

Also, petitions of Seymore H. Stone and 100 citizens of Boston, Mass., favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolutions of the Woman's Club of Pittsburgh, Pa., Alice E. Huff, secretary, in favor of the passage of a bill to prevent the desecration of the American flag—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petitions of W. Harner and 201 citizens of Crothersville, Ind., and R. M. Phillips and 199 citizens of Beck, Ind., in favor of the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAGER: Petitions of the Congregational Church; Epworth League, Methodist Episcopal Church; Young People's Society of Christian Endeavor of the Presbyterian, Congregational, Church of Christ, and United Presbyterian churches; Danish Baptist Church, Church of Christ, and Baptist Young People's Union, all of Atlantic, Iowa, to prohibit the sale of liquor in canteens and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HEPBURN: Papers to accompany House bill granting a pension to Maggie Chapman—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Abbie L. Godfrey—to the Committee on Invalid Pensions.

By Mr. McCALL: Memorial of citizens of New York City, commending Senators HALE, HOAR, MASON, and WELLINGTON for their attitude against territorial expansion—to the Committee on Foreign Affairs.

By Mr. MAXWELL: Resolution of the Burt County Farmers' Institute, at Takannah, Nebr., against the seating of Brigham H. Roberts as a Representative from Utah—to the Committee on Elections No. 1.

By Mr. MEEKISON: Petition of the Presbyterian Church of Holgate, Ohio, for the continuance of the prohibitory law in Alaska, to prohibit the sale of liquors in Government buildings, and to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Zion United Brethren Church, Delta, Ohio, and Chapel United Brethren Church, Henry County, Ohio, to prohibit the sale of liquor in canteens, in immigrant stations, and in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MERCER: Petition of the German Methodist Episcopal Church of Arlington, Nebr., to prohibit the sale of liquor in canteens and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MOON (by request): Petition of the Woman's Christian Temperance Union of Chattanooga, Tenn., to prohibit the sale of liquor in canteens, in immigrant stations, and in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also (by request), petition of the Woman's Christian Temperance Union of Chattanooga, Tenn., to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of R. S. Montgomery and 203 citizens of Palmetto, Tenn.; Lila Moore and 214 citizens of Whitehouse, Tenn., and L. B. Vinson and 205 citizens of Edwina, Tenn., in favor of the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PUGH: Petitions of J. M. Moss and 203 citizens of Catawba, and M. Mackley and 205 citizens of Foster, Ky., favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Petition of Dr. William F. Myers, of Fort Wayne, Ind., in favor of giving veterinarians the rank of second lieutenant in the reorganization of the Army—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: Petitions of Jonas D. Wilson and 204 citizens of Cloverport, and T. D. Rudd and 160 citizens of Caseyville, Ky., favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. STONE: Petitions of the Woman's Christian Temperance unions and churches of Garland, Cable Hollow, and North Glade, Pa., praying for the abolition of the sale of liquor in the United States Army, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. TONGUE: Petitions of U. G. Berry and 200 citizens of Peoria, Wily J. Chandler and 201 citizens of Chandler, and A. W. Airey and 198 citizens of Gravelford, all in the State of Oregon, in favor of the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of the Woman's Christian Temperance Union of New Hope, Bucks County, Pa., to prohibit the sale of liquor in canteens and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

SENATE.

THURSDAY, February 2, 1899.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
The VICE-PRESIDENT resumed the chair.
The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. TILLMAN, and by unanimous consent, the further reading was dispensed with.

NAVY PAY TABLE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 27th ultimo, a statement showing the present pay of the Navy in the grades of rear-admiral, commodore, captain, commander, lieutenant-commander, lieutenant, lieutenant (junior grade), and ensign, with the pay received by officers of the corresponding grade in the Army, etc.; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed.

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington and Great Falls Electric Railway Company, of the District of Columbia, for the year ended December 31, 1898; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 967) to correct the war record of George W. McBride;

A bill (H. R. 6901) to prevent the abatement of certain actions;

A bill (H. R. 10316) granting a pension to Georgie Smiley;

A bill (H. R. 10509) to authorize the Missouri and Kansas Telephone Company to construct and maintain lines and offices for general business purposes in the Ponca, Otoe, and Missouri Reservations, in the Territory of Oklahoma; and

A bill (H. R. 11036) to restore Capt. Robert W. Dowdy to the active list of the Army.

CREDENTIALS.

Mr. ELKINS presented the credentials of Nathan B. Scott, chosen by the legislature of West Virginia a Senator from that State for the term of six years beginning March 4, 1899; which were read, and ordered to be filed.

Mr. CHILTON presented the credentials of Charles A. Culbertson, chosen by the legislature of Texas a Senator from that State for the term beginning March 4, 1899; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of the Woman's Christian unions of Sandwich, Meriden, and Candia, all in the State of New Hampshire, praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Sandwich, Meriden, and Candia, all in the State of New Hampshire, praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Sandwich, Meriden, and Candia, all in the State of New Hampshire, praying for the maintenance of the prohibition law in Alaska and the Indian Territory, and to extend it to our new, half-civilized dependencies; which were referred to the Committee on Territories.

He also presented petitions of the Woman's Christian Temperance unions of Sandwich, Meriden, and Candia, all in the State of New Hampshire, praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; which were referred to the Committee on Military Affairs.

Mr. HOAR presented memorials of Leroy A. Ames and 9 other citizens; of J. T. Wilson and 8 other citizens; of F. E. Howard and 9 other citizens; James Huxtable and 8 other citizens; of William Everett, A. A. Vaughn, and 2 other citizens; Henry S. Mackintosh and 9 other citizens; Edwin J. Parlett, Moses P. White, and 5 other citizens, and of Charles H. Stevens and 2 other citizens, all in the State of Massachusetts; of E. J. Baugh and 9 other citizens and of L. K. Burt and 9 other citizens, all in the State of Colorado; of L. J. Dumstead and 9 other citizens, of the District of Columbia; of John F. Frese and 9 other citizens and of John F. Race and 40 other citizens, all in the State of Florida; of

William Brookshire and 9 other citizens; Andrew Moore and 9 other citizens; Thomas A. Geraghty and 9 other citizens; Elihu Price and 9 other citizens; C. A. Woods and 9 other citizens; Alonzo Sharp and 9 other citizens, and of James Jones and 9 other citizens, all in the State of Indiana; of A. J. Leach and 4 other citizens, John J. McGaffigan, J. S. Fraser and 9 other citizens, Eugene Arnold and 9 other citizens, and of R. D. Francis and 8 other citizens, all in the State of Illinois; of H. T. Eppers and 9 other citizens and of Henry Van Lent and 9 other citizens, all in the State of Iowa; of Jesse J. Campbell and 1 other citizen, E. Lyston and 9 other citizens, R. R. Houpp and 9 other citizens, and of A. A. Snodderley and 9 other citizens, all in the State of Kansas; of Frank Collins and 9 other citizens and of I. J. Rankin and 9 other citizens, all in the State of Kentucky; of Louis Burke and 9 other citizens and of J. Q. Gowland and 9 other citizens, all in the State of Louisiana; of Alexander McLamon and 9 other citizens of Virginia; of George B. Wilson and 8 other citizens of Minnesota; of James L. Blair, of Maryland; of O. L. Neauvert and 9 other citizens, R. A. Blackburn and 9 other citizens, J. J. Nelson and 9 other citizens, M. H. Kimbrough and 9 other citizens, J. S. Bowles and 9 other citizens, E. N. Wood and 9 other citizens, and of R. B. Hughes, sr., and 9 other citizens, all in the State of Virginia; of John L. Barstow, of Vermont; of W. E. O'Neill and 9 other citizens of Wisconsin; of Conrad Tobber and 9 other citizens and of Zachary T. Lindsey and 9 other citizens, all in the State of Nebraska; of A. G. Dawkins and 9 other citizens, Milton Brower and 9 other citizens, Henry Shuffield and 9 other citizens, Alfred McNeill and 9 other citizens, G. W. Teague and 9 other citizens, Chesly Williamson and 9 other citizens, T. L. Jones and 9 other citizens, G. W. Watkins and 9 other citizens, Goodridge Wilson and 9 other citizens, Stephen Johnson and 9 other citizens, Tom Russell and 9 other citizens, John Rowland and 9 other citizens, M. S. Minor and 9 other citizens, Will Street and 9 other citizens, Anderson Hester and 9 other citizens, J. R. Carter and 9 other citizens, P. Morris and 9 other citizens, Jim Daniel and 9 other citizens, Thomas Horner and 9 other citizens, Tom Sued and 9 other citizens, Peter Currin and 9 other citizens, Tom Green and 9 other citizens, T. H. Ridgeway and 9 other citizens, Thomas Trollingar and 9 other citizens, C. D. Hester and 9 other citizens, P. T. Jones and 9 other citizens, Jessie Hambricht and 9 other citizens, R. J. Corbett and 9 other citizens, and of M. Dorsey and 9 other citizens, all in the State of North Carolina; of Victor E. King and 14 other citizens of New Hampshire; of Loring Hulbert and 9 other citizens, W. F. Mittendorf and 7 other citizens, and of H. Kreuter and 18 other citizens, all in the State of New York; of Dick Eugbrecht and 9 other citizens of North Dakota; of A. S. Cormac and 9 other citizens, Herman Houk and 9 other citizens, Thomas Hiscox and 9 other citizens, G. P. Roberts and 9 other citizens, Okie McCoy and 9 other citizens, and of John Mischler and 23 other citizens, all in the State of Ohio; of Charles F. Randall and 9 other citizens of Oklahoma; of J. B. Mananey and 9 other citizens, C. F. Taylor and 9 other citizens, and of W. W. Foust and 9 other citizens, all in the State of Pennsylvania; of S. V. Arnold and 9 other citizens of South Dakota; of John D. Wilkerson and 8 other citizens, H. M. Collier and 9 other citizens, H. W. Meyer and 10 other citizens, and of W. H. Thrall, all in the United States, remonstrating against any extension of the sovereignty of the United States over the Philippine Islands in any event, and over any other foreign territory without the free consent of the people thereof; which were referred to the Committee on Foreign Relations.

Mr. BAKER presented a petition of sundry American citizens residing in the Hawaiian Islands, praying Congress to extend the immigration laws to those islands; which was referred to the Committee on Immigration.

He also presented sundry papers in support of the bill (S. 2985) granting a pension to Rosa M. Couch, of Leavenworth, Kans.; which were referred to the Committee on Pensions.

Mr. PLATT of New York. I present the following resolution adopted by the legislature of the State of New York:

Resolved (if the senate concur), That the legislature of the State of New York hereby respectfully and earnestly urges upon the honorable the Senate of the United States in Congress a speedy ratification of the treaty now pending before said Senate terminating war with Spain, as a patriotic duty demanded by the highest and best interests of the nation.

I move that the resolution lie on the table.

The motion was agreed to.

Mr. CHANDLER. My colleague [Mr. GALLINGER] two or three days ago presented resolutions of the New Hampshire legislature. They requested that their Senators would bring the views contained in the resolutions to the attention of their fellow-Senators, which I do now. The resolutions were unanimously adopted, and declare in favor of the immediate ratification of the treaty.

Mr. PLATT of New York presented the petition of George C. Smith, of Company A, Eighty-first New York Volunteer Infantry, praying that he be granted a pension at the rate allowed captains in the Army; which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Norwegian Lutheran Trinity Church, of Brooklyn, N. Y., praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; and also to prohibit the importation and traffic in alcoholic liquors in Cuba, Porto Rico, and the Philippines; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 78, Brotherhood of Carpenters and Joiners, of Troy, N. Y., and a petition of Local Branch, No. 598, Amalgamated Society of Engineers, of Schenectady, N. Y., praying for the passage of the eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented a petition of the Bottlers and Manufacturers' Association of New York City, N. Y., praying for the enactment of legislation to increase American shipping; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Rochester, N. Y., praying for the enactment of legislation to provide that no polygamist shall be elected to the Congress of the United States; which was ordered to lie on the table.

He also presented a petition of the congregation of the Friends' Church of Plattekill, N. Y., praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; for the maintenance of prohibition in Alaska and the Indian Territory, and to extend it to our new half-civilized dependencies; and remonstrating against the seating of Congressman-elect Roberts, of Utah; which was referred to the Committee on Territories.

He also presented petitions of the Woman's Christian Temperance Union of Aquebogue, of the Young Men's Christian Association and the Woman's Christian Temperance Union and sundry clergymen of Port Leyden, of the Woman's Christian Temperance Union and the Christian Endeavor Society of Wrights Corners, and of E. R. Creed and sundry other citizens, all in the State of New York, praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; which were referred to the Committee on Military Affairs.

Mr. CHANDLER presented a petition of the Woman's Christian Temperance Union, the Mothers' Club, the Society of King's Daughters, the Epworth League, and the Young People's Society of Christian Endeavor, all of Newport, in the State of New Hampshire, and a petition of the Woman's Christian Temperance Union of Seabrook, N. H., praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; which were referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union, the Mothers' Club, the Society of King's Daughters, the Epworth League, and the Young People's Society of Christian Endeavor, all of Newport, in the State of New Hampshire, and a petition of the Woman's Christian Temperance Union of Seabrook, N. H., praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, the Mothers' Club, the Society of King's Daughters, the Epworth League, and the Young People's Society of Christian Endeavor, all of Newport, in the State of New Hampshire, and a petition of the Woman's Christian Temperance Union of Seabrook, N. H., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on the Judiciary.

Mr. MITCHELL presented a petition of the Retail Clerks' Association of Sheboygan, Wis., praying for the passage of the eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of the Minnesota Association of National Veterans, of Minneapolis, Minn., praying for the passage of the Navy personnel bill; which was ordered to lie on the table.

He also presented a petition of International Union, No. 14, Machine and Wood Workers' Association, of Minneapolis, Minn., praying for the passage of the eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of the Hallowell Branch of the Granite Cutters' National Association, of Hallowell, Me., praying for the passage of the eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented petitions of the Sandwich Manufacturing Company, of Sandwich; of the National Association of Manufacturers, of Chicago, and of Hibbard, Bartlett, Spencer & Co., of Chicago, all in the State of Illinois, praying that an increase be made in the appropriation for the display of American manufactures at the world's fair in Paris in 1900; which were referred to the Committee on Appropriations.

He also presented a petition of the International Packing Company, of Chicago, Ill., praying that the rank of second lieutenant be granted to veterinary surgeons in the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Old Tippecanoe Club, of Chicago, Ill., praying for the ratification of the treaty of peace; which was ordered to lie on the table.

He also presented memorials of Local Union No. 274, Cigar Makers' International Union, of Pekin; of Local Union No. 41, Cigar Makers' International Union, of Aurora, and of Local Union No. 71, Cigar Makers' International Union, of Elgin, all in the State of Illinois, remonstrating against the annexation of the Philippine Islands; which was referred to the Committee on Foreign Relations.

He also presented the petition of H. H. Windsor, of Chicago, Ill., and the petition of T. C. Chamberlin, editor of the Journal of Geology, of Chicago, Ill., praying for the establishment of a division of mines and mining in the United States Geological Survey; which were ordered to lie on the table.

He also presented the petition of R. Mathewson, of Vermont, Ill., praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; for the maintenance of prohibition in Alaska; for the exclusion of polygamists from Congress, and to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Military Affairs.

He also presented a memorial of the North Chicago Wirths Verein of Chicago, of the Menard County Liquor Dealers' Protective Association of Petersburg, of the Liquor Dealers' State Protective Association, the Liquor Dealers' Association of Oregon, and the South Side Liquor Dealers' Association of Chicago, all in the State of Illinois, remonstrating against additional restrictions being placed on the retail liquor dealer having distilled liquor in jugs, bottles, etc.; which were referred to the Committee on Finance.

He also presented a petition of the Citizens' Association of Chicago, praying that the civil-service law be applied to appointments in the proposed census office; which was referred to the Committee on the Census.

He also presented a memorial of the Illinois Commercial Men's Association of Chicago, Ill., remonstrating against the passage of the anti-scalping ticket bill; which was ordered to lie on the table.

He also presented petitions of the Omaha Packing Company, of Chicago; of Local Union No. 176, Iron Molders' Union, of Peoria, and of the Chapman & Smith Company, of Chicago, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Christian Endeavor Society of the Presbyterian Church of Clinton, Ill., praying for the maintenance of prohibition in the Territory of Alaska, and also to prohibit the sale of intoxicating liquors in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; which was referred to the Committee on Military Affairs.

He also presented petitions of the Chicago Third Branch, No. 662, Amalgamated Society of Carpenters and Joiners, of Chicago; of Bellamy Lodge, No. 208, International Association of Machinists, of Bellamy, and of sundry citizens of Canton, all in the State of Illinois, praying for the passage of the eight-hour bill; which were referred to the Committee on Education and Labor.

Mr. ALDRICH. I present a petition of the National Business Men's League, signed by prominent citizens and business firms of Boston, Providence, and St. Louis, recommending the acquisition and retention of the territory formerly belonging to Spain, other than that of Cuba, until such a time as Congress may determine their final disposition. I move that the petition lie on the table.

The motion was agreed to.

Mr. FAIRBANKS. On behalf of my colleague [Mr. TURPIE], who is detained from the Senate by illness, I present sundry petitions and memorials for appropriate reference.

The petitions were referred as follows:

A petition of the Indianapolis Brewing Company, of Indianapolis, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter—to the Committee on Post-Offices and Post-Roads.

A memorial of Local Union No. 62, Cigar Makers International Union, of Richmond, Ind., remonstrating against any extension of the sovereignty of the United States over the Philippine Islands in any event, etc.—to the Committee on Foreign Relations.

A petition of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen, of Indianapolis, Ind., and a petition of Local Union No. 244, United Mine Workers of America, of Brazil, Ind., and of Federal Labor Union, No. 7145, American Federation of Labor, of Brazil, Ind., praying for the passage of the eight-hour bill—to the Committee on Education and Labor.

Petitions of sundry citizens of Plummer, Kokomo, and Irvington, all in the State of Indiana, praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings—to the Committee on Military Affairs.

Mr. FAIRBANKS presented a petition of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen, of Indianapolis, Ind., and of Indianapolis Division, No. 11, Brotherhood of Locomotive Engineers, of Indianapolis, Ind., praying for the passage of the eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented the petitions of Isaac Simmons and 34 other citizens of South Whitley, S. M. Robbins and 27 other citizens of Cayuga, John Thomas and 28 other citizens of Azalia, George Girten and 46 other citizens of Millersburg, W. H. Fullenwider and 29 other citizens of Montezuma, R. B. Miller and 37 other citizens of Thorntown, V. N. Jones and 73 other citizens of Pine-top, W. C. Brothers and 34 other citizens of Anderson, Charles Davis and 47 other citizens of Marion, John W. Burdus and 45 other citizens of Marion, James Wyatt and 30 other citizens of Decatur, A. J. Rhodes and 44 other citizens of Fairfield, Otto May and 99 other citizens of Bloomington, R. E. Burns and 43 other citizens of Lebanon, Willis Cammack and 34 other citizens of Grant County, A. T. Farmer and 62 other citizens of Monroe City, Charles Harrison and 45 other citizens of Shelbyville, George T. Ragsdale and 43 other citizens of Birch Grove, Frank Scholes and 18 other citizens of St. Joe, J. C. Cox and 38 other citizens of Muncie, Ernest Carpenter and 22 other citizens of Millgrove, John H. Camp and 19 other citizens of Seymour, Oliver S. Dale and 12 other citizens of Marion, Ira McKenny and 58 other citizens of Delaware County, J. D. Broudy and 78 other citizens of Auburn, C. O. Butler and 27 other citizens of Honeycreek, W. C. Hall and 39 other citizens of Indianapolis, Dewitt C. Rodman and sundry citizens of Dana, R. M. Blackwood and 58 other citizens of Bloomington, I. C. Wolfe and 28 other citizens of Oaktown, W. H. Sanders and 38 other citizens of Rensselaer, T. J. Shively and 35 other citizens of Vincennes, F. E. Robinson and 52 other citizens of Paris Crossing, Isom Scott and 48 other citizens of Valley Mills, J. A. Grover and 19 other citizens of Frankfort, W. McK. Blake and 65 other citizens of Evansville, W. H. Ashley and 52 other citizens of Ladoga, Edgar Dick and 17 other citizens of Terre Haute, Samuel Anderson and sundry other citizens of Roann, William McCoy and 24 other citizens of Lagrange, M. L. Fisher and 14 other citizens of Bluffton, and of R. B. Drake and 41 other citizens of Indianapolis, all in the State of Indiana, praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; which were referred to the Committee on Military Affairs.

