smith, jr.;
 H. R. 12133. An act granting an increase of pension to James Johnson;
 H. R. 13413. An act granting an increase of pension to Hezekiah Kepner;
 H. R. 5327. An act granting an increase of pension to William M. Morrison;
 H. R. 11796. An act granting a pension to Catherine Darr;
 H. R. 6564. An act granting an increase of pension to James H. Townsend;
 H. R. 7062. An act granting a pension to Kate M. A. Morten;
 H. R. 7473. An act granting an increase of pension to Nicholas Correll;
 H. R. 6746. An act granting an increase of pension to Francis Van Aernam;
 H. R. 6927. An act granting an increase of pension to Rebecca C. Nevin; and
 H. R. 4157. An act granting an increase of pension to Adam Kohlhauff.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:
 H. R. 13850. An act granting an increase of pension to Mary Heaney;
 H. R. 6916. An act granting an increase of pension to Alexander Hardy; and
 H. R. 721. An act granting an increase of pension to John Ryan, alias John Connell.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5076. An act granting an increase of pension to Stacey Williams—to the Committee on Invalid Pensions.
 S. 538. An act granting an increase of pension to Alice W. Stodley—to the Committee on Invalid Pensions.
 S. 3335. An act granting an increase of pension to John Waldo—to the Committee on Invalid Pensions.
 S. 2399. An act granting a pension to Michael Nelligan—to the Committee on Invalid Pensions.
 S. 5205. An act granting an increase of pension to Joseph Dickinon—to the Committee on Invalid Pensions.
 S. 4171. An act granting an increase of pension to Thaddeus K. Miller—to the Committee on Invalid Pensions.
 S. 5111. An act granting an increase of pension to Charles W. Barrett—to the Committee on Invalid Pensions.
 S. 5111. An act granting an increase of pension to Charles W. Barrell—to the Committee on Invalid Pensions.
 S. 1808. An act granting a pension to James L. Dyer—to the Committee on Invalid Pensions.
 S. 4337. An act granting an increase of pension to William H. Hess—to the Committee on Invalid Pensions.
 S. 3008. An act granting an increase of pension to John R. McMannomy—to the Committee on Invalid Pensions.
 S. 3245. An act granting an increase of pension to Oscar F. Bartlett—to the Committee on Invalid Pensions.
 S. 3666. An act granting an increase of pension to James W. Carrier—to the Committee on Invalid Pensions.
 S. 5265. An act granting an increase of pension to James Stout—to the Committee on Invalid Pensions.
 S. 2396. An act granting a pension to Clarissa Ann La Point—to the Committee on Pensions.
 S. 2803. An act granting an increase of pension to William H. Ijams—to the Committee on Invalid Pensions.
 S. 3304. An act granting an increase of pension to Andrew A. Kelly—to the Committee on Invalid Pensions.
 S. 4679. An act granting an increase of pension to Samuel R. Shankland—to the Committee on Invalid Pensions.
 S. 4340. An act granting an increase of pension to Rose McFarlane—to the Committee on Invalid Pensions.

S. 5270. An act granting an increase of pension to Ellen R. Ostrander—to the Committee on Invalid Pensions.
 S. 5034. An act granting a pension to George A. Miller—to the Committee on Invalid Pensions.
 S. 3989. An act granting an increase of pension to Eugene Schilling—to the Committee on Invalid Pensions.
 S. 4223. An act granting an increase of pension to William P. Jackson—to the Committee on Invalid Pensions.
 S. 2183. An act granting an increase of pension to David L. Miller—to the Committee on Invalid Pensions.
 S. 493. An act granting an increase of pension to Richard E. Bouldin—to the Committee on Invalid Pensions.
 S. 5161. An act granting an increase of pension to William H. Seip—to the Committee on Invalid Pensions.
 S. 73. An act granting an increase of pension to William H. Colville—to the Committee on Invalid Pensions.
 S. 4341. An act granting an increase of pension to Henry Armstrong—to the Committee on Invalid Pensions.
 S. 2116. An act granting an increase of pension to Edna Stevens—to the Committee on Invalid Pensions.
 S. 3616. An act granting an increase of pension to Frances E. Plummer—to the Committee on Invalid Pensions.
 S. 4187. An act granting an increase of pension to William G. Tompkins—to the Committee on Invalid Pensions.
 S. 1243. An act granting a pension to Mary McLean Wyllys—to the Committee on Pensions.
 S. 5125. An act granting an increase of pension to William O. White—to the Committee on Invalid Pensions.
 S. 5190. An act granting a pension to Thomas Smith—to the Committee on Pensions.
 S. 5179. An act granting an increase of pension to Alonzo Gardner—to the Committee on Invalid Pensions.
 S. 5191. An act granting an increase of pension to Elizabeth C. Way—to the Committee on Invalid Pensions.
 S. 5282. An act granting an increase of pension to William P. Vohn—to the Committee on Invalid Pensions.
 S. 3890. An act granting an increase of pension to J. N. Cul-ton—to the Committee on Invalid Pensions.
 S. 3915. An act granting an increase of pension to Benjamin F. Bollinger—to the Committee on Invalid Pensions.
 S. 5349. An act granting an increase of pension to Rebecca Aumen—to the Committee on Invalid Pensions.
 S. 3432. An act granting an increase of pension to Rosaline V. Campbell—to the Committee on Invalid Pensions.
 S. 433. An act granting an increase of pension to William L. Johnston—to the Committee on Invalid Pensions.
 S. 5372. An act granting an increase of pension to Jesse W. McGahan—to the Committee on Invalid Pensions.
 S. 5213. An act granting an increase of pension to Theodore J. Widvey—to the Committee on Invalid Pensions.
 S. 5230. An act granting an increase of pension to John D. Juger—to the Committee on Invalid Pensions.
 S. 405. An act granting an increase of pension to Darius W. Owens—to the Committee on Invalid Pensions.
 S. 5101. An act granting an increase of pension to Lewis Y. Foster—to the Committee on Invalid Pensions.
 S. 2730. An act granting an increase of pension to Jasper N. Jennings—to the Committee on Invalid Pensions.
 S. 5289. An act granting an increase of pension to Peter Baker—to the Committee on Invalid Pensions.
 S. 1564. An act granting an increase of pension to Daniel W. Working—to the Committee on Invalid Pensions.
 S. 5244. An act granting an increase of pension to John K. Whited—to the Committee on Pensions.
 S. 103. An act granting an increase of pension to A. D. Tanyer—to the Committee on Invalid Pensions.
 S. 741. An act granting an increase of pension to William D. Woodworth—to the Committee on Invalid Pensions.
 S. 4606. An act granting an increase of pension to Edward G. Horne—to the Committee on Pensions.
 S. 3203. An act granting an increase of pension to George W. Foster—to the Committee on Invalid Pensions.
 S. 5223. An act granting a pension to Sara A. Wardell—to the Committee on Pensions.
 S. 5452. An act fixing the salary of the consul at Niuchwang, China—to the Committee on Foreign Affairs.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

The House, according to order, resumed the consideration of the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine

Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

The SPEAKER recognized Mr. COOPER of Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to inquire how much time there is remaining on this side.

The SPEAKER. Twenty-five minutes, under the control of the gentleman from Wisconsin [Mr. COOPER]; and there are twenty-nine minutes under the control of the gentleman from Virginia [Mr. JONES].

Mr. COOPER of Wisconsin. Will the gentleman from Virginia use his time now?

Mr. JONES of Virginia. We should like time for one speech on this side before the one that is to be delivered on the other side.

Mr. COOPER of Wisconsin. Well, sir—

Mr. JONES of Virginia. In that case, while I realize that the other side ought to have the conclusion of the debate, I think there ought to be but one speech in conclusion, and the gentleman ought to occupy part of his time now.

Mr. COOPER of Wisconsin. In regard to the matter of the occupation of time, Mr. Speaker, the other side has twenty-nine minutes and we have only twenty-five. Those gentlemen who speak on this side will all speak for the bill, and the gentlemen on the other side against it. I hope the gentleman from Virginia will consume his time.

Mr. JONES of Virginia. The time on the two sides is nearly equal, there being only four minutes difference, and I do not think it is reasonable to require that some one shall speak on this side for four minutes. I do not care how much time is occupied on the other side in conclusion; but I do insist that there ought not to be two gentlemen closing the debate on that side.

Mr. TAWNEY. The gentleman understands that we have the closing of the debate?

Mr. JONES of Virginia. Certainly.

Mr. TAWNEY. And we can consume whatever time we may have in closing, without regard to the number of persons who may occupy the time.

Mr. JONES of Virginia. There should not be two speeches in conclusion.

Mr. TAWNEY. Any number of persons, it seems to me, may occupy the time.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I think the well-recognized rule in connection with the order of debate and the equally well-recognized principle of equity is that while gentlemen on the other side have the right to the conclusion, they have not the right to two conclusions; and while nobody is disputing the right of the other side to close the debate, the gentleman from Virginia is insisting that there is no right on that side to conclude it twice.

The SPEAKER. The gentleman from Virginia [Mr. JONES] has announced that there will be but one gentleman heard in his time against the bill. The gentleman from Wisconsin has announced that he proposes to yield a portion of his time to others.

This is a matter not subject to the discretion of the Chair. By unanimous consent of the House the time is being equally divided between the majority and the minority, and is being controlled by the gentleman from Wisconsin and the gentleman from Virginia.

Now, those holding the affirmative are entitled to open and close. It is impossible for the Chair to determine, if gentlemen can not agree among themselves, for the reason that the Chair does not have the power of recognition except as may be indicated by the two gentlemen, the gentleman from Wisconsin and the gentleman from Virginia. Who is to be recognized?

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Ohio [Mr. WARNOCK].

Mr. WARNOCK. Mr. Speaker, there are very many good reasons why this bill should become a law. This measure is certainly in harmony with the policy of the Republican party in its treatment of the Philippines, a policy which thus far has brought only good and blessings to those unfortunate people. I have read the minority report and listened to the speeches in opposition to the bill, but I have not yet heard a good reason assigned why the measure should not pass. The objections to the bill are directed especially to the fourth section, which in substance provides that the Philippine government may guarantee an income not exceeding 5 per cent per annum upon cash capital actually invested in the construction of such railroads as shall be deemed to be to the public interest, etc.

1. It is objected that this bill is calculated to further bind the United States to the Philippines.

But that is no argument against the bill. It does not deal with the present situation. It is only an echo of the hysterical cry of imperialism, which the people of this country laughed out of court two or three years ago as unworthy of serious consideration.

2. It is objected that this bill imposes burdens on a people for subsidies when they have not been consulted and who have no voice concerning the proposition. This objection comes with very

poor grace from gentlemen who come from a section where they do not consult many millions of black people about the taxes that shall be levied on the eight hundred millions of property owned by those black people, and where those black people have no voice concerning any proposition which affects legislation or the administration of public affairs.

3. It is objected that the public debt of the Philippines is now over \$20,000,000, and that the proposed legislation would increase the liabilities to an amount equal to \$50,000,000. An examination of the items of the indebtedness will show that only \$8,000,000 of the \$10,000,000 of bonds authorized to be issued to maintain the parity of the peso with gold have been actually issued, and that the money derived from these bonds, together with the seigniorage of \$1,500,000 from the coinage of the peso, amounting in all to \$7,500,000, is now on deposit in the banks, and that issue of \$10,000,000 so authorized is not and can not fairly be construed to be a burden on the islands.

The second item is the friar-land bonds, amounting to over \$7,000,000, but the government has as an equivalent over 400,000 acres of the most fertile lands in the islands, so that in no event can these bonds be considered a burden on the islands, unless the lands should prove to be of much less value than the most conservative estimate yet placed on them.

Considering the additional improvement bonds which are authorized, there would not be over \$3,000,000 of a burden which could be called legitimately the debt of the Philippine government.

The income of the Philippine government from duties and other sources is over \$15,000,000 annually, and the expenses are so much less that the guaranty of the \$1,500,000 per year on interest could be met without trouble by the Philippine government, as was fully shown in the hearings before the committee.

What are the benefits to be derived from the bill?

If the railroads are constructed as planned, they will open up some of the most fertile valleys in the islands, which have hitherto been unimproved because there was no means of reaching the markets with the products of those valleys. This is especially true of the valleys to the east of the mountains in Luzon, which lie between the mountains and the ocean for nearly 1,000 miles. These valleys are the most fertile in the world for the production of sugar, tobacco, and hemp.

Again, the Filipinos are great travelers, and these lines of railway would accomplish more in ten years in the way of civilizing and developing the people and the country than could otherwise be accomplished in a century.

The Philippine Islands are divided into twenty-seven provinces, and the governors of all these provinces, except two, are Filipinos. The native Filipinos are being rapidly installed in all the positions of honor and trust. On the supreme court bench is a native Filipino; in the inferior courts, in the municipalities, are to be found large numbers of Filipinos, who are men of education, ability, honesty, and patriotism. With the building of these railroads the population of the islands will be unified, and instead of sixty different tribes, with as many dialects, there will be a united people, speaking a common language. This must be brought about before these people can be intrusted with self-government.

Again, the proposition to subsidize the railroads is just what every civilized nation has found it necessary to do in order that the best results may be obtained and the blessings of civilization promoted. The United States has given away millions of acres of the best lands within her boundaries to promote the building of railroads. No investment has paid this country better.

Mr. LIND. Mr. Speaker, will the gentleman yield?

Mr. WARNOCK. I have but five minutes.

The SPEAKER. The gentleman declines to yield.

Mr. WARNOCK. Our Democratic friends may argue and speculate and theorize and scold, but if the policy of the Republican party shall result, as it is most surely doing, in bringing our western civilization to these benighted people of the Orient; if it results in establishing schools in the valleys and on the hill-sides; if it results in converting the hut in the jungle to a cottage in the grove; if it results in lifting up an oppressed, ignorant people and making them intelligent, patriotic American citizens, then I say we will gladly accept the responsibility and share in the beneficent results. [Applause.]

Mr. JONES of Virginia. Mr. Speaker, I yield the twenty-nine minutes belonging to this side to the gentleman from Illinois [Mr. WILLIAMS].

The SPEAKER. The gentleman has twenty-eight minutes remaining. The gentleman from Illinois [Mr. WILLIAMS] is recognized for twenty-eight minutes.

Mr. WILLIAMS of Illinois. Mr. Speaker, there is very little to encourage any discussion of a bill of this character after the House has already adopted a rule that prevents any amendment. I was surprised at the explanation or defense made by the distinguished gentleman from Pennsylvania [Mr. DALZELL] when this

rule was under consideration. He offered as an excuse that the House was now in the closing days of the session, and therefore it was necessary to limit the time for the consideration of this bill.

Mr. Speaker, the Committee on Rules might have limited the time for its consideration and still have left to this House the right to amend this bill. I know sometimes it occurs that bills containing but a single proposition, or embracing a single subject, might stand or fall as an entirety; and there is much more reason for the Committee on Rules denying the right of amendment in such cases than there is in the case now before the House. The bill under consideration embraces more than one subject, and yet you have got to accept it or reject it as an entire proposition.

I insist, Mr. Speaker, that in justice to the people of the Philippine Islands, for whom this Congress is now legislating, this House should have had the right to consider and vote upon amendments to some of the provisions of this bill. There is one provision at least that in my judgment is indefensible. It is a provision that does not meet the approval of all the Republicans in this House; and the distinguished chairman of the Committee on Insular Affairs was frank enough to admit in his opening speech that there were Republicans who were already complaining against the fourth section or railroad provision of this bill. It ought to be amended; it ought to be stricken out entirely, or, if not, materially amended. Whether it was the intention or not, the Committee on Rules, in the interest of the great corporate concerns in this country that are to reap the benefit of this outrageous legislation against the people of the Philippine Islands, has prevented any amendment being considered.

Mr. TAWNEY. What amendment does the gentleman refer to?

Mr. WILLIAMS of Illinois. I refer to one of the amendments offered in the committee, to strike out sections 4 and 5 of this bill. The bill has not been discussed as much as a certain gentleman whom many Republicans would have been pleased to have for their candidate for President in 1904. I shall read that provision of the bill which I think should be stricken out:

SEC. 4. That for the purpose of aiding in the construction, equipment, operation, and maintenance of railroads using steam, electricity, or other power, in the Philippine Islands, the general government thereof is authorized to guarantee an income of not exceeding 5 per cent upon cash capital actually invested in the construction and equipment of such railroads, or any part thereof, the guaranty to be in such form and under such provisions requiring repayment of any sum paid thereunder as said government shall deem to be to the public interest, and the act making the guaranty shall declare the proper rules for ascertaining clearly the cash capital actually invested in said railroads and the net income actually received on said capital so invested, and shall set forth the limit of invested capital to which said guaranty shall apply, and shall provide for supervision by said government of the conduct of the finances of the road and its location, construction, and maintenance, as well as by the presence in the board of directors of two or more government directors, the number and manner of their selection to be determined by law, as also by such further supervision, through the auditing, engineering, and railroad bureaus of said government, as the public interest shall require.

The said guaranty may be made in the form of a guaranty of interest on bonds or of income on preferred or common stock, or in such other form as may be determined by said government, and shall be made on such other terms and conditions as said government shall approve: *Provided, however,* That the total annual contingent liability of said government under the guaranties authorized by this section shall not at any time exceed the sum of \$1,500,000, and that no such guaranty shall continue for a longer period than thirty years.

There are not two lawyers on that side of the House who will agree on the construction of that ambiguous provision. Refund what? Repay when? All in the discretion of the Philippine Commission, no definite provision requiring that the guaranty shall ever be refunded.

Now, Mr. Speaker, what is to be the effect of this? The effect of it is shown in the answer of Judge Taft to a question asked him by myself when he appeared before the committee. He admits that there are several railroads that might be built without subsidy; but he says frankly that if this bill becomes law every company attempting to build a railroad is likely to contend for a subsidy. You are simply forcing the people of the Philippine Islands to pay a subsidy for every railroad that is to be built hereafter in the Philippine Islands.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Illinois. Certainly.

Mr. TAWNEY. In the event that this guaranty is made by the Philippine government, will it have to pay anything if the earnings of the railroads ever equal 5 per cent?

Mr. WILLIAMS of Illinois. Let me show the gentleman how easy it will be to prevent any of the earnings from ever being credited on this guaranty. A railroad company constructs its railway, say, for \$10,000,000, of an inferior character, if you please. It goes into operation. It puts its earnings into the betterment of the road, in building better bridges, better depots, and other improvements, and the earnings of the railroad go to enhancing the value of the property, while the people of the islands pay the 5 per cent that makes up the dividends to the stockholders.

Mr. TAWNEY. Will the gentleman contend that that is an answer to my question?

Mr. WILLIAMS of Illinois. I contend that it is an answer to your question.

Mr. TAWNEY. Let me ask you this further question: Is it not a fact that the Philippine government has representation on the directory of the company, and therefore must necessarily know whether it has been run in a manner which would protect the interest of the government?

Mr. WILLIAMS of Illinois. I will show how the government operates on the people of the Philippine Islands. The Philippine people have no government. It is a government of the United States operating on the Philippine people.

In order to show you how much they have to say about it, here is a dispatch from the Secretary of War, who is a member of the legislature for the Philippine Islands:

WRIGHT, Manila:

Recommendation, Philippine Commission, that Bates agreement with Moros be declared no longer in force, upon grounds referred to in report of the civil governor, is approved in principle. A statute declaring and containing—

This is the language, this is the message of the Secretary of War to the Philippine Commission—

A statute declaring and containing the legislation necessary in consequence of this abrogation, and having recitals carefully drawn, should be prepared and passed to third reading by commission and then forwarded to the Secretary of War for his approval in advance of its enactment.

It is the Government of the United States that is doing business in the Philippine Islands and not the government of the Filipino people; and that is the kind of government that is to have charge of this entire question.

You provide for supervision over the construction and the location of these roads. What do you mean by it? Do you mean the Government alone shall locate the lines where the roads are to be built? What do you mean by superintendence of construction? Do you mean the Government agents can determine the material to be used, what the gauge shall be, etc.? What do you mean by it?

Mr. TAWNEY rose.

Mr. WILLIAMS of Illinois. You limited this debate; please sit down and listen to what I have to say.

Mr. TAWNEY. Will the gentleman allow me a question?

Mr. WILLIAMS of Illinois. No; I will not yield. I have not the time. [Applause on the Democratic side.] Now, Mr. Speaker, the fact is you just turn it over to the Philippine Commission—that is, the agent of the American Government in the Philippine Islands. So you are going to have it superintended. Who knows but if this law goes into effect that some Machen or Beavers or Perry Heath may not turn up as superintendent of railroad construction in the Philippine Islands. [Applause on the Democratic side.] When we made land grants to railroads we subjected ourselves to great scandals here in our own country, and when you place this law upon the people of the Philippine Islands you may expect some of the greatest scandals that have ever occurred under a civilized government.

Mr. HITCHCOCK. Mr. Speaker, will the gentleman permit me a question?

Mr. WILLIAMS of Illinois. Only a question.

Mr. HITCHCOCK. Can not the gentleman state what was the effect of the Government directors in the Union Pacific Railroad? Did they ever produce any effect except to ride in free cars, and were they not practically mere ornamental subterfuges, conniving at frauds of construction?

Mr. WILLIAMS of Illinois. Mr. Speaker, if I had time in the few minutes I have I would be glad to call the attention of Members of this House to some of the scandals connected with the Union Pacific, although I know it would have but little effect upon gentlemen who have already pledged their support to this bill. Governor Taft, only four months ago, said that English capital and Belgian capital was trying to get into the islands to build these railroads. Here is his language:

The commission is strongly desirous of encouraging American capital to come here; but it should be noted that if American capital declines to come English, Belgian, and other foreign capital is merely awaiting the franchises which are requested for railroads and other constructive enterprises, and that it will be the duty of the commission to grant such franchises for the benefit of the islands.

If foreign capital is willing to build these railroads, or a portion of them, without a guaranty, why not let them do so? It is true, later on in his report Governor Taft, speaking of granting aid to some of the proposed railroads, said:

For this reason it seems to me wise that the commission be authorized, with the approval of the Secretary of War and the President of the United States, to enter into contracts of guaranty with railroad companies to whom a franchise for the construction of a road shall be granted, by which an income of not exceeding 4 per cent, and probably not exceeding 3 per cent, shall be guaranteed on the investment, the amount of which shall be fixed by law.

So only four months ago Governor Taft thought some of these railroads could be built without any subsidy at all and he only

asked for 3 or 4 per cent guaranty to be given to other roads. But since he came to the United States and has had an opportunity to discuss this matter with railroad builders he has raised this guaranty to 5 per cent. And who pays it? The people of the Philippine Islands. What for? To educate them, they say.

It has only been lately, not much over a year, since we were compelled to furnish them with about \$3,000,000 for the necessities of life, and yet we are to take out of their pockets a million and a half a year instead of letting them use it in building school-houses, employing teachers to educate themselves, and for other necessities, and give it to the railroad syndicates in the United States in order to encourage American capital; and that is the kind of legislation that is being enacted by this House for the people of the Philippine Islands. They are poor; they need our help. They need every advantage they can get, but they need a great many things worse than they need railroads in localities where there is no demand for them.

If these islands have all the valuable resources so often claimed for them in this House, railroads should go there without being subsidized. If you authorize the commission to make this guaranty, the islands will not get a single road without it. Why not wait till those roads are constructed which foreign capital is willing to build without any guaranty or aid? You can't build all these roads at once. The labor there will not justify it. Then why not build them as they are being built in other countries, by building those lines first that are needed worst and building them without subsidies; and before you fasten this measure upon the people of the Philippine Islands, wait until they get a legislative body of their own people?

Under this law the Philippine Commission can place a debt of 5 per cent interest running for thirty years on the islands for the purpose of constructing railroads that some of their people will not see in a lifetime. They can tax the people of one island to build railroads in some other island which would be of no benefit whatever to them. Who is going to get the railroads if we put this power in the hands of this American agent of ours in the Philippine Islands? What has been the experience of our own legislative body here in this country? Do you tell me that lobbies will have no effect?

Do you gentlemen, who have been on the Appropriations Committee and seen Senators of the United States secure appropriations to improve streets in order to advance their own property, believe that we will not have such practices ten times more disgraceful and ten times greater in a government 10,000 miles away from the center of its control?

Mr. Speaker, this provision ought to be stricken out. There are some provisions in this bill, if we are to continue to hold on to the islands, that we ought to pass, but you can not indorse this provision.

Why do you not give us an opportunity to amend it? Is it because you are afraid that a minority on the Democratic side would be able to defeat a majority? Not at all. You have had practice enough here not to fear anything of that kind. This rule was brought into this House, not because the Republican leaders were afraid to trust the Democrats, but it was because they were afraid to trust themselves. You can not even submit an amendment to this proposition to your own side of the House with a good majority. You are afraid the interests of the railroad companies in this country, or those who are going to invest in the Philippine Islands, would be voted down or the rate of interest reduced to 3 or 4 per cent, as suggested by Governor Taft before he got within their influence here in the United States.

You have actually reached the point of desperation where you can not even trust yourselves. Now, why can you not remain here long enough to amend this bill? It will take only a few moments to give an opportunity to vote on an amendment to this proposition. This is not yet the middle of April. We have plenty of time to remain here and consider this proposition. We ought not to make a political question of something which affects the people of the Philippine Islands. It ought to be considered free from partisanship.

This question that so affects their interests, not only now, but for many years to come, ought to be open to amendment and receive the careful consideration of every Member of this House, and I was in hopes that such an opportunity would be given; but when it is not given, as I suggested in the beginning, what is the use of discussion—what is the use of pointing out objections to a provision that even many Republicans are opposed to when you are compelled to take the whole thing or nothing at all? This railroad provision ought to go through on its own merits if at all. It is a new proposition in this House. It is a new proposition in this country. It ought not to go through as a mere rider on some other proposition that really ought to pass.

It simply shows the great anxiety of this Republican Congress to get out of the city. It shows the anxiety of the President to

get you gentlemen away from here as soon as possible. I do not know what it is that moves him, unless he hopes that by an early adjournment of Congress he will be able to divert the attention of the American people from this great center of public scandal. [Applause on the Democratic side.]

Why can we not remain here and do business? Why is it that you are on the run and have been for some time? Why is it that you are trying to get up a feigned issue every opportunity that presents itself? You are constantly trying to hide your President with all his shortcomings behind a Booker Washington or some other colored brother every opportunity you get. We know you are on the run, and we intend to keep you on the run from now until the election closes in November next. [Applause on the Democratic side.]

Mr. Speaker, I reserve the balance of my time, and yield it back to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Speaker, I would like to ask the gentleman from Wisconsin [Mr. COOPER] if he is going to conclude the debate on his side or if there is to be more than one speech?

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to have the gentleman from Virginia consume the time now.

Mr. JONES of Virginia. I understood, Mr. Speaker, that the gentleman from Illinois [Mr. WILLIAMS] would consume all the time on our side. I therefore yielded him all of the time I had remaining. It seems he has not used it, and I shall not use that time at all if the gentleman from Wisconsin [Mr. COOPER] desires to conclude the debate now. If, however, he is going to divide his time between two gentlemen, then I ask that one of those address the House now.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, this is a plain, straightforward business proposition, and there is no reason why candid, deliberate, conservative men need get furious and tear passion into tatters, threaten the annihilation of the Republican party, and disturb the peace upon a question of this character. I am now going to remind the gentleman from Illinois [Mr. WILLIAMS], whose speech I saw [laughter]—I did not hear it, but saw it in the air—and our Democratic friends generally, that they have taken a great deal of pains, during the past two or three or four years, to impress upon us that the Republican party was stripping the Filipinos of their rights. They have quoted the Declaration of Independence to us a great many times and have asserted that the Filipinos were entirely capable of self-government and ought to be allowed to govern themselves. Then we have been told also that we have been hard on them, destructive of their business interests, and in every way the oppressors of the Philippine Archipelago and its inhabitants. Well, we now have a government over there that nobody has criticised, a bipartisan organization, made up of a very distinguished Republican from Ohio and an equally distinguished Democrat from Tennessee. The latter gentleman is now the head of the Philippine civil government, and acting in furtherance of the business interests of a people in whom they have certainly shown the greatest benevolent interest, this commission recommend this legislation.

And it is strangely suggestive to me of a bare possibility of doubt whether our friends have always been in the highest degree sincere when they have attacked us for oppression of the Filipinos when I find a party alignment being made apparently against the passage of this bill. I do not understand that by any possibility harm can come to the people of the islands by reason of the passage of this bill. The men who, above all other men, have been benevolent to the degree of almost a strained condition of benevolence toward the people of those islands came before this committee and asked for the passage of this bill. Why should it not be given? Is there anybody here with knowledge enough of the Philippine condition to say that the recommendation of Governor Taft ought not to be heeded and ought not to be acted upon? It has always been claimed on this side of the House that the opposition to the beneficial results of our control in the Philippine Islands was only a sham for political purposes. I have never quite understood how it could possibly be that our Democratic friends would denounce us on the one hand and favor us on the other.

[Here the hammer fell.]

Mr. JONES of Virginia. Mr. Speaker, I desire to consume the few minutes that remain to the minority in calling the attention of the House to the fact that none of the gentlemen who have spoken in support of this bill have undertaken to discuss or to explain any one of its more important provisions—especially those provisions which we have assailed and which, in our opinion, are absolutely indefensible.

The gentleman from Ohio [Mr. GROSVENOR] who has just taken his seat merely declared that this proposed legislation is in

keeping with and along the lines of the general policy of the Republican party with reference to the Philippine Islands. He admits that the House has no knowledge or information as to the provisions of this all-important measure.

Secretary Taft, he says, is familiar with conditions in the Philippine Islands, and therefore whatever he recommends should be accepted without question. This, in effect, is the argument of the gentleman from Ohio. I wish, in this connection, to call attention to a matter to which I adverted yesterday afternoon, when some of those now present were absent, and it is this: Notwithstanding the fact that this is an Administration measure; notwithstanding the fact that Governor Taft now indorses the proposition that Congress shall authorize the Philippine Commission to guarantee a subsidy of 5 per cent upon capital to be invested in railroads in the Philippine Islands; notwithstanding the fact, which I most cheerfully concede, that Secretary Taft is a man of great ability, high character, and thorough familiarity with Philippine affairs; notwithstanding all this, it is true that only a few months ago this same Secretary Taft, then civil governor of the Philippines, made a carefully prepared report, in which he states that English and Belgian capital is awaiting the granting of franchises to build railroads in the islands. And this, too, without any guaranty on the part of the Philippine people as to interest on the investment. If the support of Republican Members is to be based solely upon Secretary Taft's recommendation, let me read you what he wrote upon this subject only four months ago:

The commission is strongly desirous of encouraging American capital to come here; but it should be noted that if American capital declines to come, that English, Belgian, and other foreign capital is merely awaiting the franchises which are requested for railroad and other constructive enterprises, and that it will be the duty of the commission to grant such franchises for the benefit of the islands.

Now, Mr. Speaker, I oppose this statement of Secretary Taft, written when he was the civil governor of the Philippine Islands and a member of the Philippine Commission, against his testimony given a few days ago before the Insular Affairs Committee, in which he advised that Congress authorize the Philippine Commission to guarantee 5 per cent interest upon capital to be invested in railroads in order to induce capitalists to construct them.

The House of Representatives now has these two statements before it. One that English and Belgian capital is awaiting the opportunity to build these railroads, and actually asking the commission to grant the franchises to enable them to do so.

This statement of the Secretary of War was made when he was civil governor of the Philippine Islands. I leave it to those Republicans who expect to support this bill solely on the ground that it is approved by Secretary Taft to reconcile that recommendation with that made by him when civil governor. I should like to hear from the distinguished gentleman from Ohio [Mr. GROSVENOR] upon this interesting point. It would seem to be incumbent upon some of the advocates of this bill to explain what appears to be a difference of opinion between Secretary Taft and Governor Taft.

Mr. Speaker, I hope that the gentleman who will conclude the debate will do what no other gentleman has so far done—will cease delivering eulogies on Governor Taft—and instead of consuming hours in telling the House about the superior qualities of that most estimable gentleman, he will undertake to answer the objections which have been urged against this measure by those who have spoken for the minority. The only argument so far advanced in favor of this bill is that it has the indorsement of Secretary Taft, and therefore it must be a good bill. There ought to be some other reason given. I respectfully submit, for the passage of a measure which contains features so indefensible as are at least two that are in this bill.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, as one of the results of the responsibilities that came to us from our victory over Spain we acquired the Philippine Islands, and we acquired them in such a manner that we could not let them go and leave them to the tender mercies of any power that came along to gobble them up. We could not, without proving recreant to every principle of humanity, fail to give them the benefits of good government. This was one of the duties that was thrown upon us, one of the burdens we assumed as a result of the Spanish war. We have taken up every burden that came to us in detail. We have discharged our duty with Cuba; we are trying to discharge our duty with the Philippine Islands. We have built schoolhouses; we are educating the people; we have given them good government; we have quelled disturbances; we have maintained good order, and we are going right along and making progress in the direction in which we started out.

It is a principle of the Republican party to see to it that we

lift these people up and make them capable of self-government, whether we keep them or whether in the course of time our interests and theirs shall be favorable to an independent government for them. But in the meantime we have not provided them with one of the most powerful of all agencies of civilization. We have not given them intercommunication among themselves. We have not built railroads, and when the faithful carabao, by a deadly disease, was taken from them, they were without means by which they could transport their hemp and other articles to the seaboard, and consequent suffering and famine came to those islands. It is our duty to see to it that railroads are built over there. It is our duty to see to it that we keep these people not bound hand and foot, but to give them an opportunity to develop their means of transportation, their intercommunication, their civilization, and so build them up.

Now, gentlemen object to the United States becoming responsible for this and guaranteeing their bonds. Why, gentlemen will remember that this is not a drop in the bucket compared with what we did for the Pacific railroads. We gave them land; we guaranteed their bonds; we took care of their debts; we paid their debts. The time came around, after nearly half a century, when they repaid us the money that we had paid out; but gentlemen will concede, notwithstanding all the land we gave, and if we had paid every dollar of the money and received none of it back, yet we received tenfold in benefits to the people of this country from the building and the subsidizing of the Pacific railroads. Let us do something in this direction for the Philippine Islands. Certainly a bill so carefully prepared by the government of those islands and the Secretary of War, with reference to those islands, is unequalled by any that has been suggested by anyone else. Let us pass this bill and help the civilization, the good government, the upbuilding of the people of the Philippine Islands. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, in the brief time remaining in which to close the debate I shall advert to two of the principal objections urged by opponents of the pending bill. One of these objections is that section 5 is unprecedented in the history of legislation in this country: that that section of the bill which proposes to leave to the discretion of the commission the right to allow material to enter the Philippine Islands free of duty, provided it is to be used in railroad building, is infamous. Let me direct your attention to a tariff law enacted long ago by the Congress of the United States. It was brought to my notice by my friend the distinguished gentleman from Illinois [Mr. BOUTWELL], who knows so much of the political history of the United States. This is the law, passed in 1832:

Be it enacted, etc., That when it shall be satisfactorily proved to the Secretary of the Treasury that any rail iron imported for the purpose of being applied in the construction of any railroad or inclined plane by any State or incorporated company has been actually and permanently laid on any such railroad or inclined plane, that then, and in that case, he may allow a drawback of the duty on such rail iron so laid, or if the duty shall have been actually paid, he may refund the same, anything in any act to the contrary notwithstanding: *Provided,* That no iron shall be considered as railroad iron but such as is prepared to be laid upon railroads or inclined planes without further manufacture.