Mr. BUTLER presented the petitions of E. C. Jones and 200 other citizens of Laurel, N. C., praying for the establishment of postal savings bank depositories; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of the Woman's Suffrage Association of Maine, praying for the adoption of an amendment to the Constitution of the United States conferring upon women the right of suffrage; which was referred to the Committee on Woman Suffrage.

He also presented a petition of the Women's Maine Indian Association, of Portland, Me., praying for the repeal of the act of January 14, 1889, in so far as it authorized the appointment of the Chippewa Commission; which was referred to the Committee on Indian Affairs.

Mr. COCKRELL presented a petition of sundry citizens of Chariton and Howard counties, Mo., praying that an additional appropriation of not less than \$50,000 be made for the continuance and completion of the work on the Missouri River between the head of Harrison's Island and the foot of Bowling Green Bend; which was referred to the Committee on Commerce.

RICHARD M. HUSSEY.

Mr. GALLINGER. A day or two ago I reported from the Committee on Pensions the bill (H. R. 8955) granting an increase of pension to Richard M. Hussey. I desire to submit an affidavit to accompany the papers in connection with that bill.

The VICE-PRESIDENT. The paper will lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5712) granting a pension to Sarah A. Luke, reported it with an amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom

was referred the bill (H. R. 987) to correct the military record of Corydon Winkler, late private, Eighth Company, First Battalion, First Ohio Sharpshooters, reported it without amendment.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6327) appropriating \$100 to John M. Turner, of Butler, Pa., late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4607) granting an honorable discharge to Charles Miller, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6649) to remove the charge of desertion against James J. Fluke, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Territories, to whom was referred the bill (S. 5424) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through Indian Territory, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 5388) granting the right of way through Indian reservations to the Choctaw, Oklahoma, and Gulf Railroad Company, reported it without amendment.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3543) to pension Mary E. Trimble, widow of Montagne N. Trimble, of the Mexican war, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1794) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8607) to correct the military record of Sylvester F. Hildebrand, reported it with an amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 3671) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chipewya Indians of the Mississippi and of Lake Superior, and making appropriation for the same, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 229) recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear*; also the heroic services of Lieuts. David H. Jarvis, Ellsworth P. Bertholf, and Dr. Samuel J. Call, composing the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers, reported it without amendment, and submitted a report thereon.

EXTENSION OF SHIPPING LAWS TO HAWAIIAN ISLANDS.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 11186) to extend the laws relating to commerce, navigation, and merchant seamen over the Hawaiian Islands ceded to the United States, to report it with amendments, and I ask for its immediate consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GORMAN. Let it be read for information, that we may see what it is.

The Secretary read the bill and amendments.

The amendments of the Committee on Commerce were, in section 2, page 1, line 12, after the word "the," to strike out the words "islands ceded as aforesaid" and insert the words "United States;" and after the word "the," where it first appears in line 13, to strike out the words "7th day of July, 1898," and to insert "1st day of January, A. D. 1899;" so as to make the bill read:

Be it enacted, etc., That the laws of the United States relating to commerce, navigation, and merchant seamen are hereby extended to and over the island of Hawaii and all adjacent islands and waters of the islands ceded to the United States by the Government of Hawaii and accepted by joint resolution of Congress approved July 7, 1898, so far as such laws may be applicable.

Sec. 2. That the Commissioner of Navigation may make such regulations as he may deem expedient for the nationalization of all vessels owned by citizens of the United States on the 1st day of January, A. D. 1899, and which continued to be so owned up to the date of such nationalization and which had Hawaiian register, temporary or permanent.

Sec. 3. That the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

Mr. PETTIGREW. Is the request made to have this bill considered now?

The VICE-PRESIDENT. That is the request of the Senator from Minnesota.

Mr. PETTIGREW. I shall object to its consideration at the present time. I do not know that I shall continue my objection, but I should like to examine the report of the committee with regard to it.

The VICE-PRESIDENT. Objection is made; and the bill will be placed on the Calendar.

EMPLOYMENT OF STENOGRAPHER.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Iowa [Mr. GEAR] on the 30th ultimo, to report it with an amendment, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 2, after the word "twenty-sixth," to strike out "instant" and insert "ultimo;" so as to make the resolution read:

Resolved, That the stenographer employed to report a hearing on the 26th ultimo, before the subcommittee of the Committee on Agriculture and Forestry, relative to the establishment of a bureau of domestic science in the Department of Agriculture, be paid from the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. GORMAN (by request) introduced a bill (S. 5430) to abolish the office of justice of the peace within and for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANSBROUGH introduced a bill (S. 5431) granting the south half of northwest quarter of section 30, township 162 north, range 72 west, to the Lake Schutte Cemetery Corporation, of Dunseith, N. Dak., for cemetery purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SULLIVAN introduced a bill (S. 5432) for the relief of Maria A. White; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5433) for the relief of the estate of James Roach, deceased, late of Hinds County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. THURSTON (by request) introduced a bill (S. 5434) to authorize a trial of the outlet system of lowering the flood line and improving the low-water navigation of the Mississippi River and its tributaries, on the plan of "No cure, no pay;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 5435) granting a pension to Emma J. McIntire; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 5436) granting a pension to Lucinda Corkhill; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SEWELL submitted an amendment relative to the improvement of Arthur Kill Channel, New Jersey, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment relative to the improvement of the channel between South Amboy and Great Beds Light, New Jersey, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TURLEY submitted an amendment proposing an appropriation for the survey of Richland River from its mouth to Dayton, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TILLMAN submitted an amendment authorizing the Secretary of the Treasury to pay to the governor of any State or Territory, or his duly authorized agents, the cost of transportation of all men enrolled or enlisted in the Volunteer Army, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PERSONNEL OF NAVY AND MARINE CORPS.

Mr. FRYE. I submit an amendment to the bill (H. R. 10403) to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States. I move that it be printed, together with the accompanying table, and referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the bill (H. R. 10403) to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States; which was referred to the Committee on Naval Affairs, and ordered to be printed.

REDUCTION IN NUMBER OF OFFICERS OF NAVY.

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

Resolved, That the Secretary of the Navy be directed to inform the Senate what reduction in the number of the officers of the Navy was effected under the operation of the act of August 5, 1882, including in his statement the number of the reduction in each branch of the service, the method by which the reduction was accomplished, and the date at which the reduction was completed in each branch of the service.

FRANCHISES IN CUBA AND PORTO RICO.

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

Resolved, That the President be requested, if not incompatible with the public interest, to inform the Senate whether any franchises or concessions of any character are being or have been granted by any municipality in Cuba and Porto Rico since the military occupation thereof by the United States; if so, what they are, for what length of time, and the authority by which they have been granted.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives upon House bill 11487.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11487) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1900, and requesting a conference on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. PERKINS, and Mr. FAULKNER were appointed.

SAMUEL S. McDONALD.

Mr. GALLINGER. I ask for the immediate consideration of the bill (S. 5386) restoring to the pension roll the name of Samuel S. McDonald.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, before the words "Heavy Artillery," to insert "Volunteer"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. McDonald, late of Company I, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month.

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.

ACQUISITION OF TERRITORY.

Mr. SPOONER. I ask that the joint resolution introduced by the Senator from Missouri [Mr. VEST] be laid before the Senate.

The VICE-PRESIDENT. The Chair lays Senate joint resolution No. 191 before the Senate, which the Secretary will read.

The Secretary read the joint resolution (S. R. 191) declaring that under the Constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That under the Constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies.

The colonial system of European nations can not be established under our present Constitution, but all territory acquired by the Government, except such small amount as may be necessary for coaling stations, correction of boundaries, and similar governmental purposes, must be acquired and governed with the purpose of ultimately organizing such territory into States suitable for admission into the Union.

Mr. SPOONER. Mr. President, however it may seem to my brother Senators, I have always a reluctance to take the time of the Senate, which it is difficult to overcome, and I would not ask indulgence this morning if it were not for the fact that the questions presented by this and kindred resolutions are of grave importance and interest, and also for the fact that the position which duty, as I view it, constrains me to take upon this treaty (which has been made public) might seem, without explanation of my views upon it, to be inconsistent with the attitude which I felt obliged to take upon the annexation of the Hawaiian Islands. I have not in the slightest degree changed my mind as to that measure, either in relation to the general policy underlying it or as to the manner in which it was accomplished.

Constitutional objections are presented here, beginning with that suggested by the resolution now before the Senate, which are of course important. The debate upon them has been a notable one. The Senators from Connecticut [Mr. PLATT], from Colorado

[Mr. TELLER], from Ohio [Mr. FORAKER], and from Minnesota [Mr. NELSON] have very ably presented the views upon that subject which generally I entertain. I find no objection to this treaty upon constitutional grounds. I shall take little time, however, in debate upon these questions.

If I thought the resolution called the "Vest resolution" to be based upon a sound construction of the Constitution, and that the United States has no power to acquire territory except with a view to "statehood," I could not vote to accept any cession for any purpose, for any time, of the Philippine Archipelago, for I am frank to say I can conceive of no circumstances under which I could ever give my consent to the admission of the Philippine Archipelago as a State or as States into the Union.

This Philippine proposition is one of the fruits of the war. To me it is one of the bitter fruits of the war. I wish with all my heart we were honorably quit of it. The doctrine of the "Vest resolution" is based upon the opinion of Chief Justice Taney in the Dred Scott case (19 Howard, 333).

If the opinion of Judge Taney were right in its major premise his conclusion would almost inevitably follow. In that case Chief Justice Taney said:

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given; and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character.

That is, in the character of a Territory.

Now, if the only power under which the United States could acquire territory is the power to admit new States, which is vested in Congress, it would seem inevitably to follow that territory acquired in the exercise of that implied power must be acquired "with a view to statehood." It is difficult for me to see how, under the power given to Congress to admit new States, Congress could acquire territory. Congress can not negotiate for the acquisition of territory. It never has attempted to do it so far as I know until perhaps the annexation of the Hawaiian Islands.

Mr. HOAR. And in the case of Texas?

Mr. SPOONER. Texas, Congress admitted as a State. It never acquired it as a Territory. Congress has never before attempted to acquire territory. By the treaty-making power territory may be acquired. It is not acquired, however, by Congress. It is acquired by the President, with the requisite ratification of the Senate. The Congress may appropriate money required to effectuate such a treaty or it may refuse, but nothing Congress can do can add the territory to the United States.

The Congress may declare war. The President carries it on. Congress declares war, but Congress can not make peace. It can not dictate the terms of peace. That is for the President and the Senate. So I have not thought of a situation in which Congress, in the exercise of the implied power drawn by Chief Justice Taney from this power to admit "new States," can acquire territory.

Mr. BACON. We acquired Hawaii in that way.

Mr. SPOONER. I have referred to that. I regarded that as without the constitutional authority of Congress, and I never have heard, nor do I expect to hear, a satisfactory answer to the argument submitted by the Senator from Georgia [Mr. BACON] upon the constitutionality of that proposition.

The contention of Chief Justice Taney, that the United States can acquire territory only with a view to statehood, is necessarily based upon the assumption that it can acquire territory only from the power implied in the words, "New States may be admitted by the Congress into the Union." If this assumption be not true, the foundation of Chief Justice Taney's conclusion falls. It is really altogether too late in the history of this Government to consider debatable the question whether power exists in the United States, outside of that clause of the Constitution upon which Chief Justice Taney's opinion was based, to acquire territory. It has been settled otherwise by the action of the Government from the beginning, in the acquisition of territory, and by repeated decisions of the Supreme Court of the United States.

Territory may be acquired under the treaty-making power. If anything is settled, that is settled. It began with the acquisition of Louisiana, and ended with the acquisition of Alaska.

The power to make treaties is, under the Constitution, absolutely without limit, except, of course, certain inherent limitations. Certainly a treaty may not be made which would violate the Constitution, attempt to dismember a State, or to destroy our form of government.

Judge Duer, in his work upon the Constitution, well states the limitations thus:

More general and extensive terms also are used in vesting the power with respect to treaties than in conferring that relative to laws.

This is accurate and significant. He continues:

The power must, indeed, be construed in subordination to the Constitution; and however, in its operation, it may qualify, it can not supersede or interfere with any other of its fundamental provisions, nor can it ever be so interpreted as to destroy other powers granted by that instrument. A treaty to change the organization of the Government, or annihilate its sovereignty, or overturn its republican form, or to deprive it of any of its constitutional powers, would be void; because it would defeat the will of the people, which it was designed to fulfill. (Duer's Constitutional Jurisprudence, page 238.)

It was said by the Supreme Court in *De Geofroy vs. Riggs* (133 U. S., 258), as to the treaty-making power and its limitations, as follows:

The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. (*Fort Leavenworth R. Co. vs. Lowe*, 114 U. S., 525, 541.) But, with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country. (*Ware vs. Hylton*, 3 U. S., 3 Dall., 199; *Chirac vs. Chirac*, 15 U. S., 2 Wheat., 259; *Huenstein vs. Lynhan*, 100 U. S., 483; *Droit d'Aubaine*, 8 Ops. Atty. Gen., 417.)

Nor is the treaty-making power the only power by which under the Constitution the United States can acquire territory. It necessarily follows from the war power. To Congress is given the power to declare war. This involves the power, of course, to make or carry on war. The power in a government to declare and make or carry on war involves, *ex necessitate rei*, the power to make peace and to dictate, if a victor, the terms of peace. There is no purpose to be found in the Constitution to limit the power of the National Government, war having been declared and carried on, as to the terms of peace. This Government has the power, therefore, at the end of a war, to exact anything as a part of the terms of settlement which any other government has the power to exact.

No one would contend, I apprehend, that war being declared and carried on, this Government has not the power to demand, as a condition of peace, indemnity to its citizens for violated treaties, to itself for reimbursement of war expenses, and even more than that. No one, I think, will say that when the United States declares and engages in war, offensive or defensive, it may not justly claim the right and power, if successful, which the rules of war and international law give to other nations succeeding in war. If this is true, the Government of the United States has, under the war power, the right to acquire territory, either by conquest or, what is substantially the same thing, exacted indemnity.

If the government with which the war is waged be bankrupt, and therefore has ability only to respond by cession of territory, it is difficult to conceive of any reason why the United States, the victor in a war, may not demand, by right of conquest or as indemnity, the cession of territory. If, indeed, the nation vanquished be the most opulent of nations and able to respond by way of money indemnity, no reason can easily be perceived why, if territory is to the conquering government, by reason of its strategic situation or otherwise, of greater value from the national standpoint than money, it may not demand territory. In other words, I can find nothing in the Constitution warranting the contention that the United States, involved in successful war, is not as unfettered in its conditions of peace as any government upon the earth would be.

The right to acquire territory either under the treaty-making power or under the war-making power not only clearly exists, from the language of the Constitution itself, but has been many times declared by the Supreme Court of the United States, as it has been exercised by the Government in its history.

Chief Justice Marshall, who was a contemporary of the men who framed the Constitution, and who will always be recognized, I think, as its greatest and most accurate expounder, said, in *American Insurance Company vs. Canter* (1 Peters, 511):

The Constitution confers *absolutely* on the Government of the Union the powers of making war and of making treaties; consequently that Government possesses the power of acquiring territory, either by conquest or by treaty.

In *Fleming vs. Page* (9 Howard, 614) the Supreme Court, through Mr. Chief Justice Taney, said:

The United States, it is true, may extend its boundaries by conquest or treaty and may demand the cession of territory as a condition of peace, in order to indemnify its citizens for the injuries they have suffered or to reimburse the Government for the expenses of the war; but this can be done only by the treaty-making power or legislative authority, and is not a part of the power conferred upon the President by the declaration of war.

I confess I do not quite understand what is meant by the words "legislative authority."

The power also to acquire territory by conquest is clearly affirmed in *Cross vs. Harrison* (16 How., 189). It has also been affirmed repeatedly by the Supreme Court in other cases, to which I shall briefly refer upon another branch of my argument.

I repeat that it can not be successfully denied that the United States may by the treaty-making power acquire territory. The

acquisition under the treaty-making power, independent of its function in settling a war, would be either a purchase, an interchange, or a settlement of some boundary controversy.

Again, I think that the position, with very great ability elaborated by the Senator from Connecticut, is well sustained that if the Constitution were silent as to the treaty-making power and the power to declare war, the United States would, nevertheless, be empowered under the Constitution to acquire territory, as an inherent element of sovereignty.

That by the Constitution the States created a nation can not well be disputed. It has been admitted by other governments from its foundation, has been many times declared by the Supreme Court of the United States, and determined by an irreversible decree of the God of battles.

Under the Confederation the States possessed the power to wage war, to deal with other governments, and to acquire and dispose of territory. All of this power by the Constitution they surrendered to the Federal Government, and by that instrument they vested all sovereignty in that Government for national purposes which they did not reserve to the States or to the people. The powers referred to are reserved to neither. Therefore, they were vested in the Government of the United States.

It inheres in sovereignty to contract with other nations, to wage war, either of conquest or defense, to acquire territory, and to dispose of it. I think if the power to declare war was not expressly given in the Constitution to Congress it would, nevertheless, have existed, and would have been vested in the President as one of the executive functions given by the Constitution to him. I say this because, as I remember, at the adoption of the Constitution the power to declare war was in all governments an executive function, subject, of course, in many to the parliament or law-making power to regulate that power by its control of the purse. This is quite well recognized by the Supreme Court of the United States, but I can not take the time to cite the cases in this connection.

Hall, in his work on *International Law*, section 9, pages 47-50, says:

The rights of a state with respect to property consist in the power to acquire territory, * * * in being entitled to peaceable possession and enjoyment of that which it has duly obtained, and in the faculty of using its property as it chooses and alienating it at will.

Pomeroy, in his lectures on *International Law*, edited by Woolsey, page 198, says:

A state being regarded in our law as a body politic or distinct moral being, naturally sovereign and independent, it is considered capable of the same rights, duties, and obligations, with respect to other individuals. Among the most important of these natural rights, is that of acquiring, possessing, and enjoying property. * * * A sovereign has the same absolute right to dispose of its territorial, or rather public, property as it has to acquire such property.

It was the obvious intention of the framers of the Constitution, and of the States which ratified it, to create by that instrument a national sovereignty which should have all powers not reserved to the States or the people, or limited by the instrument itself. The authorities cited by the distinguished Senator from Connecticut upon this point are entirely adequate.

I am not at liberty, with the pressure upon me as to time and otherwise, to stop to comment upon them, or to cite others. I utterly deny that it was the purpose of the framers of the Constitution to confer upon the National Government the power to make treaties with other limitations than those to which I have referred, or to declare war, and to deny the power possessed by other sovereignties in closing war.

And so, in my view, it is established that the assumption of Chief Justice Taney in the *Dred Scott* case, that the power of the Government to acquire territory is exclusively implied from the power given to Congress to admit new States into the Union, is without warrant in the Constitution, and that with the successful impeachment of his premises his conclusion falls, and that, therefore, the resolution of the Senator from Missouri, predicated mainly upon the opinion of Chief Justice Taney in the *Dred Scott* case, is without foundation.

That was a great political case, Mr. President. I was taught from the time it was made to look with aversion upon it. In maturer years I am not so certain that all of the criticisms made upon it were justified, but, upon the whole, so far at least as the opinion relates to the subject under debate, it may fairly be said that the argument of the great Chief Justice was such an one as an able, learned, subtle, and ingenious lawyer would have made who held a brief for African slavery. It is impossible to obscure the fact that running through the entire opinion, concealed in many places, was the motive, and I say this without imputation upon his patriotism or integrity, to safeguard the interests of African slavery, to overturn the Missouri compromise, and to establish the right of the slaveholder to carry his human property into the Territories as freely as he could carry any other property, protected by the Constitution, and beyond obstruction by Congress or Territorial enactment.

But the opinion ceased long ago to be regarded as the law of the

land or a correct interpretation of the Constitution in the respect of which I am speaking. I have marveled, in view of the accuracy of his reasoning, and the wealth of learning displayed by him in other opinions, that he was willing in this great case to limit the Government in the acquisition of territory to a mere implication from the power to admit new States.

Conceding, Mr. President, the power, by treaty of purchase or as a condition of peace, or in the exercise of an inherent sovereignty surrendered by the States to the Government of the United States, to acquire territory, I have not been able to find (some Senators may be able to do so) any limitation in the Constitution as to its locality, any warrant for the contention that it must be contiguous to the continent upon which we live. It may be, or it may not be, good policy to acquire distant territory "over seas," but, so far as the matter of power is concerned, I have not been able to find any restriction geographical in its character.

I have done, Mr. President, with all discussion as to the power of the Government of the United States to acquire territory. I pause for a moment to discuss its power to govern territory. It would seem not needful that there should be judicial determination to establish the existence of this power. In the very nature of things, the power to acquire territory and to hold it involves the power to govern it. To say that the United States may acquire territory, but may not govern it, would be an obvious absurdity. But the Constitution is not silent upon this subject. It says:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

That the power to acquire by treaty or by war necessarily implies the power to govern was asserted by Chief Justice Marshall in *Sere and Laralde vs. Pitot and others* (6 Cranch., 337). He says:

The power of governing and of legislating for a Territory is the inevitable consequence of the right to acquire and to hold territory. Could this position be contested, the Constitution of the United States declares that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Accordingly, we find Congress possessing and exercising the *absolute and undisputed* power of governing and legislating for the Territory of Orleans. Congress has given them a legislative, an executive, and a judiciary, with such powers as it has been their will to assign to those departments respectively.

The suggestion that we can acquire territory which we can not govern would be rejected by anyone. Chancellor Kent says (1 Commentaries, page 385):

It would seem, from these various Congressional regulations of the Territories belonging to the United States, that Congress have supreme power in the government of them, depending on the exercise of their sound discretion. That discretion has hitherto been exercised in wisdom and good faith, and with anxious regard for the security of the rights and privileges of the inhabitants, as defined and declared in the ordinance of July, 1787, and in the Constitution of the United States. "All admit," said Chief Justice Marshall (4 Wheaton, 422), "the constitutionality of a Territorial government."

The Supreme Court of the United States has said, Mr. Justice Bradley speaking for the court, in the case of the *Latter-Day Saints vs. United States* (136 U. S., 1):

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself, and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property belonging to the United States. It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired. The power to acquire territory other than the territory northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution) is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty and belong to all independent governments. The power to make acquisitions of territory by conquest, by treaty, and by cession is an incident of national sovereignty.

The Territory of Louisiana, when acquired from France, and the Territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government, in its diplomatic negotiations, had seen fit to accept relating to the rights of the people then inhabiting those Territories. Having rightfully acquired said Territories, the United States Government was the only one which could impose laws upon them, and its sovereignty over them was complete. No State of the Union had any such right of sovereignty over them; no other country or government had any such right. These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them. They are self-evident.

Chief Justice Marshall, in the case of the *American and Ohio Insurance Companies vs. 356 Bales of Cotton* (26 U. S., 1 Pet. 511, 542), well said: "Perhaps the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned."

And Mr. Justice Nelson, delivering the opinion of the court in *Benner vs. Porter* (50 U. S., 9 How., 235, 242), speaking of the Territorial governments established by Congress, says: "They are legislative governments, and their courts legislative courts, Congress, in the exercise of its powers in the organization and government of the Territories, combining the powers of both the Federal and State authorities."

Chief Justice Waite, in the case of *First National Bank vs. Yankton County* (101 U. S., 129, 133), said: "In the organic act of Dakota there was not an express reservation of power in Congress to amend the acts of the Territorial legislature, nor was it necessary. Such a power is an incident of sov-

eignty, and continues until granted away. Congress may not only abrogate laws of the Territorial legislatures, but it may itself legislate directly for the local government. It may make a valid act of the Territorial legislature valid, and a valid act void. In other words, it has full and complete legislative authority over the people of the Territories and all the departments of the Territorial governments. It may do for the Territories what the people, under the Constitution of the United States, may do for the States."

In a still more recent case, and one relating to the legislation of Congress over the Territory of Utah itself, *Murphy vs. Ramsey* (114 U. S., 15, 44), Mr. Justice Matthews said: "The counsel for the appellants in argument seemed to question the constitutional power of Congress to pass the act of March 22, 1882, so far as it abridges the rights of electors in the Territory under previous laws. But that question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final judgment. The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms."

The Supreme Court say, in *Murphy vs. Ramsey* (114 U. S.):

The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution, or are necessarily implied in its terms, or in the purposes and objects of the power itself; for it may well be admitted in respect to this, as to every power of society over its members, that it is not absolute and unlimited. But in ordaining government for the Territories and the people who inhabit them, all the discretion which belongs to legislative power is vested in Congress; and that extends, beyond all controversy, to determining by law from time to time the form of the local government in a particular Territory and the qualifications of those who shall administer it.

It rests with Congress to say whether, in a given case, any of the people, resident in the Territory shall participate in the election of its officers or the making of its laws; and it may, therefore, take from them any right of suffrage it may previously have conferred, or at any time modify or abridge it, as it may deem expedient. The right of local self-government, as known to our system as a constitutional franchise, belongs, under the Constitution, to the States and to the people thereof, by whom that Constitution was ordained, and to whom by its terms all power not conferred by it upon the Government of the United States was expressly reserved. The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, State and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States.

I do not take the time to cite other cases.

Chief Justice Taney sought to emasculate the constitutional provision which gives to Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States by holding—

That the power given by this language, whatever it may be, is confined, and was intended to be confined, to the territory which at that time belonged to or was claimed by the United States and was within their boundaries as settled by the treaty with Great Britain, and can have no influence upon a Territory afterwards acquired from a foreign government.

This remarkable proposition he supported by ingenious reasoning. It is repudiated by the Supreme Court in many cases and in the constant practice of Congress in the government of the Territories. I think it may safely be said it never has received the approval of the profession. It is difficult to understand how such a construction should ever have received the sanction of so great a name.

The framers of the Constitution were not making the Constitution to operate for a limited time. They were wise men; they were building a government which they hoped would last forever; they were careful in framing the instrument to use general language. As has been said by a great Chief Justice, it is not an instrument of definitions. The framers knew, as I have had occasion once before to remark to the Senate, the danger of detail, and they used language elastic in its nature and clearly expressing the power conferred in general terms and leaving full play for necessary implied powers; and it is the glory of their work that the instrument which they made for the government of a few States is as well adapted to-day for the government of forty-five States, and would be for a government of a hundred States.

Mr. BACON. If the Senator does not object, I desire to occupy just a moment of his time, in order that there may be a correction of what I think is a mistaken statement on his part.

Mr. SPOONER. I yield to the Senator.

Mr. BACON. The Senator says that the doctrine as to the unconstitutionality of annexing territory originated with Judge Taney in the celebrated *Dred Scott* case, and that it was promulgated for the purpose indicated by him, for the maintenance of African slavery. I desire, Mr. President, without unduly occupying his time, to call the attention of the Senator to the fact that precisely the same contention was made on the floor of Congress in the year 1811 by Mr. Quincy, of Massachusetts, the grandfather, I believe, of the present mayor of Boston, in which he took the position, not, certainly, in the interest of the maintenance of African slavery, that the acquisition of foreign territory by the United States Government was not only unconstitutional, but that such acquisition would be a sufficient reason why New England should withdraw from the Federal Union. That was in the year of 1811, forty years and more before the pronouncement of the *Dred Scott* decision.

Mr. SPOONER. Oh, Mr. President, I did not have in mind propositions that had been made on the floor of Congress. I was speaking of judicial decisions.

Mr. BACON. These are generally political questions.

Mr. SPOONER. I know of no judicial declaration of this kind except in the Dred Scott decision.

Mr. BACON. It had never been before the court.

Mr. SPOONER. Judicial decisions are what I had in my mind.

Now, what conceivable reason could there be for limiting the power of the Government, under this language, to territory then acquired and excluding from its operation territory thereafter to be acquired?

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The language is general. It was prospective in its operation. There was no possible reason for restricting it. It never could have entered the minds of the framers of the Constitution that no territory would ever be acquired except that which had been acquired at the time of the adoption of this instrument, and there would be as much reason in limiting the power to dispose of "other property" and to make needful rules and regulations for the disposal of "other property" as of territory. It is impossible to restrict this power of Congress as to the territory and not say at the same time that it was intended to be restricted as to "property," the word which follows "territory;" and can any man imagine a reason why the framers of the Constitution should have desired to restrict the power of Congress "to dispose of and make all needful rules and regulations respecting the territory or other property" to property then owned by the United States?

I mention that, Mr. President, to show once more how utterly unreasonable and without foundation is this decision, so far as it respects the question I am discussing; how impossible it is in the very nature of things that it could be a permanent construction of our Constitution, and as further warrant also for the opinion that it had its origin in the purpose which I have mentioned.

I do not wish to take much time to discuss the question further as to how we may govern territory. I do not care to debate the question whether *ex proprio vigore* the Constitution is over the Territories. I have no doubt myself—and I think the authorities clearly sustain it—that the Constitution, so far as it relates to government, was intended for the States. It was made by the States. The Supreme Court says, in *Murphy vs. Ramsey*, *supra*:

The right of local self-government, as known to our system as a constitutional franchise, belongs, under the Constitution, to the States and to the people thereof, by whom that Constitution was ordained, and to whom by its terms all power not conferred by it upon the Government of the United States was expressly reserved.

The Territories are not and never have been consulted, nor can they be in the government of the States; they have no voice in the election of President; they can not be represented in the Halls of Congress; they can not elect or appoint Senators of the United States—only the States can do that; they have no voice in amending the Constitution of the United States—the States alone can do that.

The Territorial courts are not courts of the United States. They are courts created by Congress. The judges in the Territories, although appointed by the President and confirmed by the Senate, are not judges of the United States. They derive their jurisdiction from the legislation of Congress. As is said by Chief Justice Marshall, in *Insurance Company vs. Canter*:

These courts, then, are not constitutional courts, in which the judicial power conferred by the Constitution on the General Government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists with the Government or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the Constitution, but is conferred by Congress in the execution of those general powers which that body possesses over the Territories of the United States.

The United States as a sovereignty derives its power from the States, and consists of the States. The Territories are not a part of the United States. They are not members of the Federal Union.

The Government created and maintained for and by the States and the people of the States governs the Territories under the power given in the Constitution to Congress to govern the Territories; and, Mr. President, in my judgment—and I think the contention is entirely in harmony with the Constitution and with the decisions—Congress may govern the Territories as it chooses so far as civil government is concerned. I do not now speak of the limitations upon Congressional power growing out of the bill of rights. I do not contend here that Congress, legislating for the Territories, can deprive persons therein of the right of trial by jury, of the benefit of the writ of habeas corpus, of religious liberty, or that Congress could pass a law taking the property of A and giving it to B in a Territory.

The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, State and national.

Their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States. (*Murphy v. Ramsey, supra.*)

The power of Congress seems to be quite supreme as to the government which it shall provide for a Territory. I am speaking of civil government, not personal rights.

The guaranty in the Constitution of republican government is to the "State," not to any Territory. Congress may govern Territories through a governor. It has often provided for laws to be enforced in the Territories made by a governor and a council. It may give to the people of the Territories self-government or it may withhold it. It may give them the privilege to vote or it may withhold it, or, having given it, it may modify that privilege or it may take it away, as the Supreme Court decided in the Mormon Church case. It may abrogate any law enacted in the Territory.

This power of Congress over the Territories, as broadly as I claim it, has not only been declared by the Supreme Court more than once, but, as was shown by the Senator from Colorado [Mr. TELLER], has been exercised by Congress from the beginning. The legislation as to the Territories has been varied. It has been so enacted as to adapt itself to the needs of the different communities. That is the language and the spirit of the Constitution. It was intended that great latitude should be left to Congress. It was not supposed that the same laws and the same system of government would be adapted to every people in every Territory which in the course of time might be acquired by the United States. So Congress is given the power "to make all needful rules and regulations."

That word "needful" in this connection is a large word. It was meant to be a large word. There was a wise purpose in using it, and that was to give to Congress the power to adapt its legislation as to government and otherwise within the limitations I suggested to the wants of different communities. What might suit the situation in the Territory of Orleans might not suit the situation in some other Territory acquired by the United States.

There is another thing here, Mr. President, in this language which sustains the view that the Constitution in the governmental sense was not made for the Territories, but was made really for the Government of the United States. The Territories are considered *property* of the United States. They are referred to in the Constitution as "belonging" to the United States. The power is given here to dispose of territory. There can be no greater evidence or exercise of dominion than that. What restriction is there upon the power of Congress, when we have acquired territory, to govern it and to govern its people by such form of government as it deems needful, bearing in mind always—that I will not contend against—that when we have organized a Territory, and are making laws for the Territory, those personal rights guaranteed by the Constitution are to be observed?

Senators do not like the word "colony." I do not like it. It is certainly not accurate as applied to the Philippines. It has been well said, "The meaning of it is too well fixed to admit of ambiguous sense even in a popular harangue, much less in a judicial decision. It always means a body of cultivators transplanted by the Government to a distant possession and governed and protected there by the mother country, of which it is to be always the dependent, never the equal. * * * Distance, governmental transplantation, perpetual inferiority is their inexorable characteristic." I should think better of the Philippines if they were within this definition a "colony." The word "territory" is the word for us to use, however, because it is the word adopted by the framers of the Constitution. But I know of no reason why, under the Constitution, a Territory and its people may not be forever governed by Congress, if that shall be determined to be the true policy of the country, absolutely safeguarding every one of those great personal rights, concerning which so much has been said here, that no person shall be subject for the same offense to be twice put in jeopardy of life or limb, that no man shall be deprived of his property without due process of law, that no man shall be deprived of his religious liberty, that no man shall be deprived of the right of trial by jury. I take it that in the Territory of Alaska, where there is no self-government, those rights are all safeguarded.

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

Mr. SPOONER. Yes.

Mr. TILLMAN. Do those rights, which the Senator has just given us a list of, include the right to move from one part of this country to another?

Mr. SPOONER. I think so.

Mr. TILLMAN. From the Territories into the States?

Mr. SPOONER. I think so.

Mr. TILLMAN. In other words, the annexation of the Philippines would carry with it the right, under the law and the Constitution, for any one of those people to come here?

Mr. SPOONER. I think so. I do not care to discuss that now, but for the purposes of what I have to say I am disposed to admit it.

Mr. PLATT of Connecticut. They have that right now.

Mr. SPOONER. We could exclude them now, and possibly we could then. Until they are excluded by law, every one has a right to come here. Whether we could prevent the people of a Territory from leaving the Territory, or prevent them from going into one of our States, I do not care to discuss. The Senator from Connecticut [Mr. PLATT] thinks we could. I have grave doubts about it.

This thing, I think, is true, Mr. President, that the status of persons whose allegiance to another power is changed by a transfer of territory to us is fixed by the treaty primarily. Congress may change it. Ordinarily a treaty is a mere compact between nations. A treaty under our Constitution is more than that; it is the supreme law of the land; it is a law made only by the President and a part of this body; but it is just as much the law of the land, defining and securing rights under it, as an act of Congress passed under the Constitution.

Mr. MALLORY. Subject to the Constitution, however.

Mr. SPOONER. Subject to the Constitution, certainly.

Mr. TILLMAN. Will the Senator allow me now? I do not want to interrupt him.

Mr. SPOONER. I have no objection to being interrupted, except that I want to get through. But what is the Senator's question?

Mr. TILLMAN. It is this: Under the treaty, if we ratify it, everybody will concede, I believe, that those people would owe allegiance to this Government and obedience to its laws?

Mr. SPOONER. Until the treaty is ratified?

Mr. TILLMAN. After its ratification. Does anybody deny that?

Mr. SPOONER. Well; admit it.

Mr. TILLMAN. You admitted the other, and I would not have interrupted you if the Senator from Connecticut had not.

Mr. SPOONER. Admit it.

Mr. TILLMAN. You admit that the right which we obtain over the lives and property of those people must carry with it the corollary right of those people to be protected by our laws to the extent of going where they please in this country?

Mr. SPOONER. That rather begs the question.

Now, take the case of Hawaii. There had been a government which we had recognized as a government; the other nations of the world had recognized it as an independent government; Congress acquired it by joint resolution; but it was not thought that the Constitution and the laws of the United States *ex proprio vigore* extended over it. Congress put this provision in the act, and it is found in substance in almost all similar acts:

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct, and the President shall have power to remove said officers and fill the vacancies so occasioned.

I am reading from a part of the Hawaiian annexation resolution.

Mr. TILLMAN. I thought the Senator had acknowledged that he believed the annexation of Hawaii by resolution was unconstitutional.

Mr. SPOONER. What of it? It is a political act not reviewable by the courts.

Mr. TILLMAN. I understood you a moment ago to say that you had never heard the argument of the Senator from Georgia [Mr. BACON] answered.

Mr. SPOONER. What has that to do with what I have just read?

Mr. TILLMAN. Did you not read a part of the resolution under which Hawaii was annexed?

Mr. SPOONER. I did.

Mr. TILLMAN. And you declared that that resolution was unconstitutional?

Mr. SPOONER. I have not overturned the Government by declaring that. [Laughter.]

Mr. TILLMAN. If the Senator is disposed to grow splenetic and cross because I am trying to get some light, being a mere layman without any especial knowledge of law except what I can absorb by contact with my learned brethren here, of course I will not trouble him any further.

Mr. SPOONER. Congress thought the act constitutional, and a great many very distinguished gentlemen think so now, and in the view that it was constitutional and within the constitutional capacity of Congress, they passed it.

Mr. TILLMAN. And against the protest of the Senator from Wisconsin.

Mr. SPOONER. I am not interested in that question now. This is not a personal matter.