SEC. 2. And be it further enacted, That whenever any railroad iron may have been, or shall hereafter be, imported by any State or incorporated company for the purpose of being laid down on any railroad, and the bonds given for the duties on the same shall become due before the said iron can be so laid down, the Secretary of the Treasury be, and he is hereby, authorized to extend the time for the payment of so much of said bonds as shall be equal to the amount of the drawback to which said State or company may be entitled: *Provided,* The time shall not be extended beyond three years from the date of the importation; and where any such State or company may have already paid the whole amount of any such bond, the Secretary of the Treasury be authorized to cause the amount of the drawback on the same to be refunded on taking bond with sufficient sureties that the same shall be repaid should the iron for which said bond may be given not be actually laid down within three years from the time of importation.

Here was a law of the United States granting free entry into this country of material to be used in the building of railroads—the very kind of a law which gentlemen on the other side now denounce as unprecedented and infamous. Who signed it? Littleton W. Tazewell, President pro tempore of the Senate, a distinguished Democrat from Virginia. Who signed it? Hon. A. Stevenson, Speaker of this House, another Democrat from Virginia. Who signed it? Andrew Jackson, President of the United States. [Laughter and applause on the Republican side.]

Mr. JONES of Virginia. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. Not now. I have but a very few minutes.

Mr. Speaker, the railroad section of the bill has also been fiercely but unjustifiably assailed. What does the Philippine government propose to do under that section? It proposes to establish a comprehensive trunk-line railroad system, which when completed will be of inestimable benefit to the people of the islands. Here [pointing to the map] is the only railroad they now have. It is a short line running from Manila to Dagupan, and was built under a guaranty by the Spanish Government of 8 per

cent. Last year it paid about \$320,000 net. This [indicating on the map] territory through which this short road runs is the most thickly populated portion of the island of Luzon. The Philippine government wish to run a line from Dagupan on the west coast of Luzon to Laoag at this point on the extreme north [indicating]. They also propose to build a trunk line over this mountain pass into this valley of the Cagayan River, naturally the richest valley in the entire archipelago, and up to Aparri, on the north coast. This beautiful valley is now difficult of access and sparsely populated. Then the Philippine government wish to have this trunk line from Aparri to Manila continued from Manila down around the south side of this lake to this city [indicating on map], with a connecting branch from this point south to Batangas.

Governor Taft said in reply to the distinguished gentleman from Illinois [Mr. WILLIAMS]:

Mr. WILLIAMS. What per cent of the 1,000 miles you think should be built would be paying roads within the near future?

Secretary TAFT. I should think perhaps 30 or 40 per cent. The road which will not pay and which is the most important to construct, and which is probably the most expensive, is the road from Manila north through Caravallo Pass, up to Aparri, on this river [indicating on map the Cagayan].

Gentlemen have declared during the debate that they want this work to be done by Belgian and English, but the minority of the Insular Committee in their own report earnestly assert it to be a fact that capital will not of itself come to the islands to build railroads. They know that Belgian or English capital would never build the great trunk-line system so absolutely necessary to develop those fertile but almost inaccessible valleys which have lain practically without cultivation since the morning stars sang together. The Philippine government propose to build from 750 to 1,000 miles of railroad, not all at once, but during four or five years. Belgian capital would not build such a trunk-line system.

Moreover, the Philippine government does not wish Belgian nor English capital to do that work if it be possible in any honorable way to induce American capital to do it. The reason is plain upon a moment's reflection. The Philippine government also wishes to avoid everything which by any chance might in the event of trouble be a possible source of international complications. It wishes this vastly important improvement to be carried out by American money. But American capital has absolutely refused to go 7,000 miles from—

Mr. WILLIAMS of Illinois. Will the gentleman allow me to say—

Mr. COOPER of Wisconsin (continuing). It has refused to go to these islands, so far from home, to build—

Mr. WILLIAMS of Illinois. Mr. Speaker, will the gentleman allow me?

The SPEAKER. The time is limited, and the gentleman declines to yield.

Mr. COOPER of Wisconsin. I regret that the distinguished Speaker of the House has been compelled to protect me.

The SPEAKER. The Chair will protect the gentleman. [Loud applause.]

Mr. COOPER of Wisconsin. I am especially sorry to have the Speaker obliged to protect me from a Democratic candidate for the nomination for the Presidency. [Laughter.]

Mr. WILLIAMS of Mississippi. You need to be protected from your own President. [Laughter on the Democratic side.]

Mr. COOPER of Wisconsin. Now, a word about the payment of these bonds. Gentlemen have declared here that the Government of the United States eventually will have to pay for the bonds provided for by this bill. For example, they have said that we would have to pay some of these friar-land bonds. Said Secretary Taft, in reply to my question:

Have you any reason to believe that the Government of the United States will ever be called upon to pay these bonds?

Secretary TAFT. No, sir.

Is there, in your judgment, any such risk?

Secretary TAFT. No, sir.

Mr. WILLIAMS of Illinois. I would like to ask the gentleman a question.

Mr. COOPER of Wisconsin. I can not yield. My time is nearly expired.

Mr. SMITH of Kentucky. Mr. Speaker, I rise to a point of order. The SPEAKER. The gentleman will state it.

Mr. SMITH of Kentucky. The gentleman from Wisconsin is in imminent danger of suffocation from the crowd that is around him. [Laughter on the Democratic side.]

Mr. COOPER of Wisconsin. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has three minutes of his time remaining.

Mr. COOPER of Wisconsin. Mr. Speaker, American capital refuses to go into railroad building in those islands because of the risk, a risk in part, at least, attributable to the threats constantly made by gentlemen upon that side of the Chamber and by their political associates throughout the United States that

give them the power they will turn these islands over to a native Filipino government, although they know such a government now would mean anarchy and the quick division of those islands among the great powers. They know that with such a government there will never be a railroad system in those islands such as we propose to put there.

Mr. Speaker, Secretary Taft in the last speech he made in the islands said that the guiding principle of the Government of the United States and of its agent, the Philippine government, in dealing with the archipelago and its people had been and always would be "the Philippines for the Filipinos." This, he declared, was also the motto of President McKinley, as evidenced by his instructions to the commission—instructions always faithfully followed from the hour they were first received to this, with no other thought or purpose than to preserve "the Philippines for the Filipinos." [Applause.]

This bill is indorsed by the commission—as able and as honorable a body of men as ever served in a representative capacity for this or for any other government. They are not boodlers. They are patriots and statesmen whom their countrymen, without regard to party, should delight to honor. At the head of the commission is Governor Wright, a distinguished Democrat from Tennessee. With him are associated other distinguished Americans and three of the leading Filipinos. They all support this bill. So does the eminent Secretary of War, late governor of the islands.

Mr. WILLIAMS of Illinois. Mr. Speaker, I rise simply to correct the statement made—

Mr. COOPER of Wisconsin. I desire the gentleman will permit me to conclude.

Mr. WILLIAMS of Illinois. But the commission recommended 3 or 4 per cent and you are voting 5 per cent. That should be stated in fairness.

Mr. COOPER of Wisconsin. Secretary Taft declared in his testimony that if they are to have a railroad system there is but this alternative—either a grant of lands or else a guaranty of interest. The commission, the Secretary of War, and the Committee on Insular Affairs are all opposed to a grant of lands. Mr. Speaker, this railroad section is a carefully drawn, conservative, patriotic, business proposition. Under it no possible wrong can come to these people, but only greatly needed benefits. Payments will constantly grow less and can never be a serious burden.

Mr. ROBINSON of Indiana. Mr. Speaker, I call for the regular order.

[Here the hammer fell.]

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the question on the amendments in gross.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

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

Mr. JONES of Virginia. Mr. Speaker, on that I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 123, answering "present" 19, not voting 102, as follows:

YEAS—138.

Acheson,	Dixon,	Humphrey, Wash.	Porter,
Adams, Wis.	Douglas,	Jenkins,	Powers, Mass.
Alexander,	Dresser,	Jones, Wash.	Prince,
Ames,	Driscoll,	Kennedy,	Reeder,
Bede,	Dunwell,	Kinkaid,	Scott,
Bingham,	Dwight,	Kyle,	Sibley,
Birdsall,	Esch,	Lacey,	Slemp,
Bishop,	Evans,	Lafean,	Smith, Ill.
Bonyng,	Fordney,	Landis, Frederick	Smith, Iowa
Boutell,	Foss,	Lanning,	Smith, Pa.
Bowersock,	Foster, Vt.	Lilley,	Snapp,
Bradley,	French,	Littauer,	Southard,
Brandegge,	Gaines, W. Va.	Longworth,	Southwick,
Brick,	Gardner, Mass.	Loud,	Sperry,
Brooks,	Gardner, N. J.	Lovering,	Steenerson,
Brown, Pa.	Gibson,	McCleary, Minn.	Sterling,
Brown, Wis.	Gillet, N. Y.	McCreary, Pa.	Stevens, Minn.
Brownlow,	Gillett, Cal.	McLachlan,	Sulloway,
Buckman,	Gillett, Mass.	McMorran,	Tawney,
Burke,	Goebel,	Mahon,	Thomas, Iowa
Burkett,	Graff,	Mann,	Tirrell,
Butler, Pa.	Greene,	Marsh,	Van Voorhis,
Calderhead,	Grosvenor,	Martin,	Volstead,
Campbell,	Hamilton,	Miller,	Vreeland,
Cooper, Pa.	Haskins,	Minor,	Wanger,
Cooper, Wis.	Haugen,	Mondell,	Warnock,
Cousins,	Hemenway,	Moon, Pa.	Weems,
Cromer,	Henry, Conn.	Morgan,	Wiley, N. J.
Crumpacker,	Hepburn,	Murdock,	Williamson,
Curtis,	Hill, Conn.	Needham,	Wilson, Ill.
Curtis,	Hitt,	Otis,	Wright,
Cushman,	Hogg,	Otjen,	Young,
Dalzell,	Howell, N. J.	Overstreet,	The Speaker.
Daniels,	Howell, Utah	Parker,	
Deemer,	Huff,	Payne,	

NAYS—123.

Adamson,	Foster, Ill.	Lawrence,	Robinson, Ind.
Badger,	Garner,	Legare,	Rucker,
Baker,	Gilbert,	Lever,	Russell,
Bartlett,	Gillespie,	Lind,	Ryan,
Bassett,	Glass,	Lindsay,	Scarborough,
Beall, Tex.	Goldfogle,	Little,	Sheppard,
Bell, Cal.	Goulden,	Livernash,	Sherley,
Benny,	Granger,	Livingston,	Shober,
Benton,	Gregg,	McDermott,	Shull,
Bowers,	Griffith,	McLain,	Sims,
Brantley,	Gudger,	McNary,	Slayden,
Breazeale,	Hamlin,	Macon,	Smith, Ky.
Burgess,	Harrison,	Maddox,	Smith, Wm. Alden
Burleson,	Hay,	Maynard,	Smith, Tex.
Byrd,	Henry, Tex.	Moon, Tenn.	Snook,
Caldwell,	Hitchcock,	Padgett,	Southall,
Cassingham,	Hopkins,	Page,	Stanley,
Clark,	Houston,	Patterson, N. C.	Stephens, Tex.
Cochran, Mo.	Hughes, N. J.	Patterson, Tenn.	Sullivan, Mass.
Cowherd,	Humphreys, Miss.	Pierce,	Swanson,
Crowley,	James,	Pou,	Underwood,
Davey, La.	Johnson,	Pujo,	Van Duzer,
De Armond,	Jones, Va.	Rainey,	Wade,
Denny,	Kehoe,	Randell, Tex.	Wallace,
Dinsmore,	Keliber,	Ransdell, La.	Webb,
Emerich,	Kitchin, Claude	Reid,	Wiley, Ala.
Field,	Kline,	Richardson, Tenn.	Williams, Ill.
Finley,	Kluttz,	Rider,	Williams, Miss.
Fitzgerald,	Lamar, Fla.	Rixey,	Wilson, N. Y.
Fitzpatrick,	Lamar, Mo.	Robertson, La.	Wynn.
Flood,	Lamb,	Robinson, Ark.	

ANSWERED "PRESENT"—19.

Brundidge,	Howard,	Loudenslager,	Sherman,
Candler,	Hull,	Lucking,	Smith, Samuel W.
Cassel,	Jackson, Ohio	Marshall,	Thayer,
Dovener,	Knopf,	Meyer, La.	Zenor.
Gardner, Mich.	Landis, Chas. B.	Patterson, Pa.	

NOT VOTING—102.

Adams, Pa.	Dickerman,	Lewis,	Scudder,
Aiken,	Dougherty,	Littlefield,	Shackelford,
Allen,	Draper,	Lloyd,	Shiras,
Babcock,	Flack,	Lorimer,	Small,
Bankhead,	Fowler,	McAndrews,	Smith, N. Y.
Bartholdt,	Fuller,	McCall,	Spalding,
Bates,	Gaines, Tenn.	McCarthy,	Sparkman,
Beidler,	Garber,	Mahoney,	Spight,
Bowie,	Gooch,	Metcalf,	Stafford,
Broussard,	Griggs,	Miers, Ind.	Sullivan, N. Y.
Burleigh,	Hardwick,	Morrell,	Sulzer,
Burnett,	Hearst,	Mudd,	Talbott,
Burton,	Hedge,	Nevin,	Tate,
Butler, Mo.	Hermann,	Norris,	Taylor,
Capron,	Hildebrandt,	Olmsted,	Thomas, N. C.
Castor,	Hill, Miss.	Palmer,	Townsend,
Clayton,	Hinshaw,	Pearre,	Trimble,
Cockran, N. Y.	Holliday,	Perkins,	Vandiver,
Connell,	Hughes, W. Va.	Pinckney,	Wachter,
Conner,	Hunt,	Powers, Me.	Wadsworth,
Cooper, Tex.	Hunter,	Rhea,	Warner,
Darragh,	Jackson, Md.	Richardson, Ala.	Watson,
Davidson,	Ketcham,	Robb,	Weisse,
Davis, Fla.	Kitchin, Wm. W.	Roberts,	Woodyard.
Davis, Minn.	Knapp,	Rodenberg,	
Dayton,	Lester,	Ruppert,	

So the bill was passed.

The Clerk announced the following pairs:

For the session:

- Mr. DAYTON with Mr. MEYER of Louisiana.
- Mr. CHARLES B. LANDIS with Mr. TATE.
- Mr. CASSEL with Mr. GOOCH.
- Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.
- Mr. HUNTER with Mr. RHEA.
- Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

- Mr. DARRAGH with Mr. DAVIS of Florida.
- Mr. CONNER with Mr. COOPER of Texas.
- Mr. CONNELL with Mr. BUTLER of Missouri.
- Mr. WARNER with Mr. McANDREWS.
- Mr. PALMER with Mr. CLAYTON.
- Mr. BEIDLER with Mr. HOWARD.
- Mr. WACHTER with Mr. TALBOTT.
- Mr. KNOPF with Mr. WEISSE.
- Mr. LORIMER with Mr. MAHONEY.
- Mr. HOLLIDAY with Mr. MIERS of Indiana.
- Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.
- Mr. WATSON with Mr. ZENOR.
- Mr. HEDGE with Mr. BRUNDIDGE.
- Mr. DOVENER with Mr. TRIMBLE.
- Mr. FULLER with Mr. BROUSSARD.
- Mr. BATES with Mr. CANDLER.
- Mr. GARDNER of Michigan with Mr. TAYLOR.
- Mr. NEVIN with Mr. LESTER.
- Mr. DAVIDSON with Mr. SPARKMAN.

For one week:

- Mr. POWERS of Maine with Mr. GAINES of Tennessee.
- Mr. ALLEN with Mr. SMALL.

For the day:

- Mr. CAPRON with Mr. BANKHEAD.
- Mr. DRAPER with Mr. WILLIAM W. KITCHIN.

Mr. METCALF with Mr. HEARST.
 Mr. OLMSTED with Mr. AIKEN.
 Mr. PEARRE with Mr. SCUDDER.
 Mr. MUDD with Mr. LEWIS.
 Mr. RODENBERG with Mr. SPIGHT.
 Mr. ADAMS of Pennsylvania with Mr. GRIGGS.
 Mr. SPALDING with Mr. PINCKNEY.
 Mr. SAMUEL W. SMITH with Mr. BOWIE.
 Mr. HILDEBRANT with Mr. BURNETT.
 Mr. KNAPP with Mr. SULLIVAN of New York.
 Mr. BARTHOLDT with Mr. SHACKLEFORD.
 Mr. JACKSON of Ohio with Mr. GARBER.
 Mr. KETCHAM with Mr. ROBB.
 Mr. NORRIS with Mr. DOUGHERTY.
 Mr. MCCALL with Mr. SULZER.
 Mr. MORRELL with Mr. HILL of Mississippi.
 For the vote:
 Mr. SMITH of New York with Mr. VANDIVER.
 Mr. BABCOCK with Mr. COCKRAN of New York.
 Mr. CASTOR with Mr. HARDWICK.
 For Wednesday and Thursday:
 Mr. PERKINS with Mr. LLOYD.
 Until Friday:
 Mr. HUGHES of West Virginia with Mr. THOMAS of North Carolina.

April 14 and April 16:
 Mr. TOWNSEND with Mr. LUCKING.
 Until April 21:

Mr. ROBERTS with Mr. THAYER.

From April 13 to April 25:

Mr. BURLEIGH with Mr. HUNT.

Mr. CANDLER. Mr. Speaker, I wish to inquire whether the gentleman from Pennsylvania [Mr. BATES] voted on this question. The SPEAKER. He is not recorded.

Mr. CANDLER. I am paired with that gentleman, and therefore desire to withdraw my vote and be recorded "present."

Mr. SMITH of New York. Mr. Speaker, I desire to record my vote.

The SPEAKER. Was the gentleman present and giving attention when his name should have been called?

Mr. SMITH of New York. I was out in the cloakroom. I came in during the vote, but not in time to respond.

The SPEAKER. The gentleman was not present in the House when his name was called?

Mr. SMITH of New York. No, sir.

The SPEAKER. The gentleman does not bring himself within the requirement of the rule in such a way as to entitle him to vote.

The result of the vote was announced as above stated.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the vote just taken was laid on the table.

DETAIL OF MAJ. THOMAS W. SYMONS.

Mr. DALZELL. Mr. Speaker, I rise to present a privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 324, have had the same under consideration and ask leave to report in lieu thereof the following:

"Resolved, That immediately upon the adoption of this resolution it shall be in order to consider in the House, as in Committee of the Whole, Senate joint resolution No. 54, 'to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York; and after forty minutes of debate, the time to be equally divided between those favoring and those opposing the resolution, a vote shall be had upon the pending amendments and on the joint resolution to its final passage, without intervening motion or appeal."

Mr. DALZELL. Mr. Speaker, the Senate passed a joint resolution to permit Maj. Thomas W. Symons, of the Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers, in connection with the improvement and enlargement of the navigable canals of that State. That joint resolution, referred to in the resolution just read, was referred to the House Committee on Military Affairs; which committee reported a substitute, and at the proper time, if this rule be adopted and the consideration of the Senate joint resolution entered upon, I shall offer as a substitute for that resolution the proposition which I send to the Clerk's desk to be read for information.

The Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized to grant Maj. Thomas W. Symons, Corps of Engineers, leave of absence without pay; and that he be permitted to assist the State of New York by acting as member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York. The permission hereby given shall be held to terminate at such date or dates as the Secretary of War may determine.

Mr. DALZELL. Mr. Speaker, the House will observe that the

difference between the Senate resolution and the House resolution consists in the fact that the House resolution allows no pay to Major Symons from the United States while he is in the employ of the State of New York, and also puts it in the power of the Secretary of War at any time to recall him from that duty to his duties as an officer of the United States.

Now, just a word as to the necessity for the passage of this resolution. The State of New York has entered upon the project of enlarging its canal system so as to connect the waters of the Great Lakes with the navigable waters of the Hudson and the seaboard at New York. This is essentially a national project, although the State of New York has undertaken it alone and has appropriated the sum of \$101,000,000 to complete it. Major Symons, while a member of the Corps of United States Engineers, was stationed at Buffalo from 1895 to 1903; and during that time, at the instance of the Secretary of War, made a report upon the feasibility of enlarging the New York canals so as to carry barges of 1,000 tons capacity for freight.

He subsequently made further investigations upon this same subject, both in this country and in Europe, and is probably the best equipped man in the United States to head this project. It is the desire of the State of New York that he should have this detail, and that State is willing to pay him for his services. He can not, however, as an active member of the Army, be thus detailed without the consent of Congress. Hence the necessity for the passage of this resolution.

The proposed rule is reported unanimously from the Committee on Rules. The necessity for immediate action arises out of the fact that the appointment of Major Symons as a member of this advisory board must be confirmed by the New York senate, and that body is expected to adjourn to-morrow.

This action, therefore, must be taken to-day or it can not be taken at all.

I now yield to the gentleman from Mississippi [Mr. WILLIAMS] twenty minutes.

Mr. HAY. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HAY. As I understand it this is a unanimous report from the Committee on Rules. Therefore everybody on the Committee on Rules must necessarily be in favor of it.

The SPEAKER. The gentleman from Pennsylvania has control of one hour. During that hour he can yield to whom he chooses. At the end of that hour, if the House has not disposed of the proposition in the meantime, somebody will be recognized upon the other side.

Mr. DALZELL. Mr. Speaker, let me say I have no idea that we shall occupy an hour in the discussion of this rule. So far as the time to be occupied after the adoption of the rule, if it is adopted, is concerned, I propose to yield the control of the time to the gentleman from Illinois [Mr. PRINCE], who made the minority report from the Committee on Military Affairs. The time to be occupied in the discussion of the rule, I apprehend, ought to be controlled by the members of the Committee on Rules.

Mr. SLAYDEN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. Has it not been almost the uniform practice, when there was opposition to the passage of such a rule as this, to divide the time equally between those in favor and those opposed to the adoption of such a rule?

The SPEAKER. If the previous question had been ordered there would have been twenty minutes on a side; but the gentleman, before demanding the previous question, proceeds to address the House, and under the rules is entitled to one hour. Until the expiration of that hour the disposition which the gentleman chooses to make of that hour rests with himself. The Chair has no doubt the gentleman from Pennsylvania will dispose of that time with fairness.

Mr. SLAYDEN. Mr. Speaker, I observe that the gentleman from Pennsylvania has not promised anything to the opposition to the resolution.

The SPEAKER. For the present he has yielded to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. SLAYDEN. Advocating the same side of the proposition.

Mr. DALZELL. So far as I am concerned, I wish to distribute the time so that it shall be equally divided, so far as may be.

Mr. WILLIAMS of Mississippi. Mr. Speaker, when the time comes to consider this measure, the time will be equally divided between those in favor of it and those opposed to it.

Now, Mr. Speaker, I want to say a few words about the rule itself. The gentleman from Missouri [Mr. DE ARMOND], the other Democratic member of the Committee on Rules, and I voted for the rule.

I want the House to understand what the bill is and what its situation is, so that it can understand why we voted for it. The bill as it will present itself to the House in the shape of a substitute for a Senate bill will be simply a bill to furlough without

pay for a time, within the discretion of the Secretary of War, Colonel Symons. The reason of it is that Colonel Symons has studied the Erie Canal problem in New York. All people up there, of both parties, desire very much that he may be upon the board to complete this work, in order that it may be performed honestly and efficiently.

The State of New York has appropriated \$101,000,000 for this canal improvement. I think the nation ought to thank the State of New York that she did not come to the Treasury of the country to get the \$101,000,000, as far as that is concerned. [Applause.]

Now, Mr. Speaker, regardless of the Erie Canal question, if a resolution were brought in here to grant ten engineer officers in the United States Army a furlough without pay for five years, or for a time within the discretion of the Secretary of War, I would vote for that resolution if there were no Erie Canal back of this at all, and I will tell you why. I would vote for it because the other day we put twenty-five new engineer officers upon the roll of the Government, fully twenty of them, in my opinion, unnecessarily. If I could furlough twenty of them without pay, I would do it, and save the Federal Government that much money.

Now, I want those gentlemen who are opposed to this matter to be heard as far as possible. I would not have said these few words but for the appearance that it might have borne of trying to take advantage of them. I now yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. I do not care for any time, Mr. Speaker, against the rule.

Mr. WILLIAMS of Mississippi. I yield five minutes to the gentleman from Texas [Mr. SLAYDEN] against the rule, if he desires.

Mr. PRINCE. We are not opposing the rule; we are opposing the bill.

Mr. WILLIAMS of Mississippi. If the rule is adopted, the measure goes through.

Mr. PRINCE. Maybe it does and maybe it does not.

Mr. WILLIAMS of Mississippi. I have fifteen minutes left, and I am anxious to dispose of it to those gentlemen who are opposed to the measure.

Mr. HAY. Mr. Speaker, I know the gentleman from Texas [Mr. SLAYDEN] is anxious to be heard on this rule.

Mr. WILLIAMS of Mississippi. I yield five minutes to the gentleman from Maryland [Mr. DENNY], if he desires to be heard against the measure. He can speak against the measure now if he wishes.

Mr. DENNY. Mr. Speaker, the friends of the Senate resolution (S. R. 54) have invoked the aid of the Committee on Rules to force the immediate consideration of the joint resolution to grant leave of absence to Maj. Thomas W. Symons, Corps of Engineers of the United States Army, in order to enable that officer to assist the State of New York, as a member of an advisory board of engineers, in connection with the enlargement of their navigable canals.

The original resolution of the Senate, passed March 12, 1904 (S. R. 54), was referred to the Military Committee of this House. It reads as follows:

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

Resolved, etc., That Maj. Thomas W. Symons, Corps of Engineers, be, and he hereby is, permitted to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York. The permission hereby given shall be held to terminate at such date as the Secretary of War may determine.

This resolution was reported adversely by the Military Committee (Report No. 1594). Subsequently the House joint resolution No. 122, which was identical with the Senate resolution, after the adverse report thereon by the Committee on Military Affairs, was again brought up in the Committee on Military Affairs and pressed on the committee very vigorously. This resolution was finally amended in committee, and as amended was reported, as follows:

Joint resolution permitting Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to grant to Maj. Thomas W. Symons, Corps of Engineers, leave without pay for one year; and that he be permitted to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York.

This amendment prevented the officer from receiving pay from the Government while in the service of the State, which pay was supposed to be about \$8,500 a year, and was favorably reported by a majority of the committee, and is now brought up for consideration under the rule brought in by the Committee on Rules for immediate consideration; and, in addition, another amendment is now submitted in place of the amended resolution favorably reported by the committee to the effect that leave be granted

to Major Symons, not for a single year, but so long as the Secretary of War may allow, and that means an indefinite time, or so long as the work requires for the officer of the Corps of Engineers to be employed and paid by the State of New York. The Government of the United States in the meantime is deprived of the services of one of its skilled engineers simply because his services are desired by the good people of New York, when in fact such absence must be prejudicial to the public service.

Some of us on the Committee on Military Affairs are of the opinion that this leave of absence ought not, in the first place, to be asked, and, in the second place, ought not to be granted by the Government when asked, for valid reasons, which are quite sufficient to induce me to vote against the rule proposed, and also against the passage of the proposed amended joint resolution granting this officer permission to enter the service of the State of New York. It is conceded that employment by the people of New York in this work, with pay, ought to exclude pay by the Government.

While I would be glad personally to gratify Major Symons as an individual in his wish to enter the employment of the State of New York, which seeks the benefit of his valuable knowledge and services as an engineer, and also to concede to the State of New York the privilege to secure the best talent and skill it may require in its State works, yet I think it incumbent upon him as an officer, so long as he remains in the service of the Government, to refuse any employment, however lucrative, that would require his time and attention, and of course to that extent deprive the Government of his services. It is not the question of compensation to which my objections apply primarily. I Major Symons desires to retain his position in the Engineer Corps and as the years go by to receive all the benefits of promotion and retirement as well as the emoluments of service after being retired, he must realize that such privilege granted to him would no doubt create much dissatisfaction with other engineers in the public service equally efficient and meritorious who may be faithfully serving in our distant possessions or on the numerous public works already too long delayed for want of engineers and requiring immediate attention in our own land or on the part of those who may be ordered to go to Panama to undertake the building of that canal, the construction of which has required and will require the best engineering skill that the corps can possibly furnish.

When Officers A, B, and C shall hereafter come forward with similar requests to be excused from public service for the purpose of assisting some of the States or great corporations in developing some commendable engineering project, shall we then be in a position to refuse similar requests, or shall we, by the passage of this resolution, set the precedent of granting them, and thereby deprive the corps of the services of its most efficient officers? Suppose one is granted to each State in the Union, what becomes of its efficiency? Shall we open the door to engineering officers to seek private employment for more lucrative compensation and at the same time allow them to retain their status in the Army, with all the rights incident thereto, when there are many other officers strictly attending to the business of the Government who may justly think that officers granted such favors and privileges are favored?

Major Symons, individually, is not to be considered in the matter of opposition we make to his request, nor is the State which propose to employ him. I base my objection solely on the principle involved, the precedent set, the jealousy likely to be aroused, and the requirements of the Government, which are, according to the recent reports of the engineering department, very urgent. Such special legislation ought not to be encouraged, and officers ought to realize that the law prohibiting their employment outside for pay was wisely enacted for the benefit not only of the Government but also for the equal and just protection of all officers whose services are always required by the Government. I have no doubt this officer is well qualified, but if he proposes to vacate his office for one, two, or three years, or so long as this vast work requires, to assist in promoting enterprises over which the Government has no jurisdiction, be they ever so meritorious and commendable to any State or section, he ought to decline the honor tendered him or resign his commission in lieu of acquiescing in this effort to make void the existing law by special legislation in his case.

Is the Government to spend many thousands of dollars in equipping these engineers for Government work and then permit its most efficient men to enter the ranks of competition with those who follow the profession? Can it be fairly said that this is an emergency case, or that in the great State of New York there are not hundreds and thousands of professional engineers as well qualified to take charge of this improvement of the navigable canals of that State as the officer whose services are now desired? It can not be claimed that any necessity exists to justify this special legislation. New York has the most competent engineers

of this country. They have successfully undertaken and completed the greatest bridges, tunnels, and engineering feats in the world, and no good reason can be assigned why this effort to take from the public service one of its officers should prevail. And yet I believe it will prevail in this House, judging from the quiet efforts made both in the committee and in the House to accomplish this object. I believe, further, that opposition was anticipated when this rule was invoked. The amendment now proposed in lieu of that reported by the Committee on Military Affairs has never been considered in committee and perhaps needs no consideration, as it is quite apparent what it proposes to do. Perhaps if the resolution now offered as an amendment by the Rules Committee had itself been amended with an additional proviso that all sums paid said officer by his employer in excess of the sums he now receives from the Government should be paid into the Treasury by him, he might have hesitated before consenting to outside employment.

I can not support the resolution granting the leave in its original or amended form and think it ought not to pass, first, because the Government now needs and urgently requires all the time and attention this officer can devote to the public service; second, because the law that prevents such employment was designed for the good of the service, and exceptional legislation to waive its enforcement ought not to pass in the absence of any justifiable emergency, and, third, it creates a precedent in the public service harmful in its operation, and is in no sense in accord with the military discipline which is supposed to apply equally to every officer and soldier in the Army. It creates discord, unrest, dissatisfaction, and opens the door to jealousy in the corps.

As to the first reason, the engineers of the Army are now far behind in the most important work and projects heretofore undertaken by the Government, and this delay largely results from the want of engineers to do the work already assigned to them. Secretary of War Root, on the 30th of January, 1904, sent to this House the following letter recommending the passage of an act to increase the Engineer Corps. His letter, addressed to the Speaker, is as follows:

WAR DEPARTMENT,
Washington, January 30, 1904.

SIR: I have the honor to transmit a General Staff report relating to the increase of the Engineer Corps of the Army, together with a draft bill, the passage of which I recommend. The proposed increase of the Engineer Corps is not necessary for military purposes, but it is necessary if that corps is to continue to do the river and harbor work and other work of civil engineering which it has been the custom of Congress to commit to it. With the growth of population and the extension of American enterprise the demands made upon the Corps of Engineers for civil work have been steadily increasing. Practically every session of Congress passes bills imposing upon them new duties. The corps can not meet this increase of civil duty and continue to perform its duties under the military establishment. I have no doubt that it is wiser and more economical for the Government to meet these increased demands by educating more engineer officers rather than by employing additional civilian engineers for the places of chief responsibility. Civilian engineers of equal ability and experience command much higher compensation than the salaries paid to our officers, and there is a very great advantage to the Government in having its work done by officers trained under a regular and established system, with a well-understood and carefully regulated system of accountability. It is also to be kept in mind that in providing army engineers for the increased civil engineering work we are also providing officers who will be competent to perform the most important military duties of the engineer officer as a part of the line of the Army in case of war, and that is something which can not be improved.

Because France is so justly celebrated for the skill and perfection of its engineering work, I have asked General Gillespie to prepare a memorandum on the practice of that country in providing engineers, both for their military and civil public works. I inclose a copy of this memorandum, from which it appears that the French Government educates at the same school upon a very extensive scale the officers designed for both kinds of public service, and that there are now employed in administration, supervision, and conduct of civil public works of France, approximately, 741 officers thus educated for that purpose. Practically the same policy was adopted by the United States when it entered upon the practice of employing members of the Engineering Corps for civil public works. The increase of the corps now proposed is a natural and necessary step in the development of that policy.

Very truly, yours,

ELIHU ROOT, Secretary of War.

Hon. J. G. CANNON,
Speaker House of Representatives.

If what Secretary Root says in this very recent letter is true, that the corps can not meet the increase of civil duty and continue to perform its duties under the military establishment, how can we justify the passage of this joint resolution to take from the Department one among its efficient officers, either at the request of the people of New York or at the instance of the officer himself? It is not presumed that this Congress will be unmindful of this request for more engineers. I believe a bill has been passed by the House to increase the number in order to comply with this necessity now existing to carry forward the great enterprises of the Government, not only in the Army proper, but in the construction of locks and dams, in the improvement of the great rivers and harbors of the country, for which appropriations have heretofore been made. All these projects directly under the control of the Government are seriously delayed, not for want of appropriations, but for want of sufficient engineers to perform the work. The familiarity of this officer with the great waterways

of the country, as alleged, makes it especially desirable that he be retained to perform the work now authorized by the acts of Congress to be done under the direction of the Chief Engineer of the War Department.

I beg also to read a letter from General Chaffee to the Secretary of War, dated the 22d of January, 1904, on the present necessity for an increase in the number of engineers, and which letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, January 22, 1904.

SIR: The inclosed bill to increase the efficiency of the Engineer Corps and report thereupon have been fully discussed by the entire War Department General Staff, and as submitted have been approved by that body. While the increase of the Engineer Corps proposed by this bill is recommended, I desire to call attention to the fact that a large number of the engineer force is engaged upon civil work which detaches them from engineering duty with the Army and loses to it their services.

The Engineer Corps at the present time is sufficiently strong for the performance of its duties with the Army, and were its officers available for such duty the increase asked for could not at this time be recommended.

If it be the policy of the Government to continue officers of the Engineer Corps in the future as it has in the past, upon river and harbor work, construction of public buildings, etc., the necessity for the increase sought is apparent. At the present time I am unable to obtain engineer officers who are not also engaged upon other work, a great deal of it civil work, to attach to the headquarters of commanding generals of divisions. This division of time, attention, and interest of those officers is very detrimental from a military standpoint.

Very respectfully,

ADNA R. CHAFFEE,
Lieutenant-General, Chief of Staff.

The SECRETARY OF WAR.

Civilian engineers now employed in the service ought not to continue if the Government can supply the deficiency. The lighthouse construction in the United States, in Porto Rico, Hawaii, and the Philippines, battery construction and maintenance, sea-coast, electric plants, sanitation, public buildings, and river and harbor construction, besides the great national waterway to the Pacific—the Panama Canal—require the entire time and services of every engineer in the Army, and more in addition thereto; and I submit that this is no time to permit the Government engineers to engage in the services of any State or corporation for extra compensation, even although he proposes to have his pay and allowance stopped pending such employment.

The Panama Canal alone could engage the attention of the best engineers for years, and if the accomplishments of this officer in canal projects are such as to attract the favorable consideration of the State of New York in the great projects it proposes to inaugurate, it seems to me that his services ought to command as well the attention of the Panama Commission; and if he can be relieved of duty in Washington he might very profitably be engaged in the interest of the Government in promoting that great work, which the American people have decided to build as speedily as possible.

Again, in January, 1904, the officers in the Engineer Corps had in process of execution 603 projects for river and harbor works, an increase of 60 over the last year. They are engaged in constructing 387 modern emplacements, besides the care of over 800 completed, none of which existed ten years ago. They have the installation of 5 electric-light plants. The increase of officers is rendered absolutely necessary, and that increase largely comes only in the lower grades. The Chief of Engineers reports many demands for officers which could not be complied with without detachment from other duty. The joint board of Army and Navy officers are asking appropriations for insular defenses, and all of these pressing works will continue and must be provided for.

But recently on the floor of this House (April 11, 1904, CONGRESSIONAL RECORD, p. 4642) the distinguished chairman of the Rivers and Harbors Committee, among other remarks, spoke as follows:

It is appropriate at this time to make a general survey of the subject of river and harbor improvements. It is to be noticed that the amount expended for rivers and harbors, when we take into account the vast expanse of our waterways, is comparatively small. In the last fiscal year the total amount expended was less than \$20,000,000. In the year ending June 30, 1898, the amount exceeded twenty millions by \$785,000, the total amount being \$20,785,000. Only in that year has the amount equaled twenty millions. This is in the face of demands of the most urgent nature from all portions of the country for the deepening and improving of harbors, for the construction of breakwaters to give greater safety to commerce, and for the great network of inland waterways which are advocated in many portions of the country.

In a document issued last year it appeared that the amount required to complete river and harbor works then under way was \$137,513,620.25. We may gain an idea of the magnitude of the river and harbor work of the country by calling attention to the fact that there are 603 projects under the control of the engineering branch of the War Department. There are now under way about 400.

In an important sense we have come to the parting of two ways; and present conditions relating to river and harbor improvements merit the careful attention of Congress and the adoption of a consistent policy which will meet the requirements of the present situation.

Some reforms are obvious enough. Certainly we should adopt the settled policy of pushing improvements to completion as rapidly as possible. If there is a multitude of projects, it is desirable to complete a comparatively small proportion of them rather than to expend dribbling appropriations on the whole number. It would be better to expend money in finishing these few, so that their benefits may be utilized. It is also obvious that we should

undertake nothing which can not be completed within a reasonable time. In both these respects our methods contrast most unfavorably with those of foreign countries which undertake similar control and construction of waterways and river and harbor improvements.

One serious defect at present is the insufficiency of the engineering force having control of these improvements. That force has a great variety of duties. It furnishes the officers for the engineering battalions, and supervises and directs the construction of fortifications. Officers are detailed to divers public works not relating to rivers and harbors. It has the sole control and supervision of the river and harbor work. According to the last report of the Chief of Engineers, on page 5, there are only twenty-seven officers whose services are exclusively devoted to this class of work. The military appropriation bill now pending makes a very material increase in this force. It is hoped that it will become a law, and thus will in a great measure relieve the present situation.

It thus appears that an insufficient number of engineers does now retard the public improvements, and therefore this resolution ought not to pass. It would take an efficient officer from works that ought to be pressed to completion in the interest of the whole people of the country; second, the law that prohibits officers, whose salary amounts to \$2,500, from receiving compensation for performing the duties of another office is a wise provision. It is sanctioned by experience from a military point, and has been followed heretofore with uniformity, without one exception so far as I am advised. It reads as follows:

No person who holds an office the salary attached to which amounts to the sum of \$2,500 shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.

No person who holds an office the salary or annual compensation attached to which amounts to the sum of \$2,500 shall be appointed to or hold any other office to which compensation is attached, unless specially heretofore or hereafter authorized thereto by law; but this shall not apply to retired officers of the Army or Navy whenever they may be elected to public office or whenever the President shall appoint them to office, by and with the advice and consent of the Senate.

As a matter of fact, Major Symons is now stationed in Washington and is in charge of the public buildings and grounds, with the rank, pay, and allowances of a colonel, which amounts to at least \$4,500 a year.

The original resolution, if it had passed into law as it passed the Senate, would give him a salary of \$13,000 a year—\$4,500 as a colonel in the Regular Army, and at the same time \$8,500 as a civilian acting as a member of an advisory canal board.

I am informed that there is no precedent in Congress for this proposed legislation, and I for one will not favor the making of such precedent. It is not in the interest of the Government. If this request is granted, we may soon have other applications from scientific and other experts in the various Departments asking leave to engage in some other public work, to which may be attached greater compensation. The Government that educates its officers from their youth up and retires them with pay after the period of active service expires ought not to be a party to yield to the polite requests for the loan of its agents for the purposes of assisting in work over which the Government has no control.

This is not a party question in any sense. If the officer is in the military service and is valuable, he ought to remain where he can discharge his duties to the Government, and not to be permitted to undertake other employment. This law ought to be and remain the settled policy of the Government. It is well understood by every officer. In the absence of some great public emergency to justify a departure from sound policy, which does not exist in this case, we ought to enforce its wholesome provisions and not grant this request? The public service must be paramount.

Mr. Speaker, I have the highest respect for the judgment, experience, and integrity of the distinguished gentlemen of the committee who favor the passage of this resolution as amended. In expressing my views, I may have consumed more time than the proposed legislation ought to have, but I desired to express and to record some of the reasons which seemed reasonable and sufficient to justify me, at least, in withholding my assent from the passage of the proposed legislation or the adoption of the rule securing its consideration.

Mr. WILLIAMS of Mississippi. Now, it seems that I did not make perfectly clear that this official will receive no pay or emolument as an officer of the Government while he is upon this work.

Mr. DENNY. But he will receive \$8,500 from the State of New York.

Mr. WILLIAMS of Mississippi. We lend this officer to the State of New York as an engineer, and the State pays him the emolument.

Mr. ROBINSON of Indiana. I ask the gentleman to yield me five minutes.

Mr. WILLIAMS of Mississippi. I have not time. I have yielded five minutes to the gentleman from Texas [Mr. SLAYDEN] against the proposition.

Mr. SLAYDEN. Mr. Speaker, I understand perfectly well and did before this resolution was amended that Major Symons was not to receive compensation from the Government of the United States while detailed for work in the State of New York; but originally the bill did provide that he should continue to draw his salary of \$4,500 as superintendent of public buildings and

grounds, that being, I believe, the exact emolument of a colonel in the Army. In the consideration of this bill by the committee I became strongly impressed with the idea that the \$4,500 plus the \$8,000 or the \$8,500 offered by the State of New York was very much desired by this distinguished engineer, and that pay, increased pay, quite as much as the distinguished honor of having his name coupled with a useful work, was the controlling influence with Colonel Symons.

We appreciate the fact that the State of New York is doing work of vast importance, and I am very glad indeed that she is doing it. I only hope that other States of this Union which have enterprises of that kind will have the courage, the enterprise, and the self-reliance to do as the State of New York is doing and do their own internal work at their own expense instead of coming to Congress to get help.

Mr. Speaker, Mr. RANSELL, a member of the Committee on Rivers and Harbors, came to me the other day and urged that I should exercise my limited influence in getting an increase of the Corps of Engineers because the works of this country under their supervision were inadequately supplied with officers. He instanced to me the case of the Mississippi River, where two engineers now have under their control territory presided over by four, I think, heretofore.

Mr. WILLIAMS of Mississippi. And since that time Congress has authorized twenty-five additional, has it not?

Mr. SLAYDEN. It has.

Mr. WILLIAMS of Mississippi. Do you not agree with me that at least twenty of those are unnecessary?

Mr. SLAYDEN. No, I do not. Mr. Speaker, I advocated the increase of the Corps of Engineers, because after a careful and prolonged consideration of the arguments and the reasons advanced I believe that the work of the Engineer Corps would be advanced if we had an increase. The construction of rivers and harbors is the only work done by the Army which is a wealth-making work. All the balance of it is expense, decay, and destruction. Now, Mr. Speaker, I do not believe in the policy of detailing engineer officers from the Army to do work which could be as well, possibly better, done by the engineers in the States. There have been in times past officers of the Engineer Corps detailed to supervise the construction of waterworks in the city of Philadelphia, the digging of tunnels for the Pennsylvania Railroad, and for other enterprises of that kind, but uniformly, I believe, they were granted leave without pay, which is proper in this case, and I hope that if the resolution is to pass at all it will pass as it is now and never as sent to us by the Senate.

Colonel Symons appeared before the committee and pleaded his cause with that modesty which characterizes genius, and admitted that he was the only man competent in the State of New York to superintend the work. But, Mr. Speaker, I have found a reason why Congress goes gunning for mosquitoes with muskets. In the closing paragraph of the report submitted by Mr. SULZER, of the Committee on Military Affairs, I find this language:

The Secretary of War, with the advice and consent of the President, recommends the passage of the original joint resolution.

Whatever the Secretary of War and the President recommend and indorse, no matter how insignificant it may be in itself, becomes by virtue of that indorsement a recommendation of sufficient importance for the great controlling committee of this House to bring in a rule to compel its consideration and to force its passage through this House over the judgment and against the opinion of gentlemen who considered it for a considerable length of time. I do not believe that this matter is of importance enough to have justified the bringing into action the great batteries of this legislative body, and I do not believe that any two gentlemen, however exalted their station, however capable they may be, should control this House in this way; and I sincerely hope that the House will stand by the committee which gave this resolution full and fair consideration.

I yield back the balance of my time. [Applause on the Democratic side.]

Mr. WILLIAMS of Mississippi. Mr. Speaker, I also forgot to say when this measure comes before the House under the rule it will be subject to amendment by the House in every respect. I now yield five minutes to the gentleman from Virginia [Mr. HAY] in opposition to the measure.

Mr. HAY. Mr. Speaker, I am opposed to the rule. I have heard a great deal of criticism of the Committee on Rules. I believe that that criticism was just, but we are now confronted with a unanimous report from the Committee on Rules to put through this House a matter of personal legislation; not a matter of political advantage, but a matter of personal legislation. It is not a national matter; it is not a matter of any vital importance, and yet the Committee on Rules is invoked to put this matter through, and, strange to say, it comes here with a unanimous report. Mr. Speaker, such a measure as this never was in Congress

before because no army officer ever before desired to take a position created by a State, and therefore the necessity of this legislation. If it had been private work, if it had been work which could have been done by this officer without taking a commission from a State, he would have been detailed by the War Department or by the President. The necessities of the Engineer Corps were such for the purpose of river and harbor work that the officers of the corps ought to be increased.

Mr. Speaker, I do not think the House ought to adopt this rule under these circumstances. I do not believe the policy ought to be gone into by this House of bringing rules in here for personal reasons and for personal legislation for a particular individual. The whole intent and purpose and the whole effect of it is to give to this army officer a salary of \$3,500 a year. If that is correct, if that is the policy which the House is going to enter upon, then let the House vote for this rule. We all understand that if the rule is adopted the measure itself will be adopted. It ought not, in my judgment, to be adopted. There is no reason for it. There is no crying necessity for it. I do not think the Committee on Rules should exercise its functions and its power unless there is some necessity of national importance.

If it is right to criticize that committee for using its powers from a political standpoint, surely it is more subject to criticism when it uses that power for the purpose of advancing the interests of a single individual, an officer of the Army who has been educated for the Army, who is needed by the Army and by the public, and who is now under this legislation to be taken away from his duties which he owes to the Government in order that he may give his services elsewhere. I hope the rule will not be adopted.

Mr. WILLIAMS of Mississippi. Mr. Speaker, how much more time have I on this side?

The SPEAKER. The gentleman has two minutes remaining.

Mr. WILLIAMS of Mississippi. I will recognize the gentleman from New York [Mr. BAKER] in opposition to the rule.

Mr. BAKER. Mr. Speaker, I am opposed to this rule, not because I care anything about Colonel Symons, who is to be the beneficiary of the rule, but I am opposed to it on the ground that we are told by the leaders of the Republican party in this House that as we are approaching the closing days of the session therefore there is no time for general legislation. It is entirely pertinent, but useless, to ask why this unprecedented haste to adjourn. We are told there is no time to do anything in the interests of those who are demanding legislation at the hands of this Congress. There is no time to legislate for the letter carriers; there is no time to legislate in favor of labor, neither the eight-hour bill nor anything else; there is no time to take up the question of Chinese exclusion; no time for currency legislation; there is no time to take the tariff off those articles controlled by the trusts, which have boosted prices and reduced wages; there is no time for reciprocity, although urged by McKinley; there is no time to take up the service-pension bills, but I admit that that was unnecessary, as your strenuous, pyrotechnic, accidental occupant of the White House has done that by Executive enactment; but while you can do none of these things you can take up forty minutes of time in this House to-day solely in the interest of one officer of the Army.

This is, I suppose, what you call the "competency" of the Republican party. Day after day you charge gentlemen on this side of the Chamber with incompetency, with inability to conduct the affairs of Government, and this is the evidence of your competency which you present to the country.

You can not enact, nor even discuss, any general legislation, but you can give up forty minutes of the time of this House in order to do a favor for one man—an officer of the Army.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I will take the remaining minute of my time to say this: That if the State of New York had applied at the committee rooms of this body and upon this floor for an appropriation of fifty or sixty millions for waterways improvements it would not have raised as much opposition as this proposition to ask of the United States Treasury nothing, but to ask of the United States Government simply the loan of an engineer, to be paid out of the treasury of the State of New York. [Applause.]

I yield back the balance of my time.

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

The previous question was ordered.

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

The question was taken; and on a division (demanded by Mr. HAY) there were—ayes 189, noes 30.

So the resolution was agreed to.

Mr. DALZELL. I now offer the substitute, which I have already sent to the Clerk's desk.

The SPEAKER. The Clerk will first read the joint resolution of the Senate.

The Clerk read as follows:

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

Resolved, etc., That Maj. Thomas W. Symons, Corps of Engineers, be, and he hereby is, permitted to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York. The permission hereby given shall be held to terminate at such date as the Secretary of War may determine.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] offers the amendment which the Clerk will read.

The Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized to grant Maj. Thomas W. Symons, Corps of Engineers, leave of absence without pay; and that he be permitted to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York. The permission hereby given shall be held to terminate at such date or dates as the Secretary of War may determine.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the time in favor of this proposition be controlled by the gentleman from New York [Mr. ALEXANDER], and that the time in opposition be under the control of the gentleman from Illinois [Mr. PRINCE].

The SPEAKER. In the absence of objection, that arrangement will be made.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PRINCE. I rise to a parliamentary inquiry. I should like to know how much time is to be allowed on each side.

The SPEAKER. Twenty minutes on a side, under the rule.

Mr. PAYNE. Mr. Speaker, this matter is all in a nutshell and does not require much time to discuss it. The State of New York built the Erie Canal early in the last century, and as a result that work has been of greater benefit to the western country than any public work ever constructed by any State or by the United States. It did more in the early days, before we had railroad communication, to build up the West than any other agency. That work was built by the State of New York without expense to the United States. The question now arises of bringing it up to modern requirements and building a canal which shall float vessels of a thousand tons burden. The State of New York took up that question and submitted it to a vote of the people, and the people by a majority of more than 240,000 voted at the last election in favor of the appropriation of \$101,000,000 to build and enlarge that canal.

We might have come here asking the Government of the United States to appropriate the money for that enterprise. We might have got through in the process of years an appropriation for that purpose, because this is a national work. It is of more benefit to the people of the West than it is to the people of our State west of New York City, except the city of Buffalo.

There is no good reason why the United States Government should not have paid for the whole of this work, as it paid for the Sault Ste. Marie Canal. But we come here now simply asking you to lend us the services of an engineer, we to pay his salary, we to bear the expense of his employment; we ask you to lend us the services of an engineer to help start this work as a member of the consulting board. The other four members of the board are appointed from citizens of our State. The work is to be done under our superintendent of public works and under the direction of our State engineer. We want this board as a consulting board to start the work aright—to help supervise the contracts and to see that the work is built according to the best modern plans. You have recently voted for twenty-five extra engineers to be added to the Corps of Engineers, so that the number of engineers is now entirely adequate, and therefore the argument already urged in opposition to this measure, that we have not engineers enough, falls to the ground.

I can not see any reason under the sun why this House should not vote unanimously to give us the services of this engineer, we paying his salary, as we pay all the expenses for this great national work—an interstate work, one of the greatest works of modern times, second only to that which the Government has undertaken on the Isthmus of Panama. Why should you not have paid for the whole thing? But the State of New York simply asks that you loan us an engineer, the Government not paying him a cent, we paying the entire expense of his employment. What narrow view can there be, Mr. Speaker, that should compel or impel any man on this floor to oppose this proposition?

Mr. ALEXANDER. I yield three minutes to the gentleman from Louisiana [Mr. RANDELL].

Mr. RANDELL of Louisiana. Mr. Speaker, I sincerely hope that this amendment will be adopted. The State of New York has spent an enormous sum of money on the Erie Canal—some

\$56,000,000—which has been of more benefit to the people of the whole United States than any other river and harbor improvement in the land; and it now proposes to spend on that waterway an additional \$101,000,000, a greater sum of money than has ever been expended on any canal enterprise in the history of the world, a sum of money which places it ahead of anything on earth except the Panama Canal, which was lately undertaken by the nation. Mr. Speaker, it seems to me that when the people of New York have undertaken this great work at their own cost, without asking any assistance from Congress, and the entire country derives so much benefit from it, it would be the deepest ingratitude on our part to refuse them this small favor—the loan, so to speak, of one of our engineer officers, who is to be paid by them.

We do not propose to pay him one cent out of the National Treasury while he is serving the State of New York. And who is to receive the principal benefit of this canal when it is completed? The whole United States, especially the Great Lakes region. Our most eminent masters of transportation say that the Erie Canal fixes and controls the freight rates of the entire country between the Mississippi River and the Atlantic Ocean, and the Lakes and the Gulf of Mexico. So that when New York, truly called the "Empire State," proposes to spend, not solely for herself, but for the citizens of the entire Union, \$101,000,000, I repeat, sir, it would be the deepest ingratitude to refuse them such a small favor, merely the loan of one of our engineer officers.

Mr. PRINCE. I yield five minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, I see in this proposition before the House not the question of what New York has done in the matter of appropriations for a canal. I see no credit in claiming that if New York had come here, opposition would develop to an appropriation by the National Government for these improvements. I think it is safe for us to take that question when it arises, and when New York, or any other State, comes here for an appropriation out of the Treasury, to meet that question then.

But the point before us now is whether the United States Government shall set a precedent, to surrender to one State of this Union a United States official, which she will be compelled, under that precedent, to surrender to every other State of the Union. If the National Government is to enter into the field of promoting enterprises of State jurisdiction, or surrender to them the services of United States officials, then every branch and department of the Government can be asked to do a like favor to every State of the Union.

This precedent may be excused by the large nature of the work, the great amount appropriated by the State of New York. But we are to deal with the question as a National Congress, acting for the National Government. If you surrender this one officer to the State of New York, why limit it to one? Why not give them five or ten? If you turn over to the State of New York one of your United States officers, why not give an officer from the Army to every State in the Union? You can not avoid the conclusion. Why can not the State agricultural department of each State come here and ask us to give each State an expert from our Agricultural Department? Why can not the various States of the Union ask for details of officers from every Department of the Government? Thus, by setting this precedent, it follows to that sequence. I believe the United States Government stands for national affairs. I believe that when you turn over forty-five officers to forty-five States of the Union you can never withdraw them until the forty-five projects are determined.

Mr. WILLIAMS of Mississippi rose.

Mr. ROBINSON of Indiana. Just a moment, if the gentleman will excuse me.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. ROBINSON of Indiana. Only for a moment. When the forty-five officers are turned over to forty-five States of the Union, the pressure will be so great from those States to continue them away from their duty as national officers until these improvements are respectively completed that they can not be withdrawn with ease, and if these works were to be completed all on the same day, you would have thrown back upon you on the list of your Government employees forty-five men out of employment. Yet in the meantime, by reason of the pressure in the United States, you have filled up your list of employees of the National Government, and it leads to this vicious abuse.

Now I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. The question I want to ask the gentleman is this: There is in the State of Mississippi—and I suppose there is in the State of Indiana—a stream whose head and mouth are within that State. The Federal Government contributes for the improvement of that stream. For the stream I have in mind in Mississippi the Federal Government contributes \$30,000. Now, then, the Erie Canal runs from Buffalo to Albany, across the State—beginning and ending in the State. How does the gentleman reconcile the fact that it is right to appropriate

\$30,000 to one of these streams that I speak of and not right to appropriate the services of a single engineer to the Erie Canal? Is not one just as much a national enterprise as the other?

Mr. ROBINSON of Indiana. The gentleman has never found me voting for a proposition of a class that is parallel with this here.

Mr. WILLIAMS of Mississippi. Does not the gentleman vote in favor of the river and harbor bill?

Mr. ROBINSON of Indiana. I have voted against it on every occasion. Everybody that is in the position that is spoken of by the gentleman does not have any excuse even to give aid to a State enterprise.

Mr. PRINCE. I want to know if this is within the five minutes' time?

Mr. ROBINSON of Indiana. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. OVERSTREET). The gentleman has a quarter of a minute left.

Mr. ROBINSON of Indiana. If I have only a quarter of a minute left, I will use it by saying that this is a policy that ought not to be ingrafted upon our system of legislation.

Mr. PRINCE. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I do not think this joint resolution ought to be adopted, for it creates a bad precedent. This officer cost the United States for his education \$25,000. We paid that to fit him to discharge his duties for the United States. Gentlemen say that there is no other that can take his place; that he stands, the inference is, preeminent among engineers. If that is true, the Government wants him, wants him now, for it has on hand the most gigantic enterprise known to engineering. It has undertaken for itself to build a canal that will cost millions, ah, many scores of millions of dollars. There are engineering feats involved in that construction that never yet have been solved, that call for a genius of the highest order that the American people or of the world can furnish. I undertake to say that this enlargement of this work, the New York and Erie Canal, great as it is, is a bagatelle in engineering science compared with the stupendous questions that must be solved on the Isthmus of Panama.

Therefore, if it is true that this man stands so preeminent that no other man will do to carry on this private work, in a sense, in the State of New York, then we have in the pendency of this greater proposition on the Isthmus a reason controlling, dominating, that ought to operate upon the conscience of every man in this House against permitting them to release his service at this particular time. Gentlemen say that a debt of gratitude, owed by the people of the United States to the State of New York because of the construction of the Erie Canal, requires that we should make this or an infinitely greater sacrifice. Ah, was it charity that induced the State of New York years ago to undertake that enterprise? Have not they got back their expenditure, and their prospective expenditure, over and over again? Look at the imperial State of New York, with its near 8,000,000 of people; look at the city of New York, that has become the entrepôt of the United States. What made the State, and what made the city? This canal. This is a city where they toll every bushel of wheat raised in the State of Iowa; every product that comes to the market finds its way to the city of New York, where citizens of New York—those charitable gentlemen—sit quietly by and take their toll.

Mr. PAYNE rose.

Mr. HEPBURN. I am ashamed of the gentleman from New York, if he will permit me. [Great laughter.] I am astonished, after his attention is called to the matter, that he will rise and repeat his speech, and insist upon this public charity.

Mr. PAYNE. Will the gentleman allow me?

Mr. HEPBURN. Allow you what?

Mr. PAYNE. To say to him that the State of New York has not for years charged any toll on this canal.

Mr. HEPBURN. Not charged toll on the other fellows?

Mr. PAYNE. On no fellow. We charge it on no fellow, and the canal is perfectly free.

Mr. HEPBURN. They make every man who sends a bushel of wheat to the city of New York pay 3 cents on the bushel for the passage through the city.

Mr. PAYNE. The men and the mules have to be paid for, but they do not charge for going through the canal.

Mr. HEPBURN. And the brokers and the middlemen, and the so-called business men of New York, that never created a dollar of wealth in the world, they sit there and through the agency of this great work they toll that which comes from us, and yet they plume themselves upon their charity. [Laughter.]

Mr. PRINCE. Mr. Speaker, the resolution under discussion was passed by the Senate and was referred in this House to the Committee on Military Affairs. As originally drawn it permitted Colonel Symons to hold his position of superintendent of public

buildings and grounds here in the city with a salary of \$4,500, and at the same time hold the position of an adviser to the canal board of New York State with an additional salary of \$8,500, as I am informed. The Committee on Military Affairs looked carefully into the precedents of Congress, and they were unable to find a single, solitary instance authorizing it, and that committee made an adverse report upon that resolution. We are the representatives of the American people. We come directly from them. We have to care for and supervise and look after their interests as best we can. What is asked of us? A State in the Union comes to the national legislative body and asks it to hand over, or loan if you please, one of the national officers educated at the expense of the National Government to do State work.

Has this gentleman received his education from the State or from the National Treasury? I am creditably informed that it costs from twenty to thirty thousand dollars to educate a cadet at West Point. This gentleman was educated at West Point. By reason of the improvements of that great institution, by reason of the money put in that institution and the officers there in charge, at least \$20,000 has gone to the education of this officer, and he is a well-educated officer. He has been well educated. He stands now as an educated officer to do the work of the American Army and no other work. But he wants to do other work. "Oh," they say, "loan him." If the State of New York can ask us to loan to it this officer, can not the great railway systems of this country ask another loan and we grant it? Have not the railways and canals and tunnelings and subway systems the right to ask it as well as the State of New York? What condition are we in? Six hundred propositions now idle because we do not have engineers enough to carry on the public business.

Read the adverse report made by the Committee on Military Affairs and you will see beyond a possible doubt that there are not officers enough now to do the work in this country. Nineteen million dollars and more were appropriated for river and harbor work in 1901 and 600 projects are now without engineers to do the work. Loan one of them? For what? Loan them from the people's work to do State work. What right have you to do it? I ask, under your oaths, what right have you to do it? What right have you, my colleagues in this House, to take from Government work a needed officer and turn him over to some other work under the guise of a loan? There is hardly a Member within the sound of my voice who has not been approached, in season and out of season, on the floor and outside, by persons urging the passage of this resolution by this House. Think of it! Public works at a standstill, public legislation can not be transacted, but personal legislation for one man can be passed in the House of Congress in its closing days. [Applause.]

Mr. DENNY. And under a rule.

Mr. PRINCE. And under a rule, if you please. The House of Representatives being forced by a rule to do that which it would not do in the ordinary course and conduct of business. How can we get legislation here, by having powerful influence somewhere outside to force a rule through the House in matters of this kind? Can you go before your people and when asked why certain legislation was not passed state you could not get it passed? They will say: "Oh, yes; but you can get personal legislation passed for one individual in the halls of legislation." Will that be an answer? I want to say to you that this class of legislation, taking an educated army officer and putting him in a line of work outside of his duty, is the very worst kind of legislation that can be passed in this House of Representatives.

Now, see what the effect will be. The committee report says:

The committee also believes that it would show a bad precedent in that it would encourage the ablest officers and of the highest rank in the service to accept private or additional employment to the detriment of their service in the Army; and that Congress—

Just what we are passing through to-day—just the very thing, my fellow-Members, you are passing through to-day—

And that Congress and the War Department would be besought by officers who could secure remunerative positions outside of the regular service for leave to accept said positions.

Making us the object of attack, making the War Department the object of attack by special powerful influences, and we would have to succumb and pass personal legislation, as we are passing it to-day. I say to you, halt and think what you are doing. It may seem that it is unanimous, but it is not. Here is a question of an officer, educated at public expense, an officer that is needed, public works at a standstill—600 of them—being taken from the Government that you and I are officers of and being given to a State—an officer that you yourselves need here in the orderly conduct of your business. I hope and trust that the House will not permit itself in these closing days to pass this kind of legislation, and I say here and now that when it comes to a vote upon the proposition I shall demand the yeas and nays, so that men may be put on record and go to their constituents and answer for personal legislation conducted in this House this day. [Applause.]

Mr. ALEXANDER. Mr. Speaker, I yield five minutes to the

gentleman from Iowa [Mr. HULL], the chairman of the Committee on Military Affairs.

Mr. HULL. Mr. Speaker, as the resolution originally came from the Senate I was not in favor of it. Neither was the Committee on Military Affairs. It provided for two salaries and divided allegiance by the officer. As reported from the committee—the House resolution—I am in favor of it and believe that this House should adopt it. I want to say that I do not regard the building of this great canal as a private work, or a work that is likely to be duplicated by any other State of the Union. Representing one of the States of the Middle West of this country, I think we are as much interested in having this great work prosecuted to successful completion as can be any citizen in the State of New York.

Mr. HEPBURN. Mr. Speaker, will the gentleman yield for a question?

Mr. HULL. I have only five minutes, and if I get through I shall be glad to yield.

Mr. HEPBURN. I will ask the gentleman if he thinks the refusal to adopt this resolution will in any way interfere with or hinder or destroy the completion of this great work?

Mr. HULL. No, I do not; but I do believe this, that when a State undertakes to carry on a great work like this, and is asking nothing of the Government of the United States except the loan of an officer, it is as little as Congress can do to grant that loan. Not only that, but the gentleman speaks about this man being so preeminent in his profession that it is impossible to spare him. He is necessary for this work for this reason: Not because of his preeminence over his fellow-engineers, but because while stationed at Buffalo in the preliminary work that was engaged in by the State of New York, before undertaking this great work, he made a thorough study of all the conditions and helped to formulate the plans by which it is proposed to prosecute the work to a completion. He is more valuable to them in that work than he would be under any other conditions. The gentleman from Iowa [Mr. HEPBURN], my colleague, to whom I always listen with pleasure, speaks about the great cost of educating a cadet at West Point.

I very much doubt the cost being \$25,000; but if it is \$25,000 or more, I wish to say that we have educated hundreds of them who when they have finished their education and obtained their commission resigned and went into private business, taking large salaries from private corporations. This man at least has not done that. One man doing the chief engineering work of the Houston-Thompson Company was one of the engineers in the Army. This man does not want to and does not propose to leave the Army; but he does want to give to this great enterprise his knowledge, his experience, the benefit of what he has learned to help in carrying on this work of completing the canal; and, Mr. Speaker, I want to say further, that this does not come to Congress without consideration. It is recommended by the Secretary of War. It has the indorsement of the Chief of Engineers, and no harm can come to the Government of the United States by loaning this officer for one year to the State of New York.

So far as I am concerned, I would not vote for any resolution granting to any army officer double pay, because I do not believe it would be for the interests of the army or for the public service that they should have it. But when it comes as this does, simply to loaning an officer for one year, and an officer who understands every detail of the work which is to take a 1,000-ton barge from the Great Lakes to Albany, where it can go by water to the sea, I think the Government is asked for very little aid in this enterprise. There is another thing, Mr. Speaker, that the gentleman from Iowa [Mr. HEPBURN] referred to, and that was the tolling of the grain from the West. That is not because of the canal. The only way to avoid paying tolls at Chicago or Buffalo or New York is not to ship the grain, because the elevators and transportation service will charge for this business, and there is no way for the farmer of the great West to avoid that charge. The canal lowers freight rates; it does not affect inspection or elevator charges. Whether grain goes by railroad or water, such charges still remain.

Mr. ALEXANDER. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BURGESS].

Mr. BURGESS. Mr. Speaker, I shall cheerfully support this proposition for these reasons: It is not a question of conferring a favor upon an individual engineer. It is not a question of taking an individual engineer and authorizing him to desert the national service in the interest of a private enterprise. The State of New York is to be congratulated and so is the country that it has undertaken, at the enormous expense of over \$100,000,000, the construction of a great link which will connect the traffic of the Great Lakes with the Atlantic seaboard and will affect the rates upon interstate and international transportation.

Associated intimately from the beginning with this great enterprise was this particular engineer—understanding not only its de-

tails, competent to transact the business, but, what is more and of vast importance, believed to be so, accepted to be so—associated in the public mind in the State of New York with this particular enterprise, national in its character, national in its importance. And hence this comes to us purely as a business question to be solved by what ought to be a business body—the question of lending to this particular State this officer whose name and work are linked with this great enterprise in the interest of the whole people, to consummate perfectly, to the satisfaction of the taxpayers of the State, this great project of linking those waterways and their traffic with the Atlantic seaboard.

[Here the hammer fell.]

Mr. ALEXANDER. I yield two minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, as one of the Committee on Military Affairs who voted a favorable recommendation of this bill, I had no idea it contained such a "chamber of horrors" as has been brought before the House this afternoon. It seemed to the majority of the committee that this was a simple business proposition. Here was a great national business enterprise, one that affected the welfare of the people of this country, especially the Central West, as much as any other one thing that could be done. We wanted that canal built as speedily as possible. We wanted the work done as efficiently as possible. The State of New York informed us that this work would be greatly facilitated if we would let this enterprise have the use of this officer.

We found he was not urgently needed here; that his services to the United States could be for the time dispensed with. When Admiral Walker, chairman of the Panama Canal Commission, was before the Committee on Interstate and Foreign Commerce, so ably presided over by the gentleman from Iowa [Mr. HEPBURN], he was interrogated as to whether there would be needed the services of officers of the United States Engineer Corps in the near future in connection with the work of the Panama Canal, and he said that for the present he did not think any number would be needed. The Committee on Military Affairs has recommended in the army appropriation bill a sufficient corps of officers to take care of all the business that will come before the people of the United States in that line of work; that corps as provided for will take care of the business of the Panama Canal, of the rivers and harbors, of the fortifications, as well as the engineer work of the military establishment, so that the use of this officer in helping the construction of the great national work which has been referred to can not injure any interest of the United States. On the other hand, it furnishes another competitive means of enabling the products of the great West to reach the markets of the world. [Applause.]

[Here the hammer fell.]