Mr. TILLMAN. Of course not.

Mr. SPOONER. And they included in that joint resolution this provision for the government of Hawaii until Congress shall provide a government which is in harmony with all similar acts from the beginning of the Government down to now, except that this is broader.

Mr. TILLMAN. Will the Senator please enlighten me further as to whether in any previous act of Congress there has ever been any effort made to limit the power of a citizen of a Territory to go wherever he pleased under the jurisdiction of the flag; in other words, to go from one part of the United States to another?

Mr. SPOONER. Well, I would rather take the contract of arguing these questions than of enlightening, or trying to enlighten, my friend from South Carolina on matters which are not relevant.

Mr. TILLMAN. If the Senator will permit me further, I will say that my individual objection, and the most strenuous I have, to annexing these people by treaty, is the very fact that here are 10,000,000 Asiatics who will have the right, as soon as the pending treaty is ratified, to get on the first ship that they can reach and come here and compete in the labor market of the United States, if they see fit, or if capitalists see fit to import them.

Mr. SPOONER. Mr. President, I have no doubt whatever of the power of the Government of the United States to accept this cession; I have no doubt whatever of the power of the Congress to govern the Philippine Archipelago, as it has governed other territory of the United States, at its own will, so far as local government is concerned. There is no doubt of the power of the President—and I think perhaps an act should be passed as in the case of Louisiana and Florida—to govern there until Congress shall provide a form of government; and at the same time I see nothing in this contention inconsistent at all with the carrying to the people of that archipelago and the enforcement there of all these great personal rights guaranteed by the Constitution—the right of *habeas corpus*, the right of trial by jury, and the like.

Now, if we take this cession, upon what theory do we take it? In my view we take it as a conquest.

Mr. DANIEL. Will the honorable Senator from Wisconsin allow me to ask him a question? I am very much interested in his remarks. Does the Senator think that the tax laws of the United States in respect to uniformity would stretch *eo instanti* over those islands?

Mr. SPOONER. I do not. The Supreme Court of the United States, I think, settled that question in the case of *Fleming vs. Page* and in the case of *Cross vs. Harrison*. In both those cases it was settled. Whether after Congress has passed an act for the government of that territory it having become a part of the United States this clause of the Constitution which requires duties, imposts, and excises to be uniform would preclude us from passing a tariff as against importations from the archipelago seems to me to be a close question.

It might very well be decided either way. On the strength of the opinion of Chief Justice Marshall in *Loughborough vs. Blake* (5 Wheat, 317), it would be without our power; but I think, in view of later decisions, in view of the use of the word "State" in the Constitution in that connection, in all probability it is the law that the Congress would have the power to protect the labor of this country and subserve the interest of the people of this country by imposing duties upon importations from those islands. How the court would decide it I do not know, and that doubt is one element of anxiety and trouble to me in this whole proposition.

I was saying, when interrupted, that we take this by this cession as a conquest. We have, it is true, occupied very little in a military way of the Philippine Archipelago—only Manila Bay, the harbor and the city of Manila. That, of course, was the capital of the country. That is the great commercial city of the archipelago. It is the entrepôt and the distributing point. It is where the government was, and whether a broad view expressed here at one time that by capturing the capital we have in contemplation of international law captured the archipelago, I do not care to discuss now.

The word "conquest," as I understand it, is not used in the narrow sense expressed by the doctrine *uti possidetis*. Under international law, if a treaty of peace is made, territory occupied by the enemy's troops, the treaty being silent upon the subject, goes to the occupying enemy under the doctrine of *uti possidetis*. But that is not at all the limit of conquest. At the end of the Mexican war we acquired by cession from Mexico a very large tract of country, now States in the Union, and of the wealthiest, most prosperous, and intelligent in the Union. Under the doctrine of *uti possidetis* we would have acquired comparatively little of that territory. But in the treaty of cession it was coded to us as a conquest.

The doctrine of conquest applies not simply to territory exacted or seized by military force, but it extends also to territory acquired by moral force.

Webster defines the word conquest:

The act or process of conquering, or acquiring by force; the act of overcoming or subduing opposition by force, whether physical or moral; subjection; subjugation; victory. 2. That which is conquered; possession gained by force, physical or moral.

Mexico lay at our feet. Mexico did not voluntarily transfer to the United States that vast domain. We paid some millions for it, but it was not a sale. Mexico ceded it because it was exacted

of her by a victor, and it was and has been referred to in the decisions of the Supreme Court, in the Fleming case and in the case of Cross vs. Harrison, as a ceded conquest. So while we occupy very little of the Philippine Archipelago, the acquisition of this territory is, under the treaty, by right of conquest. Spain did not yield it to us willingly. Spain, the published proceedings show, sought to retain it. It comes to us because Spain was the vanquished and we were the victor and in position to demand indemnity. It comes to us as indemnity. A territory exacted from a conquered enemy as indemnity and passed by cession is just as much acquired by conquest as if it had been in fact occupied by the military forces.

It has been said here in open debate that Spain has no right to cede to us. I deny it. For three hundred and eighty years Spain had been the owner of the Philippine Archipelago, in possession of it, governing it. As long ago as 1801 we established a consulate at Manila, and from that day until the declaration of war we had a consul at Manila representing the United States and holding his *exequatur* from the Kingdom of Spain. We established consular agencies at Cebu, Iloilo, and at one other point in the island. Spain, during her tenure in the Philippines and her sovereignty there, has not been without attack. She was attacked by the Dutch. She was attacked by Great Britain. Manila was captured and Manila was looted—a dreadful record—and the whole archipelago was surrendered to the British authorities.

Mr. CAFFERY. Will the Senator from Wisconsin permit me to interrupt him for a moment?

Mr. SPOONER. Certainly.

Mr. CAFFERY. Although the paper title is in Spain, although she is the titular sovereign, do not the published statements show that Spain never has conquered more than half those islands?

Mr. SPOONER. I do not think so. I know that Spain, when Manila was captured, surrendered the entire archipelago to Great Britain, and that in a little time, under another treaty of Paris, the entire archipelago was surrendered by Great Britain back to Spain.

Mr. CAFFERY. That may be true. But if the Senator will permit me, that does not show at all that Spain had the whole sovereignty over the islands. I ask the Senator whether the published statement does not show that not more than one-half of those people have ever been conquered by the Spanish.

Mr. SPOONER. I do not so understand it. I understand, and the world has so understood it, and the world has so treated it, that the archipelago covered by the treaty of cession has for three hundred years, barring the interval I have mentioned, belonged to Spain and has been under the sovereignty of Spain. There may be islands there inhabited by cannibals, for all I know; inhabited by men who have a little government of their own; wild men, half civilized or uncivilized people; but that does not go at all, I think, to dispute the proposition I make, that up to the day when Dewey broke the power of Spain in the Philippines she was acknowledged the whole world over as the titular sovereign of that archipelago. I do not know of anyone who can claim a better title. There have been rebellions there. I have a list of them here, but I shall not take the time to read them. Tribe after tribe, during the last three hundred years, has rebelled against the power of Spain in those islands.

Mr. CAFFERY. Will the Senator from Wisconsin permit me to interrupt him again?

Mr. SPOONER. Certainly.

Mr. CAFFERY. The Senator from Wisconsin has stated that Dewey broke the power of Spain in those islands. But did he not break the power of Spain in those islands by the assistance of the Filipinos, who claim that Spain never has conquered them?

Mr. SPOONER. I will get to that point in a few moments. Every revolt against Spain which has been made in those islands has been put down by military force—every one, except perhaps the revolt of 1896. And when the great naval battle occurred in Manila Bay, Spain was the governing power in the Philippine Archipelago. There was no organized rebellion there, so far as I can learn. Aguinaldo, against whom I have nothing to say, and many of his chieftains, around whom some of the people had rallied, had taken themselves away, some have said under promise of pay. I have a book here by Dean C. Worcester, in which the statement is made that that rebellion or revolt was overcome in large part by bribing the leaders and by promises of reform, and only a portion of the money was paid and only a few of the reforms carried forward. But it seems to be perfectly clear, and that is the point of my suggestion, that when the battle of Manila Bay occurred there was no revolt in the archipelago; there was no pretended government, either, in the archipelago.

There is such a thing in international law, in its relation to national titles, as prescription. It is very much the same as the doctrine of prescription applied to individual title. I do not wish to take the time to read them, for I must hasten, but I have authorities here upon the subject. David Dudley Field suggested

that fifty years ought to be agreed upon by nations as the period of prescription. It has been held one way and another, but it never has been thought that a government holding sway over a territory, the only sovereign nation there, governing, tyrannically as even Spain has, for three hundred years, or for a hundred years, or for fifty years, could have anything less than a solid prescriptive right to the title and to the sovereignty.

Mr. CAFFERY. Then the longer the tyranny the stronger the title?

Mr. SPOONER. I do not say that, and the Senator from Louisiana knows that I do not mean that. Unsuccessful resistance to tyranny, the Senator knows, does not displace a sovereignty or interfere with prescription. A successful rebellion, which is revolution, will do it—it interrupts the possession. But a resistance, revolt after revolt, which is not successful, does not do it, and never but by the English during the time of Spain's sovereignty in those islands has that sovereignty been displaced.

Mr. TILLMAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. I speak under embarrassment, because I do not like to take the time of the Senate.

Mr. TILLMAN. I dislike very much to obtrude myself on the Senator, but we have a rule here, by common consent, that if a Senator has not completed his speech when the hour of 2 o'clock arrives, he has unanimous consent to go on, and there will be no objection to listening to the eloquent Senator from Wisconsin. But he just now made a statement—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. The Senator just now made a statement which if he had been in the Senate yesterday he would not have made. I read, from the documents sent us with the treaty, a letter from Mr. Williams, the consul of the United States at Manila, under date of February 22:

Peace was proclaimed, and since my coming festivities therefor were held; but there is no peace, and has been none for about two years. Conditions here and in Cuba are practically alike. War exists, battles are of almost daily occurrence, ambulances bring in many wounded, and hospitals are full.

Then, under date of March 19, the same consul says:

Insurrection is rampant; many killed, wounded, and made prisoners on both sides.

And so on, in half a dozen places in different letters during the month of March, six weeks before Dewey entered Manila Bay, we have evidence from our own consul that there was an insurrection of large proportions and a larger number of insurgents together in one body than ever were found together in Cuba.

Mr. SPOONER. Mr. President, I think I have no occasion to qualify my statement, and that without reflecting upon Mr. Williams.

Mr. TILLMAN. The consul; not me.

Mr. SPOONER. I did not say the Senator from South Carolina. Of course I was not reflecting upon the Senator from South Carolina.

Mr. TILLMAN. I beg pardon. I thought the Senator said the Senator from South Carolina.

Mr. SPOONER. Mr. President, Aguinaldo, a great leader in all this business—

Mr. TILLMAN. If the Senator from Wisconsin had been in the Senate yesterday he would also have had that whole subject ventilated, with the official documents going to prove that Aguinaldo had left, carrying with him a certain fund in trust for the Filipinos conditional upon the Spaniards granting concessions and relieving the Filipinos of some of that tyranny; that he returned under Dewey's invitation, and that as soon as he reached Manila and landed there, furnished, as our ally, with arms by Dewey, the insurrection assumed such proportions that the island of Luzon slipped from the grasp of the Spaniards at once, and a government was formed, and it is in existence to-day.

Mr. SPOONER. Is not the Senator from South Carolina telling something that happened in executive session? [Laughter.]

Mr. TILLMAN. Yes, sir, I am; but it comes, if the Senator will allow me, from the official documents, which are published and which I could reproduce here without any charge of bad faith with my brethren.

Mr. SPOONER. I am sorry I have to tell the Senator that that was a joke.

Mr. President, the fact remains, as shown by the Senator from South Carolina, that the leader of the Philippine revolt was not there up to the time of Dewey's arrival.

Mr. TILLMAN. The present leader.

Mr. SPOONER. Yes; the present leader, the great leader, the man who had been conducting the revolt, the man with whom the Governor-General had made the terms of pacification, the man who was intrusted with the fund, the fruits of that negotiation. He was not at the head of the troops. He was not leading a revolt. He and his chieftains, as stated by Dean C. Worcester, an entirely

reliable and, I think, accurate man, had gone away from the archipelago. Speaking of that, he says:

Their early successes, their retreat to the mountains, the fearful mortality caused by the climate among the Spanish troops sent against them, "their pacification" by promises of reform and by the bribing of their leaders, as well as the failure of the Governor-General to carry out his promises to them, are all matters of common knowledge.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. Oh!

Mr. TILLMAN. Of course I will not proceed if the Senator objects.

Mr. SPOONER. I have no objection, but—

Mr. TILLMAN. Unless the Senator withdraws any imputation upon the patriotism and honesty and good faith of Aguinaldo, I will be constrained to read what is stated about him here to disprove what he has charged in the RECORD.

Mr. SPOONER. What have I charged in the RECORD? I stated that I had nothing whatever to say against Aguinaldo. What I have read here does not mention Aguinaldo.

Mr. TILLMAN. The Senator's first mention of him was in a belittling and sneering way.

Mr. SPOONER. I do not know of any reason—

Mr. TILLMAN. If the Senator will just endure me one more minute—

Mr. SPOONER. If the Senator from Aguinaldo [laughter] will permit me to go on and finish my remarks, I will be obliged to him.

The VICE-PRESIDENT. The Senator from Wisconsin is entitled to the floor.

Mr. SPOONER. I can not stop to have an issue made with me upon the question whether I referred in terms of adequate respect to Aguinaldo. That is outside the question. The Senator, of course, will be at liberty to make such reply to me in that respect as he chooses. I was ill all day yesterday; I have never hesitated about interruptions, and I am only anxious now to go on with my remarks both on account of the time of the Senate, which it requires, and because of my own condition.

Mr. TILLMAN. Under those circumstances I will even endure without reply the sneer of being a Senator from Aguinaldo.

Mr. SPOONER. I withdraw that remark. The Senator seemed to be very much aroused in behalf of the dignity of Aguinaldo, and I used the phrase which I ought not to have used and which I withdraw.

Mr. President, if I may be permitted to proceed, I have no doubt myself that Spain, when this treaty was made, was fairly to be considered as the titular sovereign of the Philippine Archipelago. Certainly until the battle of Manila Bay Spain was there with her troops, there at her capital, there with her Governor-General, there with her administration, and not only there, but in other cities in the archipelago; and the mere fact that afterwards in a war with Spain, even with the assistance of Aguinaldo and some of his followers, we destroyed the Spanish fleet and took possession of the capital city does not, in my judgment, constitute the attempt by Aguinaldo and some of his followers to set up a tin-horn government there as having any effect upon the status so far as the title of Spain is concerned in her dealing with this Government.

Whom Aguinaldo represents I do not know. There are 8,000,000 people there, it is said. What his alleged government is nobody knows. What its character is nobody knows. It was set up at a time when we were taking care of Spain and when there was no occasion for revolt. How far it represents the people of that island I do not know, nor does the Senator. It is stated in the testimony given before the commissioners at Paris that Aguinaldo and his followers, I think, represent less than 1 per cent of the people who are to be subjected to any government established in the archipelago.

It is not enough to "set up" a government. It is not enough to "whistle" followers around it. It must be a government capable of discharging its obligations, domestic and international, and there is no such government there, and never has been any such government there except the Government of Spain. I think the people of the United States by this cession and by the grant by Spain of the title and sovereignty to the archipelago acquire a title to it and a right of sovereignty over it which among nations is good.

A great point is made against the ratification of the treaty upon the theory that it violates the Declaration of Independence, particularly that phrase in the Declaration which asserts that "all government derives its just powers from the consent of the governed." No one, I presume, will deny the philosophical truth of that declaration. I am not here to deny it. It has always seemed to me that the assertion, with one or two others conjoined with it, were intended to be the basis of the doctrine a little later announced in the Declaration of the right of revolution.

One who reads that instrument carefully can not, I think, fail to see that it is stated as one of the foundations upon which the

right of revolution is based; and as a whole it means that no people are obliged by any rule to submit forever to tyranny, and that the time comes when, in the exercise of rights which come not from constitutions, which come not from men, but which come from God, a people may rise in their might and disrupt the relations which theretofore had existed between them and the Government which has oppressed them.

It is like the declaration "All men are born equal." Philosophically and in a subtle and abstract sense that is true. In the world, in the practical life of the world, it is not true, and it never has been true. The Senator from Alabama [Mr. MORGAN], who always chooses exquisite and accurate phrase to express his thought, I remember, during the debate on the Cuban resolution, spoke of the Declaration of Independence as a high political declaration. That is the language, as I remember it. But, Mr. President, it happens that "in the corrupted currents of this world" it is impossible for men or for nations in all their conduct to be governed by strict abstract right.

Never since the foundation of this Government have we in the acquisition of territory paid the slightest attention to the "consent of the governed." Thomas Jefferson, who, as the author of that great Declaration, won undying fame, was the first man under our Government to violate it by the acquisition of Louisiana. No one asked the consent of the inhabitants there to a transfer of their allegiance or a transfer of the territory.

The same thing was true of Florida. The same thing was true at the end of the Mexican war when we acquired California, Utah, and the territory west of the Missouri. Who ever asked the consent of those people?

There have been many instances in our history, not related entirely to territory, either, in which as a matter of practical affairs that abstraction could not be regarded. I can not stop to mention them, nor do I care to. It never can be until the millennium comes. It never can be while government is intrusted to men and holds sway over men. It never can be until perfection comes into life, and until the weaknesses, the passions, the violence, the faults, and the foibles of our common humanity are eliminated.

Take the case of Hawaii. I was not in favor, as I have said, of the annexation of Hawaii. It was done by a joint resolution of Congress. Did anyone pay any attention to the consent of the governed? A protest by the inhabitants of those islands, numbering, I think, 14,000 or thereabouts, was presented by the senior Senator from Massachusetts [Mr. HOAR] against annexation. They loved their own country; they wanted their own little independent republic out on those islands in the Pacific sea; they sought no annexation to the United States. But, Mr. President, without regard to this Declaration of Independence, our people annexed those islands and transferred their allegiance to us. More than that. The Senator from Georgia [Mr. BACON] offered an amendment to the annexation resolutions, which reads as follows:

That this resolution shall not be operative and of binding effect upon either the United States of America or the Republic of Hawaii until the same shall have been consented to and approved by the majority of the voters voting at an election to be held in the Hawaiian Islands, at which election all male natives of said islands of the age of 21 years, and all naturalized male persons in said islands of the age of 21 years, shall be duly qualified voters. The said election shall be held at a time and in the manner and under regulations to be prescribed by the President of the United States.

That was voted down. I was not at liberty to vote, but I announced that if not paired I should vote for it. The senior Senator from Massachusetts [Mr. HOAR] is recorded as voting against it. I do not call attention to that to reflect upon any Senator or any Member of Congress. I call attention to it only as warrant for my proposition, that never has this Government in the acquisition of territory paid the slightest attention to "the consent of the governed."

But there is another thing about it. The doctrine that no territory shall be acquired without the consent of the governed never has been and never can be admitted into international law. It never has been, and so long as the law of conquest exists, it never can be permitted a place in peace negotiation or treaty. It is said by Hall:

The rights of a State with respect to property consist of the right to acquire territory, in being entitled to peaceable possession and enjoyment of that which it has duly obtained, and in the faculty of using its property as it chooses and alienating it at will. * * * The principle that the wishes of the population are to be consulted when the territory which they inhabit is ceded has not yet been adopted into international law, and can not be adopted into it until title by conquest has disappeared.