Mr. ALEXANDER. I yield two minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, it seems impossible for some gentlemen to appreciate the character of this bill. Their opposition to it is based upon the allegation that it is "personal legislation." Major Symons was detailed in 1895 by the War Department to investigate the question of connecting the Great Lakes with the seaboard. In his official capacity he obtained information regarding this question possessed by no other engineer in the country. His services in connection with this work are valued so highly, not because of his peculiar genius, but because of the particular knowledge which he has acquired regarding this project. The people of the State of New York, regardless of politics, desire Major Symons to serve as a member of this board. The project is one of national importance—one of as much benefit to the people of the Northwest, West, and to the people of Iowa as to the people of New York. It is desired to have upon this board of consulting engineers the men best equipped to perform the work assigned to them.

The State of New York will spend \$101,000,000 upon this work. Within the last few years it expended \$9,000,000 for the same purpose. The State of New York will pay to Major Symons and to the other members of this consulting board salaries commensurate with the work to be done. If this work was to be executed by a private corporation Major Symons could be assigned to the work by the Department of War without the consent of Congress. Is there any reason why Congress should refuse to a great State that which a private corporation could obtain without our consent?

[Here the hammer fell.]

Mr. ALEXANDER. I yield two minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, I stand with my friend from Illinois [Mr. PRINCE], who leads the opposition to this measure, in opposition to all purely personal and special legislation. I support this legislation because it is neither special nor personal; not merely because it affects the commerce of the United States, but

because it affects the military defense of those United States. On our northern boundary there lies a great lake system, which, with the river St. Lawrence, has always opened the means of entry for foreign aggression. In the Revolution it was the great avenue of entry.

Upon those lakes we are bound by treaty to keep nothing but one small gunboat; and Canada can keep but one small gunboat there. But in case of difficulty (God forbid it should happen!)—in case of difficulty the Welland Canal would enable an enemy to put whatever naval force she may please upon those lakes, to command the city of Chicago, the city of Cleveland, the city of Toledo, and the city of Detroit. And, Mr. Speaker, the reason we should support this measure is that a canal 12 feet deep would enable us to cover that lake with a swarm of torpedo boats, which would enable us to control the Great Lakes. As a measure of military defense, I favor assigning Major Symons to this work as a purely military duty. [Applause.]

Mr. ALEXANDER. Mr. Speaker, I yield the remaining two minutes of my time to my colleague [Mr. RYAN].

Mr. RYAN. Mr. Speaker, there has been but two objections urged against the adoption of this resolution to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State. One is that he would receive a salary of \$4,500 as a colonel in the Regular Army and at the same time receive \$8,500 from the State of New York as a member of the advisory board. The other argument advanced is that there are not at the present time enough officers in the Engineers Corps of the Army to do the work that has been provided for. Both objections have been removed, the first by amending the resolution by providing for a leave of absence for Major Symons without pay, and the second by an amendment to the army appropriation bill providing for an increase of twenty-five officers in the Engineers Corps.

Mr. Speaker, the State of New York has expended many millions of dollars on the Erie, Oswego, and Champlain canals, and is now about to enter upon the work of enlarging those canals to provide for barges of 1,000 tons capacity. This work will cost the State upward of \$101,000,000, and the State will charge no tolls, the canals being free to all who wish to use them.

This is the greatest work ever undertaken in this country excepting the Panama Canal, and the only assistance the State of New York asks of the Government is to loan them an engineer at no expense to the country.

Major Symons, while stationed at Buffalo, N. Y., in charge of the Government work there from 1895 to 1903, made a complete study of this work, and by reason of this is better qualified to aid the State in an advisory capacity than any other man. For these reasons the governor of the State of New York has requested Major Symons to become a member of the advisory board, and the people of the State, regardless of politics, desire that Congress permit him to accept the appointment.

The amendment also provides that the permission given shall be held to terminate at such date as the Secretary of War may determine. I trust that the resolution as amended will pass.

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

The amendment was agreed to.

The joint resolution as amended was ordered to a third reading; and was accordingly read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. PRINCE. Mr. Speaker, we might as well call for the yeas and nays.

The question being taken on ordering the yeas and nays, the Speaker announced 11 Members rising—not a sufficient number.

Mr. ROBINSON of Indiana. Mr. Speaker, I demand the other side.

The question was taken; and there were—ayes 11, noes 135.

Accordingly (less than one-fifth voting in the affirmative) the yeas and nays were refused.

The bill was passed.

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

FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER presented a conference report on the fortifications appropriation bill to be printed in the RECORD under the rule.

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. 12446) "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," 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 2.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "Provided further, That in the judgment of the Secretary of War the eight or ten inch carriage hereby provided for can and will be completed within the sum of eighty-four thousand three hundred and forty-three dollars and two cents heretofore appropriated;" and the Senate agree to the same.

L. N. LITTAUER,
B. F. MARSH,

Managers on the part of the House.

GEO. C. PERKINS,
F. E. WARREN,
JNO. W. DANIEL.

Managers on the part of the Senate.

The statement of the managers on the part of the House is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12446) making appropriations for fortifications, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report, namely:

On amendment numbered 2: Strikes out the appropriation of \$250,000 proposed by the Senate for the purchase of a submarine boat manufactured by the Lake Torpedo Boat Company.

On amendment numbered 12: Inserts the provision proposed by the Senate relating to the A. H. Emery elevating carriage, modified by the addition of the following provision: "Provided further, That in the judgment of the Secretary of War the 8 or 10 inch carriage hereby provided for can be completed within the sum of \$84,343.02 heretofore appropriated."

The bill as finally agreed upon appropriates \$7,518,192, being \$645,100 less than as it passed the Senate and \$387,000 more than as it passed the House.

L. N. LITTAUER,
B. F. MARSH,

Managers on the part of the House.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes, that the House disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the post-office appropriation bill, to disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

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

GENERAL DEFICIENCY APPROPRIATION BILL.

On motion of Mr. HEMENWAY, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15054) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1904, for prior years, and for other purposes, with Mr. CRUMPACKER in the chair.

Mr. HEMENWAY. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. Mr. Chairman, I will not take the time of the House in making any extended explanation of this bill. I simply ask unanimous consent that the report of the committee be printed in the RECORD. It is a full and complete statement of the contents of the bill.

The CHAIRMAN. The gentleman asks unanimous consent that the report of the committee accompanying the bill be printed in the RECORD as a part of his remarks.

Mr. UNDERWOOD. I suppose that includes the views of the minority?

Mr. HEMENWAY. I will make it so as to include the views of the minority.

The CHAIRMAN. The gentleman modifies his request so as to make it include the views of the minority. Is there objection? [After a pause.] The Chair hears none.

The report and the views of the minority are as follows:

In presenting the bill making appropriations to supply deficiencies in the appropriations for the fiscal year 1904, and for prior years, the Committee on Appropriations submit the following report in explanation thereof:

The bill is based chiefly on estimates submitted in House Documents Nos. 590, 548, 633, 652, 653, 654, 661, 662, 663, 664, 635, 636, 638, 669, 670, 671, and 672, and in Senate Documents Nos. 13, 134, 135, and 146, referred by the House from time to time during the present session. These estimates aggregate \$11,615,847.36. The whole amount recommended in the bill aggregates \$10,386,744.76, distributed as follows:

State Department	\$30,167.84
Treasury Department	406,932.27
Inter-state Commerce Commission	15,000.00
District of Columbia	49,464.92
War Department	123,530.09
Military establishment	16,500.00
National Soldiers' Home	10,500.00
Navy Department	5,050.00
Naval establishment	2,349,611.20
Interior Department	240,330.21
Pensions	4,000,000.00
Post-Office Department	1,940.42
Postal service	758,320.19
Department of Agriculture	62.92
Department of Commerce and Labor	9,330.00
Department of Justice	3,505.86
Judicial	7,500.00
United States courts	107,317.61
House of Representatives	131,466.70
Botanic Garden	1,000.00
Printing and binding	85,500.00
Judgments, Court of Claims	137,446.58
Judgments, United States courts	103,115.85
Judgments, Indian depredations	60,785.00
Section 2, audited accounts	1,714,377.10
Total	10,386,744.76

The chief items included in the bill for each of the Departments of the Government, on account of the current fiscal year, are as follows:

Under Treasury Department:	
Contingent expenses, Independent Treasury	\$20,000.00
Transportation of silver coin	20,000.00
Quarantine service	1,000.00
Collecting revenue from customs	170,000.00
Compensation in lieu of moieties	10,000.00
Collecting internal revenue	130,000.00
Repairs of public buildings	50,000.00
Interstate Commerce Commission	15,000.00
Under the District of Columbia:	
General expenses 1904 and prior years	49,464.92
Under the War Department:	
Claims for property taken from Confederate soldiers	125,000.00
Reappropriated out of unexpended balances for pay of the Army, fiscal year 1902, on account of pay of the Army for 1904	1,500,000.00
Reappropriated out of unexpended balances for regular supplies, fiscal year 1902, on account of regular supplies of the Army for the fiscal year 1904	500,000.00
Shooting galleries and ranges	16,500.00
Reappropriated out of unexpended balance for Medical Department of the Army, fiscal year 1902, on account of Medical Department of the Army for 1904	200,000.00
For the expenses of the branches of the National Homes for Disabled Volunteer Soldiers	10,500.00
Under the Navy Department:	
For transportation and recruiting	60,000.00
Equipment of vessels	300,000.00
Coal and transportation	190,000.00
Reappropriated out of unexpended balance for provisions, Navy, fiscal year 1902, on account of provisions, Navy, for the fiscal year 1904	500,000.00
Steam machinery	600,000.00
Marine Corps	65,000.00
Public works at yards and stations	326,035.61
Under Department of the Interior:	
Patent Office, copies of drawings	30,000.00
Patent Office, Official Gazette	80,000.00
Government Hospital for the Insane	55,000.00
Geological Survey	41,000.00
Indian Affairs	10,500.00
Pensions	4,000,000.00
Under postal service:	
Transportation by star routes	125,000.00
Transportation by steamboat routes	15,000.00
Transportation by railroads	400,000.00
Regulation screen and wagon service	100,000.00
Mail bags, cord fasteners, etc.	30,000.00
Railway Mail Service clerks	20,000.00
Manufacture of stamped envelopes	14,000.00
Registered package, etc., envelopes	7,000.00
Manufacture of postage stamps	15,000.00
Under Department of Commerce and Labor:	
Reappropriated out of unexpended balance for Twelfth Census fund 1904 and prior years, on account of compilation, etc., of census of the Philippine Islands for the fiscal year 1903 (estimated)	125,000.00
Coast and Geodetic Survey, repair of vessels	8,500.00
Under Department of Justice:	
Salaries, fees, and expenses of United States marshals	40,000.00
Salaries and expenses of United States attorneys	7,000.00
Fees of clerks	35,000.00
Rent of court rooms	10,000.00
Pay of bailiffs, etc.	10,000.00
Atlanta penitentiary	4,000.00
Under House of Representatives:	
Compensation of Members	12,000.00
Payments to widows of deceased Members	30,000.00
Expenses in contested-election cases	39,385.00
Contingent fund	15,000.00
Under printing and binding:	
Annual leave to employees	40,000.00
Treasury Department	30,000.00
Interior Department	20,000.00
Department of Justice	3,000.00

The following limitations, not heretofore imposed, and provisions for adjusting and settling accounts in special cases are recommended:

On page 2 the following: "So much of the diplomatic and consular appropriation act for the fiscal year 1905 as requires the envoy extraordinary and minister plenipotentiary to Haiti to be accredited also as chargé d'affaires to Santo Domingo is hereby repealed."

"For minister resident and consul-general to Santo Domingo for the fiscal year 1905, \$5,000, and so much of the diplomatic and consular appropriation act for the fiscal year 1905 as appropriates for the salary of a consul-general to Santo Domingo is hereby repealed."

On page 6 the following: "And the provisions of the act of March 3, 1879, (20 Stats., p. 386), authorizing the Secretary of the Treasury to expend out of the appropriation for defraying the expenses of collecting the revenues from customs such amount as he may deem necessary, not exceeding \$100,000 per annum, for the detection and prevention of frauds upon the customs revenue, are hereby amended so as to increase the amount to be so expended for the year 1904, and yearly thereafter, to \$150,000."

On page 7 the following: "The Secretary of the Treasury is hereby authorized and directed to transfer from the unexpended balance now to the credit of the appropriation for materials and miscellaneous expenses, Bureau of Engraving and Printing, 1904, \$30,000, as follows: To the appropriation for compensation of employees, Bureau of Engraving and Printing, 1904, \$6,000; and to the appropriation for plate printing, Bureau of Engraving and Printing, 1904, \$30,000; and to use the sums so transferred as though they had been originally appropriated for the purposes of said appropriations for compensation of employees, Bureau of Engraving and Printing, 1904, and plate printing, Bureau of Engraving and Printing, 1904."

On page 11 the following: "The head of each of the several Executive Departments at Washington wherein electric plants are owned by the Government is hereby authorized and directed to report to Congress at its next session the cost of electric lights and power produced by such plants."

On page 12 the following: "The Commissioners of the District of Columbia are hereby authorized to transfer \$500 from the appropriation for purchase and repair of tools, machinery, material, and apparatus to be used in connection with instruction in manual training and for incidental expenses connected therewith, fiscal year 1904, and \$230 from the appropriation for kindergarten instruction, fiscal year 1904, to the appropriation for contingent expenses, fiscal year 1904."

On page 12 the following: "That the appropriation of \$35,000 for kindergarten instruction provided in the act making appropriations for the expenses of the District of Columbia for the fiscal year ending June 30, 1904, is hereby made available for the payment of pianos and other supplies heretofore purchased during said fiscal year, for use in the kindergarten schools."

On page 18 the following: "That the accounting officers of the Treasury be, and they hereby are, authorized and directed to credit in the accounts of James Eveleth, United States agent, deceased, the sum of \$1,401.72 standing against him on the books of the Treasury."

On page 18 the following: "That the accounting officers of the Treasury be, and they are hereby, directed to credit in the accounts of Maj. J. B. Alshire, quartermaster, United States Army, the sum of \$47 standing against him on the books of the Treasury."

On page 21 the following: "The accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Navy, all vouchers covering payments for mileage books, commutation tickets, and other similar transportation tickets heretofore purchased by the Navy Department and furnished to officers and civilian inspectors traveling under orders from the Department. And the Secretary of the Navy is hereby authorized to continue to purchase such mileage books, commutation tickets, and other similar transportation tickets as may in his discretion seem necessary, and to furnish same to officers and others ordered to perform travel on official business; and payment for such transportation tickets upon their receipt, in accordance with commercial usage, or prior to the actual performance of the travel involved, shall not be regarded as an advance of public money within the meaning of section 3648 of the Revised Statutes."

On page 32 the following: "The Auditor for the Navy Department be, and is hereby, authorized and directed to credit in the accounts of the quartermaster, United States Marine Corps, for the first quarter, 1902, under appropriation 'Contingent, Marine Corps, 1902,' voucher No. 540, and under appropriation 'Military stores, Marine Corps, 1901,' voucher No. 52, first quarter, 1902: *Provided*, That the quartermaster of the Marine Corps be, and is hereby, authorized and directed to pay from appropriations 'Fuel, Marine Corps,' to enlisted men of the Marine Corps employed as clerks and messengers in the office of the Commandant and in the offices of the staff officers of the Marine Corps commutation of fuel, at \$9 each per month for clerks and \$8 each per month for messengers, from and after January 22, 1904, when, by a decision of the Comptroller of the Treasury, enlisted men so employed were denied the right to said commutation in said amounts."

On page 49 the following: "The authority to incur expenditures under the appropriation for 'Expenses of regulating immigration' shall be construed by the accounting officers of the Treasury without reference to any specific appropriation heretofore made for repairs or alterations to any immigrant station."

VIEW OF THE MINORITY.

The undersigned, members of the Appropriations Committee, differing with the majority of their colleagues as to the report on "a bill making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes," present their objections to such portions of said bill as they do not agree with the majority report. The bill contains the following clause:

"For army and navy pensions as follows: For invalids, widows, minor children and dependent relatives, army nurses, and all other pensioners who are now borne on the roll, or who may hereafter be placed thereon under the provisions of any of the acts of Congress, \$4,000,000: *Provided*, That the appropriation aforesaid for navy pensions shall be paid from the increase of the navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amounts expended under each of the above items shall be accounted for separately."

The Commissioner of Pensions explains the cause of this deficit and the necessity for this increased appropriation in the following letter:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, April 1, 1904.

DEAR SIR: On March 1, 1904, I sent a requisition to you asking that \$2,000,000 more be required from Congress for the purpose of paying up pensions rendered necessary by recent legislation, there having been during the past fiscal year and during the expired portion of the present fiscal year much new legislation, which may be briefly enumerated as follows:

1. Pensions to those who heretofore had served in the Confederate Army or had deserted from the Union Army but afterwards served in the Union Army.
2. Also the adding of certain organizations to the pension roll, as, for instance, those who served in a number of Indian wars, and others.
3. The increasing of pensions for total deafness.

4. The restoration of widows, dependent mothers, or dependent sisters who had married.

5. The increase of pensions to those who lost limbs in the service of the United States.

6. The increase of pensions to Mexican-war survivors.

7. A very large number of special acts bearing high rates of pension.

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

The foregoing has necessitated for this current fiscal year at least \$2,500,000 more than the estimates, which were made long in advance of the fiscal year. When the estimates for the fiscal year were made it could not be presumed what legislation would take place, nor could the effect of recent and pending legislation be accurately determined, so therefore it was that on March 1 of the present fiscal year it was found, as above stated, necessary to call for \$2,500,000 more of money to meet the requirements of the year.

Since that time order No. 78 has been issued, which is the order establishing an age limit for pensions under the new law, and it is estimated that \$1,500,000 additional will be required on that account for the current fiscal year.

The estimate for the first \$2,500,000 had gone to the Treasury, but afterwards, since the issuance of said order No. 78, the first estimate has been recalled and the second estimate made for \$4,000,000.

There are still a large number of special bills pending, and it is believed that \$4,000,000 is the smallest possible sum with which the Bureau can operate during the present fiscal year.

Very respectfully,

E. F. WARE, Commissioner.

THE SECRETARY OF THE INTERIOR.

From this letter it will be seen that of the deficit of \$4,000,000, \$1,500,000 is created by Executive Order No. 78, which reads as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 15, 1904.

SIR: Your letter has been received, submitting for my consideration an order touching the rate of pension allowed under the act of June 27, 1890. The order in question is as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
March 15, 1904.

Order No. 78.

Whereas the act of June 27, 1890, as amended, provides that a claimant shall "be entitled to receive a pension not exceeding \$12 per month and not less than \$6 per month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown to be rated;" and

Whereas old age is an infirmity, the average nature and extent of which the experience of the Pension Bureau has established with reasonable certainty; and

Whereas by act of Congress in 1887, when thirty-nine years had elapsed after the Mexican war, all soldiers of said war who were over 62 years of age were placed on the pension roll; and

Whereas thirty-nine years will have elapsed on April 13, 1904, since the civil war and there are many survivors over 62 years of age: Now, therefore—

Ordered: (1) In the adjudication of pension claims under said act of June 27, 1890, as amended, it shall be taken and considered as an evidential fact, if the contrary does not appear, and if all other legal requirements are properly met, that when a claimant has passed the age of 62 years he is disabled one-half in ability to perform manual labor and is entitled to be rated at \$6 per month; after 65 at \$8 per month; after 68 years at \$10 per month, and after 70 years at \$12 per month.

(2) Allowances at higher rate, not exceeding \$12 per month, will continue to be made as heretofore where disabilities other than age show a condition of inability to perform manual labor.

(3) This order shall take effect April 13, 1904, and shall not be deemed retroactive. The former rules of the office fixing the minimum and maximum at 65 and 75 years, respectively, are hereby modified as above.

E. F. WARE, Commissioner of Pensions.

In response thereto I have to state that one copy of the order has been approved by indorsement thereon, and is herewith transmitted for the files of your office.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

THE COMMISSIONER OF PENSIONS.

The law affected by the Executive order is the act of June 27, 1890, and the clause of said act to which the order particularly applies is section 2, and reads as follows:

"SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding \$12 per month, and not less than \$6 per month, proportioned to the degree of inability to earn a support; and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any general or special act: *Provided, however*, That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in applications filed under this act."

It will be seen from the above law that for a person to receive a pension under the same two specific facts must be shown. First, "that the applicant for a pension served ninety days or more in the military or naval service of the United States in the late war of the rebellion, and was honorably discharged therefrom."

The second material point must be proved, "that he is suffering from a mental or physical disability of a permanent character, not the result of his own vicious habits, which incapacitates him from the performance of manual labor in such a degree as to render him unable to earn a support."

Every man is not entitled to a pension, nor is every soldier under the law entitled to a pension. After the proof of his honorable services in the armies of the United States, the law requires that he must show that he is in need of a pension and unable to support himself by manual labor by reason of dis-

abilities of a permanent character. At the time of the enactment of this law, if the Congress had desired to create a service pension, granting a pension to every soldier who had performed honorable service for his country in the Army or Navy of the United States for more than ninety days, it would not have inserted the second clause requiring proof of a permanent disability.

But the people of the United States, acting through their lawful representatives, at that time did not see proper to pass such a law, and there is no law on the statute books which warrants the granting of a service pension to any soldiers who saw service in the war of the rebellion. It is true that a number of gentlemen in the Congress of the United States have advocated a service pension to men who saw service in that war. Bills have been introduced in the House and the Senate to that effect, but up to the present time the Congress of the United States has not enacted them into law.

We do not discuss or at this time care to consider the advisability or propriety of passing such legislation. It is not a question that the Appropriations Committee has jurisdiction of. Our duty is confined to providing the money to pay the obligations of the United States contracted under the law. The point we desire to make is that there is no law on the statute books of the United States that warrants the \$1,500,000 appropriation asked for by the Commissioner of Pensions to pay the deficiency caused by Executive Order No. 78, and we will move on the floor of the House to reduce the appropriation asked for for pensions to the extent of \$1,500,000 for that reason.

When the Order No. 78 is analyzed, and it is considered under what terms and by what proof a man shall apply for a pension under that order, and under what terms and what proof is required under the law, it is very clear that the order is not a regulation or a rule of the Department, intended to carry out the intention of Congress in establishing the necessary proof to show that the applicant is entitled to a pension under the law, but clearly establishes a different basis for receiving a pension, and fixes a different pensionable status without authority of law.

For an applicant to apply for a pension before Order No. 78 was issued it was necessary for him to show his service as above stated, and also his disability of a permanent character, that incapacitated him for manual labor; but not only that, but he must go further and show that this disability was not caused as the result of his own vicious habits. But what is he to show since Order No. 78 was issued? Of course he must first show his service in the war of the rebellion.

Then is he required to show a permanent disability? Not at all. Is he required to prove that he is incapacitated for manual labor? Not at all. Is he required to prove that his present condition is not the result of his own vicious habits? Not at all. He is merely required to prove his age and his service, and the Commissioner of Pensions is directed to pay a pension that Congress prescribed should not be paid to a soldier unless he was suffering from a permanent disability.

It clearly was not the intention of Congress to establish a service pension when the act of June 27, 1890, was passed. But Executive Order No. 78 clearly changes the law of June 27, 1890, into a service pension for all soldiers who have passed the age of 62 years. For if you attempt to write a law granting a service pension to soldiers over 62 years of age you could not materially change the wording of the law you intended to write from what is contained in pension order No. 78. The Congress is here in session. If it desires to pass a service-pension law for the soldiers of the United States, it can do so. But we believe that it is a vicious system and unwarranted by the Constitution of the United States to change legislation already on the statute books by executive orders issued by Department officers changing the intention of Congress.

If it is lawful for an executive officer of the Government to issue an order accepting the proof that a soldier at 62 years of age has fully proved the permanent disabilities, would it not be just as lawful to issue an order stating that in order to prove permanent disabilities every soldier must show that he is at least 62 years of age, and cutoff of the pension roll all men who are not proved to be of that age.

One order would not be invading the jurisdiction of the legislative branch of the Government any more than would the other. And yet we do not suppose that anyone would concede for a moment that an unfriendly Commissioner of Pensions would have a right to remove deserving pensioners from the pension roll by any such construction of law.

The undersigned members of the committee, believing that there is no warrant of law for the appropriation of the \$1,500,000 requested by the Commissioner for the purposes herein above stated, respectfully protest against that portion of the appropriation.

L. F. LIVINGSTON.
RICE A. PIERCE.
O. W. UNDERWOOD.
S. BRUNDTGE, JR.
M. E. BENTON.

Mr. HEMENWAY. I yield the balance of my time to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, by our last national census we have moved our center of population a little nearer Columbus, Ind., and incidentally increased the numerical size of Congress.

By that census it appears that within twenty years, from 1880 to 1900, our national wealth was increased from forty-two to ninety-four billion dollars, our wealth per capita from \$850 to \$1,236, the value of our farms and farm property from twelve to twenty and a half billion dollars, the number of our factories from 253,000 to 513,000, while our public debt has been decreased one-fourth, notwithstanding the expenses of our war with Spain.

These figures are not the rosy recitation of partisan optimism, but are the cold appraisal of adding machines operating under civil-service rules.

What these figures do not show, however, is that apparently the more prosperous we are the more trouble we are having among ourselves about the proceeds of our prosperity. This trouble is not a mere surface manifestation, but profoundly affects our national life, inasmuch as it involves the ability of man to govern himself in a state of organized society.

We separated from England and have ever since been doing business on the theory, which we have not always practiced, that governments derive their just powers from the consent of the governed.

Therefore what kind of a government we shall have or whether we shall have any government at all depends upon the judgment and self-restraint of the rank and file of American citizen hip.

We are spending large sums for war ships and coast defenses

and cannon that can sink a ship at 7 miles, but the danger to our Republic is not so much from without as from within, although for some time we have been too hospitable to a class of immigrants who are doing us no good.

The questions that trouble us are above political issues, but can not be separated from them; above capital and labor, but can not be separated from them. They reach back to first principles, and they reach into the future indefinitely, and in their consideration this nation was never more in need of the kind of patriotism and political sanity that rises above mere self-seeking than now.

Here in America we are hurrying about among our own gigantic projects, trying to keep pace with the forces which we ourselves have set in motion.

Forced by the law of industrial evolution, railroads, steamships, telegraphs, telephones, farms, and factories—all the means of communication, transmutation, production, and exchange are being geared together into one stupendous engine, which is also geared to political policies, and going about, in it, of it, and a part of it, are the human intelligences which run it and are run by it.

If labor complains that capital has set pace makers for it in its factories, still it is true that both labor and capital have set pace makers for themselves in the unrelenting march of a hurrying civilization, the up grade or the down grade of which depends upon their own wisdom and self-restraint.

THE LEAN AND THE FAT YEARS.

For seven years, under the Administrations of William McKinley and Theodore Roosevelt, labor and capital have been prosperous, with practically no interruption except the interruptions of their mutual differences.

Eight years ago the Republican party marshaled its hosts in the shadow of industrial depression—in the shadow of closed factories and suspended banks.

We were running in debt then at every tick of the clock, accumulating an overdraft in our Treasury, fed by selling bonds and drained by an endless chain, recruiting Coxey's army and reading Coin's Financial School.

The years were lean and the earth was lean, and lean-faced men as night came on came out of their hiding places in the alleys of depression and lifted up strange voices on the curb and in the deserted market places, preaching the doctrine of discontent and "larding the lean earth" with promises of things to be gained by depreciated money and national dishonesty. [Applause on the Republican side.]

Then no man trusted his neighbor if he could help it. A man with a dollar ahead refused to loan money to his neighbor on a first mortgage because, first, he was afraid of being called a plutocrat; second, because he was afraid his neighbor would pay him in depreciated money, and, third, because he was afraid his security would vanish away.

Out of the ruins of that time we have built up the shining edifice of prosperity and "scattered laughter with a spendthrift hand." And yet nothing has happened—nothing but a Republican Administration.

There is something about the Republican party that sends things up above par, and something about the Opposition that sends things down below par. Above par is sunlight, summer, hope, and plenty. Above par is the firelight dancing on the walls of contentment to the song of the kettle singing on the hearth of Plenty. Below par Hunger and Want and Bankruptcy sit brooding by dead ashes, while the candle of life gutters down to the shape of a winding sheet. [Applause on the Republican side.]

It is possible to go below par again. A very little ballot in the hands of a very small majority will do it.

Now, from the offices of stock jobbery to the heights of political economy, it is everywhere apparent that we are prosperous.

APPORTIONING THE CREDIT.

Gentlemen on the other side express divergent views as to the cause of it.

Some deny it in the midst of it, with the proceeds of it on their persons.

Some say it is just the natural reaction from hard times to good times, but it is a singular coincidence that we always have a reaction from hard times to good times when the Republican party goes into power.

Some, while drawing rations from the Republican commissary of prosperity, concede it, profit by it, and criticize its quality; and some, more modest than Æsop's fly on the wheel, say they did it themselves indirectly.

I have noticed that geese always bow their heads when entering a barn door, having an erroneous impression as to their own height. [Applause.]

Of course, if they have done it at all they have done it indirectly, and if they have done it indirectly while out of office it is more than they have done directly while in office, and this sug-

gests an admirable arrangement for the future which ought to appeal to the patriotism of our friends whereby they may continue to cooperate indefinitely indirectly externally for the prosperity of our country. [Applause on the Republican side.]

Some say, however, that our prosperity is only "apparent prosperity." If this be true, then our average annual balance of trade for the last three years of \$513,000,000 is only an apparent balance of trade, and the deposit of \$2,935,204,845 in the savings banks of our country, for the most part deposited by labor—an increase of \$185,027,555 over a year ago—is only an apparent savings deposit, and the \$3,000,000,000 pay roll of 6,000,000 people employed in 513,000 factories, having an annual output of \$13,000,000,000 is the "insubstantial pageant" of an optimistic dream. [Applause on the Republican side.]

UNREST.

Our prosperity is real enough, but running like a ground discord through the hum of our industry there has been and is an undertone of discontent which breaks out here and there in strikes, violence, and mutual recrimination between labor and capital, to their injury and the injury of our whole population.

National unrest does not necessarily mean national injury, but rather the contrary.

The history of every progressive nation is the history of progressive unrest.

No civilization can be said to be at rest unless it be a stagnant civilization.

Education does not bring content, because the higher the intellectual eminence the farther the view, and the more a man knows the more he knows there is to know. The small-minded men and the dull men are generally the self-satisfied men.

Philosophy does not bring content, because it is likely to insist that no matter what the final adjustment may be it would simplify matters to adjust them now rather than wait for post-mortem equalization, and that there would really be no compensation in seeing Dives suffer anyway. Even hope does not bring content, because whether it sees a reality or a mirage ahead it must move on.

So we have the restlessness of enlarged opportunity, the anomaly of thrifty discontent in good times, using its present gain to strengthen its hold on what it has, so that it may not slip backward while striving for something ahead.

In our own case unprecedented prosperity has forced employers into active competition for labor to keep their plants running, and labor, keenly alive to its opportunity, has been pushing for a larger share of the profit it helps to make.

Of course, ideally speaking, labor ought to recognize the limitations of capital and capital ought to recognize the rights of labor, and there ought to be mutual understanding and mutual forbearance, but there is not—the millennium has not yet arrived, and this results in union against union, boycott against boycott, injunction against injunction, while outside the lines of organized labor and organized capital is the great body of American consumers, of whom both labor and capital are also parts, which is vitally interested in all that affects them and in the long run pays the bills.

Having to pay the bills, the consumer feels an interest in how the money is spent.

TRANSITION.

The latest form of capital is the so-called trust, and the latest form of labor is the national and international labor union, and the present situation is the latest phase in America of a long controversy whereby both labor and capital have reluctantly at times advanced to higher humanitarianism.

Gentlemen say we are in a transition period, but humanity has always been in transition ever since some primeval man opened his cave factory for the making of chipped flints and hand-made pottery, which he exchanged with his neighbors for what they killed in the chase.

It was transition when the *Mayflower* set sail for the West; transition when monopolies in Governor Berkeley's time led to Bacon's rebellion; transition when the thirteen colonies declared that "these United Colonies are and of right ought to be free and independent States;" transition when "society held together" under the articles of confederation "because it knew not what else to do;" transition when discontent culminated in Shay's rebellion; transition when about that time across the sea the French Revolution was taking shape as the monstrous progeny of ages of oppression, storming the Bastille and setting up Doctor Guillotin's recent invention for cutting off heads; transition when Watt's discovery of steam, Fulton's steamboat, Stephenson's locomotive, Whitney's cotton gin, and the spinning devices of Arkwright, Cartwright, and Hargreaves revolutionized the industrial world; transition when Amos Singletary objected to the ratification of the Federal Constitution in the Massachusetts assembly because "these lawyers and men of learning and moneyed men" wanted the Constitution ratified so they could "get into Congress them-

selves" and run things; and it was transition when Jonathan Smith, a farmer from the Berkshire Hills, answered that objection then and for all time by saying: "These lawyers, these moneyed men, these men of learning are all embarked in the same cause with us and we must all sink or swim together." [Applause.] Surely "human things wholly are in continual movement and action and reaction."

NO MORE NEW WORLDS.

The surface of things changes, but human nature continues to do business under the crust.

Probably speculation is no more adventurous and monopoly no more grasping now than in the days of John Law and the Mississippi bubble, but they average bigger and it is harder to get away from them.

There are no more undiscovered countries, no more lands of crusade, pilgrimage, or mystery.

Science finds an El Dorado now in some abandoned dump of yesterday.

We have pushed our frontier, which used to be at the doors of a few rough settlements, gnawing indentations along the Atlantic seaboard wilderness, around the world to the doors of the oldest civilization.

The byways run to the highways, the highways run to the railways, and the railways run to the sea, which unites the nations which it divides.

We run cog roads up to the altitude of eternal snows, where the stillness of ages is broken by the patronizing chatter of tourists on their way around the world in eighty days.

We sink our mining shafts a mile underground, and wherever we go we find advertised some enterprising, machine-made thing to remind us that we live in a world of business and indigestion. [Laughter and applause.]

FROM INDIVIDUALISM TO CENTRALIZATION.

Men used to feel that when they got tired working for some one else for board and clothes they could go West, settle on a quarter section of land somewhere, and grow up with the country. Whatever else we lacked, we had plenty of land.

Down to fifty years ago we were largely producers of raw material. On the farm in the West the "hired man" generally became a landowner.

Outside the more thickly settled centers the chief artisans were millers, blacksmiths, carpenters, and cobblers, while art and the professions were represented by the village fiddler, the parson, the doctor, and an occasional lawyer.

There were logrollings, barn raisings, corn huskings, and quilting bees, and people were gauged by what they were more than by what they owned.

Then railroads came along, built by the grant of alternate sections of land, and social distinctions began to creep in, expressed in terms of money.

Men moved into new houses out of old ones built by their neighbors in the earlier days of mutual helpfulness.

In the graveyard some people's tombstones began to be better than others, while down at the grocery some folks began to talk about the money power.

Towns grew cities where increased transportation fostered increased centralization, culminating in department stores.