Suppose at the end of the Mexican war, when we were exacting territory from Mexico as indemnity or by conquest, whichever you please, we had been obliged to put it to a vote in the territory proposed to be ceded whether we should be permitted to take it or not? Upon that doctrine no government ever could acquire territory by conquest or territorial indemnity at the end of a war.

Suppose at the end of our great war, when we all thought that we had *casus belli* against Great Britain, happily now at peace with us, not simply as to the two Governments, but as to the two peoples, a peace and friendship which I hope will last forever, which

in the interest of each ought to last forever, and which our people and their people never should permit to be broken or weakened—suppose at the end of our war that instead of disbanding the Federal Army, instead of sending our Navy out of commission, we had chosen to call England to account, and had engaged in war with her, marched our troops across the line which divides the British possessions from the United States, occupied a portion of it by our troops, carried on the war until a peace had been agreed upon, and in that treaty of peace Canada and the British possessions had been ceded to the United States, partly as indemnity and partly for money, who would have thought that that could not become effective under the Constitution read in the light of the Declaration of Independence without submitting to a vote of the people of Canada the question whether we should take that territory as indemnity or not?

And if you must submit it, to whom must you submit it? The Senator from Connecticut [Mr. PLATT] the other day, in his speech, when asked whether government derives its just powers from the consent of the governed, said, "From some of the governed;" and he was called to account for that—I was about to say lampooned—not once, but many times. I dare to assert here to-day that the Senator's answer was absolutely accurate. It is some of the governed who consent to government everywhere. There is only one place in the world I know of where the exercise of power depends upon the unanimous consent of the governed, and that is the Senate of the United States. [Laughter.]

Mr. CAFFERY. In the case supposed by the Senator, would we take Canada without the consent of any of the governed?

Mr. SPOONER. Yes, sir; we would have taken Canada without the consent of any of the governed. If we could not take territory as indemnity at the end of a war, if we could not take territory as a conquest without asking the consent of some of the governed, we could not take it at all; and at this day, while we all desire war to be averted, I apprehend no one, even the citizens of this peace-loving Republic, would be willing to have announced and adopted as a policy of ours a limitation in the event if we are forced into a war which applies to no other government.

We must not shackle ourselves. War is wicked. War is brutal. Some one has said it is "organized brutality." It is pitiless. But nations sometimes must engage in it. This Republic was obliged to engage in it, in the opinion of Congress, since sustained, I think, by the public opinion of the United States. When it is waged we, as other nations, must be free to deal with the conditions of peace as best protects our interests.

This is true, too, Mr. President, after all, that as wicked and wasteful and desolating as it is, it has many times happened, and will happen many times again, that only out of the soil made rich by the blood and the ashes of war can the beautiful flowers of liberty blossom.

And so, not looking at it from the philosophical standpoint, not dealing with it as a mere abstraction, dealing with it as practical men, the servants of a practical people, with a momentous duty imposed upon us, I say that in this case the doctrine invoked from the Declaration of Independence has no place.

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

Mr. SPOONER. Yes, sir.

Mr. BACON. I desire to ask the Senator a question with reference to the supposed case of Canada. Suppose that at the time indicated by him Canada had been in rebellion against the mother country, and had set up a de facto government and had been engaged with us in a common war against Great Britain, and at the conclusion of that war announced to the world its desire to be free and to have an independent government; if upon the conclusion of the war with Great Britain, which the Senator has supposed, we had entered into a treaty by which we took a cession of Canada, under those circumstances and against her will, would the Senator from Wisconsin say that that was or was not in contravention of the principle announced in the Declaration of Independence, that the consent of the governed is necessary?

Mr. SPOONER. I would not say it was.

The PRESIDING OFFICER (Mr. PENROSE in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1575) to amend an act entitled "An act to regulate commerce."

Mr. CAFFERY. I ask unanimous consent that the Senator from Wisconsin be permitted to finish his remarks.

Mr. FAULKNER. I desire to correct that by simply saying that by the unanimous consent already given the Senator from Wisconsin has a right to continue until the close of his speech.

Mr. BACON. Yes; that is right.

The PRESIDING OFFICER. The Senator from Wisconsin will proceed.

Mr. SPOONER. Mr. President, what I mean by saying that is this: Nations are selfish. They must be selfish or they can not

live. I do not mean grasping and overweening of necessity, but they must look to their own interests and the interests of their own people. I think if we had in a war with Great Britain, notwithstanding rebellion upon the part of Canada, acquired that territory by cession, our people would not have felt that there should be another independent government so near to us on this continent, and all abstractions would have been disregarded.

Mr. BACON. That would be another reason, then.

Mr. SPOONER. No; that would be reason for making that an exception. But it is not a parallel case at all. There is no similarity even between the case put by the Senator from Georgia and the situation in the Philippine Archipelago, as I understand the facts.

But, Mr. President, how does it happen that distinguished Senators who have so much to say about the "consent of the governed" in its relation to our constitutional and moral right to take this cession have nothing to say about it as to Porto Rico; offer no amendments declaring the purpose of this Government concerning Porto Rico; raise no question of constitutionality as to our right to acquire and permanently hold Porto Rico? Does the constitutional power depend upon the number of marine leagues a territory may be from the mainland? Does the declaration that "government derives its just powers from the consent of the governed" not apply to a million people as well as to ten million?

Mr. CAFFERY. I will ask the Senator, if he will permit me, whether it is not a fact that the Porto Ricans welcomed our army with banners flying and with every manifestation of consent to our Government.

Mr. SPOONER. Mr. President, it has seemed to me a very strange thing that in all this debate no man has had one word to say against our acquisition of Porto Rico under this treaty and the annexation of it to the United States, so far as the treaty does it, and the government of it by the United States.

Mr. MASON. Mr. President, will the Senator from Wisconsin pardon me?

Mr. SPOONER. The Senator's resolution would cover Porto Rico.

Mr. PLATT of Connecticut. But he has not said it.

Mr. SPOONER. He did not mention it, but his general proposition would apply to it. Now, Mr. President—

Mr. BACON. Mr. President—

Mr. SPOONER. Pardon me. The Senator from Louisiana [Mr. CAFFERY] asked me whether it is true or not that our troops in Porto Rico were welcomed with hospitable hands and flying banners and all that. Possibly so. I think any people in the world who knew anything would welcome an American army after living under Spain.

Mr. CAFFERY. They do not know enough.

Mr. SPOONER. If they do not know enough they will soon learn.

It almost always happens—it happened many times in the South during the war, when the lines were changing, that the people received with hospitality and without apparent enmity the army which they considered an invading army. They did it under an impulse which is as natural as it is to breathe, that they should give no offense, that they should conciliate an overweening force, that they should safeguard their property if possible and their families and their interest. In the same way, very likely, Mr. President, the Porto Ricans welcomed the Army of the United States. But if they welcomed our invading army with shouts and with flags, did they abdicate their right to have a voice in the government of their own country? Does that take them out from this doctrine of the Declaration of Independence? No, Mr. President; it is proposed to take this cession of Porto Rico without asking the Porto Ricans whether they consent or not.

Mr. HOAR. Oh, no.

Mr. SPOONER. How is that?

Mr. HOAR. Mr. President, I took the liberty of saying "Oh, no." I have never myself supposed there was the slightest distinction in principle between Porto Rico and the Philippines.

Mr. SPOONER. Of course there is not, so far as our Declaration of Independence is concerned.

Mr. HOAR. The only reason why we have not dealt with Porto Rico is because we took the one conspicuous example, the worst one for our people; but the doctrine which has been argued applies to the whole, unquestionably.

Mr. SPOONER. Certainly.

Mr. HOAR. Anyone who believes in the application of the doctrine to the Philippines I suppose believes in the application of it to Porto Rico. I do certainly.

Mr. GALLINGER. Why not Hawaii?

Mr. SPOONER. Mr. President, we did not ask them. It has not been proposed here to eliminate from this treaty the cession of Porto Rico.

Mr. HOAR. It will be, when we get to it.

Mr. SPOONER. The resolution introduced by the Senator from

Massachusetts [Mr. HOAR] is limited to the Philippines. It is a declaration of the policy of the United States only as to the Philippines. It is as silent as the grave as to Porto Rico.

Mr. BACON. Will the Senator from Wisconsin pardon me? I dislike very much to interrupt him, and will endeavor not to do so again; but as what the Senator says about Porto Rico is in some measure a reply to the inquiry propounded by me, I desire to say a word in response to his suggestion that we are inconsistent in making no effort as to Porto Rico. I think, Mr. President, that the attitude of the United States in that particular is entirely justified upon the ground that the continued possession by Spain of any West India island is recognized as inimical to the interests and to the peace of this country, and for that reason, on the ground of the safety of this country and the future peace of this country, not only has the Government of the United States made that demand as to Porto Rico, but as to all the other West India possessions of Spain.

Mr. SPOONER. Mr. President, I thank the Senator from Georgia. He has in a single sentence made a more powerful argument in support of my contention than I could ever hope to make. He says that the Declaration of Independence is suspended in the West Indies. Why? Because it is for the interest of the United States.

Mr. BACON. No.

Mr. SPOONER. Yes.

Mr. BACON. I beg the Senator's pardon; not the interest.

Mr. SPOONER. Yes.

Mr. BACON. To the public safety, which goes beyond interest.

Mr. SPOONER. Oh, the United States, Mr. President, is interested in its public safety. [Laughter.]

Mr. BACON. There are a great many things, however, that are to the interest of the country which are not essential to its safety.

Mr. SPOONER. But this is the particular thing that we are talking about, Mr. President; not a great many other things.

The Senator justifies the taking of Porto Rico, as he must, without asking the consent of the inhabitants. Otherwise we could not probably take it at all. He bases his justification upon the fact, for it is a fact, that we require it in our business; in other words, that we regard it—

Mr. BACON. The Senator must take my words, and not use other words. I say necessary, not for our interest, not for our business, but essential to our safety. Now, if the Senator will use that word, I will stand by it; and I will say further that I go fully with him to the extent—

Mr. SPOONER. Spain occupied it for one hundred and twenty years and we were safe.

Mr. BACON. To the extent that the acquisition of territory necessary to our safety is perfectly justifiable under the Declaration of Independence and our Constitution.

Mr. SPOONER. The Senator has surrendered.

Mr. BACON. Safety, not interest.

Mr. SPOONER. I accept his surrender.

Mr. BACON. No.

Mr. SPOONER. Mr. President, there is no escape from it. That is the principle upon which nations transact business.

Mr. BACON. If the Senator can show that the Philippines are essential to our safety, I am with him.

Mr. SPOONER. Wait a moment. It is the same sort of selfishness which leads a man to prefer the interest of his own children to the interest of the public. It is the same sort of selfishness that leads a man to safeguard his own home. It is the foundation of all society. It is the one thing that we ought never to lose sight of. We ought to legislate and we ought to deal, where we can, with reference primarily to the interests of our people, not to the interest of any other people, not to please any other Government.

But where do you find in the Declaration of Independence anything to warrant this modification suggested as to Porto Rico? We may take Porto Rico; we ought to take it; we have taken it, and we propose to keep it. But for the life of me, from the standpoint of the citizens of Porto Rico, and from the standpoint of men who claim rights which it is asserted here are God-given, even if we need Porto Rico, I can not see how we can take it without their consent. You must apply this doctrine all around or not at all. If it has no place in the practical affairs of life, governmental and otherwise, say so. The right asserted in the Declaration of Independence can not be suspended in the West Indies and potential in the Philippines. If it is a right which in the sight of God must be always respected by nations, no nation can honorably disregard it for any selfish purpose, whether it be for safety or something else. It can not be a vital, living principle in the Pacific and a discarded abstraction in the Atlantic.

Now, Mr. President, it is said that we commit a breach of faith by taking a cession of the Philippine Archipelago.

Mr. HALE. Before the Senator passes from that part of his speech, let me see if he will not agree with me that there is a very great and marked distinction between assuming the possession and control of Porto Rico and the Philippine Archipelago.

Mr. SPOONER. Yes.

Mr. HALE. I do not put it on constitutional grounds; I do not put it upon the ground of the doctrine of the Declaration of Independence; but it seems to me that possibly the island of Porto Rico may be fairly considered as an indemnity in war.

That is of some possible good to us; of some possible value; not in any way connected with grave complications and dangers in the future which would make it worse than valueless to us; while upon the great question of policy, not discussing these other questions, in my belief the Philippines not only would be no indemnity, not only would be no basis in value for the \$20,000,000 paid by us, but would be an ever-blighting curse and woe to us. All the complications that would arise by the possession on our part of Oriental islands, of the danger of constant war there, of our being led into a war of subjugation against the inhabitants of the Philippine Islands make the gravest distinction, not upon the question of the Constitution or the Declaration of Independence, but as a matter of wise policy for the future. In view of all that, does not the Senator see that there is a very marked distinction between taking Porto Rico and taking the Philippine Archipelago?

Mr. SPOONER. I could have answered the question at the end of the Senator's speech in half a second.

Mr. HALE. Answer it now.

Mr. SPOONER. I do.

Mr. HALE. The Senator sees the grave distinction?

Mr. SPOONER. I do.

Mr. HALE. That is all.

Mr. SPOONER. I will speak of that briefly a little later on.

Mr. HOAR. The Senator has been interrupted. I do not wish to further interrupt his argument, but I wish, if he will permit me, to state my personal position in one sentence, as he has alluded to me.

Mr. SPOONER. Very well.

Mr. HOAR. I think that the same doctrine precisely is applicable to Porto Rico as to the Philippine Islands, and I expect to resist everywhere the acquiring of a people to be held without their consent, or to be held permanently as colonies or dependencies, not to be incorporated into the Union.

The reason my resolution was confined to the Philippine Islands was this: I wished to bring into sharp contrast with the doctrines of the Declaration of Independence an attempt by the United States to subjugate an unwilling people in arms, and therefore, there being other resolutions like those of the Senator from Georgia [Mr. BACON] that covered other phases of the question, I introduced a resolution aimed at what I regard as a proposition and purpose to make war on the people of the Philippine Islands for their subjugation, and to bring that extreme into sharp contrast with what I suppose to be the opinion of the people of the United States in respect to these doctrines of the Declaration of Independence. But I did not leave out the people of Porto Rico from that resolution with any thought that we were justified in doing as to Porto Rico what we are not justified in doing as to the Philippines. On the contrary, I do not agree that the safety of the United States is in the least dependent on a little island down in the West Indies.

Mr. SPOONER. Nor, I suppose, does the Senator believe that upon the safety of the United States depends the right of the people to be consulted as to their government, as the Senator from Georgia seems to think?

Mr. HOAR. No; not the least in the world. I only wanted to put myself right, if the Senator will excuse me for interrupting him.

Mr. SPOONER. Certainly. After all, Mr. President, if there is an absolute right residing in people to be always consulted as to their government, it is a personal right, which belongs to them, and one which no government could honorably take away from them for any selfish purpose, whether it involves its safety or involves the promotion of its business success. The truth is, and there is no way out of it, that at the end of a war in the acquisition of territory taken as indemnity and conquest we must take it without consulting the people, or not take it at all, and this doctrine is inadmissible from the national standpoint. The same thing must be true as to acquisition by purchase. It is very doubtful if we could have acquired either Louisiana or Florida if first required to obtain the consent of the inhabitants.

Porto Rico has become, with the development of our country, of great importance to us. It stands as an important outpost. Its relation to the Caribbean Sea and to the great waterway connecting the two oceans, which this nation is determined to have, is such that we ought to possess it and defend it and take care of it, giving to the people there as much of self-government as is possible. It is not very far away.

It is said, and believed by a great many, that to accept a cession of the Philippine Islands—and if that be true as to the Philippine Islands, it is equally true as to Porto Rico—is to break the solemn pledge of the United States and thereby to dishonor its name. It is asserted that we went into the war declaring by resolution to all the world that our purpose was a holy purpose only;

that it was not a war for conquest; that its sole object was to bring freedom to the people of Cuba. That statement is partly true; but in my view it is too broad to be entirely true in its relation to this subject.

Here is the resolution drawn and offered by the Senator from Colorado [Mr. TELLER], and he deserves the thanks of the people of this country for drawing it, and for drawing it just as he did:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island—

The island of Cuba—

except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Why was that declaration made by the Congress of the United States? It was made to put this country right in the eyes of the world before entering upon the war. There were a great many, including my friend from Ohio [Mr. FORAKER], who believed we had just cause for war against Spain on our own account; there were many people in the United States who felt that because of the destruction of the *Maine* we, without regard to Cuba, were justified in engaging Spain in war. There were others who felt that with all the horrors of that explosion, without any doubt that it was external, without any doubt that Spaniards were responsible for it, nevertheless there was not evidence of complicity upon the part of Spain to warrant a dignified nation in assuming a fact not established and basing a declaration of war upon it.

Mr. PETTUS. Mr. President, I ask leave to ask the Senator from Wisconsin a question.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. SPOONER. Certainly.

Mr. PETTUS. Has the Senator forgotten that we had positive proof before the Teller resolution or any other resolution of that character was passed that the soldiers of Spain in Havana, where there was no war going on, had murdered very many of our citizens?

Mr. SPOONER. I had forgotten that, but that would not be cause of war in itself if reparation were made for it upon due demand.

But what I wish to say is this: That by common consent—and I think it was wise—it was determined not to enter upon a war based upon some cause existing in our behalf against Spain, but to intervene—to intervene, Mr. President, without regard to any cause we might have for war; to intervene on high ground, because every writer on international law makes it plain that intervention in the affairs of another nation, especially between it and a revolting people, must, to be justified before the world, be as clearly as the sunlight, free from ulterior purpose, free from selfishness; and so this resolution was adopted, to make it clear to the world that in our demand as to Cuba and in the war which we proposed to wage against Spain if our demand were not granted, our purpose was only to secure liberty for Cuba and to drive out the Spanish tyranny which for so long had been not only destructive to the Cubans, but absolutely humiliating and sickening and damaging to us, and that we did not seek to acquire that island. Did it occur to anyone that by making that declaration it was intended that the war with Spain should close and leave Spain forever to be in the government of Porto Rico?

Some one has said that if Porto Rico had been added to that resolution it would have met with universal concurrence. I only speak for myself when I say it would not have met with mine. I think it would not have met with the concurrence of the American people, for I believe they would not have been satisfied to have the war brought to a close leaving a vestige of Spanish sovereignty on our eastern coast. Nor, Mr. President, was it inserted for the purpose of tying the hands of the Government of the United States when peace came, of preventing us from seeking for our citizens and for ourselves from a bankrupt Government such territorial indemnity as would fairly make good, if it could be done, the expenses of a war waged for liberty.

I am not in the slightest degree impressed by the argument that if we take a cession of Porto Rico as indemnity from Spain and a cession of the Philippine Archipelago as indemnity from Spain we violate the letter or even the spirit of this declaration. The war once entered upon, although with the highest possible purpose, was a war to the death, with all the powers and all the incidents of public war from the beginning of it to the ending of it, including the right of conquest and the right of indemnity.

Of course we can not take Cuba. I hope, for the honor of America, no man would think of such a thing. We promised the world to make Cuba free and to enforce law and order in that island until the people there could form a government. When that is done our pledge will have been splendidly redeemed.

Mr. President, some gentlemen waltz up to this proposition of territorial expansion as gaily as "the troubadour touched his guitar." I can not do it. I have not been able to persuade myself that the best interests of this country in the long run—and we

ought to study its interests for the long run—are to be subserved by a policy of territorial expansion, permanent dominion over far distant lands and peoples. I do not think Porto Rico within this principle.

I am a commercial expansionist. I believe in building up the trade of the United States. I am in favor of an interoceanic canal, not only for the purposes of national defense, but for its benefit to the trade of the future. I am in favor of acquiring naval stations all over the world where the interests of this Government would be subserved thereby—resting places for our commerce. I am in favor of lines of cable connection in every conceivable direction where they would promote the interests of the United States.

I am in favor of an adequate Navy. I am in favor of all of the Army that the needs of our country from time to time require. I am in favor of upbuilding our merchant marine by the best possible means. It must be upbuilt. We can not permit any longer the vessels of other nations to control the transportation on the sea of the products of the United States. I am willing to help do it by voting for subsidies or for differential or discriminating duties—whatever is the surest and the best means to secure its accomplishment.

But, Mr. President, I shrink from the notion that the interests of this country will be subserved by making permanently a part of our land territory thousands of miles away, inhabited by peoples alien to us, not of our blood, not of our way of thinking, foreign to all our associations, living in a tropical climate, where the white man can not work, under labor conditions of necessity which we would not permit to exist in the United States.

Every argument which has been made in support of this doctrine of territorial expansion—and by "territorial expansion" I mean permanent territorial expansion—seems to me to be superficial, some of them sentimental, and some of them fantastic.

The jingle of words which we read every day about "hauling down the flag" does not in the least either thrill me or impress me. Our flag has been hauled down before, Mr. President. It will be hauled down again. Where we raise it we will permit no other power on earth to haul it down, but with us it may be as honorable to haul it down as it was to raise it. It was hauled down in Mexico when hostilities ended there. If we had sent our fleet across the sea to the peninsula of Spain and captured Barcelona, raising our flag above it, it would not have been there to stay; we would have hauled it down. To-day it floats in Cuba; the Spanish flag has gone forever, but our flag is not there to stay. It floats there in sight of the poor, wrecked *Maine* at Havana, but there will come a day, Mr. President—and I hope it will not be long—when we will take down our flag, raised there in the cause of liberty, and leave behind it liberty and an independent government, won and established under its folds. I hope that, too, about the Philippines, and that is not at all inconsistent in my view with the ratification of the pending treaty.

It is insisted that we must have permanent territorial expansion in order to extend our trade. Mr. President, I do not think so. I have been strongly inclined to think that in the long run, with all the embarrassments and complications and dangers it will bring upon our people, it will retard rather than develop the foreign trade of the United States. We have been growing rapidly in our trade without territorial expansion. To acquire distant, nonassimilable peoples in order, through permanent dominion, to force our trade upon them seems to me to be the poorest imaginable national policy. How far will that be carried? We want the trade of the world, and we intend to have our share of it. Are we, therefore, to obtain it by carrying this doctrine of expansion to the uttermost parts of the earth? If territorial expansion means national trade, if it be necessary to national trade, where are we to stop?

I think, Mr. President, the trade of the world will go where its interest leads it in the long run, and the best avant-courier of civilization is a merchant ship, carrying the products of civilization and teaching the wants of civilization.

Permanent dominion over the Philippines by the United States as a part of this country means to me an endless and vast burden upon the industries of our people. We would be as sacredly bound to protect that distant people living under our flag in a part of our territory as we would the people living on the coast of Maine or the people living around Boston Harbor.

In the event of war the most distant outpost where our flag could be found would be the point of first attack, and we would be obliged, in my judgment, to maintain a navy adequate to protect the millions of people in the Philippines 7,000 miles away, Hawaii, and our Atlantic and Pacific coasts. If our Navy were not adequate to all that, our ships being sent far away, our home coast would be unprotected. This would involve an awful increase of taxation.

There is another thing that sometimes we lose sight of. The Senator from Rhode Island [Mr. ALDRICH] in a speech which he made here on the tariff bill asserted, and I have often thought of it, that many of our industries are coming—I think developed under the system of protection; other gentlemen think for other reasons—

to that condition where we will be able to compete with the manufacturers of the other nations of the world. Our export trade is increasing day by day, and it is not confined to the products of the farm. The products of the factory and the rolling mill are increasing likewise in export.

The nation which exports largely of a given product will not derive much revenue from the duties on imports of that product; and so as the years go by, as it seems to me, we must rely less and less upon revenue derived from customs duties, and more and more upon revenue derived from internal and other taxation; and the day will come, I think, when this burden will rest heavily upon our people.

I have heard it said we must expand territorially in order to become a world power. I read it in the newspapers; I hear it in conversation. Are we, in order to be a world power, to extend our territorial limits permanently to the uttermost parts of the earth?

Mr. President, we are a world power. We have grown to be the richest nation under the sky. We are proud to feel that, taken all in all, there is no government anywhere like this. We are proud to believe that it is God's best representative of law and order and justice upon the earth. We are isolated. Other nations envy us for that. There is a tendency in this day to sneer at it and to treat it as a disadvantage. Our isolation, Mr. President, is one factor which has aided us in devoting our energies to the development of our resources only just begun; that has obliterated the frontier and made prosperous Commonwealths from ocean to ocean.

It may be, Mr. President, that the governments and peoples over the sea had begun to feel that we, in the pursuit of gain, in our devotion to the development of our industries, had lost the willingness to fight, perhaps the ability to fight. It may be they had ceased to regard us, if they ever had so regarded us, as a world power in that sense. But, Mr. President, on that glorious May morning in the far-distant Pacific, Dewey and the men behind his guns sent around the world to all governments and all peoples the never-to-be-forgotten message, "the United States is a world power." It was repeated by Sampson and Schley at Santiago, and it was again proclaimed by the thin blue line of American soldiers who sturdily climbed the hill of San Juan and who captured the heights of El Caney.

No one can well doubt that with our illimitable resources, with the pride and sense of honor characteristic of our people, with our willingness and ability to protect American interests, in the council of nations the voice of the United States will for all time have its full share of potency.

I have not been able to see that it is necessary, in order to secure a safeguarding of our national interests in our relations with the outside world, that we should forever burden our people to cover the seas with costly armadas.

We have had no participation in the struggles of the Old World nations over the balance of power. We have sympathized with them in their struggles; we have sympathized with their peoples in the terrible burdens put upon them to maintain great standing armies and great navies. But their quarrels have not been our quarrels; their policies have not been our policies. While they have fought we have fed them and manufactured products for their use.

It may not be sentimental or romantic, but it is true we have grown rich by staying at home and attending to our own business.

I have not been able to find persuasive the suggestion that we can benefit the United States by a policy which will make us in any larger sense than we are a political factor among the governments of the world—I mean in world matters—and I look with apprehension upon a policy which may place the United States in a position where by force of environment or neighborhood we can be made a compulsory participant in the struggles of the Old World nations over the balance of power in the Orient. Nor can I contemplate with equanimity, Mr. President, the adoption of any policy which may bring into perpetual competition with our people, with the men who raise tobacco on our farms, with the men who labor in our factories, the products of a labor which in the very nature of things must be cheaper than ours, because of radical and unchangeable differences, for climatic and other reasons, in the standard of living, and in the wage of labor.

But I can not elaborate, Mr. President. I have but imperfectly outlined some of the causes which lead me to dread and to fear the policy of territorial expansion. I may be wrong about it. I do not forget that some of the objections which have forced themselves upon me were urged by much abler men long ago, against the acquisition of every Territory which the Government of the United States has acquired, and the wisdom of the acquisition of which time has overwhelmingly vindicated. As the Senator from Colorado [Mr. TELLER] not long ago said here, if we had not acquired Louisiana, we would, nearly a century ago, in all human probability have had a British sovereignty to the

southward of us, controlling the Mississippi, as well as to the northward of us.

But I think I can see a valid distinction between the acquisition of territory contiguous to our own country, in our own climate, land to which we can march our troops, land into which we can build our railroads, land into which we can send our newspapers, land to which our people can emigrate and in which they can live and thrive, land easily reached by our public opinion, and territory and peoples of another race, alien to our associations and our blood, living under a tropical sky, and laboring under different conditions. I can not say, in view of the history of the country, that time may not change my views, but I must say that, as I now feel, if the ratification of this treaty involved permanent dominion by the United States over the archipelago and its people as a Territory of the United States, irrevocably committed us to the policy of territorial expansion, I could not give it my vote.

Mr. President, a few words more and I have done. Interruptions have impeded me. We are all anxious to do, I must assume, that thing which is for the best interest of our country. I have not been and am not able, with all the anxious thought which I have given to this subject, to see any safe resting place or middle ground between an absolute abandonment by the United States of the Philippine Archipelago and an acceptance of the cession made by this treaty. I am not able to forget that it is a treaty of peace, and that its ratification is to bring peace between the United States and the Kingdom of Spain. A rejection of it continues the status of war. Senators say that Spain is exhausted, and that active hostilities would not be renewed. Possibly this is true. Doubtless I am warranted in saying that probably this is true. Possibly it is not true. One can never safely prophesy what complications will come from a long-continued status of war. It is quite certain that we would be obliged to march out of Manila. We captured it (which shows our power there) in violation of an armistice.

The fact of the armistice and its terms it had been impossible to communicate to our officers and troops so far away. By the rules of war, therefore, they are relieved from responsibility for capturing the city of Manila in violation of its terms. But by the rules of war, based upon obvious justice, and essential to civilized warfare, as a nation we are in honor bound, if this treaty fails, to restore the status quo. International-law writers leave no doubt upon this proposition. We would be obliged to march our troops out of Manila, to release the 15,000, or thereabouts, Spanish prisoners captured there, to restore to them their arms, and permit them to again occupy the city which our forces captured. The treaty rejected, they are still our enemies. Would we then, still being at war with Spain, withdraw our forces under protection of Dewey's guns from the face of the enemy and sail away? To do so would be a novelty in war and a humiliation to our people.

If the status of war is to continue we could not well reduce our expenses to the basis of peace. We would be obliged, inevitably, to maintain our country and our expenditures upon the basis of war, and the cost would be great and in the end probably useless.

The situation, Mr. President, could not fail to be filled with unpleasant possibilities, indefinite public burdens, uncertainties, and trouble.

I have tried to consider the alternatives which confronted the President and the commissioners in concluding a treaty of peace. They could have made this treaty, of course, omitting all reference to the Philippines. Such a treaty would have left, in my view, the Philippine Archipelago and its people under the sovereignty and control of Spain. The President and commissioners could have done that. I do not hesitate to say here to-day such a treaty would have shocked the sense of justice and humanity of the American people. It is in the power of the Senate to so amend the treaty as to do that thing. Does any Senator propose to do it?

I have talked with a great many people upon the subject in Wisconsin. I have put to them this question: "Do we want the Philippine Archipelago?" Almost every one of them has said to me, "No; but do not give the islands back to Spain."

Mr. PETTIGREW. We could not if we wanted to.

Mr. SPOONER. Why?

Mr. PETTIGREW. Because the Filipinos would not allow it.

Mr. SPOONER. Let us examine that. I have said that I believe it to be true that it would shock the sentiment of our people if by this treaty of peace with Spain we left the people of the Philippine Archipelago subject to her tyranny. We could not very well go to war to liberate the people of Cuba, in the West, from the horrible tyranny of Spain, and, when that war for liberty ended by agreement, sail away and leave the people in the East under the tyranny of Spain. As an original proposition, we would not go there to liberate them, but we are there. We did not go to war in the interest of the Filipinos, it is true; but, Mr. President, duties come to men suddenly, without plan or expectation oftentimes.

If walking along the city street at night one comes across a sturdy brute beating a woman or a child into insensibility, a man

would attack him, drag him away, disable him. Having done this, a man would not walk away and leave the woman or the child bleeding and helpless upon the street in the midnight to die, to freeze in the cold of winter, to starve, or perhaps again to be the subject of maltreatment. The same impulse which led one to defend would command to further protect.

Situations, Mr. President, create duties. This is as true of nations as it is of men.

It is true that some thousands of Filipinos aided in the capture of Manila. That is an element in this situation which can not be honorably disregarded. Whether they had done so or not, I believe it to be the general sentiment of our people, and I know of no one here who has proposed anything against it, that we should not make a treaty which leaves that people subject forever to the loot and the lust and the brutality and the savagery which characterized the Government of Spain, under which they lived. So a treaty of that sort would not do.

No President would dare to make such a treaty, under the circumstances. The present President of the United States, an eminently humane man, who has fought for liberty, and who loves liberty, whose conduct in all this business has been upon a high plane, in the interest of humanity and in harmony with the dignity of such a Government and such a people, would not dare to make such a treaty. He has transferred in that respect the responsibility to the Senate. The Senate has power to so amend it.

This alternative being rejected, what next could be done? It has been asked here, Why did you not have Spain in this treaty relinquish the Philippines and leave the situation at that? I do not know what Spain might have been willing to do in that regard, but I doubt very much if she would have been willing to surrender her sovereignty over the Philippine Archipelago and her title of three hundred years upon our demand, disconnected with the claim of it as indemnity. I very much doubt if Spain would have listened to a contention upon our part that, as we went to war for the liberty of Cuba, we should close the war by a demand of her surrender of sovereignty in the Philippine Archipelago, all thought of indemnity being eliminated.

But it has been asked, Why did not the treaty deal with the Philippines as it does with Cuba? and my understanding is that if such were the form of the treaty it would be generally unobjectionable. What would have been in that event the situation? In my judgment it would have put the Government of the United States in an impossible situation. Let us analyze it for a moment. By this treaty Spain relinquishes her sovereignty over Cuba and her title to Cuba, with the statement, hardly an agreement, that we are to occupy the island, and an agreement that while we occupy it we shall discharge the duties imposed by international law upon a military occupant. Note that Spain relinquishes sovereignty and title not to any particular grantee.

The President and our commissioners would not accept the cession of Cuba to the United States, for obvious reasons. Upon our theory of government it must be true that the sovereignty and title thus relinquished by Spain vest in the people of Cuba. Certainly if they do not vest in the people of Cuba they remain in the kingdom of Spain. They can not be *in nubibus*. They must be somewhere. I assume that the title being abandoned by Spain, and the sovereignty relinquished by Spain, they are not relinquished to the world, but are relinquished to the people vitally interested in them. Suppose the same provision were incorporated in the treaty as to the Philippines.

What would be the situation? The Filipinos, except the individuals who aided us, have been our enemies in contemplation of law, because the subjects of a power with which we were at war, and the moment a treaty was signed and ratified, relinquishing the title and sovereignty to the Philippine Archipelago, that sovereignty and title, upon my contention, would vest, if it passed from Spain, in the people of the archipelago. That moment, ceasing to be the subjects of Spain, they would, of course, cease to be the enemies of the United States. In fact, the ratification of that treaty would bring peace between Spain and the United States, and, therefore, in law, peace with Spain and her subjects everywhere.

In this condition how would we obtain the right for one moment in law to do what our people feel should be done to save the Filipinos, to maintain order among them, to help them to establish a government, to protect them from anarchy among themselves and spoliation by other governments, and, in addition, what should not be forgotten, the right to take care in the long run the commercial and other interests of the United States in the archipelago? I can see in that event but one thing that we could rightfully do unless the people acquiesced in our plans, and that would be to withdraw our troops and sail away from the archipelago and leave that people abandoned. Leave them to anarchy. War is bad enough, God knows. It is pitiless enough, but, after all, it is conducted on rules based on justice and framed in the interest of civilization. Anarchy is unspeakably worse than war. Anarchy gives full play to all the passions and bloodthirstiness of

men unrestrained by law. War is cruel and bitter, but anarchy is hell let loose upon the earth.

We do not yet know, nor does anyone yet know, I think, what we will deem it wise to do in the Philippine Archipelago. No one can well doubt that the purpose of the United States in accepting this cession is one of benevolence and good will to that people.

The Senator from South Dakota [Mr. PETTIGREW] said that if by the treaty we left these islands in the hands or under the control of Spain, Spain's sovereignty would be gone and that the Filipinos would be free from Spain. I doubt it. Spain, I think, would retake the Philippines. It must not be forgotten that Spain would no longer be concerned with Cuba. Care for that island would no longer exhaust her resources or diminish her power.

Spain would no longer be concerned in the care of Porto Rico. But that is not the end of the case. It must be remembered that we have sent back to Spain, at our own cost—and it was not only humane, but politic—125,000 men, with their arms. We would release, in addition, 15,000 prisoners at Manila and restore to them their arms. Can one well doubt that that proud nation—for it is a proud nation, and it is not only a proud nation, but it is a brave nation, a nation mourning over its loss of prestige—would send necessary reinforcements to the Philippine Islands, and, with the soldiers already there, retake and hold its cities and its sovereignty and bring that people again under subjection?

Senators say that to-day Spain is not financially able to do that. This I do not know. One can not very well say what a nation in stress is financially able to do. One can not know the hidden treasure which national pride would unlock and pour out. And, Mr. President, it is impossible certainly to say that none of the governments which have from the beginning of this transaction to the end of it sympathized with Spain, would furnish her money upon pledges growing out of her sovereignty over the Philippines adequate to capture and bring under dominion again the archipelago, moved, doubtless, to that end by the ulterior purpose of great commercial privileges, naval stations, and the like.

Desiring, Mr. President, to care, as a powerful nation ought to care in the circumstances, for the well-being of that people, wishing to treat them because we are there as we treat the people of Cuba, it has seemed to me that there is but one thing to do, and that is to accept the cession of the archipelago as provided in the treaty, and thereby to succeed to the title and sovereignty of Spain, and, having succeeded to that title and sovereignty, to go forward. Then, and only by that means, have we solid ground upon which to stand. By any other form of treaty, even dealing with the Philippines as the treaty deals with Cuba, we would have all of the embarrassments, all of the cost, all of the complications, all of the troubles, with a foundation of shifting sand upon which to stand.

Ah, Mr. President, we must retreat or go forward. There is no middle ground. We are at the parting of the ways in respect of the Philippines. We must go incontinently out of the archipelago, or succeed by a ratification of this treaty to the title and sovereignty of Spain, and with that as our foundation go forward to work out for that people what we will work out for the people of Cuba, and secure for ourselves as a Government such foothold there as will safeguard our interests and our trade in the Orient.

The Filipinos do not understand us to-day. It is not strange that they should be suspicious. They have never known good government. They have never lived under a government except one of brute force and violence and lust. I notice that all the rebellions among the tribes there have been justified rebellions. They seem to be a docile people. They have rebelled twice because of violation of the honor of their homes, of excessive and outrageous taxation, of oppression by the monks. They do not know us. They do not understand our purposes. They could not be expected to know how different are our sentiments, our aspirations, and civilization from those which have characterized the government they have known.

It is not wise either for them or for us that they should be given to understand that we have no right there, and I repeat, and this is the crucial point of my argument, that the only way in which we can rightfully secure a foothold there in order to accomplish anything—I speak not of permanent dominion in the archipelago—by accepting the cession contained in this treaty.

What is the difference between Cuba and the Philippines in this regard? Does it seem to Senators that there is none? To me it has seemed obvious and vast. Cuba, to begin with, is within a short distance of us. It is at our door. The Philippines are 7,000 miles away. A large number of Americans are interested in Cuba, and have been for many years. The Cuban people have dealt with our people during a long period. Many of them have been educated in our colleges and schools. Many of them have acquired their professions in the United States. Many of them became long ago citizens of the United States, and returned thence to their native land. They understand us and we understand them measurably. This is in no respect true as to the Filipinos.