Business men began to work on the scale of continents to ferry the ocean with ships, to calculate in volts, amperes, dollars, and cents, to talk about horsepower units and kilowatt hours, to build big banks, to be captains in the conquest of the markets of the world, and to have nervous prostration and appendicitis.

Partnerships became limited partnerships, corporations, and combinations of corporations, till now, in the language of Mr. Dooley:

"Th' shoes that Corrigan the cobbler wanst wurruked on f'r a week hammerin' away like a woodpecker, is now tossed out be the dozens from the mouth iv a masheen, and a cow goes lowin' softly to Armour's an' comes out glue, beef, gelatine, fertylizer, celooloid, joolry, sofy cushions, hair restorer, washin' sody, soap, lithra-choor, and bed springs so quick that while aft she's still cow, for'ard she may be anything fr'm buttons to panyma hats." [Laughter and applause.]

DEMAND AND SUPPLY OF VARIOUS KINDS OF TALENT.

Of course men could not be artistic and study stocks and bonds and markets much while grubbing a living out of a clearing, but we have repaired all that now, so that a corporate manager draws a salary of a million dollars a year and lives in a region where bob-tailed horses, automobiles, and private cars are the only means of locomotion and where diseases are assorted, exclusive, and expensive.

We have arranged it so that a clever writer draws a salary of \$40,000 a year, and a jockey who can steer a horse first down the stretch draws \$40,000 in a season and becomes an international

figure, and a pugilist of brawn, a graceful dancer, a melodious singer, or an actress with a past can capitalize a solar-plexus blow, a song, a dance, or a sex problem play into the price of a 40-acre farm every night. [Applause.]

Of course we are not producing many Hawthornes, Emersons, Longfellows, Motleys, and Prescotts nowadays, but we are producing such men as Fiske, Parkman, McMaster, and Edison, who are greater in their way than any who have gone before; and we are producing American journalism which is the most enterprising, energetic, and extraordinary thing ever evolved out of type, and we are producing some tons of historic novels; and from all the strands of humor, pathos, comedy, and tragedy spun by this "roaring loom of time" some master hand shall some day gather up and weave together the world's greatest literary production.

ORGANIZED LABOR AND BROADER HUMANITARIANISM.

When our fathers wrote, "We hold these truths to be self-evident, that all men were created equal; that they were endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed," they theorized splendidly, but it remained for generations some years removed to put their theories into practice.

For a long time the government which they organized distrusted democracy and derived its powers from the rich and the well-to-do; and the poor man, the "redemptioneer," and the slave were governed without their consent in a government which denied them liberty and the pursuit of happiness, and treated their "unalienable rights" as "rubbish in the meeting of the winds."

In the first quarter of the nineteenth century there were few or no American labor organizations, and the thousands of railroads, and factories run by great corporations, which now employ five times as many men and women as lived in the colonies when we became a nation, are creations of our own time.

As industries began to centralize, business became more and more wholesale, impersonal, and mechanical.

Federated plants began to be managed by salaried intermediaries who were required to produce the highest possible results at the lowest possible expense and personal relations between employers and employees began to disappear.

About 1825 labor began to be more conscious of itself as a distinct entity, and labor unions began to be formed.

Local unions increased in number and gradually, as means of transportation and communication increased labor began to organize itself into national unions and to think of political action as a means of social betterment.

There were strikes, a Labor party, a Reform party, an Anti-monopoly party, indictments of trades unions for conspiracy, and fights between union and nonunion men as early as the decade between 1830 and 1840.

In those days the laboring man rightly wanted shorter days and better pay, and he wanted his pay in good money at stated intervals instead of now and then at the option of his employer, and he wanted a lien for his pay on the products of his work.

He works eight and ten hours now instead of twelve and fifteen then. He gets his pay in good money now, although he came near lapsing into bad money in 1896, and labor laws are framed for his protection.

These rational demands, though regarded as revolutionary then, are rights which the humblest of us take as a matter of course now.

He wanted a better educational system then, the right to vote without property qualification, and the repeal of laws providing imprisonment for debt.

Then "no crime known to the law brought so many to the jails and prisons as the crime of debt."

If a laborer was taken sick or fell from a scaffold and suffered an injury, he was liable to be arrested in the first stages of his convalescence and sent to jail for the expenses of his sickness.

To be sent to prison then was to be sent to pits and dungeons which were seminaries of vice and centers of disease, where "prostitutes plied their calling openly in the presence of men and women guilty of no crime but inability to pay their debts," and where "the treadmill was always going, the pillory and the stocks were never empty, the shears, the branding iron, and the lash were never idle for a day."

As late as 1829 it is estimated that Massachusetts had 3,000 persons imprisoned for debt, Maryland 3,000, New York 10,000, and Pennsylvania 7,000, many of them for debts lower than \$1.

Now, the ballot in the hands of an American citizen is a share of stock without property qualification in a Government which has "expended fabulous sums in the erection of reformatories, asylums, penitentiaries, houses of correction, houses of refuge, and houses of detention all over the land; which has furnished every State prison with a library, with a hospital, with work-

shops, and with schools," and the American school is the best school on earth, and the American flag floating over it is the best flag on earth, and if any man born on foreign soil is disposed to deny this, why did he come here? [Loud applause.]

CHILD LABOR AND SWEAT SHOPS.

But in the eternal ferment of forces, which we call evolution, there are no stopping places. There are relay stations, but no stopping places.

Notwithstanding the fact that we have the best common school system in the world, and notwithstanding the fact that "the children of a nation are its greatest undeveloped resource," it appears that in the United States in the year 1900 there were 1,752,187 children between the ages of 10 and 15 years employed in so-called "gainful occupations."

The starting of little boys and girls upon the eternal treadmill of work at the age when they ought to be started to school, and working them not only days but nights during the few short years when, if ever, humanity ought to be free from care; the turning of the natural joy of childhood into the premature gravity of age; the coining of the dwarfed bodies of little children into dollars and cents, is a crime without extenuation, out of joint with an age which has organized compassion for "a galled horse or a dog run over at a street crossing." [Applause.]

Then, too, notwithstanding the fact that humanitarianism is reforming prisons, unreformed humanity is keeping them full.

And notwithstanding the fact that we have reformed reformatories, lighted dark places, and drained low places in society generally, there are still a good many places high and low, to be lighted, drained, and ventilated, and among them are sweat shops, where things are made cheap in an unventilated atmosphere of cheapness until fabrics wrought by the fingers of squalor transmit the very microbes of diseased cheapness. [Applause.]

But these reforms are under way, and they are only parts of a profound reorganization of society which is steadily going on, of which the so-called labor movement is a part.

Granted that some labor unions have misunderstood and misused the nobler purposes of their organization; granted that the labor movement, like other movements, has in it a certain percentage of demagogues, who are in it for what they can get out of it; granted that there are blackmailing walking delegates, who are false to their unions and paid tools of corporate combines for the suppression of rivals; still the labor movement, in its broad intent and wide significance, has been and is the organized struggle of the great mass of humanity for better conditions.

This struggle of labor, however, has not been the struggle of labor alone. At every step it has had the cooperation of broad-minded men, without regard to wealth or occupation, and if at any time in any movement it shall find itself deprived of such cooperation it may well doubt the propriety of such movement.

THE INDUSTRIAL MACHINE GEARED TO POLITICAL POLICIES.

But this engine of production, transmutation, and exchange which we call labor and capital, and which Carlyle, wrongly apprehending its whole tendency, called a "gross, steam-engine utilitarianism," is geared not only to commerce and social conditions but to the machinery of government, and frequently gentlemen are not so much interested in studying the machinery of government as they are in getting a job somewhere about the machine.

Under our system of government by majorities, since majorities and minorities can not occupy the same political offices at one and the same time, it has been the time-honored custom of minorities, waiting at the outer door of political opportunity, to sit around in criticism of the party in power. This custom of political criticism, though never disinterested and frequently dishonest, is not without benefit.

It is said that certain of the Greeks learned the art of pruning their vines by observing that where an ass had browsed upon them they grew the more luxuriantly. [Laughter.]

The present political waiting list is not hampered in its free expression by any set of political principles meaning the same thing in any two parts of the country at one and the same time, but is running all ways at once, led by leaders leading in various directions. For a long time there has seldom been a political policy on which it could not pair with itself. [Laughter and applause on the Republican side.]

It is made up in part of gentlemen who "stand where they always stood," while the world has moved on [laughter]; gentlemen with reversible minds who guessed wrong the last time; gentlemen whose political affections have been trifled with [laughter]; gentlemen who have failed to expand with their expanding country, and gentlemen, like the famous Colonel Yell, of Yellville, who are sadly mixed in their own affairs, but want to get at the governmental cash register and teach the Treasury Department how to finance the Government.

LABOR IN ITS RELATION TO PROTECTION.

If there is any one idea to which a majority of these elements attach themselves now that they have ceased to rally round "the free and unlimited coinage of silver and gold at the ratio of 16 to 1 without the aid or consent of any other nation on earth," it is that protection is wrong.

For years the Republican party has materialized in practice the profound truth lately expressed by Mr. Gompers, president of the American Federation of Labor, at Boston, that "no industry, no country, has ever become great, or ever can become great, founded on the poverty of its workers." [Applause on the Republican side.]

In its policy of protection to American labor and American industries one of the strongest arguments of the Republican party has always been the labor argument.

That is, first, if a foreign-made commodity can be laid down in American markets cheaper than a homemade commodity by reason of cheaper wages abroad, then we ought to maintain a tariff to equalize labor conditions here and abroad and protect American labor.

Second. If by protection we can produce a commodity which we are not producing, we ought to maintain a tariff to create and foster the production of that commodity.

Third. That behind protection existing industries have been multiplied and new industries have been created which, by competition among themselves have reduced the price of commodities even below the tariff imposed, so that from the vantage ground of a protected market we are not only supplying our home market, but are shipping a surplus abroad, whereby we have sustained the wages of labor at home, multiplied employment, stimulated invention, increased the purchasing power of every American, given the American farmer a constantly increasing market at his door, and made the American man the best all-around man that walks the earth to-day. [Applause on the Republican side.]

PROTECTION AND PROSPERITY.

The history of protection is a history of prosperity. The history of free trade or approximate free trade is a history of depression.

The first tariff act was reported to the first Congress of the United States by James Madison, construed and upheld by the framers of the Constitution, and signed by George Washington July 4, 1789.

It was increased by twelve separate enactments down to the war of 1812, when it was doubled.

From 1816 to 1824 there was depression of tariff, depression of trade, and hard times, relieved by the tariff of 1824, which was raised by the tariff of 1828.

Clay's compromise ten-year sliding-scale tariff of 1833 slid into the panic of 1837; but conditions were repaired by the tariff of 1842.

In 1846 we had the Walker free-trade tariff, but disaster was averted by war with Mexico, putting large sums in circulation, famine in Ireland calling for large shipments, the finding of gold in California, the Crimean war, revolution in Europe, and by reflex action prosperity here, until at last prosperity from accident ceased and we fell into the panic of 1857.

Since 1861 we have had protection, except during the period of panic under the Wilson-Gorman law, from 1893 to 1897, when we had something else.

In the presence of this history the banana theory of the gentleman from Mississippi is the most irresistible thing in the way of logic since Thompson's colt swam the river to drink.

And his definition of protection as "a system of taxation whereby labor and capital are deflected from naturally profitable pursuits into channels of naturally unprofitable pursuits," stands refuted by a mere recital of industrial history, whereby it appears that not only have labor and capital not been "deflected" from "naturally profitable pursuits," but have availed themselves of all "naturally profitable pursuits," and in addition thereto, under protection, have turned unprofitable pursuits into profitable pursuits, to their mutual advantage and the advantage of our whole population.

From the first tariff law down to now, when, with the railroads of the United States we could put a girdle around the globe at the equator, have enough left to parallel the railroads of Europe, and keep their tracks hot with the traffic of our prosperity, there has never been a time when American capital and American labor have been "deflected" from any profitable pursuit, except when the Democratic party has been in power. [Applause on the Republican side.]

Mr. Chamberlain, of England, has also recently described protection. In his Glasgow speech, October 6 last, he says:

Now, what is the history of protection? First, there is tariff and no industries. Then gradually primary industries for which the country has natural facilities grow up behind the tariff wall. Then secondary industries spring up; first of necessities, then of luxuries, until at last all the ground is covered.

I put this description over against that of the gentleman from Mississippi.

"First the blade, then the ear, after that the full corn in the ear."

PROTECTION AND MANHOOD.

In this connection Mr. Chamberlain further said:

The vast majority of the workmen in the colonies are protectionists, and I am disinclined to accept the easy explanation that they are all fools.

In its policy of protection to American labor and American industries the Republican party has always held the quality of American manhood above the cost of a fabric, and in the long run this policy has not only dignified American labor, but has reduced the cost of commodities to the point where the humblest artisan of to-day can commonly have the things which the wealth of kings could not command a few years ago. Not only that, but this policy has put money into the pockets of labor with which to buy these things. [Applause.]

Not only that, but the capitalist of to-day was a laborer yesterday. Here under the Stars and Stripes, a boy may dream of a future and realize it sometime, and a lowly start in life only lends luster to an honorable career, except among a certain self-selected set, who sit around under genealogical trees suffering from dry rot.

America has gained its place in the commerce of the world largely because of the intelligence of American workmen, working under protection unrestrained by rules limiting his energy and ambition.

In this explanation foreigners themselves concur.

In the fall of 1902 the Moseley commission of British experts, representing twenty-one trades, came here to investigate industrial conditions, and among other things they reported:

First. That American boys are better educated than English boys.

Second. That the American workingman has better habits and is better housed, clothed, and fed than the English workingman.

Third. That American factories are better equipped with better machinery, with which American workingmen can do more and better work.

Fourth. That the American workingman works more hours a day, gets the benefit of all he can do at piecework, welcomes new machinery as a rule, and is encouraged and rewarded for invention.

PLUTOCRACY.

Because the Republican party is the party of protection and three square meals a day, gentlemen on the other side have allowed themselves to get into the habit of calling us the "party of plutocracy," and they have decorated some of our leaders with dollar marks, and horns, and hoofs, and a smell of sulphur.

There is a good deal of political hypocrisy about this custom of yours.

So far as I have been able to observe, acquisitiveness is just about as acquisitive in the Democratic party as it is in the Republican party.

If there is really any impropriety in prosperity, and any of you are hard enough up to cast the first stone, there are several shining marks in your own party from whom, according to the testimony of some of your leaders who have lately turned States evidence, you have actually collected campaign funds. [Laughter.]

It does not necessarily follow, it seems to me, that because Dives went to hell everybody who is well off must go to hell; and it does not necessarily follow that because Lazarus went to Abraham's bosom all poverty will congregate in Abraham's bosom; and it does not necessarily follow that any political party will be exclusively represented in either place.

John Mitchell told the truth to the miners at Pittsburg, Kansas, when he said:

None of us is poor because he wants to be. There is not one of us but would be willing to accumulate wealth and become a capitalist if he could do so honorably.

And so far as the gentlemen on the other side are concerned, I haven't the slightest doubt that if they actually believed what they talk—that to be a Republican is to have the Midas touch—there wouldn't be a man left in the Democratic party in twenty-four hours. [Laughter.]

TRUSTS.

Another thing, you gentlemen charge the Republican party with being the party of trusts, and you say that more trusts were organized under the Administrations of William McKinley and Theodore Roosevelt than ever before in the history of our government, and you say that trusts so organized are protected under the Republican policy of protection, and that trusts so organized are selling their goods cheaper abroad than at home.

The only trouble with this is that two-thirds of it is not true, and the rest is incorrect. [Laughter.]

No trusts were organized under the Administration of William

McKinley or Theodore Roosevelt, and no trusts have ever been organized under any other Federal Administration, and there has never been any Federal law under which any trust could be organized.

The word "trust" in its original commercial application was used to define an arrangement among stockholders of various corporations whereby shares of stock were assigned to trustees, who issued trust certificates in lieu thereof and apportioned dividends and losses thereon.

But trusts so organized were never incorporated, but were driven from their trust formation by statutes and court decisions and forced to take refuge by incorporation under the laws of various States which have statutes especially framed to invite their formation.

These corporations so formed are generally composed of several merged industries, the merger being effected by the organization of a corporation and the conveyance to the corporation so organized of the real and personal property of the merged industries and the issue of stock thereon.

They may have their offices where they please and their factories where they please, and by virtue of "State comity" trade all over the rest of the Union, subject to the regulations of the various States, which are themselves in turn restrained by the fourteenth amendment and subject to the power of Congress to regulate commerce among the States.

When the Constitution was adopted, "the powers not delegated to the Federal Government by the Constitution or prohibited by it to the States" were reserved to the States or the people. These are the so-called reserved rights of States.

By the Constitution Congress is given power to regulate commerce "among the several States," not "in" the several States. Therefore Congress must stop short at State boundaries in the regulation of commerce and can not reach over and interfere with the so-called reserved rights of States, except that while it is true that Congress may not regulate and control the organization and internal management of corporations organized under the laws of States, still, as was lately held in the Northern Securities Company case, "every corporation created by a State is necessarily subject to the supreme law of the land"—that is, the Constitution and laws passed by Congress pursuant thereto—and can not interfere with the free course of trade and commerce among the States.

At the first session of the Fifty-sixth Congress we tried to submit a resolution to the people providing for an amendment to the Constitution permitting the Federal Government to follow, regulate, and control corporations generally, but it takes two-thirds of Congress to do that, our Democratic friends refused to vote for it, and it failed.

Failing in that, in the second session of the Fifty-seventh Congress we passed (1) a law providing for a Department of Commerce and Labor, with a Commissioner of Corporations charged with the supervision of corporations engaged in interstate commerce, also providing for corporate publicity.

(2) Inasmuch as it is no use to manufacture if you can not get your product to the consumer, and inasmuch as it had been for some time the cause of just complaint that railroad companies, endowed with the power of eminent domain, whose duty it is to serve the public impartially, had been giving preferential freight rates to preferred shippers, whereby shippers so preferred were strengthened into monopolies, arbitrarily fixing prices to buyers and sellers and driving competitors out of business, we passed the antirebate law, which prohibits under penalty the giving, demanding, or receiving of preferences and provides the preventive remedy of injunction.

(3) We also passed a law to "expedite the hearing and determination of suits in equity" under the antitrust law, and under this law to expedite hearings the Northern Securities case "came on to be heard."

The only antitrust law on the Federal statute books bears the name of a Republican Senator. The law creating an Interstate Commerce Commission bears the name of another Republican Senator and all the law is being enforced by a Republican President.

REMOVAL OF TARIFF NOT THE REMEDY FOR TRUSTS.

But gentlemen insist that trusts are fostered under the policy of protection and that the way to remove trusts is to remove the tariff.

It is not true that trusts are fostered by protection except in the sense that protection makes good times, and when times are good they are good for everybody. If it be true that when times are good they are good for everybody, the converse must be true that when times are bad they are bad for everybody, and if to discipline trusts it is necessary to make times bad for everybody, it is not unlikely that those least able to bear it would suffer most.

Laying aside the fact that trusts are organized under English free trade as well as German, Austrian, and American protection,

it is susceptible of absolute demonstration that American free trade would operate in the interest of trusts and against the interest of American labor.

It appears by the Twelfth Census that only 12.8 per cent of the total manufactured output of the United States is made by trusts; that only 8.13 per cent of the food supply of the United States is controlled by trusts, and that only 7.5 per cent of the labor employed in manufacturing is employed by trusts, and the word "trust" as here employed is used to mean all corporations organized in recent years. Since the taking of the last census, however, it appears that the capitalization of combinations which culminated in the year 1901 is rapidly falling off.

Now, if it is true that only 12.8 per cent of the manufactured output of the United States is trust made, then the remaining 87.2 per cent is made by competing independent industries.

And if it be true that only 7.5 per cent of the labor employed in manufacturing industries is employed by trusts, then the remaining 92.5 per cent of labor employed in manufacturing is employed by competing, independent industries. [Applause on the Republican side.]

Therefore, if you remove the duty from the 12.8 per cent of trust-made products you remove it from the remaining 87.2 per cent of products made by competing, independent industries employing 92.5 per cent of all the labor employed in manufacturing industries in the United States; and inasmuch as the weak would probably go to the wall first, trusts which would then be given the benefit of free raw material would remain and not only dictate terms to labor, which would then be seeking employment in a crowded labor market, but would dictate terms to consumers, provided they themselves were able to survive competition with the trusts of Europe.

This would at least be a temporary solution of the labor and capital controversy, but it would be like making a desert and calling it peace.

Logically protection is in restraint of trusts.

Behind it independent producers capitalized on a healthy basis, competing with overcapitalized, topheavy combinations, in the natural order of things ought to get their share of a domestic market which consumes 90 per cent of our product and which is constantly increased by the prosperity of American labor.

Why give it away?

In considering the tariff question it must not be forgotten that the nations of Europe, except Great Britain, which is now considering the advisability of abandoning free trade, protect their own markets from foreign invasion.

Not only that, but the further the nations of Europe are advanced commercially the more their industries have combined, and in Germany and Austria the courts sanction and the Governments uphold trusts.

Not only that, but the nations of Europe are combining among themselves to resist American commercial invasion, while in England Mr. Balfour and Mr. Chamberlain, though differing as to the advisability of protection for England, agree in advocating a colonial commercial union, whereby preference shall be given English colonies.

Behind protection we can regulate American trusts as time goes on—and we have taken a long step in that direction by the decision in the Northern Securities Company case—but we could not regulate international trusts with headquarters beyond seas. Aided by free trade, they would regulate us.

Remove protection and you immediately begin to divide our home market with foreign producers, paying lower wages than we pay here, whereby American wages would be forced down and American manhood would be forced down.

RECIPROCITY.

When the golden rule becomes international law and other nations open their markets to us without duty; when other nations come up to our standard, not when we go down to theirs—then will be time enough for us to think about opening our ports to other nations without duty; not till then.

That would be the reciprocity of international free trade.

But, obviously, free trade, which gives away our markets in advance and leaves us nothing to exchange, is not reciprocity.

In his last speech, at Buffalo, which is to be read and construed in connection with his whole political career, William McKinley said:

Reciprocity treaties are in harmony with the spirit of the times. If some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

Certainly; why not? "If some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home," why not?

The Blaine theory of reciprocity was reciprocity in things the like of which we do not grow or produce.

Reciprocity is an exchange of markets. Neither men nor nations trade things or markets without the hope of gain by the exchange.

When men trade horses they do not knowingly trade clean limbs for spavins, and sensible nations do not trade markets to the disadvantage of their own people.

The American market belongs to American capital and American labor, American producers and American consumers, American buyers and American sellers; and a government of all the people has no right to displace American industries, giving employment to American capital and American labor, furnishing markets for American farmers, and building up American homes, and substitute therefor foreign industries, employing foreign labor and foreign capital and withdrawing American capital from the channels of American trade.

Therefore William McKinley said, in his Buffalo speech:

By sensible trade arrangements which will not interrupt our home production we shall extend the outlets of our increasing surplus.

And therefore the Republican party said in its national platform of 1900: "We favor the associated policy of reciprocity so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets."

EXPORT PRICES.

But some gentlemen say that some manufacturers are selling some goods cheaper abroad than at home, and if they can do that what is the need of protection? Let us examine this.

A manufacturer will tell you that his mill has a certain capacity; that he can manufacture cheaper, and therefore sell cheaper, by running full time at full capacity than by running part time at part capacity; that when the mill slacks down to part time or no time at all men are thrown out of employment while interest and rust eat on, and the whole system of labor, capital, and machinery is disorganized by alternate spasms of activity and idleness.

He will tell you that at the end of a year or a specified time, having run full time at full capacity, he is likely to have on hand a surplus beyond the demands of his regular trade, but which he must sell before it becomes stale.

He will tell you that even if this surplus is sold at cost or even at a loss, still the regular price of his product to the consumer is less than it would be if he attempted to run haltingly, trying to gauge his product to current demand.

It appears that in all commercial countries export prices are at times from various causes lower than domestic prices, and that among these causes are:

First, the sale of out-of-date stock;

Second, the sale of a surplus without slacking down, it being more profitable to sell low at times and keep running than to lie idle; and

Third, the lowering of prices to introduce goods, thereby widening markets and stimulating production at home, on the theory that the more there is sold at home and abroad the more there is made at home, and the more there is made at home the cheaper it can be made at home, and the cheaper it can be made at home the cheaper it can be sold at home, even though at times and in places prices are lower abroad than at home, and the more there is made at home the more labor employed at home, and the more labor employed at home the more wages paid at home, the more wages spent at home, and the more homes built at home.

OUR JOINT AND SEVERAL INTERESTS.

No matter how capital combines or how labor combines or how they differ among themselves, their interests are inseparable and it ought to be plain to both that they can not afford to go out of business in favor of foreign labor and foreign capital by abandoning the policy of protection.

For the last seven years we have been going on in a procession of highest standards till all the world wonders and other nations are paying us the compliment of substituting foreign names for American names on American goods, sending experts here to study our conditions, and threatening to combine against us commercially.

Wages and profits have moved up together, so that on the 1st day of January, 1903, railroads and large corporations generally throughout the country raised wages 10 per cent, which, added to the general increase of wages during the three months next preceding that time, raised the annual earning power of labor in the United States, it is said, by about \$75,000,000, an increase unprecedented in industrial history within so short a time; and all these earnings have constantly been flowing back into the channels of retail trade.

It is claimed that an occasional industry here and there has cut down wages or shortened hours of work since that time, but there has been no general reaction. We have more money in use and circulation now than ever before, and the increase of nearly \$186,000,000 in our savings banks during the past year, and the fact reported by Bradstreet's, that of all the people in business in the

year 1903, only 0.76 of 1 per cent failed, is proof of our continuing and advancing prosperity.

We have had some flurries in Wall street, but a flurry in Wall street is getting to be more and more local in its effect.

All our energies of production, transmutation, and exchange have been running full time at full capacity except when slackened here and there by special causes, or when interrupted by differences between labor and capital, and how these differences shall be adjusted is of supreme importance not only to labor and to capital, but to our whole population.

REASON, NOT FORCE, THE WAY TO SETTLE DIFFERENCES.

There are two ways to settle disputes, one by arbitration and the other by war, and war means progressive mutual destruction. Science is accurate knowledge accurately applied, and in these days of spectroscopic analysis of lightning and snap shots at thunderbolts; when public opinion concentrates itself by wire and expresses itself through printing presses which can print, fold, cut, and paste 72,000 eight-page newspapers an hour; when the chemical engineer finds a mine in the waste of yesterday; when technical knowledge takes the raw material which is nature's finished product, wrought or distilled in the alembic of sunshine, and slow time, and separates it into the elements which compose it till hundreds of by-products require hundreds of factories and multiply invention and labor incalculably; when reason more than force is more and more governing the world, it ought to be possible for capital and labor to get together somewhere on the uplands of reason and common sense and ascertain with reasonable accuracy the line between their mutual rights.

ORGANIZATION AND ARBITRATION.

But to do this organization is first necessary. A disorganized mass of rights and wrongs can not coherently reason about themselves and express themselves, nor intelligently hear the rights and wrongs of others.

Organization compels self-inspection, discussion, and the formulating of principles on which to stand that will bear analysis before the bar of public opinion, where both organized labor and organized capital must stand trial and be judged by one standard of right and wrong, because there can not be two standards of right and wrong, one for labor and one for capital.

Organization makes force, craft, and dishonesty conspicuous and responsible.

And when labor gets itself organized and gets for itself a head, and when capital gets itself organized and gets for itself a head, and when these two heads get together and agree upon a working basis organization makes two organized entities of honor or dishonor for the fulfillment or the breach of their agreement.

The solution of this business must be from the inside outward, that is, from the conscience of patriotic American citizenship outward, and it will not do to say that capital has it all or that labor has it all.

There is one union above all other unions. Its password is "Liberty." Its ritual is the Constitution of the United States. Its oath is the oath of allegiance to the United States, and its sign is the flag of our Union. [Applause.]

It takes two to make an arbitration just as it takes two to make a quarrel, but in the long run neither labor nor capital can afford to take the position or the penalty of refusal to arbitrate.

Refusal reacts first on the parties to the controversy, because industries can not be transformed into warring camps and maintain the output of peace, and, second, it reacts upon the public at large.

For illustration, it is said the strikes in the building trades of New York last summer reduced the demand for structural steel, which in turn reduced the production of pig iron, two-thirds of the value of which represented labor. Hence labor lost its pay, capital lost its profit, and building was delayed.

GOOD PAY FOR GOOD WORK AND GOOD WORK FOR GOOD PAY.

There is nothing to be gained by presenting an inventory of the items of difference in that controversy, but if it be true, as stated in the Iron Age, that a hand riveter on structural steel work in New York City who could easily average from 250 to 300 rivets a day would only average 80 rivets a day, and if it be true that "the pneumatic riveter * * * in the hands of a man in any other city will drive from 1,500 to 2,000 rivets a day and only 250 or 300 in New York," we are forced to the conclusion that there must be something peculiar about New York.

At the miners' convention in Pittsburg, Kansas, in July last, Mr. Mitchell said:

While the trades unions ask the highest possible wages, they must return faithful service. In the trades unions and in the industrial movement men have obligations as well as privileges. We have a duty to perform. If we receive good pay we must give good work.

The question of how much pay is one for labor and capital to settle between themselves, but that a man ought to give good

work for good pay is only common everyday fairness, and the habit of English trades unions of "killing time" is one of the things that have contributed to impair the trade of England.

However they settle their differences, it ought to be plain to both labor and capital that their controversies and the adjustment of their controversies ought to be conducted on the American side of an American protective tariff; that neither of them can afford to introduce into the problem of their differences the factor of unrestrained foreign competition, and that so far as labor is concerned, even low wages under protection are higher than wages could possibly be without protection.

Speaking of immigration, John Mitchell says in his book on "Organized Labor," "the American people should not sacrifice the future of the working classes in order to improve the conditions of the inhabitants of Europe," and this observation is just as applicable to unrestricted importations as to unrestricted immigration.

However labor and capital settle their differences, they must settle them in the light of public opinion, and neither can long maintain an unfair position.

What Samuel Gompers said of trades unionism—that it is "just as strong and no stronger than public opinion"—is equally true of trades combinations.

FAIR DEALING.

A sound argument argues itself. It may be slow, like the shadow on the dial, but it must in the long run prevail.

When the laborers in the vineyard grumbled because those who came in at the eleventh hour were paid the same as those who came in under contract in the morning, they were asked by their employer, "Is it not lawful for me to do as I will with mine own?"

If this inquiry were propounded now, some member of a modern union might justly answer, "No, modern conditions have introduced a different kind of political economy nowadays." And he might proceed to say, "I came here to work for you some years ago. On the strength of steady employment I have bought me a home. I have it half paid for and the unpaid balance is secured by mortgage. My children are in school and I myself am in middle life and can not easily adapt myself to change."

If his union had proposed arbitration he might add: "We have asked for arbitration; you ought not to bring in new men now to take our places without giving fair consideration to our grievances. There is a higher equity than the mere payment of wages. Give us a chance to be heard."

If the employer under such conditions refuses to arbitrate, fair-minded men will say that labor has not been fairly treated, and the union can not be blamed if it does not go out with a brass band to welcome nonunion men who have come to take their places.

But if the employer offers to arbitrate, and labor not only refuses to arbitrate, but refuses to permit the employer to turn a wheel, and resorts to violence to prevent the employer from turning a wheel, fair-minded men will say that the employer has not been fairly treated.

But suppose the laborers who went in first under contract should say: "Let us form ourselves into a vine-dressers' union," and having formed themselves into a union they should say: "We are expert workmen, but the fewer vines we trim in a day the more days we shall have to work and the more pay we shall draw. Therefore go to! let us trim twenty vines a day, when we could trim a hundred. And if any nonunion vine dresser shall appear at the gate let us stone him with stones."

What then? Will not fair-minded men say that this is neither fair to the employer nor to the consumer, who has to pay more for grapes by reason thereof?

Or suppose the vine-dressers' union should say: "Some of us are expert workmen and can earn expert pay; others of us are third-rate workmen and can not earn expert pay, but, nevertheless, let us demand expert pay for all of us." Would not such a demand operate against the interests of the better workmen and at the same time be unfair to the employer and the public at large?

Again, suppose the vine-dressers' union should say: "In our guild there are one hundred. Now, let us limit the number of our apprentices, so that we may keep down the supply of labor."

And suppose the widow's son should apply to learn the vine-dresser's art and to him reply should be made: "The number of our apprentices is full. Go thou and seek apprenticeship in the woodhewers' union."

And when he finds the woodhewers' union and the water carriers' union and other unions full, wherewithal shall the widow's son be clothed and fed?

Has he not an equal right with others to select his trade and work at it?

While it may be true that labor has as good right to limit the supply of labor as monopoly has to limit the output of the necessities of life, does either make the other right?

SOCIALISM AND THE BELGIAN EXPERIMENT.

The paramount problems before the people to-day are tariffs, trusts, and the mutual relations of labor and capital; and going to and fro in the background of these problems, but unrecognized by the great mass of the people engaged therein, is the spirit of philosophic socialism, which hails trusts, labor unions, and the municipalizing of public utilities as tending toward the realization of the socialistic dream of "all for each and each for all."

It was one of the teachings of Carl Marx "that industries will fall as by nature into fewer and fewer hands."

As to the municipalizing of public utilities, before the people get ready to turn over much business to municipal management they will probably want some better assurance of municipal business ability and honesty than some of our cities have lately furnished, and some better evidence of the advantages of paternalism than Australia has been able to furnish with its public debt of more than a billion dollars, increased by socialistic experiment, or its emigrating population.

The socialistic experiment has also been in practical operation for something like ten years in Belgium and is of profound interest to students of social movements.

In Belgium labor has gone into business on its own account and is practically labor capitalized and doing business without the intervention of the middleman.

Bakeries, creameries, coal depots, groceries, libraries, shoe factories, saloons, and distributive stores are run by cooperative labor societies, which also have a system of old-age insurance, giving pensions to members of twenty years' standing who are over 60 years old.

It is a curious fact that the things that are complained of combined capital here are complained of combined labor there.

There, cooperating labor societies are centralizing business; here cooperating capital is centralizing business.

There, it is claimed, middlemen and small dealers are being thrown out of business by cooperating labor; here, it claimed, they are being thrown out by cooperating capital.

In Ghent in 1900 a commission took testimony as to the effect of cooperating labor societies there, and the charges against them are curiously like the charges made against department stores here.

In Belgium socialism, experimenting practically with its own theories, has been obliged to modify them.

Judging from the Belgian experiment, humanity is not yet ready to work for a common capital as faithfully as for private gain, and the doctrine of "all for each and each for all" is not yet practicable.

There, as elsewhere, for many years labor has been debating about labor-saving machinery and when cooperating labor found that it had to use the best machinery, labor employed by itself objected on the ground that improved machinery displaced labor, whereupon cooperating labor replied: "The better it is, the better for us. It makes more work somewhere else, which some of our men must do. Besides, the more product we turn out with the best machinery, the better wages we pay and the shorter hours we give. If we can make an iron man do our work quicker and better and cheaper than we can do it while we get pay for holding him to his task, why not?"