The Cubans are within easy reach of our public opinion. They know what is published in our newspapers. They have studied our institutions. Not so with the Filipinos. Cuba, too, has not been the subject of possible foreign seizure. No nation has dared even to think, I believe, of obtaining a foothold upon the island of Cuba. No one would deny that it is absolutely within the sphere of American influence. This is not true as to the Philippine Archipelago. That archipelago has been the subject of intrigue upon the part of other governments, not governments either which from our standpoint govern very well, not governments which care much for the writ of habeas corpus, for religious liberty, or for the Declaration of Independence.

Mr. ALDRICH. Or the consent of the governed?

Mr. SPOONER. No, or the consent of the governed. They are Governments which rule with a strong and iron hand for their own purposes, and, Mr. President, we can not in honor leave the Philippine Archipelago and its people, all things considered, a derelict, abandoned in the Pacific seas to become the spoil of other nations.

There is another thing worth considering in respect to the difference between Cuba and her people and the archipelago and its people. As the Senator from Illinois [Mr. MASON], I think it was, said in his eloquent speech here the other day, it is a great and glorious thing for a nation or a people to win their own liberty and independence in war. But it is a far greater and more glorious thing for our nation to go into war in order to win liberty for another people.

We have sacrificed much, Mr. President, for Cuba. The graves of our boys in Cuba and here at home testify that. The sunken wreck in Havana Harbor, the coffin of our sailor lads, bears witness to that. We have poured out our treasure for Cuba. We have desolated our homes for Cuba. All this in achieving the object of the war. The Cubans know this, understand this, and I hope appreciate this. There is no such relation to the Filipinos. Our advent there was an incident to war for the liberty of Cuba. But I repeat, we are there. What is more, Mr. President, we completely occupy Cuba by our forces. We do not under the protocol probably completely occupy the Philippine Islands.

If I may be permitted to repeat, if we take this title we are there as a sovereign. We have the will and the power to enforce law. We will enforce order there. We will establish government there. We will not violate the Declaration of Independence. This treaty will be an emancipation proclamation to the Filipinos, securing in that island all of the great rights which we so prize, and which have been here so much discussed. That we will give them every possible opportunity for self-government I do not allow myself to doubt. I hope the day may soon come when they may have a government of their own. But we can create that, Mr. President, in no way except by the ratification of this treaty.

It must not be forgotten either that if we stay there under a treaty containing the provision as to the Philippines which this one contains as to Cuba, notwithstanding all of the differences to which I have alluded between the two situations, spend our money there, lose our men there by casualty and disease, religiously watch and nourish the interests of that people, and develop their power of self-government until under our auspices they have erected a government which under the principles of international law we can recognize as independent, we are without power to protect our own interests there, unless that government after it is recognized shall consent. We could not obtain a coaling station there if that government declined. Through foreign intrigue it might decline. We would be powerless, except by the strong hand of force, to reimburse ourselves within fair and just limits the outlay and trouble and sacrifice which we shall have endured for their sake.

There is another thing about it, Mr. President. Under this treaty we can give them, when the time comes, the sovereignty and title of Spain. They will have then the possessory right and the title, because, this treaty being ratified, we will possess it; we will have it to cede. We may cede it upon conditions such as at the time shall seem to us best for them and best for us. We may cede it upon condition that their constitution shall contain irrevocable guaranties essential to freedom, to popular education, to religious liberty, to the right of habeas corpus, the protection of life and property; indeed all the guaranties which American communities under the Declaration of Independence demand. We can cede it upon condition of the grant to us of adequate naval stations, supply stations, and commercial advantages. And if we have doubt as to the permanent stability and power of their government to stand alone, if we then feel we can not safely sail away and leave them to their destiny, we can, in their interest as well as in ours, maintain a protectorate over them with comparative safety, because we can make it a condition of cession of this title and sovereignty to such government as they shall establish that they shall enter into no treaty obligation with other governments without our consent. Without this power we can with safety maintain no protectorate of a government 7,000 miles away, over whose

treaty-making power and over whose international transactions we have no control.

Again, Mr. President, the whole matter will be within our own hands. If we find we can not get on with the Filipinos; if, after studying the conditions over there, our people find we can not without strife and intolerable burdens do them any good, we can then cede the sovereignty to them and sail away. We will not be then running away from a responsibility at first sight. We will not subject ourselves to possibly the just charge of cowardice by other nations. We will have left them then after having made every honest effort in our power, upon the solid foundation of Spain's sovereignty and title, to help them to benefits which they would not have. We will have attempted to shower upon them blessings which long-continued tyranny has deprived them of the power to appreciate.

No; there is no middle ground. The treaty should be ratified, and ratified promptly. But, Mr. President, an acceptance of this cession does not determine at all, in my view, the future policy of the United States as to the Philippines. I am not in favor of the resolution of the Senator from Georgia, not because I differ from the sentiment expressed in the last one, but I am not in favor of tying the hands of this Government as to the future. It is our business to make laws, not to fulminate policies.

If this territory be acquired and its sovereignty becomes ours, it is for the people of the United States to say what shall be done with it; and without regard to the merits of the declarations contained in his resolutions, I am convinced, in view of the entire situation, the distance of the islands, the unfamiliarity of their people with us, their suspicion of all comers, that if this resolution or any other of the kind is passed it will be fruitless of anything of use, and fruitful only of mischief, friction, and trouble hereafter.

Let us ratify this treaty and bring peace to the country. Let us take this sovereignty and title, and then do with it what is right, leaving to the people to determine hereafter what the permanent policy of this Government with reference to it is to be.

Mr. President, I believe in the people. It seems something of demagoguery for one dependent for his position upon the people to say that in a public way, but I believe in the people. Sometimes at the first they are wrong; sometimes they are unfair in their judgment of measures and unjust in their judgment of men. Sometimes they give ear to the demagogue, and sometimes for the hour the popular judgment is overturned by some clamor or some prejudice, but the sober second thought of the American people, the judgment at which they arrive at last, is likely to be quite infallible. Anyhow, we are their servants and they are our masters.

The irrevocable policy of the American people is to be determined by the American people, not by their uninstructed temporary servants. When they have had time to consider this subject, not when the flags are fluttering and the bands are playing and the troops are marching, but in the calm of their firesides, in the light of debate upon the rostrum, they will render a judgment which must be controlling. If it comports with ours, it will be for those of us who are still here to carry it out. If it does not comport with ours, it will be for those of us who are still here, in my judgment, just the same to carry it out, or to quit and allow them to send agents here who will do their will.

One who is not willing, Mr. President, to rely upon the sober second thought of our people upon this question, and all questions, impeaches the success of republican government. I have no fear that the people who went to war to give liberty to Cuba will in the end arrive at a conclusion which will oppress the Filipinos, or which will violate the Declaration of Independence in the Philippine Archipelago. The ideals upon which this Government is founded are the ideals of the American people. We have not the power to commit them to an unchangeable policy. We have neither right nor reason to doubt that their conclusion will religiously maintain the best ideals of the Republic, and will be in harmony with justice, generosity, and the highest civilization.

Mr. TILLMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from South Carolina will state his question of personal privilege.

Mr. TILLMAN. Under the consent agreement reached by the Senate in regard to the discussion of the treaty it was decided that any Senator who wished to discuss it for the RECORD or for the public should do so before 2 o'clock, with the privilege, if he had not completed his remarks when 2 o'clock arrived, that he should have the right to go on and finish. The Senator from Wisconsin knew this perfectly well, and while I realize and understand that he was anxious not to trespass upon the time of the Senate, and while he has said as an excuse that he was unwell, I submit that the interruption which I made was pertinent and applicable to

the discussion which he was making, and my only object was to prevent misstatements, which I know he was making inadvertently, going to the country under the sanction of the one Senator here who perhaps has as much influence as any other man in this body.

In his anxiety to hurry on he saw proper to use discourteous language to me which he has withdrawn, and I therefore have nothing to say on that point. I know the Senator too well and respect him too highly, and indeed love him in a sense, to feel that he would knowingly or willingly wound the feelings of any of his colleagues.

Mr. SPOONER. If the Senator will permit me, of course I would not wound the Senator's feelings, and I made as prompt and courteous a response—

Mr. TILLMAN. I understand that, and I have not the slightest malice toward the Senator, and his words have left no sting. I am simply doing outside of the limitation what the Senator would not permit me to do at a time so it could go in the body of his speech, and that is to put before the people in the same RECORD which will carry the Senator's speech to the country some statements which will contradict what he has said.

Mr. SPOONER. I am perfectly willing that it shall go into my speech as coming from the Senator. My only—

Mr. TILLMAN. If the Senator will allow these statements to go in the body of his speech at the point where I tried to get them in—

Mr. SPOONER. Certainly.

Mr. TILLMAN. I will be satisfied. The only point with me is that I want to read them right now.

Mr. SPOONER. That is all right.

Mr. TILLMAN. They are very brief and will consume only a minute or two.

Under date of Manila, Philippine Islands, August 29, there appears in this document which accompanied the treaty when sent to us by the President a letter headed "Office of Military Information," and signed by Maj. J. F. Bell, of the Engineer Corps. Major Bell had been in Manila as an agent of this Government, seeking information in regard to the condition there, and under instruction from General Merritt had proceeded in a great many directions in the island of Luzon under safe conduct from Aguinaldo. He speaks of Aguinaldo. The Senator from Wisconsin called me "the Senator from Aguinaldo," and it seems that in one sense I am his representative here, as I am simply trying to prevent him from being misrepresented. Major Bell says that Aguinaldo is—

Honest, sincere, and poor; not well educated, but a natural leader of men, with considerable shrewdness and ability; has the power of creating among the people confidence in himself, and is undoubtedly a very popular man, highly respected by all.

In another part of the same letter he says:

Aguinaldo has in Hongkong about \$300,000 and in Bakor about \$220,000 of public funds.

I presume this money was that which he had received from the Spanish Government, and which he held in trust. He goes on:

He has commissioned an agent to purchase all the nitrate of soda to be found in Manila and a lot more in China and Japan. He has a cartridge factory at Imus capable of working 400 people. He proposes soon to move his headquarters to Malolos, on the railroad north of Manila and only about thirty minutes' ride from the city.

Now, here is what I wish to direct the attention of the Senator from Wisconsin to, if he will do me the honor to listen, and it is the one essential fact which seems to be ignored and forgotten here by those Senators in this body who propose to ratify the treaty and let the consequences follow. Major Bell says:

There is not a particle of doubt but what Aguinaldo and his leaders will resist any attempt of any government to reorganize a colonial government here. They are especially bitter toward the Spaniards, but equally determined not to submit any longer to being a colony of any other government. What they would like best of all would be a Filipino republic with an American protectorate, for none realize their inability more clearly than they to maintain a republic without protection of some stronger power.

In the same letter appears a statement as to the condition of preparation in which those people are for war. The statement is made that they have 40,000 stands of arms. Now, we know this man is an ambitious man, imbued, no doubt, with great and fervid patriotism and also with great self-esteem. He is there with that army of 30,000 or 40,000 men, armed and ready to resist, and his agent in this capital has notified you that he will not submit to being bought and sold, or to his people being bought and sold, like slaves or cattle.

Mr. HOAR. I should like to ask the Senator from South Carolina a question.

Mr. TILLMAN. I shall be glad to answer it, sir, if I can.

Mr. HOAR. Does not Aguinaldo at this moment hold in peace and order fifty times as much of the territory of the Philippine Islands as we do?

Mr. TILLMAN. According to the best information that I can get, sir, he holds the entire Philippine archipelago except a small territory around Cavite and the city of Manila.

All I desire at this time, Mr. President—for I could not under the circumstances attempt, if I were able or willing to undertake it, to answer the able and eloquent sophistries of my friend from Wisconsin—will be to say that coming, not as a "Senator from Aguinaldo," but as a Senator from Africa, if you please, South Carolina, with 750,000 colored population and only 500,000 whites, I realize what you are doing, while you do not; and I would save this country from the injection into it of another race question which can only breed bloodshed and a costly war and the loss of the lives of our brave soldiers. I would save the country the disgrace of having our flag float over a battlefield drenched with the blood of patriots fighting for liberty and self-government shed by American soldiers.

EXECUTIVE SESSION.

Mr. DAVIS. 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 two hours and ten minutes spent in executive session the doors were reopened.

COMMITTEE SERVICE.

Mr. ALLISON. Mr. President, I move that during the remainder of the Fifty-fifth Congress the Committee on Finance be constituted as follows: NELSON W. ALDRICH (chairman), WILLIAM B. ALLISON, ORVILLE H. PLATT, EDWARD O. WOLCOTT, JULIUS C. BURROWS, THOMAS C. PLATT, JOHN P. JONES, GEORGE G. VEST, JAMES K. JONES, STEPHEN M. WHITE, DAVID TURPIE, JOHN W. DANIEL, HORACE CHILTON.

That the Committee on Rules be constituted as follows; one vacancy: JOHN C. SPOONER (chairman), NELSON W. ALDRICH, GEORGE F. HOAR, ARTHUR P. GORMAN, HENRY M. TELLER, SAMUEL PASCO.

That the Committee on Relations with Canada be constituted as follows: MARCUS A. HANNA (chairman), GEORGE F. HOAR, EUGENE HALE, EDWARD MURPHY, JR., JOHN L. MITCHELL, RICHARD F. PETTIGREW, BENJAMIN R. TILLMAN, JOHN P. JONES, WILLIAM N. ROACH.

That Mr. ROSS be assigned to committees as follows: Territories, Engrossed Bills, Additional Accommodations for the Library of Congress, Transportation Routes to the Seaboard, to Examine the Several Branches of the Civil Service.

That Mr. SIMON be assigned to membership upon the Committee on Public Buildings and Grounds.

That Mr. BAKER be assigned to membership upon the Committee on Civil Service and Retrenchment, and be excused from service on the Committee on Engrossed Bills.

That Mr. PLATT of New York be excused from service upon the Committee on Territories.

That Mr. ALDRICH be excused from service upon the Committee on Transportation Routes to the Seaboard.

That Mr. GALLINGER be excused from service on the Committee to Examine the Several Branches of the Civil Service.

The motion was agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 3, 1899, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 2, 1899.

PROMOTIONS IN THE ARMY.

MEDICAL DEPARTMENT.

Capt. Henry P. Birmingham, assistant surgeon, to be surgeon, with the rank of major, December 15, 1898, vice De Witt, promoted.

CORPS OF ENGINEERS.

To be first lieutenants.

Second Lieut. William D. Conner, July 5, 1898, vice Flagler, promoted.

Second Lieut. John C. Oakes, July 5, 1898, vice Harding, promoted.

CAVALRY ARM.

Second Lieut. Alexander M. Davis, Eighth Cavalry, to be first lieutenant, January 20, 1899, vice Slavens, Fourth Cavalry, appointed regimental quartermaster.

INFANTRY ARM.

Lieut. Col. James W. Powell, Fifteenth Infantry, to be colonel, January 16, 1899, vice Wherry, Seventeenth Infantry, appointed brigadier-general.

Maj. Constant Williams, Nineteenth Infantry, to be lieutenant-colonel, January 16, 1899, vice Powell, Fifteenth Infantry, promoted.

Capt. Frederick H. E. Ebstein, Twenty-first Infantry, to be major, January 16, 1899, vice Williams, Nineteenth Infantry, promoted.

First Lieut. Abraham P. Buffington, Thirteenth Infantry, to be captain, January 7, 1899, vice Brant, First Infantry, retired from active service.

Second Lieut. Arthur R. Kerwin, Twenty-fourth Infantry, to be first lieutenant, January 7, 1899, vice Buffington, Thirteenth Infantry, promoted.

Second Lieut. George S. Goodale, Twenty-third Infantry, to be first lieutenant, January 7, 1899, vice Ramsey, Ninth Infantry, appointed regimental quartermaster.

Second Lieut. Benjamin M. Hartshorne, jr., Tenth Infantry, to be first lieutenant, January 7, 1899, vice Heavey, Eleventh Infantry, appointed regimental quartermaster.

APPOINTMENTS IN THE ARMY.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Thomas Jephtha Calvert, of Kentucky, January 30, 1899, vice Birmingham, promoted.

Louis Thales Hess, of Pennsylvania, January 30, 1899, vice an officer to be promoted after examination.

Clarence Beacom Millhoff, of Pennsylvania, January 30, 1899, vice McVay, deceased.

Christopher Clark Collins, of Virginia, January 30, 1899, vice Munday, wholly retired from the service.

THIRD REGIMENT VOLUNTEER ENGINEERS.

Second Lieut. Samuel Dibble, jr., to be first lieutenant, vice Brady, appointed battalion quartermaster.

Sergt. Henry Gordon Strong, Company M, to be second lieutenant, vice Dibble, promoted.

SECOND REGIMENT VOLUNTEER INFANTRY.

To be second lieutenant.

Bradner D. Slaughter, of Nebraska, vice Lobdell, deceased.

SEVENTH REGIMENT VOLUNTEER INFANTRY.

To be first lieutenants.

Sergt. John Fred James, Company A, Third Virginia Volunteers, to fill an original vacancy, July 19, 1898.

William H. Butler, of Missouri, to fill an original vacancy, July 13, 1898.

James G. Horton, of Missouri, to fill an original vacancy, July 26, 1898.

James B. Coleman, of Missouri, to fill an original vacancy, July 26, 1898.

John E. Perry, of Missouri, to fill an original vacancy, July 26, 1898.

Leon Jordan, of Missouri, to fill an original vacancy, July 26, 1898.

Thomas Campbell, of Missouri, to fill an original vacancy, July 26, 1898.

Edward G. McAfee, of Iowa, to fill an original vacancy, July 26, 1898.

James H. Sykes of Arkansas, to fill an original vacancy, July 26, 1898.

William O. Emory, of Arkansas, to fill an original vacancy, July 26, 1898.

Charles H. Morgan, of Missouri, to fill an original vacancy (since honorably discharged), July 26, 1898.

Raphael T. Brown, of Tennessee, to fill an original vacancy (since resigned), July 26, 1898.

To be second lieutenant.

Stephen T. Guy, of Tennessee, to fill an original vacancy (since resigned), July 26, 1898.

SECOND REGIMENT VOLUNTEER CAVALRY.

To be chaplain.

Henry G. Golden, of Wyoming, to fill an original vacancy (since mustered out), June 19, 1898.

THIRD REGIMENT VOLUNTEER ENGINEERS.

To be captains.

Lyle F. Bellinger, of Georgia, to fill an original vacancy, July 13, 1898.

Frank L. Averill, of the District of Columbia, to fill an original vacancy, July 13, 1898.

William B. Thomas, of Georgia, to fill an original vacancy, July 13, 1898.

Carleton W. Sturtevant, of Missouri, to fill an original vacancy, July 13, 1898.

George F. Stickney, of Kentucky, to fill an original vacancy, July 13, 1898.

John Henry Westerfield, of Kentucky, to fill an original vacancy, July 13, 1898.

William J. Hardee, of Louisiana, to fill an original vacancy (since resigned), July 13, 1898.

APPOINTMENTS BY BREVET IN THE ARMY.

To be lieutenant-colonel by brevet.

Maj. Henry H. Humphreys, Twelfth Infantry, for gallantry in battle, El Caney, Cuba, July 1, 1898.

To be captains by brevet.

First Lieut. Mark L. Hersey, Twelfth Infantry, for gallantry in battle, Santiago de Cuba, July 2, 1898.

First Lieut. Frank S. Cochen, Twelfth Infantry, for gallantry in battle, El Caney, Cuba, July 1, 1898.