This sounds like good logic for both labor and capital.

At first labor insisted in Belgium, as it has insisted elsewhere, upon the minimum wage system, whereby every workman should receive no less than a certain sum per day. But cooperating labor was obliged to modify the minimum-wage theory, because in practice it was found that all kinds of workmen did all kinds of work—that is, some worked steadily but with varying speed, according to their ability and skill, while others gossiped and wasted their own and others' time.

Therefore cooperating labor introduced the rule that a man should have no less than a certain sum per day provided he could earn that sum.

That sounds like good logic for both labor and capital.

Labor objected in Belgium, as it has objected elsewhere, to the piecework system, on the ground that under that system employers were in the habit of gauging the price per piece by the speed of some too rapid man.

But cooperating labor, debating and experimenting with itself, found when it went into business for itself in Belgium, that human nature is not changed even when it becomes cooperating human nature, and that men will loaf under a time-work system or a minimum-wage system, who, if set to work on piecework, will double their productive power.

Cooperating labor therefore adopted and continued the piecework system.

Labor debating and experimenting further with itself found that the market had to be reckoned with by cooperating labor just as it has to be reckoned with by capital.

It found that when cooperating labor sets up in business for itself, if what it makes will bring only a certain price on the market, then cooperating labor, receiving only that price for what it makes, must gauge the wages it pays itself accordingly, just as capital has to gauge the wages it pays.

Socialism objects to interest and rent; but when it goes to work for itself in Belgium under the cooperative plan, it borrows money and rents buildings, and pays interest and rent the same as capital does.

When out of business, socialism theorizes about equality; but when it goes into business in Belgium, it recognizes that the highest-priced man in town may be the cheapest man in town, and pays its managers accordingly.

In short, in this singularly strong illustration of the difference between theory and practice in Belgium, cooperating labor deals with wages, hours of work, piecework, interest, rent, and extra pay for extra ability, as they are dealt with under the wage system.

NO SOLUTION IN DISORDER.

Apparently we are not yet ready for socialism.

At present we are a world of corporate combinations and labor combinations, jarringly, but jointly, operating the machinery of the most inventive age since time began, and our immediate concern is to keep the machinery running to the profit and advantage of all the people.

Both organized capital and organized labor owe and must render obedience under the law, and their best interests are in law and order. Even a bad law is better than no law at all. If the law is bad, the law can be amended.

Anarchy would only turn over to the strong and the cunning all the remnants of a destroyed state; and inasmuch as even chaos must have a center to revolve around, reorganization would immediately begin again, under new leaders.

The French Revolution, with its tannery of human skins at Meudon, its wig making from the hair of the guillotined, its dyspeptic mobs hanging mayors and bakers because bread was too high, its goddess of reason, and all its other tragic by-products, finally resulted in a Napoleon.

The average common sense of the average American citizen is the power behind the law and above the law.

The struggle now, as in Lincoln's time, though in a different way, is still "a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men, * * * to afford to all an unfettered start and a fair chance in the race of life."

Our leaders shall be of ourselves and our "governors shall proceed from the midst of us," and so long as the best is uppermost in men and so long as the best men are uppermost among men no power this side the Omnipotent can prevent us from continuing to be foremost among the living advancing powers of the world.

Humanity on its long journey from the lost Eden to the new Eden somewhere beyond has received a new impulse here on American soil, and American manhood, grown to the measure of the stature of the fullness of its opportunity, is taking its weaker brethren by the hand and leading them on while all the traditions of our heroic past, all our hopes of better things to come, all the ideals of our great leaders who have died along the march, and all the angels of our better nature lean from the battlements of light and cheer us on the way. [Loud and prolonged applause.]

Mr. LIVINGSTON. Mr. Chairman, I yield twenty minutes to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN of Missouri addressed the committee. See Appendix.]

Mr. LIVINGSTON. I yield to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Chairman, we were entertained a few minutes ago by an eloquent, although somewhat discursive speech, by the gentleman from Michigan [Mr. HAMILTON]. It covered about every subject possible to cover in a speech of an hour and a half. That speech was full of epigram and was hugely enjoyed by his Republican associates. The gentlemen on the other side of the Chamber were able to take full enjoyment in the speech because while he made many claims for the Republican party and for Republican policies, the gentleman from Michigan was particularly careful before commencing his speech to shut off any possibility of any of those claims being punctured, as he announced that he would not yield to any interruptions or answer any questions.

Now, Mr. Chairman, I have not an hour's speech; in fact, I have not prepared anything, but I have here some newspaper clippings treating on some of the same questions which I intend to comment upon, but unlike the gentleman from Michigan I invite interruptions—I invite questions.

Mr. JONES of Virginia. Does my friend from New York understand that the gentleman to whom he refers could not yield

for interruptions because his speech had already been published in the evening papers? [Laughter and applause on the Democratic side.]

Mr. BAKER. I have never been in that position; in fact I did not know such a thing was possible. But that was not the chief reason for the gentleman announcing in advance that he would not yield to any questions. They would have spoiled his speech for campaign circulation. The principal reason is that the gentleman well knew that the picture he was about to draw of the universal beneficence of Republican legislation would not stand examination and could be punctured by a few pertinent questions from this side of the House.

Now, Mr. Chairman, in the few minutes accorded to me to-day I want to make a little comment upon the statement—the authorized, official statement no doubt—of the Department of Agriculture, which comes from the Secretary of that Department. In an interview with him which appears in the Washington Star of April 9 he makes the most extraordinary claims, although no more extraordinary than those we have just listened to from the gentleman from Michigan. Because my time is brief I shall have to skip in the reading and refer to only a few of his most salient remarks.

SECRETARY WILSON AND THE FARMER.

Talking about the great prosperity of the farmer—which in his view has come, of course, entirely as the result of Republican policies; the climate, the soil, the beneficence of Providence, the skill and industry of the farmer and farm laborer—all those things, having nothing whatever to do with it, it all being solely due to Republican policies and the Dingley bill—he says that these farmers are getting so rich that they want to know all about the trusts; and the reason they want to know about the trusts (if we are to judge from Mr. Wilson's remarks) is not because the trusts have become the Government of the United States, but because the farmers, in the West particularly, have become so wealthy that they are looking for opportunities for investment. Mr. Wilson says that they want to know whether these stocks—the stocks of the trusts, the Wall street stocks, for instance—have a substantial basis, how they are operated, what business the companies which have their headquarters there are doing, and whether they are to keep on paying dividends.

The farmers, according to Mr. Wilson, are not bothered at all by the fact that the United States Steel Corporation is levying tribute upon the American people to the extent of seventy or eighty million dollars a year. Not at all. They care nothing about the fact that the tariff protects the United States Steel Corporation to the extent of seven, twelve, fifteen, and even twenty dollars per ton on its various products. Oh, no! All that the farmers are interested in is to see whether that corporation and others that have issued these so-called "securities"—that Morgan, Rockefeller, et al., of Wall street, have been foisting upon the unsuspecting, gullible American investor—are going to keep on paying dividends. What innocence on the part of the farmers of the State of Iowa! Secretary Wilson says that if the Department of Commerce and Labor will give this information then the farmers will have just as much faith in those securities as they now have in the national banks. And "there will be no difficulty in their—the trusts, of course—getting a fair share of the farmers' money." How delightful!

I had assumed that the trusts had about got all the farmers' money already, but it appears not according to Secretary Wilson. If they have not, then the crops must have been bountiful indeed, for what with the harvester trust, the binder-twine trust, the salt trust, the nail trust, the sugar, oil, and other trusts plucking the farmer he must have had a plentiful supply of feathers in the shape of good crops to have anything left after they were through with him.

FARMERS EMIGRATING TO MANITOBA—WHY?

He says that the farmers are not satisfied with American investments—not even, I assume, with the billions of water which have been pumped into the "securities" of the trusts, of which there is nearly a thousand millions in the United States Steel Corporation alone—but they are investing in Canadian farm lands. It is true they are buying land in Canada. I have here a report published in the San Francisco Star, which says that within the past four years 105,771 people have emigrated from the United States to the Dominion of Canada, and that the majority of them have come from that section adjacent to the Province of Manitoba—almost within the shadow of Mr. Wilson's home. In spite of the magnificent prosperity—for the trusts—which Mr. Wilson and other leading Republicans are constantly boasting about, 105,000 farmers have gone north into Canada in four years.

But, gentlemen, this paper says that whereas but 5,691 went in 1900, 18,000 in 1901, and 37,000 in 1902, yet 44,980 went in 1903, while the New York Evening Post says this immigration shows no sign of diminution. And we are told that it is estimated that the number who will emigrate from this country during 1904

will greatly surpass that of any previous year. Why do these farmers fly from your magnificent prosperity? Why do they go to that colder climate, where the winters are longer and more severe? Is it that they prefer the rigors of a Canadian winter? It is because in the Province of Manitoba the farmer is not burdened with taxation as he is in the United States, Manitoba being the only place of any large area, outside of New Zealand, where the farmer gets a fair show.

What are the facts? In a little booklet written by Mr. George J. Bryan, of Toronto, entitled "Advances in Tax Law," in speaking of Manitoba, he says:

Under the prevailing system, which has been in force for upward of eight years, all cereals, flour, and stock—the produce of the farm and field—all houses, barns, fences, implements, draining, or other improvements added to the land, all household effects and furniture, books, and wearing apparel of every kind, are free from taxation. And all lands improved for farming and gardening purposes are taxed only on their unimproved or prairie value.

In respect to two items (implements and live stock) the law enacts that exemption is allowed up to \$1,500, but in effect practically no farmer in the Province is taxed other than on the unimproved value of the land.

MANITOBA ADVANCING TOWARD THE SINGLE TAX.

Our so-called "prosperous farmers" are going north into Manitoba because that Province has made great strides toward the natural system of taxation—the single tax—in exempting personal property from taxation and in abolishing the taxation of improvements. Mr. Bryan says that the average amount of the yearly tax on a quarter section of land is about \$12, and that is all the tax the farmer has to pay. That is the reason that the farmers, even from Mr. Wilson's own State, are emigrating to Canada, and not because they have made so much money that they can invest in United States steel and other trust stocks.

No wonder that the San Francisco Star says:

As most of the farmers now pouring into Manitoba came from Michigan, Ohio, Indiana, Illinois, Wisconsin, Iowa, Minnesota, and the Dakotas—States in which everything they had was assessed and taxed—it can be readily imagined how much relieved they will feel in their new homes, without assessors to molest or make them afraid. When they come to write back to their friends and former neighbors, there will be a stirring among the dry bones in the rural districts of the Middle and Northern West.

In the city of Winnipeg, with a population of 55,000, all personal property is exempt from taxation. On Saturday among the bills affecting the District of Columbia which this House will act upon will be one which continues many of the most objectionable provisions of the present outrageous personal property tax law. This House, the common council, the board of aldermen of the District of Columbia will, I fear, with few exceptions, vote in favor of a tax law that will search out every man who is engaged in a useful occupation, take him by the throat and drag him into the police court as a criminal if he does not pay a tax for performing the useful service of apothecary, druggist, confectioner, florist, produce dealer, or undertaker. Anyone engaged in any of those extremely necessary occupations or who runs a restaurant, a dairy-lunch counter, eating or boarding house, or an ice-cream parlor, any carriage maker or contractor, commission merchant or broker is by this law adjudged a criminal and compelled to pay a fine commensurate with the enormity of the offense he commits through the exercise of his occupation.

We are told that "cleanliness is next to godliness," but evidently that motto does not find favor in this House, for not only is any man who dares engage in the business of cleaning mankind mulcted in a fine of \$25 per annum, but hand laundries are compelled to pay a fine of \$10 for the privilege of cleaning Congressional dirty linen: and then we say that we, the American people, are the most intelligent people and that this body is the most intelligent legislative body on the face of the earth. I give warning here now that if I can get the opportunity I am going to raise my voice in opposition to such a ridiculous, medieval, Jew-hunting, oppressive system of taxation. As the probabilities are that I will not be allowed that opportunity, I say it now. [Laughter and applause.] To revert back to my friend the Secretary of Agriculture, I notice that among other things he was asked: "How about wages, Mr. Secretary? Is the farm laborer well paid?"

WILSON'S CONCEPTION OF GOOD PAY.

In order that no injustice shall be done to the Secretary, I am going to quote his exact language:

How about wages, Mr. Secretary? Is the farm laborer well paid? I think he is—

Replied the Secretary of Agriculture—

Good men get good wages, varying with the locality. In the Northwest, where, perhaps, the most skilled of our farmers are found, hired men get \$25 a month. That is equal to \$40 a month without board, which is good pay for any man. Such a hand will understand how to use farm machinery. He will know all about crops, and he can, if necessary, take the farm and manage it himself. In some other parts of the country the wages are less.

The first thing I want to call the attention of the House to is his statement that hired men (farm laborers, of course, he means) get \$25 a month and board, which, he says, "is equal to \$40 a month without board," and which, he also says, "is good pay for any man."

Surely these touters of "prosperity" should get together and make their statements somewhat agree. It will be remembered that four months ago to-day, on the occasion that I first addressed the House, addressing it on this very subject of unequal prosperity, the gentleman from Pennsylvania, Mr. OLMSTED, decried my statement that able-bodied farm laborers in his highly protected State were working for \$5 a week and house rent, but without board, as he then insisted that any laborer in that State could command \$2 a day. Now we have the Secretary of Agriculture stating that farm laborers get \$25 a month and board, which, as he says, is equal to \$40 a month without board, but which, as you will note, falls far short of Mr. OLMSTED's minimum rate of \$2 a day. But not only does the Secretary of Agriculture put the wages at a much lower rate than does the gentleman from Pennsylvania, but he says this \$25 a month and board "is good pay for any man."

Good pay, forsooth! Good pay, in these days when through the manipulation of the water in our inflated trusts millionaires are created over night. How many years will the farm laborers of Mr. Wilson's State of Iowa have to work to receive at this munificent rate of \$25 a month the salary for one year of the president of the United States Steel Corporation or the president of several of the big railroads of this country, many of whom, I understand, receive \$50,000 a year? These farm laborers would only have to work two thousand months, or one hundred and sixty-six years, during which, of course, they must not spend a penny of money—not even for clothing.

That the Secretary is not referring to the unskilled roustabout or the incompetent farm laborer is shown in the fact that he says that such a hand will understand all about the farm machinery, about crops, and can, if necessary, take the farm and manage it himself. Evidently he refers to thoroughly skilled and competent men, but fearing, I assume, that there might be an exodus from his State, he says: "In some other parts of the country the wages are less." If wages are less for farm laborers elsewhere than \$25 a month, for Heaven's sake where is this boasted prosperity?

HIS COUNTRYMEN OVERWHELMINGLY REJECT CHAMBERLAIN'S PROTECTION THEORIES.

Now, Mr. Chairman, I want to refer to another matter. A great deal was said in the course of the speech of the gentleman from Michigan [Mr. HAMILTON] about what has taken place in England, and we are told that Joseph Chamberlain has put forth some magnificent protection arguments. But the gentleman from Michigan is extremely careful not to state that with two exceptions, in all of the twenty by-elections held in England during the past four months, Chamberlain has been overwhelmingly repudiated. At every election, with the exception of South Birmingham and one other place—the name of which I do not now recall—Chamberlain was overwhelmingly defeated. That is significant, but there is more. What else is significant? The Liberal party, the party that in principle is much the same as is represented on this side of the House by the Democratic party, in order to meet Mr. Chamberlain, in order to defend itself against this traitor to the cause of free trade, has decided, "We must carry out in its entirety the policy of Cobden;" we must have free production as well as free trade; and that party as the result of that policy, under the leadership of Sir Henry Campbell-Bannerman and Mr. Henry H. Asquith, on March 11 last voted solidly in favor of a bill to tax ground rents; in other words, the single tax—which has only one representative upon this floor, but which, I predict, will have an ever-increasing number in succeeding Congresses.

LIBERALS VOTE SOLIDLY FOR LAND-VALUE TAXATION BILL.

The entire Liberal party that was present in the House of Commons that day voted solidly in favor of Mr. Trevelyan's bill. The Liberal party in England is doing what the Democratic party of this country has got to do if it desires to successfully fight the claims that are made on behalf of that system of fraud and robbery—"protection." All my Democratic associates will repudiate it now, not one of them will express sympathy with any such doctrine, but the Democratic party has got to come to that, it has got to declare that free production is as necessary as free exchange; and when they are prepared to declare for free production, then they will have the courage and the honesty and the manhood to declare for free trade and not for tariff reform. Every one of the great Liberal papers in London, as the result of that vote of March 11—the Daily News, the Chronicle, the Star, the Echo, the Westminster Gazette—have all said that this is the only policy which can succeed with the great masses of the people. It is the only possible policy which can refute and completely overwhelm the claims that Joseph Chamberlain makes on behalf of your system of protection.

Two years ago that bill received 156 votes in the House of Commons and 227 votes were cast against it. On March 11 of this year it received 223 votes and only 156 were cast against it. There has been a complete overturn in the Tory House of Commons, in

a House dominated by English landlords. Thirty-six men who support Mr. Balfour voted in favor of the single-tax principle.

How completely the Liberal party is committed to this policy of the taxation of land values is shown in the speeches of Mr. Trevelyan, Mr. Kearley, and Mr. Asquith, which I will not take the time to read to the House, but which I will insert as part of my remarks, together with the Daily News comment upon that memorable vote.

LAND VALUES—PARLIAMENT AND THE TAXATION OF LAND VALUES—A MAJORITY OF 57—REPORT OF DEBATE AND DIVISION LIST.

HOUSE OF COMMONS, Friday, March 11, 1904.

The Speaker took the chair at 12 o'clock.

LAND VALUES (ASSESSMENT AND RATING) BILL.

Mr. Trevelyan (L.), on rising to move the second reading, said this bill was not his bill; it was not a party bill, but it was the result of the deliberations of a conference of municipalities, representing 150 local authorities, and, as far as he knew, hardly any, if any, authorities had made a definite declaration against it. The two underlying principles of the bill, to which he hoped the House would assent, were that in the case of undeveloped property the real selling value of the land should be the basis of taxation, and that land values were a proper subject of separate rating from buildings and improvements.

The present bill proposed to tax unoccupied land to the extent of the full current rate on its real value, the annual value being taken as a basis and reckoned as 3 per cent of the selling value. This would be a very substantial increase of taxation where land was held out of use against the public interest, and a great encouragement to building. The relief to existing rates in such properties would depend on the amount of land which was allowed to be developed, but had hitherto escaped taxation in the area of the rating authority in the outskirts of the town. Reverting to the principles of the bill, he said he was rather uncertain how much opposition there was to the taxation of occupied land.

The president of the local government board, who had not shown himself friendly to such legislation, speaking the other day to a deputation of municipalities, did not altogether throw cold water on the proposal to tax unoccupied land. Some interesting instances of the present condition of things had been given in the debates of various corporations. There were, for example, four estates in the neighborhood of Bradford which had, at a reasonable calculation, a value of upward of £2,000,000, whereas the rates on these estates only amounted to £761. An almost more important effect of the proposal than the increased ratable value of towns would be the compulsion of landlords to bring their land into use. [Hear! Hear!]

Another argument against the proposal was that the process of obtaining a separate assessment of land values would be unbusinesslike, if not impossible. But it had not been found impossible in other communities. [Hear! Hear!] It was at work in Queensland and New Zealand, and in the last year or two a land valuation of the whole of New York had been made, while in Paris, where a committee of assessment was appointed in 1898, the assessment of the capital value of the whole of the land in the city was finished in the course of two years. In Prussia, too, within the last few years a tax on the capital value of land, including undeveloped land, had been submitted, and no less than sixty-seven towns and fifty-six urban authorities had adopted the proposal. [Hear! Hear!]

It was asserted that such a tax would be expensive and difficult to carry out, but the results obtained in different towns in Germany where it had been adopted showed the contributions of landowners to the rates had largely increased, that they had become much more anxious to sell, and that building had therefore been considerably stimulated. ["Hear!" "Hear!"] He hoped the Government would not look at this proposal quite so unfavorably as they had hitherto done, and that they would not set their face against the great municipalities. All the latter asked was to be allowed to make this great experiment with all that caution with which they were accustomed to move. ["Hear!" "Hear!"] He begged to move the second reading of the bill.

Mr. Kearley (L.), in supporting the bill, said the existing state of the land laws encouraged the hoarding of land, and had been responsible for bringing about the evil of overcrowding. About a century ago Davenport was a rural village. When the Government built docks and works there the place began to grow. But the whole of the land was the property of one owner, and he held it up against the community so that until ten years ago there was not a freehold tenure in the whole place apart from certain lands belonging to the Government. An extraordinary system of leases for three lives prevailed, resulting in great uncertainty of tenure. Eight or ten years ago, owing to public pressure, the manorial lord consented, as a boon, to sell to the community 2 acres of land, for which he demanded \$8,000.

Sir A. Rollit (C.) said he hoped the president of the local government board would allow the bill to go into committee. Neither politically nor municipally was this a party question. That was shown by the resolution, which was unanimously adopted by the association of municipal officials, which included all of the country and nearly every one of the noncountry boroughs, and contained men of all parties. The resolution was in these terms: "That it is urgent to provide some means by which owners of land, whether occupied or vacant, shall contribute directly to local revenue." That expressed, in one sentence, the main object of the bill.

The extent to which the leading members of the Liberal party are committed to this question of taxation of ground rents (the single tax) is shown in the fact that not only has Sir Henry Campbell-Bannerman repeatedly spoken in favor thereof, but the Right Hon. Henry H. Asquith, who was home secretary in the last Liberal ministry, and who has been the most conspicuous opponent of Joseph Chamberlain's plan to commit the British people to protection and who will unquestionably be one of the leading members of the next Liberal ministry, spoke in favor of Mr. Trevelyan's bill as follows:

Mr. H. H. Asquith (L.) said the fact that his honorable friend who introduced the bill had behind him 200 of the great urban representative authorities was a very important fact in itself as showing the general tendency of opinion, and he thought it was still more important from the practical point of view, because it meant that if the bill was carried it would have behind it, not the reluctant consent, but the hearty good will of the very authorities on whose cooperation they must depend for carrying it into effect. ["Hear!" "Hear!"] As he understood the bill, it embodied two propositions. The first was that all land ought to be rated at its real value, and the second was that for the purpose of carrying that object into effect there must be a separate assessment of the land and of the buildings.

As regarded the first proposition, he did not believe that there was any real dispute among them. It rested on the simplest principles both of justice and of policy. Without going into the question of unearned increment, he would take the ordinary case where a community expended money out of its own resources, and therefore at the cost of the rates, for the purpose of a public improvement—the creation of a new street, the provision of an open space, a tunnel from one side of a river to another, or one of the hundred different objects by which a governing body improved the conditions of life. That improvement involved an annual burden on the rates. The effect was to increase the value, in nine cases out of ten, of all land adjacent to or within the sphere of influence of the improvement itself. When vacant land was required for a public purpose, then, although it had not paid any equivalent portion of the rating burden for its enhancement of value, the community had to acquire it on the basis of its enhanced capital value.

So long as the landowner could thus obtain an enhanced value for his land when required by the community without contributing anything to the cost of its enhancement, they had a case of plain and indefensible injustice. He understood the honorable member for the Stretford division to have admitted the practicability of separate rating. In New Zealand the law allowed an option to municipalities in this matter, and no fewer than fifty had exercised the option, and only nine had refused. In the London suburb of Finchley an honest attempt had been made with the aid of skilled valuers to see how the scheme would work out there. The present valuation was £160,000, of which £20,000 was estimated as the share attributable to land separated from buildings and improvements. A careful estimate had been made of the capital or selling value of the land alone. After deductions for the shrinkage which would undoubtedly take place in the value of land consequent on its being brought into rating, and after allowance for all other relevant considerations, the conclusion arrived at was that the capital or selling value of the land of that district would amount to £187,400.

Mr. W. Rutherford (C.), in seconding the motion, said the bill had the active support of all the largest municipalities in England. Those bodies held that the principles of the bill simply involved a rearrangement of existing taxation so as to make fair and equitable what was at present unfair and inequitable, and did not involve any new impost. The increase in local burdens in our great cities of late years had become simply appalling. The unfair part was that the owner who neglected his property for some ulterior object possibly escaped taxation altogether. ["Hear!" "Hear!"] He put it as a reasonable principle that every inducement should be given to enterprise and improvement. Let them take three pieces of land of the same size and fronting on the same street. On the first the owner built to the value of £2,000, on the second the owner built to the value of £500, and on the third the owner did not build at all, and his land was occupied as a depository for dead cats and old tins.

In such a case the corporation of Liverpool made the road into a fine street, all the improvements being effected at the public expense. Each of these pieces of land was equally benefited by the general outlay under the improvement scheme. Each contained 500 square yards, worth about £3 the square yard. The result was that on plot No. 1 the buildings raised the valuation from £1,500 to £3,500. Plot No. 2 was increased in value to £2,000. Plot No. 3 remaining unbuilt upon continued to be valued at £1,500. The owner of plot No. 1 was a man of enterprise. He had done something for his city and deserved some consideration and even some favor at the hands of his fellow-citizens. But of the taxation falling on these three pieces of land he had to pay seven-eighths. The owner of plot No. 2 paid one-eighth, and the third escaped altogether. Anything more unfair, unjust, or contrary to public policy could hardly be imagined than this condition of affairs which he had thus ventured to describe from personal experience. [Cheers.]

In the case of city slums the present taxation was trifling, but the sites of these slums were extremely valuable and became more and more difficult to acquire by sanitary committees; and when the site of one slum was acquired and rebuilt upon the site of other slums was improved in value at the expense of the city generally. The greatest and a most unfair proportion of taxation was contributed by the fully improved property under the present system, and that property at the same time gained less in comparative value later on than the property held back. This bill was not an interference with any existing contract, nor was it to be regarded as suggesting a new tax upon landlords. It suggested a contribution by the speculator in corner lots who was holding his land for a rise. It would be a tax on neglect, on stupidity, and on the want of enterprise. The bill would not increase taxation. The basis of taxation would be made fair, and those would be brought in to contribute to the taxation who at present unfairly escaped.

FOR AND AGAINST—FULL DIVISION LIST.

The Daily News, London, March 14, 1904, gives the following account of the vote:

"The division list shows that no fewer than 96 Ministerialists voted for the second reading of Mr. Trevelyan's taxation of land values bill in the House of Commons on Friday evening, and that not a single member of the opposition went into the lobby against it. Members, including tellers, were divided in these proportions:

	For bill.	Against bill.
Ministerialists	96	158
Liberals and Nationalists	189	
Total	225	158

"The majority was 67. But it may be noticed that even if the 96 Ministerialists had merely abstained from the division instead of voting for the bill the second reading would have been carried by the purely opposition vote alone—189 to 158, a majority of 31."

How the able champion of this fundamental reform regards the outlook is shown in a letter written by him to the meeting of the Newcastle League for the Taxation of Land Values, from which I quote:

MR. TREVELYAN IN FIGHTING FORM.

A new hope has now been given to our efforts. It is remarkable that a Parliament which has shown such an unenviable preeminence in reactionary legislation should in its declining days have sanctioned the principle of far the greatest economic importance in the progress of the coming years.

Such is the irresistible force of truth that, having been fortunate in the opportunity for three successive years we have by sheer argument eliminated the unreasoning prejudice against land-value taxation, except in the minds of the present ministers and their most faithful ring of supporters.

Even they dared not make it a party question. If they had they would have been defeated in name as they have been in fact. The coalition of the Liberals, the Irish, and more than thirty of the more progressive among the

Unionists in favor of taxing land values is the happiest augury for our cause when some government is in power which is not the bond servant to privilege and monopoly in every sphere and every part of the Empire.

That the Liberals are awake to the only real solution of the labor problem there is shown in the following resolution, which was adopted at this meeting after Mr. Trevelyan's letter had been read:

A FINAL SOLUTION.

A fourth resolution said: "That no satisfactory solution of fiscal problems can be arrived at by means of retaliatory, preferential, or protective tariffs, which would increase the cost of living and of production and injure the trade and industry of the country. That mineral rents and royalties and other land values afford a source of revenue which, if tapped, would allow labor and capital to be relieved of many of their present burdens, and, by freeing production from monopolistic restrictions, would enable our manufacturers to compete to greater advantage in the markets of the world; and that the imposition of the existing land tax on present values instead of on the values of 1832, a reform advocated by Richard Cobden more than sixty years ago as the next step in Democratic finance would provide ample funds for the payment of members and of election expenses, for the abolition of the breakfast-table duties, for old-age pensions, and for the repeal of the coal tax and the sugar duties, etc."

While we, who are really the common council or board of aldermen for the city of Washington, are enacting laws placing new (but old) impediments in the way of production and trade in the form of all kinds of taxes on personal property and on enterprise, the progressive party in England, the great Liberal party, is fighting for the natural system of taxation, the tax on land values—i. e., the single tax.

We are constantly boasting of our greater progressiveness, and yet we find the Liberal party of Great Britain displaying the highest statesmanship in meeting Chamberlain's proposition to return to a protective tariff with the counter proposition to relieve industry there of a large part of its present burdens by instituting the single tax.

Note what that great organ of Liberalism says: "The mind of the country * * * is turning steadily to the 'true path' of fiscal reform."

[Daily News, London, March 12, 1904.]

The mind of the country, so far from being debauched by the quackeries of Mr. Chamberlain, is turning steadily to the true path of fiscal reform. The defeat of the Government, for that is really what it comes to, is immediately due to the part which the local authorities have taken in the matter, and the municipalities, we need hardly add, have been forced into the crusade by the sheer pressure of economic facts. * * * The great thing is that the principle of the assessment and rating of land values has been affirmed by the House of Commons, and from this point there can be no going back. Yesterday's vote is, to our thinking, comparable in importance to the historic vote that swept away the corn laws.

On the two prior occasions that I have called attention to the fact that Chamberlain's "protection quackery" had failed to delude the British workingman, friends on this side—leading Democrats—have insisted that he was bound to ultimately prevail—that his appeal to their selfish Chauvinism would surely succeed. Some three weeks ago I cited the results of some forty by-elections in England to show that Chamberlain was being overwhelmingly repudiated. We now have the London Daily News, the leading Liberal newspaper of Great Britain, declaring that this vote of the House of Commons in favor of the single-tax principle is "comparable in importance with the historic vote that swept away the corn laws." But note what else it says:

It marks the beginning of a new chapter in the handling of the land question, and the land question goes down to the very roots of the question of the condition of the people.

Not only is that true in Great Britain; it is equally true here. Yes, indeed! The land question does go down to the very roots of the question of the condition of the people. It is the "root" question among social questions. The slums of New York, of Chicago, aye, the slums which exist right here under the very windows of the palaces of the millionaires, almost under the very windows of the White House, are due to the same cause which has created them in London, in Glasgow, and in Birmingham. That cause is the monopolization of land brought about by the fact that when unimproved it is allowed to almost entirely escape taxation. And you perpetuate that system in this bill. Note the concluding paragraph of this article:

No wonder that under a system which exempted land from its proper burdens the land monopoly has become all-powerful; that efforts at licensing reform have been paralyzed; overcrowding, with its tale of high mortality, stunted child life, wrecks of motherhood, and desperate drinking, has become the normal condition of masses of the people, while the exits from the congested centers lead out into suburban tracts of jerry-built slums. We say that any step to relieve the taxation of homes by transferring the burden to the land is every whit as momentous as the movement that gave cheap food to the people.

The Progressives should take fresh courage after yesterday's division, and use the time before the elections in preaching with all their might the true gospel of fiscal reform, which will lighten the burdens on industry and break down once and for all the barriers that stand between the people and the homes that await them under a better land system.

But the Daily News is by no means alone in exulting over the vote in favor of Mr. Trevelyan's bill to tax land values. We find the Daily Chronicle declaring:

This is an important step, and the principle of it has received emphatic approval even from a Tory House of Commons.

While one of the great Liberal afternoon papers, the Star, in speaking of the vote upon this bill, says:

When this can be done in spite of a hostile Tory Government, what will be done in the heyday of Liberalism which is at hand?

The Echo and Westminster Gazette also declare the vote to be a great step forward. Even the Tory Morning Leader says:

It is one of the compensating advantages which a country enjoys from the possession of a government with no convictions of its own, that it is possible to induce it to accept even the most obviously just principles when assured that they are really popular.

The present incidence of rates is grossly unfair in principle and absolutely disastrous in its indirect effects. * * * The present bill strikes at the root of the evils of the system. By requiring that land shall be rated at its real value, and not at the value at which its owner may choose to lease it, it will check at once the practice of "cornering" valuable sites and put a stop to the vexatious "upholding" of land, which is often so serious a hindrance in the way of honest attempts at housing reform.

Before leaving this question of taxation and the correlated question of whether prosperity really exists, i. e., prosperity for the masses of the people, I want to say that I have here an article by Mr. H. L. Bliss analyzing the property statistics which have been made part of the census report for the purpose of deluding the masses of the people and making those with empty stomachs believe that theirs was a unique condition and due entirely, of course, to their own incompetency, shiftlessness, or lack of industry. I will not take the time to read it to the House, but this article on "Our juggled census" is well worthy of the serious consideration of this House, and I will insert it as an appendix.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. BAKER. I have just time to send to the Clerk's desk an amendment that I give notice I shall offer to the general deficiency bill under the five-minute rule.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Add after line —, page —:

"The sum of \$100,000 is hereby appropriated to pay the cost of supplying the President of the United States by the great railroads of the country with the twenty-five special trains, or cars, and the food, wines, cigars, and service therewith supplied during the two years ending September 16, 1903: *Provided*, That this appropriation shall be divided pro rata among such railroads only as shall within ninety days of the passage of this act, file with the Post-Office Department an itemized account of all such service supplied by them: *And provided further*, That this shall not be construed as conferring power upon the President to contract for any similar service during the fiscal year covered by this act without the express authority of Congress."

Mr. BAKER. I might say, Mr. Chairman, that this is the same amendment which I offered to the post-office appropriation bill, except that I have put the amount of the appropriation at \$100,000 instead of \$50,000, as a further examination of this subject convinces me that the smaller sum is totally inadequate to pay the cost of these special trains and special cars, etc. I have here a list of twenty-five special trains and special cars supplied to the President of the United States from September 17, 1901, to September 16, 1903, both inclusive. This list appeared in the Houston Post of September 27 last, and it is accompanied by comment, which appeared in the St. Louis Post-Dispatch, and I shall ask the privilege of printing that when I ask to extend my remarks.

I do not assume that any Republican will object to that request. I do not assume that any Republican, however anxious he may be to protect the "honor" of the President, will do as they did a few days ago upon this floor to prevent my amendment to the post-office appropriation bill—this same amendment—being read. On that occasion my amendment was treated as no other amendment was treated in this House. Every amendment except the amendment that I offered was allowed to be read, and if the proposer of the amendment so desired he had an opportunity to explain the amendment or to speak upon the point of order. But the very moment that my amendment was offered and the Republican leaders began to understand its tenor, each attempted to outdo the other in shouting, "Point of order, Mr. Chairman!" And the Chairman, yielding, of course, to the necessities—the political necessities—of the hour, knowing that it referred to the gentleman at the other end of Pennsylvania avenue, brings his gavel down with a viciousness never displayed on any other occasion while he was in the chair.

[Houston (Tex.) Post, September 27, 1903.]

PRESIDENT ROOSEVELT'S TRIP OVER UNITED STATES PAID FOR BY RAILROAD COMPANIES—SPECIAL TRAINS AND CARS USED BY PRESIDENT ROOSEVELT.

Following is the list of special trains used by President Roosevelt since the fall of 1901:

September 17, 1901.—Left Washington on McKinley funeral train to Canton, Ohio, and return.

November 4, 1901.—Had private car to New York and return.

November 30, 1901.—Had special car to Philadelphia and return, to see army and navy football game.

February 9, 1902.—Had private car from Washington to Groton, Mass., to see his sick son. Came back same way.

February 24, 1902.—Private car attached to regular train from Washington to New York and return, to see launching of the Emperor William's yacht, the Meteor.

April 7, 1902.—Special trains from Washington to Charleston, S. C., and return on visit to Charleston Exposition.

April 13, 1902.—Had private car to New York and return, to witness installation of Nicholas Murray Butler as professor of Columbia University.

May 2, 1902.—Private car from Washington to Annapolis and return, to present diplomas to graduating midshipmen.

June 10, 1902.—Private car from Washington to West Point and return, to attend centennial ceremonies.

June 24, 1902.—Took special train from Washington to Boston, to commence exercises at Harvard. This train went and returned as the first section of the Federal express.

July 3, 1902.—Special car to Pittsburg and return, to make Fourth of July speech there.

August 21, 1902.—Special train from Oyster Bay on two weeks' tour of New England.

September 5, 1902.—Special car to Wheeling, W. Va., and return.

September 19, 1902.—Special car from Jersey City on projected six weeks' tour of the West. The trip was abandoned at Indianapolis because of a sore on the President's leg.

October 31, 1902.—Special train from Washington to Manassas, for two days' turkey hunt, and from Manassas to Oyster Bay, where he voted, and then returned on the special train to Washington.

November 10, 1902.—Special car from Washington to New York and from New York to Memphis, Tenn., by way of Pittsburg, Cincinnati, and Louisville.

November 22, 1902.—Special car from Washington to Philadelphia and return, to attend Founders' Day celebration.

December 20, 1902.—Special car from Washington to Rapidan, Va., to spend Sunday with Joseph Wilmer.

January 23, 1903.—Special train from Washington to Canton, Ohio, and return, to take part in McKinley memorial exercises.

April 1, 1903.—Special train from Washington to Pacific coast and return. This trip covered 22,000 miles, and lasted sixty-six days.

June 9, 1903.—Special train from Washington to Cleveland, Ohio, and return, to attend wedding of Senator Hanna's daughter.

June 15, 1903.—Special car from Washington to Baltimore and return, to attend National Saengerfest.

June 27, 1903.—Special train for Oyster Bay for summer vacation.

September 6, 1903.—Special car from Oyster Bay and special train from Hoboken to Syracuse and return, with another special car from Long Island City to Oyster Bay, the object of the trip being to make a speech at the opening of the State fair and to review the Labor Day parade.

September 16, 1903.—Special train from Jersey City to Antietam and return to dedicate monument.

[Washington correspondence St. Louis Post-Dispatch.]

Word has been received here that the Democrats in the Senate will introduce a resolution, soon after Congress convenes, demanding information about the alleged practices of President Roosevelt in obtaining special cars from various railroads and paying nothing for the service.

The resolution has been prepared and only awaits discussion by the Democrats to the frequent other trips of the President since he succeeded Mr. McKinley, and then demands information as to whether these trips were made at the expense of the railroads and in conditions similar to those some of the Republican papers say existed on the Pacific-coast trip.

The reason for the resolution is the discussion aroused by the Pacific-coast trip.

It is stated in the preamble that it does not seem credible to the Democrats, at least, of the Senate that the President of the United States would accept complimentary transportation and food and drink and service from the railroads, and that the Senate desires to know if its faith in President Roosevelt in this particular is unwarranted.

It is the present intention to introduce this resolution early in the session and seek to have it considered.

If the Republicans hold it up and do not allow it to pass, the Democrats will take that as evidence that the President and the Republicans are afraid to have the question argued, and will so announce.

There has been much discussion among the politicians of the special-train idea, as applied to the Presidency, and it has been declared in many quarters that President Roosevelt has been more lavish in his acceptance of the hospitality the railroads are always glad to bestow than any other President since the railroads began to have special trains and special cars.

Complaints have come to Washington from some railroad men that President Roosevelt considered special trains and special cars as a part of the perquisites of the Presidency, and ordered them whenever the humor seized him. This complaint has, of course, been of the most quiet and discreet kind, for there is no railroad in the country that would not supply the President with a special train every day in the year if he asked for it, no matter what the private feelings of the officials and stockholders might be.

The railroad feeling, as evidenced by these whispered complaints, has been that the President was abusing a good thing, and that he should at least offer to pay.

TWENTY-FIVE TRIPS ON SPECIAL TRAINS.

Those responsible for the resolution of inquiry say the records will show that since he became President in Buffalo on September 14, 1901, and took his first special Presidential car from Buffalo to Washington, the President has made twenty-five trips on special trains or special cars.

This does not include all the trips he has made from Oyster Bay, but does include the most important trips that started from that village.

The most of these trains and cars were furnished by the Pennsylvania Railroad. The private car of the president of the Pennsylvania is always at the disposal of the President, and with it goes all service and food and drink, the investigators say.

It is claimed here that some agreement exists with President Baldwin, of the Long Island Railroad. What the Democrats want to find out is whether the President paid for any of these trains or cars or whether he paid for any of the service or food and drink used on them.

It is admitted on every hand that the President did not pay for the train to the Pacific coast on which he made his long trip of sixty-six days, beginning in April and ending in June.

It is estimated that this train cost nearly \$1,000 a day. Indeed, the exact cost of the train is given by those who have the means of knowing as \$65,000.

This money was prorated by the Pennsylvania road, it is claimed, among all the other roads over which the train passed, and they paid their share of hauling expenses.

It is not known here, but an earnest endeavor will be made to find out whether the Pullman Company or the Pennsylvania paid for the food and drink and service. There was a lavish supply of cigars, champagne, whisky, beer, and mineral water on the train, and every guest was free to order what he liked.

A person who goes with the President on a trip goes as the President's personal guest. His invitation so reads, his baggage is so marked, his credentials declare this, and the private secretary of the President controls the party as guests. The train is treated as the President's house, and the idea is carried out that all are visiting him.

He discharges all the functions of a splendid entertainment, but it is asserted—and this is the point on which information is sought—that he does not pay the bills. These are sent to the railroad.

Those who have the proposed inquiry in hand allege that not only on the long western trip, but on every other trip the President has made the same lavish entertainment was given the guests, and that in no case has the President paid the bills or any of them.

There have been twenty-five of these trips, besides the few times the President has come from Oyster Bay to New York and back.

The President always takes his Secretary, a stenographer or two, and some secret-service men with him, and usually he has a party of friends. On the long trips there are from twenty to thirty all told, sometimes more.

It is asserted by those in the confidence of the Senators who intend to try to make this formal inquiry that the country should know whether the President has been accepting all these favors at the hands of the railroads and paying for nothing. They do not hesitate to say the President has done this, but they hope to be able to get him to admit it specifically, which, of course, he has not done.

However, after some publications charging that the special train on the long western trip of last April and May was furnished free and that champagne and Scotch whisky and cigars were handed out without stint to the President's party, the railroads paying for the same, the following semi-official statement was printed in the New York Tribune on August 24 as giving the President's side of the case:

"ROOSEVELT DID NOT PAY A CENT."

"Regarding the criticism of the President's personal use of special trains and Government vessels, a friend of the President said yesterday:

"The special train made use of by Mr. Roosevelt was the late President McKinley's funeral train from Washington to Canton, Ohio. On taking the oath of office President Roosevelt inquired of his secretary, George B. Cortelyou, whether it was customary for a President to permit various railroads to provide gratuitously special trains.

"He was assured that special trains had been furnished free of charge to his predecessors, not in their personal capacity, but as Presidents of the United States.

"The President is aware that special trains are emphatically not furnished to Theodore Roosevelt as Theodore Roosevelt, but to the personage who happens at the present time to occupy the position as President of the United States.

"President Roosevelt was informed at the time of his original inquiry that various railroads vied with one another in furnishing such special trains, not only by reason of the publicity accruing to the carrying company, but because such company had found that because special trains carrying a President of the United States attracted potential and actual passengers to the trains, various destinations and points of call, their free purveyance constituted a sound business investment.

"Moreover, President Roosevelt considers that in his recent western trips he was merely completing or doubling the circuit broken perforce by his predecessor at San Francisco, on account of Mrs. McKinley's illness. Apart from this President Roosevelt also realizes that in such a trip, for instance, as that recently completed, a President could scarcely be expected to defray the cost of a special train out of his own private purse. In his use as President of the United States of the steam yacht *Sylph*, President Roosevelt also finds a precedent in the employment of the *Dolphin* by his predecessors, Messrs. McKinley, Cleveland, and Harrison."

According to the Tribune's statement, therefore, the President admits taking the trains. Now, the Democrats, if they stick to their present idea, will endeavor to find out about the champagne and Scotch whisky and cigars, to say nothing of the food and the service.

THE DRUMMER'S OVERCOAT.

The question of who pays for these special trains reminds me of the story of the pushful drummer, as pushful in his line as Joseph Chamberlain is in his. On returning from his first trip for his new employers, a trip which had been extremely successful from the standpoint of the amount of goods sold, he was called into the "holy of holies," the private office of the head of the firm, and asked to explain certain items in his expense account, among others, "Overcoat, \$20." The head of the firm said, "Now, Mr. Jones, we are entirely satisfied with the results of your first trip and wish to compliment you upon your ability and success in pushing our goods, but we submit to you that these items on your expense account are purely personal and of course can not be allowed." The only reply the drummer made was, "Oh, well." On returning from the next trip he was again called into the inner sanctum, when the head of the firm again complimented him upon his having made a successful trip and said, "We are glad to note that you have not put an 'overcoat' into your expense account." "Oh, well," said the drummer, "it is there just the same!" And so, Mr. Chairman, in the \$45,000,000 appropriated in the post-office appropriation bill for "inland railroad mail transportation" the President's overcoat or, rather, the President's special trains are there just the same.

WHO PAYS?

Whether this House asks or not, the country at least is going to know who paid for those special trains. The country is going to know who paid for the great privileges and great favors of which Mr. Roosevelt availed himself. The country is going to ask whether the President of the United States can accept these "courtesies" and still do his duty when bills come before him affecting the great railroad interests of the United States. And let me say that homilies and lectures to any and every delegation that calls on him, reminding them of their duty to the cause of "civic honesty" and "national righteousness," will not be accepted as an equivalent for an authoritative explanation from him as to why he preaches of national righteousness to others while placing himself under obligations to the railroads in accepting these special trains.

Nor will the country fail to note the fact that although the President's message of December 7, 1903, to this House contained some 16,000 words, he was unable to find any space to discuss one

of the chief causes for the upbuilding of the trusts—freight-rate discriminations—discriminations in violation of law, and by the very railroads which accord him the "courtesy" of special trains. [Applause on the Democratic side.]

(1) APPENDIX.

OUR JUGGLED CENSUS—STATISTICS THAT LAUGH AT MATHEMATICAL RESTRICTIONS AND PUT ANNANIAS TO SHAME—WAGE DECLINES CONCEALED BY USE OF IMPOSSIBLE "AVERAGES" AND COMPARISON OF THE INCOMPARABLE—ADMITTEDLY WORTHLESS STATISTICS USED AS BASIS FOR DEDUCTIONS—WAGES DECLINED MUCH MORE FROM 1890 TO 1900 THAN CENSUS OFFICIALS ADMIT—WHEN PROPERLY TREATED, CENSUS FIGURES SHOW THAT WAGES HAVE DECLINED IN MOST IF NOT ALL STATES WHERE CENSUS TABLES SHOW ADVANCES—RESULTS OF PROFESSOR DEWEY'S SPECIAL INVESTIGATION OF WAGES TEMPORARILY SUPPRESSED, THOUGH IT WAS TO BE PRINTED IN FINAL REPORTS AND TO FORM BASIS FOR ALL DEDUCTIONS—CHILD-LABOR STATISTICS CHANGED TO COVER UP INCREASE—REMARKABLE INCREASE SHOWN IN NUMBER OF FARMS IN CITY OF CHICAGO BY INCLUDING PINGREE POTATO PATCHES AND VACANT LOTS—STARTLING ADMISSIONS FROM S. N. D. NORTH IN A LETTER WHICH HE REFUSES PERMISSION TO PRINT—BOTH HE AND CARROLL D. WRIGHT ARE KNOWINGLY POPULARIZING THE ERRORS OF OUR CENSUS REPORTS.

[By H. L. Bliss.]

That it is very easy to juggle with figures is admitted by our most eminent statistical authority, Col. Carroll D. Wright, who at the same time maintains that "As a matter of fact figures will never lie, but liars will figure." (Guntton's Magazine, March, 1896.)

How easy it is to juggle with figures is well illustrated by the statistics of the present census. That they are juggles there seems no room to doubt. What else, however, could be expected with a practical machine politician in charge of the Census Office?

These statistics are generally accepted as accurate and reliable because they are "official," just as the chart of the naval battle of Santiago was believed to be correct until the officers who constructed it, testifying in the Schley inquiry, admitted that it was wrong and that they knew it was wrong when they made it.

If our naval heroes whose tenure of office is secure, felt thus constrained to show what those in authority wished to have shown, what better could be expected of official statisticians who can only hope to maintain their positions by subservience to the powers that be? Under the present rule of monopoly and privilege the office of the official statistician is not to discover the truth, but to hide it under a statistical table.

ABSURD FARM STATISTICS.

Take the agricultural statistics which prosperity tooters quote as proof of the great agricultural development of the last decade. Their very absurdity is sufficient evidence of their fallacious character.

According to these statistics there was an increase in farm acreage in Illinois of 2,295,451 acres. In Ohio the increase shown is 1,149,577 acres. Here in Cook County, which is practically Chicago, according to the census, there is also a remarkable agricultural development, the increase in farm acreage amounting to 19,718 acres. This is over 30 square miles of territory and if in one tract would occupy an extent of over 6 miles long and 5 miles wide. How do they get it? Why, by enumerating as farms all the potato and cabbage patches on city lots. Even the Pingree potato patches in the district in which the writer resides were enumerated as farms. Enumerators were paid 18 cents for each tract thus enumerated, while they received but 4 cents for each death reported, and were required to hunt up the attending physician and obtain his statement of the cause of death. They seemed to have got in everything that could possibly be enumerated as a farm, though their report as to mortality was very defective.

The census schedule of 1890 did not admit the enumeration as a farm of any tract of less than 3 acres unless there was a product to the value of \$500 actually sold from it. Larger tracts were also excluded unless they required the labor of at least one able-bodied man for the year.

It is absurd to suppose that there could be any considerable increase in farm acreage in old-settled States like Ohio and Illinois. On the contrary, there must have been an actual decrease through the growth of cities and towns and the appropriation of land for residence and manufacturing purposes.

Not only has the Census Office failed to in any way inform the public of this change in census farm classification, but the chief census statistician for agriculture, in contributions to the newspaper press, has sought to convey a false impression regarding the increase of farms.

FALLACIOUS MANUFACTURING STATISTICS.

Referring to the manufacturing statistics, it would appear that the Census Office had reached the climax of statistical absurdity by reporting the average number of wage-earners in numerous industries as less than the least number employed at any one time during the year. It will be seen by Census Bulletin No. 203, giving statistics of the canning of fruits, vegetables, and fish, that while the greatest number of wage-earners employed at any one time during the year was 133,105, and the least number employed at any time was 45,105, the average number is reported as but 36,401. In the manufacture of building glass we find the greatest number employed given as 19,943, the least number as 16,059, and the average number as 11,902. It would be supposed that the average number would be somewhere between the greatest and the least number employed at any one time, but the statistician in charge of the manufacturing statistics had discovered a method of computing average numbers, which has the important merit, from a partisan standpoint, of obtaining for the present census a number often smaller than the minimum number considered as the average number of wage-earners.

It seems to have been planned to create a fictitious increase in earnings between 1890 and 1900 similar to the fallacious increase shown at the preceding census between 1880 and 1890.

The actual decrease in earnings, however, seems to have been so decided that, notwithstanding this juggling of statistics, the figures show a decrease amounting to 14 per cent. The Census Office, however, succeeded in concealing the actual decrease, which is certainly much greater. It is, however, impossible to arrive at anything like an accurate conclusion from the statistics presented. We only know that the decrease is much greater than appears from the figures.

HOW THE TRICK WAS DONE.

The present, like former censuses, reports the average number of wage-earners employed and the total amount of wages paid, and it is from the relative increase of these items that we discover whether average earnings have increased or decreased. As the smaller the number of wage-earners reported the larger will appear the amount received by each wage-earner, to

Further information on this point can doubtless be obtained from Mr. George H. Sugrue, who had charge of census enumerators in that district.

raise wages statistically it is only necessary to fictitiously decrease the number of wage-earners reported. This reduction the Census Office has accomplished by the adroit juggle of so changing the method of computing average numbers as to obtain, at the present census, a smaller number than would be obtained by following the method of preceding censuses. This accounts for the fact that in numerous seasonal or short-period industries we find the average number reported as less than the least number employed at any time during the year. At the census of 1890 the average number was computed for each establishment for the actual time the establishment was in operation, but at the present census a report was called for of the average number of wage-earners (men, women, and children) employed each month and the average for the year has been computed by adding these averages together and dividing the aggregate by twelve, the number of months in the year.

To see how this works let us suppose that some brick and tile establishment employs an average of 100 wage-earners for each of six months of the year and is idle for the remainder of the year. Following the new census method we add together the averages obtained for each of the six months and divide the total, which is 600, by 12. This gives us 50 as the number that would be reported at the present census as the average number, a number that is just one-half the number that would be obtained by the method of preceding censuses. The effect of reducing the number of wage-earners one-half is of course to double the apparent average earnings. The number reported at the present census is not the actual average number employed, but the number that would be required to perform the work of the establishment in twelve months, instead of in the shorter period of actual operation, and the apparent average earnings is not the amount actually earned, but the amount that might have been earned had employment been furnished for twelve instead of a less number of months.

The effect of this change of methods is to reduce the number of wage-earners reported for every establishment furnishing employment for a less number of months than twelve, the reduction being in exact proportion to the number of months the establishment is idle.

RIDICULOUS RESULTS OBTAINED IN MICHIGAN AND WISCONSIN.

That this is the effect, in fact, as well as in theory, is shown by the enormous increase in earnings indicated for short-period industries.

A forcible illustration of the effect of this change in census methods is found in the statistics of Michigan and Wisconsin, the two leading States in the lumber and timber industry. For these States the census indicates a large increase in average earnings in all manufacturing industries, the increase shown for Michigan being from \$369.82 in 1890 to \$469.39 in 1900, and for Wisconsin from \$357.96 in 1890 to \$411.10 in 1900.

If, however, we omit from the computation the number of wage-earners and the amount of their wages as reported at the two censuses for the lumber and timber industry, we obtain for the remaining industries of these States a decrease in average earnings, the decrease for Michigan being \$11.41. Thus in that State an apparent increase of \$39.57 is changed to a decrease of \$11.40, making a difference of \$50.97. The difference for Wisconsin amounts to \$56.38.

Should we also omit the numerous other short-period industries in which there is a large fictitious increase in average earnings, we should find for the remaining industries a very decided decrease in average earnings.

It may be here remarked that as in every industry there are some establishments that for one cause or another are closed one or more months of the year. There is no industry but is somewhat affected by this change in census methods.

LUMBER AND TIMBER INDUSTRY.

For the lumber and timber industry the census figures are as follows:

	1890.	1900.
Michigan:		
Average number of wage-earners	54,308	26,199
Total wages	\$15,548,833	\$11,122,030
Wisconsin:		
Average number of wage-earners	41,305	21,701
Total wages	\$10,712,947	\$9,480,011

This seems to indicate an increase in average earnings in this industry in Michigan from \$286.30 in 1890 to \$424.52 in 1900, and in Wisconsin from \$235.15 to \$336.85. At the same time we find in the kindred industry, "planing mill products," that the average earnings decreased in Michigan from \$415.24 to \$381.13, and in Wisconsin from \$405.69 to \$377.72.

This wide divergence is readily accounted for by the fact that the planing-mill industry furnishes employment usually twelve months of the year, and is therefore not seriously affected by the changed census method of computation, and that in the lumber and timber industry employment is generally for but a short period.

The absurdly enormous increase in earnings indicated by the census for numerous important industries coincident with the decline in the general average shown for the combined industries of the country is proof conclusive of the utter worthlessness of these statistics save for the purpose for which they were evidently intended—that of humbugging the public.

That they are worthless is admitted in the following letter from the Census Office:

NORTH'S LETTER, WHICH HE REFUSES PERMISSION TO PUBLISH, MAKES SOME STARTLING ADMISSIONS.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., January 14, 1902.

Mr. H. L. BLISS,
7341 Vincennes road, Chicago, Ill.

DEAR SIR: I am in receipt of your letter of January 9, in which you inform me that you have prepared a criticism of the manufacturing census for the March number of the Journal of Political Economy, and ask an explanation of certain statements contained in the bulletins which embody these statistics so far as published.

It occurs to me to suggest that, if you are anxious to avoid any unjust comments, as you say, and to preserve a reputation as a careful student of statistics, it might be desirable to postpone criticism until such time as the Census Office has had opportunity to place before the public a full statement of its scheme for the treatment of these statistics.

There is much data in our tabulation sheets having a very intimate relation to the question of average number of employees and wages paid which it is impossible to incorporate in the preliminary bulletins, but without which no man can fairly test the figures published for comparative purposes. For instance, we are reserving for publication in the final reports figures that show the greatest number of employees and the least number of employees in all industries, from which figures the average number has been computed. We have also figures showing the average number of employees for each month of the year.

Even with this additional data, the difficulties surrounding the problem of wage statistics, as returned to the census, are of so serious a character as to

render any comparison of the statistics between the two censuses practically worthless. Convinced of this, I persuaded the Director of the Census some months ago to undertake a special investigation of the wage question. This investigation has been placed in charge of Dr. Davis R. Dewey, professor of statistics at the Boston Institute of Technology, and it is now being conducted by him with the aid of eight field agents who are obtaining from typical establishments in different industries and localities exact transcripts of the pay rolls of these establishments for 1890 and 1900. Any conclusions which the census office will announce regarding relative wages at the two periods in question will be based upon the exact results which come from the analysis and the comparison of these actual pay rolls.

In the meanwhile we have carefully refrained from any statement in the preliminary bulletins regarding the average earnings; and the purpose of the statements to which you refer in the transmittal letters of these bulletins is to prevent the public, so far as possible, from drawing premature and unwarranted conclusions from the preliminary figures.

In regard to the first remark from the bulletins, quoted in your letter, the propriety of which you question, I beg to say that the peculiar phrasing of the schedules for 1890 undoubtedly led to many erroneous returns at the census, under which the salaries of general superintendents and mill managers, whose pay is often carried upon the mill books of manufacturing establishments, were included with the wages of the wage-earning class. If you will examine that question again, you will observe that "general superintendents or managers" were excluded from the group of overseers, foremen, and superintendents, and that no provision was made under any other question for reporting their salaries elsewhere. It is this fact which renders it necessary to insert in the bulletins the precautionary statement which you quote, and it has no other purpose.

In reply to your second question, I am not yet able to definitely tell whether the change in the method of computing the average number of wage-earners has resulted in effecting an apparent increase in average earnings. As to these earnings, the results so far as obtained show many very curious and inexplicable variations, demonstrating conclusively the impossibility of ascertaining by ordinary census methods whether or not the average earnings in any industry or in the country as a whole have increased or decreased. In a number of industries the average earnings, as computed by dividing the total wages by the average number of employees, show a marked reduction in average earnings; and this appears in industries where Dr. Dewey's investigation, so far as it has progressed, indicates that no such reduction in average earnings has actually taken place. In other instances there are increases shown in the average earnings by the same method of computation; and in all cases, in my judgment, any attempt to arrive at a settled conclusion on this subject from the census figures is time wasted and can only result in misleading conclusions. It is a part of my plan to look into the matter somewhat fully in the final census report, with the purpose of demonstrating, as I think can be done, that no computation of the average earnings which considers the total amount paid in wages in conjunction with the average number of employees, which average number can not by any possibility include all persons to whom the total wages was paid, has any scientific value.

With reference to your third question, I may say that the point you suggest as to the number of proprietors who were practically wage-earners and received their compensation from their profits is thoroughly understood in this Office, and will be properly presented in the final reports. It is not possible or desirable in the preliminary reports which the Census Office is publishing for the purpose of placing the statistics in the hands of the public at an early date, to enter into all of the conditions which operate to modify or affect the comparison of the statistics of the several censuses.

The great mass of the comments of this character which must necessarily accompany a census report must be reserved for the final publication; and because this is so I ventured to suggest in the earlier page of this letter that fair and impartial criticism of the results and the method of this census are not possible until all of these results are available and all of these methods made known.

Very respectfully,

S. N. D. NORTH,
Chief Statistician for Manufactures.

Permission to publish this letter having been requested at the suggestion of the editor of the Journal of Political Economy, the following letter was received in reply:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., January 30, 1902.

Mr. H. L. BLISS,
7341 Vincennes road, Chicago, Ill.

DEAR SIR: I have your letter of January 20, and in reply I am obliged to say that I can not give my consent to the publication of my letter of January 14 in any article you may propose to write for the Journal of Political Economy.

My letter was a personal and private letter in response to your inquiries, and intended to save you from committing yourself to erroneous impressions regarding the census reports on average earnings of employees in manufactures. It was not written for publication, but for your private information. I have nothing whatever to do with any magazine controversy or any differences of opinion regarding past censuses which may have arisen between yourself, Colonel Wright, and Mr. Stewart. And I have only to repeat that the methods of the last census, with reference to the average earnings, will not be those of the Twelfth Census, but that the figures and conclusions of this census regarding the earnings of labor and comparative earnings in 1890 and 1900 will be based wholly upon the result reached by the special investigation of wage pay rolls now in progress under the direction of Dr. Davis R. Dewey, of Boston.

It is obvious as I said in my former letter, that there can be no fair criticism upon the Twelfth Census, in so far as relates to its treatment of the question of the average number of employees and wages, until Doctor Dewey's report is made and published.

Very respectfully,

S. N. D. NORTH,
Chief Statistician for Manufactures.

These letters are here published, notwithstanding this refusal, because it is believed that it is impossible for a public official to write a private letter on a matter pertaining to his office. The public is certainly entitled to the facts which the Census Office seems so anxious to suppress.

The final reports are now published, and the figures and conclusions regarding the earnings of labor and comparative earnings in 1890 and 1900 are based not upon the results reached by the investigation of Professor Dewey, as Mr. North stated they would be, but upon the data which in his letter he admits are worthless for that purpose.

DEWEY'S REPORT TEMPORARILY SUPPRESSED.

The results of the Dewey investigation appear to have been suppressed, for the time being, for we now find it stated in the final reports that this report will be published as a supplemental volume.

Contrary to North's statements, we find, in the volumes published, computations of average earnings by States and industries, presented in tabular form in comparison with similar computations for the preceding census, and for 1880.

EQUIVOCATING STATISTICS AND STATISTICIANS.

In the text of the final reports the incomparability of the data is admitted, it being said: "The third change consists in a radical difference in the method of ascertaining the average number of wage-earners during the entire year, and undoubtedly invalidates in a marked degree any comparisons that may be attempted between the returns of the two censuses."

We find a remark also quite at variance with one of the remarks of the bulletins, which Mr. North says, in his letter, were intended "to prevent the public, as far as possible, from drawing premature and unwarranted conclusions from the preliminary figures."

In the bulletin it is remarked: "This difference in the method of ascertaining the average number of wage-earners for the entire year may have resulted in a variation of the number and should be considered in making comparisons."

In the final report the remark is changed so as to read "has resulted," instead of "may have resulted." As presented in the bulletin the remark implied a doubt and leads inevitably to the conclusion that the change could make very little if any difference.

In the letter of inquiry, to which the foregoing letter from Mr. North is a reply, the question was asked: "Is there a shadow of a doubt, as your language would seem to imply, as to the effect of this change? Has it not unquestionably resulted in a material decrease in the number of wage-earners and a corresponding fictitious apparent increase in average earnings?"

In his letter of reply, Mr. North says: "I am not yet able definitely to tell whether the change in the method of computing the average number of wage-earners has resulted in effecting an apparent increase in the average earnings." This shows either that Mr. North is grossly incompetent or that he was not telling the truth. This is a matter of consequence as showing how much reliance may be placed upon the following statement found both in the bulletins and the final reports:

"Furthermore, the schedules of 1890 included in the wage-earning class overseers, foremen, and superintendents (not general superintendents or managers), while the census of 1900 separates from the wage-earning class such salaried employees as general superintendents, clerks, and salesmen. It is possible and probable that this change in the form of the question has resulted in eliminating from the wage-earners, as reported by the present census, many high-salaried employees included in that group for the census of 1890."

In his letter he says, regarding this: "If you will examine that question again, you will observe that 'general superintendents or managers' were excluded from the group of overseers, foremen, and superintendents, and that no provision was made under any other question for reporting their salaries elsewhere." On careful examination it is found that though the schedule of 1890 did not call for a separate statement as to this class, it did call for a report of officers and firm members, and distinctly states that managers are not to be reported with the operatives. Managers and general superintendents, being officers, must have been so reported. It is not reasonable to suppose that they were included with the wage-earners. If there were cases of blunders of that sort, they must have been so few as to be insignificant.^a

The remarks of the text of the final reports of the present census, though in many respects misleading, are such as would prevent the careful and competent investigator from being seriously misled, for they show that the statistics presented in numerous comparative tables are utterly worthless as the base of legitimate conclusions. Why, then, are they published in comparative tables, except to furnish the basis for illegitimate conclusions?

To the ordinary investigator, a table of figures is a table of indisputable facts, little attention being usually given to explanatory remarks showing that the true import of the figures is quite different from what appears.

The public at large do not see the original reports, but, to a large extent, obtain their information—or, rather, misinformation—from contributions to popular literature by those whom they have learned to accept as authorities.

From an article contributed by Mr. North to the September number of the Review of Reviews, we may perhaps discern the purpose of these statistics and the true character of the official responsible for their manner of compilation.

NORTH'S REVIEW OF REVIEW'S ARTICLE—HE QUOTES HIS OWN FRAUDULENT FIGURES ON TRUSTS.

In this article this official presents these admittedly fallacious statistics without any explanation of their misleading character. Under the heading "Statistics of trusts" he quotes the census figures of industrial combinations, and says:

"These figures indicate with approximate accuracy the proportion of our manufactures that was controlled by industrial combinations in 1890. It is not so large as is generally supposed."

Now, we need only turn to the remarks in the Census Bulletin, published with his signature, and to the final report to discover that this statement is a barefaced and inexcusable falsification and that the figures which he quotes come very far from showing the facts as to trusts or industrial combinations. In this bulletin he remarks:

"For the purpose of the census the rule has been adopted to consider no aggregation of mills an industrial combination unless it consists of a number of formerly independent mills which have been brought together into one company under a charter obtained for that purpose."

We find also the further statement:

"There are numerous instances of combinations or association of independent establishments and corporations for the purpose of selling goods at uniform prices or through a single agency, or both, of which no cognizance has been taken in these tables, since they are in the nature of agreements only, similar in character to those which are often found to exist between dealers in milk, drugs, and other merchandise. These organizations or associations are often more effective in regulating prices, particularly in selected localities, than actual consolidations under a charter. But they are voluntary and mutual and can not be statistically traced."

"This definition excludes from the category of industrial combinations a number of corporations which are commonly considered as such combinations, because they represent enormous aggregations of capital or control a large number of plants."

We find in the final report this further statement as to omissions:

"There was also excluded from the statistics of the industrial combinations all corporations engaged in the manufacture and distribution of gas and electric light and power. A great many combinations in this branch of industry exist throughout the country, but it was impossible for the Census Office to trace them all, and it seemed inexpedient to include their statistics, not only for the reasons given, but also because, as a general rule, combinations in this industry affect only the local supply of gas and electric light and power, and therefore do not possess the economic significance which attaches to this method of production in other branches of industry. Moreover, under the provision of the act of March 3, 1899, the statistics of electric light and power were reserved for the special report provided for in this section of the law."

^aThe schedule of 1890 may be found on p. 332, S. Doc. No. 194, 56th Cong., 1st sess., and also in the final reports of the present census.

By including the figures of informal trusts and of gas, electric lights, etc., trusts in the total of manufactures, and by excluding the same figures for these same admittedly trust industries, Mr. North, by comparing the clearly incomparable, reaches the absurd conclusion, in his Review of Reviews article, that the trusts employ 8.4 per cent of the wage earners in the manufacturing industries and produce only 14.1 per cent of our manufactured goods. These trust statistics were evidently made to be used just as they have been used, without explanation, in the Republican Campaign Text Book.

Had he deducted from the total of manufactures the industries which he omits from the trust side of his comparison, he would probably have found that more than half of our manufactured goods are produced by trusts. The products of the beef, steel rail, steel beam, etc., and of the gas and electric light trusts, all of which are omitted from the trust side of the comparison, but included in the other side, probably constitute one-eighth of the total value of our manufactured products, and if included with trusts or excluded from manufactures when making comparisons, would about double the proportion of goods made by trusts.

File on such statisticians!

Mr. North's purpose to mislead the public is further shown in this article by his comparisons of the nominal capital of industrial combinations with the capital reported for these combinations by the census, as showing the difference between their nominal capital and actual investment. Mr. North is well aware that capital as reported in the census does not represent actual investment. This is shown in his discussion of the census published by the American Economic Association. In that discussion, which was before he became an official statistician, Mr. North condemns the very method which as census statistician he later adopts.

In criticizing the statistics of capital of the census of 1890, which differ in no essential way from those of the present census, Mr. North said: "The Federal census, by calling gross assets capital, harnesses up credit with capital, and thus commits itself to the statistical measurement of a thing which has no existence outside of the confidence business men have in each other. The pretended capital which has been created by these instruments of exchange has no existence whatever."

After giving an illustration of how this inclusion of credit capital results in a duplication and reduplication of capital as reported by the census, Mr. North says: "It is easily conceivable that the amount of duplication represented in the total capital must be enormous."

By this method of fictitiously increasing the amount of capital reported, the census conceals the rate of profit on actual investment, making it appear much smaller than it really is. At the same time, as we have seen, it adopts a method of computing average earnings which grossly exaggerates the amount received by the wage-earner. The true average annual earnings of wage-earners can only be ascertained by dividing the total wages by the entire number of wage-earners employed and not by the average number, whether that average number be ascertained by the method of either the former or of the present census.

Mr. North must know that the trust figures which he quotes and the conclusions which he reaches are utterly fallacious. His article is referred to only to illustrate the readiness of official statisticians to serve their trust masters and the methods to which they resort to humbug the people.

WRIGHT'S FUNCTION TO POPULARIZE ERRORS.

This mistaken opinion is chiefly due to a persistent misrepresentation of the facts by our most eminent statistical authority, Carroll D. Wright, who, in his numerous contributions to economic literature, has popularized the errors and falsifications of our official statistics.

In Outlines of Practical Sociology, and in his article in the Atlantic Monthly (September, 1897), "Are the rich growing richer and the poor poorer?" Colonel Wright quotes the fallacious statistics of the census as proof of "a steady positive increase in the average annual earnings of the employees of our great industrial pursuits, and declares that the statistics of the census are corroborated by the Massachusetts reports."

WRIGHT JUGGLES WITH MASSACHUSETTS STATISTICS.

As the Massachusetts commissioner of labor and superintendent of the Massachusetts State censuses of 1875 and 1885, Colonel Wright can not fail to be aware that the comparison of the Massachusetts report of 1895, which he quotes, is a juggled comparison.

The Massachusetts reports of 1875 and 1885 computed the average annual earnings by dividing the total wages by the total and not the average number of wage-earners. At neither of these State censuses was the average number obtained.

At the census of 1895 both the average and the greatest number of wage-earners was called for, but the average earnings was computed by using the average number as the divisor of the total wages.

The total number of persons employed, as reported at the Massachusetts census of 1895, was 518,623, and the average number 432,723. Dividing the total wages by the latter number, the Massachusetts census computed the average earnings as \$446.41.

If we follow the method of preceding censuses and use the entire number as the divisor, we obtain as average earnings \$372.08, a difference of over \$74. The facts as to the methods of the earlier Massachusetts census can only be ascertained by reference to the earlier reports. They must, however, be familiar to Colonel Wright. Colonel Wright having given his approval to the new census method of computing average numbers, in a letter published in the census, the foregoing becomes a matter of interest as showing how much weight should be given to an indorsement from that quarter.

In his letter Colonel Wright says that the present method of averages is the method of previous censuses and the one in vogue in the Massachusetts reports. The first statement is erroneous, as appears from the statement of Mr. North. It is, however, as reliable as are most of Colonel Wright's statements.

The second statement shows that Colonel Wright is aware that the method now in vogue in the Massachusetts reports is not the method which he followed when superintendent of the Massachusetts State censuses of 1875 and 1885. At the latter census, after stating his objection to the method of using the entire number of employees reported as a divisor of the total wages, he plainly stated that as it was the method previously followed it was the method then adopted. Thus Colonel Wright is convicted of deliberately seeking to mislead the public by quoting the incomparable Massachusetts statistics as corroborating the fallacious statistics of the United States census.

As has been shown, no two of the later United States censuses are entirely comparable, and every change has been such as to show an apparent but fictitious increase of earnings.

At the census of 1890 the number used for many industries was the greatest number employed at any one time. At the census of 1890 the average number was computed on the basis of the period of operation. And now the computation is on the basis of twelve months.

WAGES HAVE NOT INCREASED.

As a matter of fact there exists no reliable statistics that can be quoted as showing that the general average earnings of wage-earners in the United States are higher now than they were thirty years ago.

The Massachusetts reports, as we have seen, when fairly compared, indi-

cate a decided decrease of average earnings from those of the depressed period of 1875, following the panic of 1873. An investigation of wages of skilled laborers, carpenters, bricklayers, painters, etc., by the Department of Labor shows wages, in gold, in cities in the United States to have been lower in 1897 and 1898 than in 1872, and that they were but 5 per cent higher in 1890 than in 1872. The establishments included in this investigation were evidently establishments employing union labor at the latter period. As not more than 10 per cent of our wage-earners belong to labor unions, this showing is not at all representative. No investigation of establishments of this character can be taken as indicating the condition of wage-earners generally, for more and more of the labor formerly done by skilled laborers at living wages is being done in factories by unskilled laborers, largely women and children, at starvation wages.

I also want to insert here the following excellent pamphlet on "high wages and labor cost," issued by the Democratic Club of Boston:

HIGH WAGES MEAN LOW LABOR COST—HIGH REPUBLICAN OFFICIALS REFUTE THEIR OWN THEORIES.

In the introduction to the Review of the World's Commerce for the years 1896 and 1897, Mr. Frederic Emory, Chief of the Bureau of Foreign Commerce, makes the following statement:

"Until quite recently it was a common impression in foreign countries, as well as in the United States, that the higher wages paid in the latter would always operate to the disadvantage of our exporters in the competition for the sale of manufactured goods abroad. Actual trial, however, seems to have proved that, owing to the greater producing capacity of the average American operative, with the aid of labor-saving machinery, the real cost of United States goods in many lines of manufacture is lower than that of similar products in European countries, and that the American exporter is thus enabled to meet his foreign rival on more nearly equal terms, or even to undersell him."

The practical working of this result is clearly shown in a report by Consul-General Mason on American shoes in European markets:

"The labor cost of a pair of American factory-made shoes is definitely less than that of a similar pair of shoes made in a German factory."

Long ago Mr. Blaine, while Secretary of State, showed that the same was true in the manufacture of cotton goods.

It was this "common impression" that the American manufacturer could not compete with his foreign rival which for so many years kept our American manufacturers out of the markets of the world. It has been the special business of the Republican party to preach this very doctrine, and to discourage all efforts for the extension of our foreign trade. The productive capacity of American industry having long since outgrown the capacity of the American market, the Republican policy has thus forced upon our manufacturers the necessity of limiting their production to the needs of the home market.

This, in turn, has necessitated great combinations to strangle competition, to arbitrarily control production and prices, and to repress within the prescribed limits the productive energies of the people. The whole theory of protectionism is based upon the assumed inability of American industry to survive against foreign competition. In teaching American manufacturers that they can not successfully compete with foreign rivals in the domestic market Republican statesmen have necessarily taught them to regard as vain and futile the hope of successful competition in far-distant markets; and the moment it is demonstrated that they can compete and are competing successfully with foreign manufacturers in foreign fields, and even driving them headlong from their commercial strongholds, the whole case of the protectionist falls to the ground.

In Mr. Emory's introduction to the Review of the World's Commerce for the year 1900 he uses even stronger language in accounting for the rapid growth of our manufactured exports, and effectually disposes of the pretense that it is the mere dumping of surplus goods at unprofitable prices on other markets. In his introduction he quotes from Mr. Andrew Carnegie as follows:

"The influence of our steel-making capacity must be marvelous for the nation which makes the cheapest steel has the other nations at its feet, as far as manufacturing is concerned in most of its branches. The cheapest steel means the cheapest ships, the cheapest machinery, the cheapest thousand and one articles of which steel is the base."

Mr. Emory adds:
"It is the relative cheapness of American steel that has given it preeminence, and it is the same with other products that are winning their way abroad. Economy of production is the master key that unlocks for us markets that seemed a little while ago to be inexorably closed. This economy of production implies not merely low prices to the foreign consumer, but a greater degree of excellence, a superior adaptation to his wants. As has been pointed out in the reviews, as well as elsewhere, the American workman produces with labor-saving machinery at a lower unit of cost, and his greater application and ingenuity enable him to avail himself effectively of the most recent inventions and appliances for improving the quality of his special line of work."

This is the doctrine which the Democratic party has been attempting to impress upon our wrongheaded protectionists for many years.

It is at least a demonstrated fact that the American manufacturer is now able to compete on even terms with his foreign rivals in the most distant markets, and a continuance of our exorbitant tariff duties simply enables him to exact high prices from the American consumer while selling at low prices on the other side of the world. Mr. Emory says that our economic superiority enables us to sell at "low prices to the foreign consumer." Rather should we say that it is the protective tariff that enables trusts and combinations to exact high prices from the domestic consumer.

It is a fact not without significance that it was under a Democratic Administration and under a Democratic tariff law, giving our manufacturers cheaper raw materials, that this country began its conquering career in the world's markets as a manufacturing nation, as the following figures from the Statistical Abstract show:

Exports of domestic manufactures.

Year ending June 30—	Values.	Per cent of total exports.
1892	\$158,510,937	15.70
1893	158,023,118	19.02
1894	183,728,808	21.14
1895	183,575,743	23.14
1896	228,571,178	26.48
1897	277,295,391	26.87
1898	290,697,354	24.02
1899	339,592,146	28.21
1900	433,851,756	31.65
1901	410,932,524	28.07
1902	403,641,401	29.77

I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LIVINGSTON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twenty-one minutes.

Mr. LIVINGSTON. I yield ten minutes to the gentleman from Nevada.

[Mr. VAN DUZER addressed the committee. See Appendix.]

Mr. VAN DUZER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to print extracts from which I have read.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15054, the general deficiency bill, and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to call from the Speaker's table the conference report on the Indian appropriation bill and move that it be adopted, and I ask unanimous consent to dispense with the reading of the report, which has been in the RECORD for a week.

The SPEAKER. Does the gentleman desire the statement to be read?

Mr. CLARK. Mr. Speaker, I would inquire first of the gentleman whether this is a unanimous report?

Mr. SHERMAN. It is a unanimous report and a complete report.

The SPEAKER. The gentleman asks unanimous consent to omit the reading of the conference report.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to inquire about amendment 99. Some question has come up in my mind as to whether the settlers who own improvements in the town of Sulphur have been properly protected in the payment for their lots in that town. They seem to think that under the wording of the Sulphur amendment, which was put on the bill by the Senate, they will receive no pay for their town lots, which this bill turns over to the Government. They seem to think that they will be compelled to move the town and dedicate 206 acres of land for a public park there without being paid for their lots. It was our intention and the intention of the Senate, as I understand the matter, that they should receive pay for these lots. They seem, however, to be apprehensive that the bill is not sufficiently worded and that the language of the bill will not permit them to receive pay for the lots after they have moved their houses from them.

Mr. SHERMAN. Mr. Speaker, the intention certainly was to provide for such payment, and the amendment was drawn by the Assistant Attorney-General for the Department with that purpose in view. Without having especially examined it myself, I have no doubt that it accomplishes what it was intended to accomplish.

Mr. STEPHENS of Texas. I will state to the gentleman that as I understood—

Mr. SHERMAN. If there is any doubt about the matter, the difficulty can be corrected by future legislation.

Mr. STEPHENS of Texas. I understood from the Secretary of the Interior, who was before the committee and was interrogated upon the matter, and also from the gentleman from Kansas [Mr. CURTIS], who has paid considerable attention to this amendment, and from the Senators who were present in the conference committee and who probably assisted in drafting the provision, that it did protect these settlers and pay them for their lots and improvements.

Mr. SHERMAN. That was the statement made by the representative of the Department, either the Commissioner of Indian Affairs or his private secretary.

Mr. STEPHENS of Texas. The Commissioner was present, I believe. I simply wished this matter definitely understood. That was my reason for asking the question. I read the provision at the time and thought it fully protected the owners of the lots and that they would get pay for their lots and improvements as well, but I did everything I could to prevent the adoption of the amendment.

The SPEAKER. Is there objection? The Chair hears none.

The question is on the motion of the gentleman from New York [Mr. SHERMAN] to agree to the conference report.

The report of the committee of conference was agreed to.

Mr. SHERMAN. In one part of the bill there was a clerical mistake of one word. Rather than send the whole report back to the conference committee, I have prepared a resolution directing that the error be corrected in the engrossment of the bill. I ask present consideration for that resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be instructed in engrossing H. R. 12684, on page 50, line 7, in amendment 41 of the Senate, to insert the word "Osage" in place of the word "said."

There being no objection, the resolution was considered and agreed to.

VALIDATION OF CERTAIN RAILROAD CONVEYANCES.

The SPEAKER. The Chair lays before the House the bill (S. 4769) validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company. The Senate has disagreed to the amendments of the House and asks a conference.

Mr. LACEY. I move that the House insist on its amendments and agree to the conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LACEY, Mr. DIXON, and Mr. GRIFFITH as conferees on the part of the House.

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.

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. 14621. An act for the disposal of the unsold lots in the Fort Crawford military tract, at Prairie du Chien, Crawford County, Wis.;

H. R. 13742. An act in relation to the location of the navigable channel of the Calumet River, Illinois and Indiana;

H. R. 10956. An act to amend sections 2526 and 2567 of the Revised Statutes of the United States, 1878, so as to remove the port of entry for the district of Pearl River from Shieldsboro to Gulfport, and for other purposes; and

H. J. Res. 85. Joint resolution to authorize the lowering of the height of the Government dams in the Illinois River at Kampsville and Lagrange.

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. 10008. An act granting to the State of North Dakota 640 acres of land, embracing the White Stone Hills battlefield and burial ground of soldiers killed in that engagement.

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

Senate concurrent resolution No. 66.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the harbor at Oconto, in the State of Wisconsin, with a view to obtaining a depth of 18 feet and ascertaining the necessity for providing an interior basin outside the river channel to be used for a harbor.

Senate concurrent resolution No. 67.

Resolved by the Senate (the House of Representatives concurring), That the invitation extended to the Congress of the United States by the Louisiana Purchase Exposition to attend the formal opening ceremonies of said exposition, to be held at St. Louis, Mo., April 30, 1904, be, and is hereby, accepted.

That the President pro tempore of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee, to consist of ten Senators and fifteen Representatives of the Fifty-eighth Congress, to attend the formal opening ceremonies referred to and to represent the Congress of the United States on that occasion.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1243) granting a pension to Mary McLean Wyllys.

Also,

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5223) granting a pension to Sara A. Wardell.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 685. An act granting an increase of pension to Philip J. Harlow.

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

S. 1974. An act amending the act of Congress approved January 26, 1895, entitled "An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes;"

S. 1607. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery;

S. 987. An act for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants;

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

S. R. 9. Joint resolution authorizing the issue of duplicate medals where the originals have been lost or destroyed.

LEAVE TO EXTEND REMARKS.

Mr. DENNY. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks of to-day.

There was no objection.

UNITED STATES COURTS IN WEST VIRGINIA.

Mr. GAINES of West Virginia. I ask unanimous consent for the present consideration of the bill (H. R. 14944) establishing a regular term of the United States circuit and district courts at Lewisburg, W. Va.

The bill was read, as follows:

Be it enacted, etc., That a regular term of the United States circuit and district courts for the southern district of West Virginia shall be held every year at Lewisburg, W. Va., on the second Tuesday in February.

The amendment reported by the Committee on the Judiciary was read, as follows:

Amend by adding the following words: "*Provided, however, That suitable rooms and accommodations are furnished for holding said courts free of expense to the Government of the United States.*"

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

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

On motion of Mr. GAINES of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPRINT OF BILLS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 13679) amending the statutes relating to patents. The supply is exhausted, and there is a demand for copies of the bill.

The SPEAKER. In the absence of objection, the order for a reprint will be made.

There was no objection.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent for a reprint of House bill 15054, the general deficiency bill.

The SPEAKER. Without objection, the order for a reprint will be made.

There was no objection.

CLAIM OF WILLIAM RADCLIFFE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, relating to the claim of William Radcliffe, a British subject, for compensation for the destruction of his fish hatchery and other property at the hands of a mob in Delta County, Colo., in the summer of 1901.

I recommend that, as an act of equity and comity, provision be made by the Congress for the payment of the sum of \$25,000 to Mr. Radcliffe in full settlement of this claim.

THEODORE ROOSEVELT.

WHITE HOUSE, April 14, 1904.

PERMANENT APPROPRIATIONS.

Mr. BROWNLOW. Mr. Speaker, I ask unanimous consent that a communication of the Secretary of the Treasury concerning permanent appropriations, addressed to a subcommittee of the Committee on Appropriations, be printed as a House document and referred to the Committee on Appropriations.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I call for the regular order. I think it is too late to be transacting business by unanimous consent.

Mr. HEMENWAY. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of reappropriation for salaries and expenses of agents of the Bureau of Corporations—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a recommendation of the Secretary of War in reference to a credit to the accounts of Maj. George T. Holloway, United States Army—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 14968) permitting the Ozark and Cherokee Central Railroad Company and the Arkansas Valley and Western Railroad Company, and each or either of them, to sell and convey their railroads and other property in the Indian Territory to the St. Louis and San Francisco Railroad Company or to the Chicago, Rock Island and Pacific Railway Company, and for other purposes, reported the same without amendment, accompanied by a report (No. 2459); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5255) to provide allotments to Indians on White Earth Reservation, in Minnesota, reported the same without amendment, accompanied by a report (No. 2460); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 5306) to amend certain sections of Title LII of the Revised Statutes of the United States, entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes, reported the same without amendment, accompanied by a report (No. 2471); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 3947) for the relief of holders and owners of certain District of Columbia special-tax scrip, reported the same with amendment, accompanied by a report (No. 2472); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8687) authorizing the sale of Chesapeake and Ohio Canal bonds belonging to the District of Columbia, reported the same with amendment, accompanied by a report (No. 2473); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3) to regulate electrical wiring in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2474); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13777) to incorporate the American Cross of Honor within the District of Columbia, reported the same without amendment, accompanied by a report (No. 2475); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13262) to confirm the title to lots 2, 3, 4, and 5 in square No. 979, in Washington, in the District of Columbia, reported the same without amendment, accompanied by a report (No. 2476); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4130) to amend sections 1288, 1293, and 1294 of the Code of the District of Columbia, relating to marriage, so as to authorize marriages according to the custom of the Society of Friends or Quakers, reported the same without amendment,

accompanied by a report (No. 2477); which said bill and report were referred to the House Calendar.

Mr. POWERS of Massachusetts, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11968) to incorporate the Washington Sanitary Housing Company, reported the same without amendment, accompanied by a report (No. 2478); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 8453, reported in lieu thereof a bill (H. R. 15121) for the extension of Twenty-third street from S street to California avenue, accompanied by a report (No. 2479); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House H. R. 7283, reported in lieu thereof a bill (H. R. 15122) for the extension of School street southward to Kenesaw avenue, and for other purposes, accompanied by a report (No. 2480); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the Senate (S. 4334) for the relief of the administrator of the estate of Gotlob Groezinger, reported the same without amendment, accompanied by a report (No. 2458); which said bill and report were referred to the Private Calendar.

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 4234) for the relief of Emma Morris, reported the same without amendment, accompanied by a report (No. 2461); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 10572) for the relief of John C. Ray, assignee of John Gafford, of Arkansas, reported the same without amendment, accompanied by a report (No. 2463); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 11320) for the relief of Martha E. Conklin, reported the same with amendment, accompanied by a report (No. 2463); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 4579) for the relief of the heirs and legal representatives of those who were killed by the explosion of the gun-cotton factory at the United States torpedo station at Newport, R. I., reported the same without amendment, accompanied by a report (No. 2464); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13637) for the relief of Fred Blank, of Waxahachie, Tex., reported the same with amendment, accompanied by a report (No. 2465); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 11104) for the relief of George T. Larkin, reported the same without amendment, accompanied by a report (No. 2466); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 2888) for the relief of Priscilla R. Burns, reported the same without amendment, accompanied by a report (No. 2467); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 14841) for the relief of Robert D. Benedict, reported the same without amendment, accompanied by a report (No. 2468); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 175) for the relief of Robert D. McAfee and John Chiatovich, reported the same without amendment, accompanied by a report (No. 2469); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to

which was referred the bill of the House (H. R. 615) for the relief of J. J. L. Peel, reported the same without amendment, accompanied by a report (No. 2470); which said bill and report were referred to the Private Calendar.

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. FITZPATRICK: A bill (H. R. 15087) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 15088) to authorize the sale of the property and the migration of certain full-blood Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. WALLACE: A bill (H. R. 15089) to destroy Bayou Bartholomew as a navigable stream in the State of Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 15121) for the extension of Twenty-third street from S street to California avenue—to the Union Calendar.

Also, from the same committee, a bill (H. R. 15122) for the extension of School street southward to Kenesaw avenue, and for other purposes—to the Union Calendar.

By Mr. JONES of Washington: A resolution (H. Res. 327) for the consideration of bill S. 3336—to the Committee on Rules.

By Mr. GROSVENOR: A resolution (H. Res. 328) for the consideration of Senate bill 2263—to the Committee on Rules.

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. BINGHAM: A bill (H. R. 15090) granting a pension to Frank Gillespie—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 15091) granting an increase of pension to Uriah J. Loop—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 15092) for the relief of William R. Gunn—to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 15093) granting a pension to Alfred W. Rich—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE (by request): A bill (H. R. 15094) for the relief of the legal representatives of William H. Stark, deceased—to the Committee on War Claims.

By Mr. CASSEL: A bill (H. R. 15095) granting a pension to David Graeff—to the Committee on Pensions.

By Mr. CASSINGHAM: A bill (H. R. 15096) granting an increase of pension to Isaah S. Winters—to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 15097) granting a pension to William H. Miller—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 15098) to remove the charge of desertion against Nathan Mendenhall—to the Committee on Military Affairs.

By Mr. CURRIER: A bill (H. R. 15099) granting an increase of pension to Lewis P. Wilson—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 15100) granting relief to the trustees of the Presbyterian Church of Frenchcreek, W. Va.—to the Committee on War Claims.

Also, a bill (H. R. 15101) granting relief to the trustees of Allegheny College, West Virginia—to the Committee on War Claims.

By Mr. HILL of Connecticut: A bill (H. R. 15102) granting a pension to Charles Bergman—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 15103) to remove the charge of desertion from the military record of Peter Crum and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 15104) to remove the charge of desertion from the military record of Abraham H. Brown and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 15105) to remove the charge of desertion from the military record of John P. Griffith and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 15106) granting an increase of pension to William Crownover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15107) granting an increase of pension to George W. Beck—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 15108) granting an increase of pension to Joseph Peach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15109) granting an increase of pension to Herman E. Hadley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15110) granting an increase of pension to Augustus P. Arthur—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15111) authorizing the Secretary of the Interior to issue patents in fee to various missionary institutions in the Territory of Oklahoma—to the Committee on the Public Lands.

Also, a bill (H. R. 15112) granting an increase of pension to Benjamin D. Rathbun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15113) granting an increase of pension to Martin Moore—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 15114) granting an increase of pension to Pleasant T. Smith—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: A bill (H. R. 15115) for the relief of Isaac d'Isay—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 15116) for the relief of the board of trustees of West Tennessee College, Jackson, Tenn.—to the Committee on War Claims.

By Mr. SLAYDEN (by request): A bill (H. R. 15117) granting a pension to J. C. Carr—to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 15118) granting a pension to Mary F. Decker—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 15119) granting a pension to Mary Buck—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 15120) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of D. R. Thomas, organizing secretary of the Black Movement to Central Africa, relative to the purchase of African territory, etc.—to the Committee on Military Affairs.

By Mr. ADAMS of Pennsylvania: Petition of the Philadelphia Association of Retail Druggists, in favor of bill H. R. 12646—to the Committee on Naval Affairs.

By Mr. BAKER: Petition of the Brooklyn Chapter, American Institute of Architects, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolution of the Patent Law Association of Chicago, against bills H. R. 11582 and S. 4062—to the Committee on Patents.

By Mr. BASSETT: Resolution of the Brooklyn Chapter, American Institute of Architects, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. BELL of California: Petition of J. C. Winter and 13 others, of Brooks, Cal., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Sacramento County Pomona Grange, No. 2, Patrons of Husbandry, in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Sacramento County Pomona Grange, No. 2, Patrons of Husbandry, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. BOWERS: Paper to accompany bill for the relief of William R. Gunn—to the Committee on Claims.

By Mr. BRANDEGEE: Resolution of Ladies of the Grand Army of the Republic of North Grosvenordale, Conn., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petitions of the Central Woman's Christian Temperance Union of Lincoln, Nebr., and Benjamin R. Allen and 17 others, of Nebraska City, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petitions of O. G. Barnard and 21 others, of Sullivan, Me.; J. H. Manley and 42 others, of Augusta, Me.; Frank H. Jones and 41 others, of South China, Me., and F. B. Felker and 42 others, of Ripley, Me., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CURRIER: Petitions of W. E. Kempton and 20 others, and Rev. J. H. Blackburn and Rev. William Thompson, of Newport, N. H., and the Woman's Christian Temperance Union of Franklin, N. H., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DOVENER: Petitions of W. E. White and 60 others, of Moundsville, W. Va., and Robert Wagoner and 19 others, of Good Hope, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DANIELS: Petitions of J. N. Hawley and 24 others, and J. A. Smith and 27 others, of San Diego County, Cal., and J. R. White and 36 others, of Orange County, Cal., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAYTON: Petition of H. C. Newberry and 42 others, of Mill Creek, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DUNWELL: Resolution of the Brooklyn Chapter of American Institute of Architects, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. FOWLER: Petition of Crocker-Wheeler Company, of Ampere, N. J., in favor of bill H. R. 9302, for untaxed denatured alcohol for industrial purposes—to the Committee on Ways and Means.

Also, petition of Rev. Henry Hughes and 9 other voters, of Montville; the Presbyterians of Springfield, New Providence, and Stewartsville; the First Baptist Church of Westfield; D. H. Crawford and 69 other voters, of Chatham; Charles E. Smith and 17 other voters, of Morristown; D. B. F. Randolph and 37 other voters, of Washington; J. L. Winans and 17 other voters, of Plainfield; Rev. J. B. Rhodes and 60 other voters, of Cranford; the Woman's Christian Temperance Union of Washington; Rev. C. E. Herring and 25 other voters, of Plainfield; H. B. Corwin and 12 others, of Madison; G. W. Thorp and 6 others, of Saccasunna; James Cox and 18 others, of Mount Tabor; pastors of churches of Plainfield, and James H. Ireland and 14 others, of Elizabeth, all of New Jersey, for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of the First Baptist Church of Phillipsburg, N. J., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of W. G. Van T. Sutphen and others, of Morristown, N. J., in favor of a parcels post and postal currency—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Board of Trade of Elizabeth, N. J., in favor of bill H. R. 6865—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. A. Maple and others, of the Soldiers' Home, Danville, Ill., for a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Union County (N. J.) Trades Council, in favor of bill H. R. 4064—to the Committee on the Judiciary.

Also, petition of the Iron Molders' Union of Plainfield, N. J., in favor of appropriation recommended by the Chief of Ordnance—to the Committee on Naval Affairs.

Also, petition of citizens of Hope, N. J., for the passage of bill S. 15, to regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. GILLETT of Massachusetts: Petition of J. V. Lentell and 20 others, of Amherst, Mass., and W. F. Heywood, M. D., and 11 others, of East Brookfield, Mass., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GRANGER: Resolution of the board of managers of the Rhode Island College of Agriculture, in favor of bill making an additional appropriation for agricultural experiment stations—to the Committee on Agriculture.

By Mr. GROSVENOR: Resolution of the Republican Club of the nineteenth assembly district of New York, favoring an increase of salaries for letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Hall Trades and Labor Council, of Chillicothe, Ohio, favoring an eight-hour law and an anti-injunction bill—to the Committee on Labor.

Also, petitions of the Methodist Episcopal Church of New Lexington, Ohio; the Presbyterian Church of Bainbridge, Ohio, and A. E. McCullough and 24 others, of Murray City, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HAY: Petitions of W. A. McAllister and 25 others, and A. T. Carter and 16 others, of Charlottesville, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of John Sheetz, praying reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HEPBURN: Petitions of W. J. Sparks and 21 others, of Page, Iowa; Rev. N. R. Harned and 17 others, of Prescott, Iowa, and H. C. Littleton and 42 others, Reverend Ross and 40 others, Frank Converse and 45 others, and George Bogart and 46 others, of Shenandoah, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petitions of the Methodist Episcopal Church of Matawan, N. J.; Linn E. Wheeler and 655 members of the First Baptist Church of New Brunswick, N. J., and Rev. W. H. Wallace and 200 members of Mount Moriah Baptist Church, of Monmouth County, N. J., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petitions of H. E. Ellis and others, of Corinne, Utah, and Rev. B. Young and the official board of the First Methodist Episcopal Church of Salt Lake City, Utah, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Emil Boren and others, of Moab, Utah, in favor of the parcels-post and post-check bills—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: Petitions of Rev. William Kirkhope and 31 others, of Brighton, Wash.; Rev. Herbert Thompson and 200 others, and B. L. Ridgeway and 33 others, of Everett, Wash.; John Oldenburg and 27 others, of Laconner, Wash.; L. F. Shardon and 3 others, and A. M. Smith and 18 others, of Clarkston, Wash., and W. H. Sandes and 58 others, of Peone, Wash., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of George Grant, of Mecklenburg, N. Y., in favor of bill H. R. 5760—to the Committee on Invalid Pensions.

Also, resolution of the Brooklyn Chapter, American Institute of Architects, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. LITTLE: Petition of certain full-blood Indians of Indian Territory, praying for certain legislation—to the Committee on Indian Affairs.

By Mr. LITTLEFIELD: Petition of Rev. A. F. McWharther and 32 others, of Union, Me., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McNARY: Petition of Albert E. Miller and 32 others, of Needham, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MANN: Petition of George H. Stone, secretary of the Board of Trade of Chicago, Ill., in favor of bill S. 2661, relative to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, paper to accompany bill H. R. 12275, granting an increase of pension to D. T. Corbin—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of John A. Hill and 25 others, of Alsaraka, N. Dak., and W. J. Lean and 16 others, of Joliette, N. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MARTIN: Petitions of Rev. George S. Parker and 5 others, and the Woman's Christian Temperance Union and 36 others, of Madison, S. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany House bill granting an increase of pension to Pleasant T. Smith—to the Committee on Invalid Pensions.

By Mr. OTIS: Petition of Rev. J. R. W. Cutter and 8 others, of Yonkers, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PAYNE: Petition of Rev. Edward J. Broaker and 14 others, of Palmyra, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Rev. Amos Naylor and 40 others, and John C. Nichols and 45 others, of Auburn, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RIXEY: Petition of the Woman's Christian Temperance Union of Alexandria, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of Journeymen Barbers' International Union, of Fort Wayne, Ind., in favor of an eight-hour law and an anti-injunction bill—to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Isaac d'Isay—to the Committee on Military Affairs.

By Mr. SHEPPARD: Papers to accompany bill for relief of legal representatives of M. N. Swofford, deceased (referred by mistake to the Committee on War Claims February 20, 1904)—to the Committee on Claims.

By Mr. WM. ALDEN SMITH: Resolution of Captain H. S. Weeks Circle, No. 24, Ladies of the Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SPALDING: Petition of C. D. Hackett and others, of Nome, N. Dak., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Petitions of J. M. De Bolt and 41 others, and Robert J. Evans and 32 others, of El Paso, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SULLIVAN of New York: Resolution of the National Association of Automobile Manufacturers, against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. THOMAS of Iowa: Petitions of George L. Quenby and 61 others, W. C. Bender and 61 others, and F. W. Greene and 75 others, all of Sioux City, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. TIRRELL: Petitions of Eugene O. Cutler and 30 others, of Groton, Mass., and W. A. Dingley and 15 others, of Pratts Junction, Mass., in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WADE: Petitions of the pastor and members of the First Presbyterian and the Methodist Episcopal churches and the members of the Women's Synodical Home Missionary Society, of Iowa City, Iowa, relative to amending the Constitution, defining marriage, etc.—to the Committee on the Judiciary.

Also (by request), petition of citizens of Monmouth, Iowa, in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the First Presbyterian and the Methodist Episcopal churches and the members of the Women's Synodical Home Missionary Society of Iowa City, Iowa, relative to investigating the charges against Senator SMOOT—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. WEBB: Paper to accompany bill H. R. 12528, granting an increase of pension to Stephen M. Davis—to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Resolution of the Brooklyn Chapter, American Institute of Architects, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. YOUNG: Petition of the Trades and Labor Council of Hancock, Mich., in favor of the enactment of an eight-hour law and an anti-injunction bill—to the Committee on Labor.

Also, resolution of the Licensed Tugmen's Protective Association, against the practice of the Government building dredges—to the Committee on Rivers and Harbors.

Also, resolution of Societa Cristoforo Colombo M. S., favoring October 12 as a national holiday, to be known as "Columbus Day"—to the Committee on the Judiciary.

Also, resolution of Societa Fratellanza Italiana di Muto Socorso, favoring October 12 as a national holiday, to be known as "Columbus Day"—to the Committee on the Judiciary.

By Mr. ZENOR: Petitions of Rev. J. W. Gilley and 21 others, of Georgetown, Ind., and S. E. Sittason and 32 others, of New Albany, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers to accompany bill H. R. 2469, for the relief of William Stone—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10643, for the relief of James F. Belcher—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, April 15, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

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

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

ADMINISTRATION OF FOREST RESERVES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation of \$50,000 for the administration of forest reserves, to be applied to the construction of roads and trails on the national forest reserves; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PROSECUTION OF CUSTOMS-SERVICE FRAUDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that an appropriation of \$50,000 be included in the general deficiency appropriation bill for fees and expenses, including remuneration for special assistant attorney-general in the investigation and prosecution of certain frauds upon the customs service, etc.; which was referred to the Committee on Appropriations, and ordered to be printed.

ESTATE OF VALOROUS G. AUSTIN, DECEASED.

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 Manville Austin, Emma A. Johnson, Edgar H.

Pullman, and Olive C. Kefauver, heirs of Valorous G. Austin, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

POST-OFFICE 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. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DOLLIVER. I move that the Senate insist on its amendments and agree to the conference asked 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. PENROSE, Mr. DOLLIVER, and Mr. CLAY were appointed.

Mr. BACON. Do I understand that my colleague [Mr. CLAY] has been appointed on the conference committee?

The PRESIDENT pro tempore. He has.

Mr. BACON. I will simply take advantage of this opportunity to state that my colleague is necessarily absent and will not be back for several days. It may be necessary, therefore, to substitute another in his stead.

The PRESIDENT pro tempore. The Senator from Georgia calls the attention of the Senator from Iowa to the fact that his colleague is absent from the city and will be for several days.

Mr. BACON. I am informed by the Senator from Kansas [Mr. LONG] that he thinks some arrangement in reference to the matter was made in contemplation of the absence of my colleague; and if the conference committee is not to be at work immediately, possibly my suggestion is not material.

Mr. DOLLIVER. The Senator from Texas [Mr. CULBERSON] is the next in seniority of service on the Democratic side upon the committee.

The PRESIDENT pro tempore. The Senator from Georgia [Mr. CLAY] will be excused, and the Chair will appoint the Senator from Texas [Mr. CULBERSON] in his place.

Mr. DOLLIVER. I will ask the Chair to withhold the announcement until I can have a little further opportunity to consult about the matter.

The PRESIDENT pro tempore subsequently said: The Chair will appoint as a member of the committee of conference on the part of the Senate on the post-office appropriation bill the Senator from Georgia [Mr. CLAY].

MAJ. THOMAS W. SYMONS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 54) to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York.

The amendment of the House of Representatives was to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to grant Maj. Thomas W. Symons, Corps of Engineers, leave of absence without pay; and that he be permitted to assist the State of New York by acting as member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York. The permission hereby given shall be held to terminate at such date or dates as the Secretary or War may determine.

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

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 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. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 4769) validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. DIXON, and Mr. GRIFFITH managers at the conference on the part of the House.

The message further announced that the House had passed the