First Lieut. William G. Elliot, Twelfth Infantry (since deceased), for gallantry in battle, El Caney, Cuba, July 1, 1898.

First Lieut. Frederick S. Wild, Twelfth Infantry, for gallantry in battle, El Caney, Cuba, July 1, 1898.

First Lieut. Edward Taylor, Twelfth Infantry, for gallantry in battle, El Caney, Cuba, July 1, 1898.

First Lieut. William M. Wood, Twelfth Infantry (since deceased), for gallantry in battle, El Caney, Cuba, July 1, 1898.

First Lieut. David J. Baker, jr., Twelfth Infantry, for gallantry in battle, El Caney, Cuba, July 1, 1898.

First Lieut. Robert E. L. Spence, Sixteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

To be first lieutenants by brevet.

Second Lieut. Alfred T. Smith, Twelfth Infantry, for gallantry in battle, El Caney, Cuba, July 1, 1898.

Second Lieut. Fine W. Smith, Twelfth Infantry, for gallantry in battle, El Caney, Cuba, July 1, 1898.

Second Lieut. Glenn H. Davis, Twelfth Infantry, for gallantry in battle, El Caney, Cuba, July 1, 1898.

Second Lieut. Charles Churchman, Twelfth Infantry, for gallantry in battle, El Caney, Cuba, July 1, 1898.

To be brigadier-general by brevet.

Col. Charles A. Wikoff, Twenty-second Infantry (killed in action), for gallantry in battle, Santiago de Cuba, July 1, 1898.

To be lieutenant-colonels by brevet.

Maj. William H. Boyle, Ninth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Maj. Philip H. Ellis, Thirteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Maj. Marshall W. Wood, surgeon, United States Army, for meritorious service in attending wounded under fire, Santiago de Cuba, July 1, 1898.

Capt. John J. O'Connell, First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898. (Nominated for brevet major, to rank from May 12, 1898.)

Capt. Nat P. Phister, First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898. (Nominated for brevet major, to rank from May 12, 1898.)

Maj. Casper H. Conrad, Eighth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898. (Since deceased.)

Maj. Valery Havard, surgeon, United States Army, for meritorious service in attending wounded under fire, Santiago de Cuba, July 1, 1898.

Maj. Leopold O. Parker, Twenty-second Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

To be majors by brevet.

Capt. John B. Guthrie, Thirteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Capt. Harry G. Cavanaugh, Thirteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Capt. James Fornance, Thirteenth Infantry (since deceased), for gallantry in battle, Santiago de Cuba, July 1, 1898.

Capt. James B. Goe, Thirteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Capt. Benjamin H. Gilman, Thirteenth Infantry (since deceased), for meritorious service in presence of the enemy, Santiago de Cuba, July 2, 1898.

Capt. Nat P. Phister, First Infantry, for gallantry in action at Point Arbolitus, Cuba, May 12, 1898.

Capt. John J. O'Connell, First Infantry, for gallantry in action at Point Arbolitus, Cuba, May 12, 1898.

Capt. Charles M. Gandy, assistant surgeon, United States Army, for meritorious service in presence of the enemy, Point Arbolitus, Cuba, May 12, 1898.

Capt. Charles B. Vogdes, First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

First Lieut. Francis E. Lacey, jr., First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1,

1898. (Nominated for brevet captain, to rank from May 12, 1898.)

First Lieut. William M. Crofton, First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898. (Nominated for brevet captain, to rank from May 12, 1898.)

Capt. Thomas C. Woodbury, Sixteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Capt. Samuel R. Whittall, Sixteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Capt. Rudolph G. Ebert, assistant surgeon, United States Army, for meritorious service in attending wounded under fire, Santiago de Cuba, July 1, 1898.

Capt. John Drum, Tenth Infantry (killed in action), for gallantry in battle, Santiago de Cuba, July 1, 1898.

Capt. Walter M. Dickinson, Seventeenth Infantry (since deceased), for gallantry in battle, Santiago de Cuba, July 1, 1898.

To be captains by brevet.

First Lieut. Peter C. Harris, Thirteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

First Lieut. Munroe McFarland, Thirteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

First Lieut. Henry T. Ferguson, Thirteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

First Lieut. William A. Sater, Eighteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

First Lieut. John W. Heard, Third Cavalry, for gallantry in action at Pinar del Rio, Cuba, July 23, 1898.

First Lieut. Guy C. M. Godfrey, assistant surgeon, United States Army, for meritorious service in attending wounded under fire, Santiago de Cuba, July 1, 1898.

First Lieut. Francis E. Lacey, jr., First Infantry, for gallantry in action at Point Arbolitus, Cuba, May 12, 1898.

First Lieut. Everett E. Benjamin, First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

First Lieut. George A. Detchmندی, First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

First Lieut. Hiram McL. Powell, First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

First Lieut. William M. Crofton, First Infantry, for gallantry in action at Point Arbolitus, Cuba, May 12, 1898.

First Lieut. Amos H. Martin, First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

First Lieut. Dana W. Kilburn, Third Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

First Lieut. Dwight E. Holley, Fourth Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

First Lieut. Charles S. Farnsworth, Seventh Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

First Lieut. Thomas J. Kirkpatrick, assistant surgeon, United States Army, for meritorious service in attending wounded under fire, Santiago de Cuba, July 1, 1898.

First Lieut. Charles L. Bent, Seventh Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

To be first lieutenants by brevet.

Second Lieut. Louis H. Bash, Thirteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Second Lieut. Dennis E. Nolan, First Infantry, for gallantry in action at Point Arbolitus, Cuba, May 12, 1898.

Second Lieut. James N. Pickering, First Infantry, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

Second Lieut. Edgar Ridenour, Sixteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Second Lieut. Dwight E. Aultman, Second Artillery, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Second Lieut. Walter C. Short, Sixth Cavalry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

Second Lieut. Harvey W. Miller, Thirteenth Infantry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

APPOINTMENTS BY BREVET IN THE VOLUNTEER ARMY.

To be lieutenant-colonels by brevet.

Maj. Richard W. Johnson, brigade surgeon, United States Volunteers, for meritorious service in attending wounded under fire, Santiago de Cuba, July 1, 1898.

Maj. William C. Daniels, assistant adjutant-general, United States Volunteers, for meritorious service in presence of the enemy, Santiago de Cuba, July 10, 1898.

Maj. Joseph E. Maxfield, United States Volunteer Signal Corps, for meritorious service in presence of the enemy, Santiago de Cuba, July 1, 1898.

To be majors by brevet.

First Lieut. George B. Wilcox, First Volunteer Cavalry, for gallantry in battle, Santiago de Cuba, July 1, 1898. (Nominated for brevet captain, to rank from June 24, 1898.)

Capt. Robert H. Huston, First Volunteer Cavalry, for gallantry in battle, Santiago de Cuba, July 1, 1898.

First Lieut. Joseph A. Carr, First Volunteer Cavalry, for gallantry in battle, Santiago de Cuba, July 1, 1898. (Nominated for brevet captain, to rank from June 24, 1898.)

Capt. George S. Cartwright, assistant quartermaster, United States Volunteers, for gallantry in battle, Santiago de Cuba, July 1, 1898.

To be captain by brevet.

First Lieut. George B. Wilcox, First Volunteer Cavalry, for gallantry in battle, La Guasima, Cuba, June 24, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1899.

CONSUL.

Elias H. Cheney, of New Hampshire, to be consul of the United States at Curaçao, West Indies.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be chief surgeons with the rank of major.

Maj. John L. Phillips, brigade surgeon, United States Volunteers.

Maj. Jefferson R. Kean, brigade surgeon, United States Volunteers.

Maj. Paul Clendenin, brigade surgeon, United States Volunteers.

To be brigade surgeon with the rank of major.

Capt. Julian M. Cabell, United States Army, retired.
Frederick J. Combe, acting assistant surgeon, United States Army.

Ninth Regiment, Volunteer Infantry.

First Lieut. James Mitchell, assistant surgeon, to be surgeon with the rank of major.

APPOINTMENT IN THE ARMY.

INFANTRY ARM.

James S. Young, jr., of Pennsylvania, to be second lieutenant.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be captains.

First Lieut. Benjamin M. Purcell, Nineteenth Infantry, August 23, 1898.

First Lieut. Fielder M. M. Beall, Eighteenth Infantry, August 30, 1898.

First Lieut. Maury Nichols, Seventh Infantry, September 8, 1898.

First Lieut. Zebulon B. Vance, quartermaster, Eleventh Infantry, September 8, 1898.

First Lieut. Joseph P. O'Neil, Twenty-fifth Infantry, September 16, 1898.

First Lieut. Wendell L. Simpson, Fourteenth Infantry, September 17, 1898.

First Lieut. Frederick L. Palmer, Twenty-first Infantry, September 17, 1898.

First Lieut. Clarence E. Dentler, Eleventh Infantry, September 21, 1898.

First Lieut. James K. Thompson, Twenty-third Infantry, September 28, 1898.

First Lieut. Henry D. Styer, Thirteenth Infantry, October 4, 1898.

First Lieut. Waldo E. Ayer, Twelfth Infantry, October 5, 1898.

First Lieut. Robert H. Noble, First Infantry, October 12, 1898.

First Lieut. Benjamin C. Morse, Twenty-third Infantry, November 1, 1898.

First Lieut. John P. Finley, quartermaster, Ninth Infantry, November 1, 1898.

First Lieut. Frederick R. Day, quartermaster, Twentieth Infantry, November 1, 1898.

First Lieut. Carl Reichmann, Ninth Infantry, December 13, 1898.

First Lieut. Alfred S. Frost, Twenty-fifth Infantry, December 14, 1898.

First Lieut. George W. Ruthers, Eighth Infantry, December 15, 1898.

First Lieut. Leon S. Roudiez, First Infantry, December 20, 1898.

First Lieut. William C. Wren, Seventeenth Infantry, December 23, 1898.

To be first lieutenants.

Second Lieut. Walter S. McBroom, Eighteenth Infantry, July 12, 1898.
 Second Lieut. David S. Stanley, Twenty-second Infantry, July 23, 1898.
 Second Lieut. Benjamin T. Simmons, Sixteenth Infantry, July 26, 1898.
 Second Lieut. Girard Sturtevant, Twenty-fifth Infantry, July 30, 1898.
 Second Lieut. Louis H. Bash, Thirteenth Infantry, August 4, 1898.
 Second Lieut. Anton Springer, Twenty-first Infantry, August 6, 1898.
 Second Lieut. Frank B. Watson, Nineteenth Infantry, August 7, 1898.
 Second Lieut. Oscar J. Charles, Tenth Infantry, August 8, 1898.
 Second Lieut. Thomas A. Pearce, Seventh Infantry, August 11, 1898.
 Second Lieut. Lawrence B. Simonds, Eighth Infantry, August 11, 1898.
 Second Lieut. Robert H. Allen, Fourteenth Infantry, August 11, 1898.
 Second Lieut. Dwight W. Ryther, Sixth Infantry, August 11, 1898.
 Second Lieut. William F. Creary, Second Infantry, August 12, 1898.
 Second Lieut. Edward T. Hartmann, Fifteenth Infantry, August 15, 1898.
 Second Lieut. Howard W. French, Twenty-fifth Infantry, August 15, 1898.
 Second Lieut. Frederick B. Shaw, Fifth Infantry, August 22, 1898.
 Second Lieut. William B. Cochran, Twenty-fifth Infantry, August 30, 1898.
 Second Lieut. Harry F. Rethers, Ninth Infantry, September 8, 1898.
 Second Lieut. Alga P. Berry, Tenth Infantry, September 16, 1898.
 Second Lieut. Haydon Y. Grubbs, Eighteenth Infantry, September 16, 1898.
 Second Lieut. Celwyn E. Hampton, Twenty-third Infantry, September 17, 1898.
 Second Lieut. Herschel Tupes, Fifteenth Infantry, September 17, 1898.
 Second Lieut. George H. Shelton, Eleventh Infantry, September 18, 1898.
 Second Lieut. Isaac Newell, Twenty-second Infantry, September 21, 1898.
 Second Lieut. Robert M. Brookfield, Second Infantry, September 28, 1898.
 Second Lieut. Frank H. Whitman, Second Infantry, October 4, 1898.
 Second Lieut. Clarence N. Purdy, Sixth Infantry, October 5, 1898.
 Second Lieut. Merch B. Stewart, Eighth Infantry, October 12, 1898.
 Second Lieut. Frederick W. Lewis, Twenty-second Infantry, November 1, 1898.
 Second Lieut. Charles E. Russell, Seventh Infantry, December 13, 1898.
 Second Lieut. Dennis E. Nolan, First Infantry, December 14, 1898.
 Second Lieut. James N. Pickering, First Infantry, December 15, 1898.
 Second Lieut. William A. Burnside, Fourteenth Infantry, December 15, 1898.
 Second Lieut. Reynolds J. Burt, Twenty-fifth Infantry, December 20, 1898.
 Second Lieut. Russell C. Langdon, Eighth Infantry, December 20, 1898.
 Second Lieut. Harry H. Tebbetts, Tenth Infantry, December 23, 1898.
 Second Lieut. Houston V. Evans, Sixth Infantry, December 28, 1898.

PROMOTIONS IN THE NAVY.

Lieut. Martin E. Hall, to be a lieutenant-commander in the Navy, from the 25th day of December, 1898.
 Lieut. (Junior Grade) Theodore C. Fenton, to be a lieutenant in the Navy, from the 25th day of December, 1898.
 Ensign Louis A. Kaiser, to be a lieutenant (junior grade) in the Navy, from the 25th day of December, 1898.

POSTMASTERS.

John H. Cook, to be postmaster at Ellisville, in the county of Jones and State of Mississippi.
 Jesse C. Wilson, to be postmaster at Bessemer, in the county of Jefferson and State of Alabama.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 2, 1899.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

JULIUS A. KAISER.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1579) for the relief of Julius A. Kaiser.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Julius A. Kaiser upon the retired list of the Navy, in the grade of passed assistant engineer, as of the date he was entitled by law or navy regulations to examination for promotion from assistant engineer to said grade.

Mr. BAILEY. This is a bill to retire a man who is not now in the service, is it?

Mr. BUTLER. Will the gentleman withhold his statement until he hears the statement of facts?

Mr. BAILEY. Reserving the right to object, I will. The first question, however, I wish to ask is, Is this a proposition to retire a man not now in the service?

Mr. BUTLER. No; he is now on the retired list.

Mr. BAILEY. And this is a proposition to promote him?

Mr. BUTLER. It is.

Mr. BAILEY. Then I object.

Mr. LOUDENSLAGER. Will the gentleman waive his objection until he hears a statement of facts?

Mr. BAILEY. Out of courtesy to gentlemen I will, but nothing you can say will change my opinion.

Mr. LOUDENSLAGER. The man was in the Asiatic Squadron, and was injured, and was unable to be examined.

Mr. BAILEY. Then give him a pension. If he was injured in the service I am willing to give him a pension.

Mr. BUTLER. Do I understand that no facts that can be stated will induce the gentleman from Texas to change his objection?

Mr. BAILEY. Absolutely none to promote a retired officer.

The SPEAKER. Objection is made.

CITY OF ALBUQUERQUE, N. MEX.

Mr. FERGUSSON. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 8694) to enable the city of Albuquerque, N. Mex., to create certain indebtedness, and for other purposes.

The Clerk proceeded with the reading of the bill.

Mr. BUTLER. Mr. Speaker, I object.

The SPEAKER. Objection is made.

SAMUEL RACEY.

Mr. CLARK of Iowa. I ask unanimous consent that the bill (H. R. 6718) for the relief of Samuel Racey be taken from the Speaker's table in order that the amendments of the Senate may be concurred in.

There being no objection, the Senate amendments were read, and concurred in.

WIDENING OF NINETEENTH STREET NORTHWEST, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 11605) for the widening of Nineteenth street NW.

The amendment of the Senate was read, as follows:

After the word "highway," in line 9, page 3, insert—

"When the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the opening of said avenue, but such benefits shall be considered in determining what assessment shall be made on or against that part of such lot as is not taken, as is hereinbefore provided."

Mr. CURTIS of Iowa. I move that the House nonconcur in the amendment of the Senate and ask a conference.

Mr. DOCKERY. Pending that motion, will the gentleman allow an inquiry? What is the essential change made by the Senate amendment?

Mr. CURTIS of Iowa. My colleague on the committee, the gentleman from Tennessee [Mr. RICHARDSON], can, I presume, explain the matter better than I can.

Mr. RICHARDSON. I have not had time to examine this amendment. I am in favor of nonconcurring in it, in order that it may be examined. It appears to be a very material amendment, and I am not willing it should be concurred in until it has been at least examined.

Mr. DOCKERY. Nor am I willing it should be concurred in without examination or explanation. It occurs to me that the committee should examine it before asking the House to nonconcur, because we know it frequently happens that when bills go

into conference differences are compromised, and when the question comes back to the House we have to vote on the conference report as a whole. I hope the committee will at least do the House the honor of examining the Senate amendment before asking us to take any action upon it. It seems to me that it is a change of the whole theory of assessing damages in such cases.

Mr. RICHARDSON. I will ask to have the Senate amendment read again, if there be no objection. I did not distinctly catch its purport on the first reading.

The amendment was again read.

Mr. DOCKERY. Mr. Speaker, that amendment, it seems to me, involves a very radical departure, and I hope the committee will at least give the House the benefit of their judgment before asking us to nonconcur.

Mr. RICHARDSON. So far as I am concerned, I will not interpose any objection to that request.

Mr. DOCKERY. I ask unanimous consent that the matter lie on the Speaker's table for the present.

Mr. RICHARDSON. It can go to the committee, if the gentleman prefers it.

Mr. DOCKERY. No; I do not ask that. Let it lie on the Speaker's table until the committee can examine it.

Mr. CURTIS of Iowa. There is no objection to that whatever.

The SPEAKER. Without objection, the bill and amendment will lie on the Speaker's table.

VENEZUELAN CADET AT WEST POINT.

The SPEAKER also laid before the House the amendments of the Senate to the joint resolution (H. Res. 344) granting authority to the Republic of Venezuela to send a cadet to the West Point Military Academy.

The amendments were read, and concurred in.

GEN. JOHN R. BROOKE.

Mr. SHAFROTH. I ask unanimous consent for the present consideration of the bill (H. R. 7860) to amend an act entitled "An act for the relief of Brig. Gen. John R. Brooke, United States Army," approved March 30, 1894.

The bill was read, as follows:

Whereas the legal representatives of John Smith failed to accept the provisions of an act entitled "An act for the relief of Brig. Gen. John R. Brooke, United States Army," approved March 30, 1894, within three months from the passage thereof, for the reason that neither the legal representatives nor the heirs of said John Smith had notice or knowledge of the passage of said act, and were first informed thereof during the month of February, 1897: Therefore

Be it enacted, etc., That an act entitled "An act for the relief of Brig. Gen. John R. Brooke, United States Army," approved March 30, 1894, be, and the same is hereby, amended to read as follows:

"That the Secretary of the Treasury of the United States be authorized and directed to pay to the legal representatives of John Smith, late of New Mexico, the sum of \$1,000, being in full satisfaction of the judgment obtained by said John Smith in the district court of the First judicial district of the Territory of New Mexico, at the August term, 1869, against Lieut. Col. John R. Brooke, Third Infantry, United States Army, now brigadier-general, United States Army, for alleged trespass and false imprisonment: *Provided,* That the provisions of this act shall be accepted by the legal representatives of said John Smith as a settlement in full of all claims against John R. Brooke, of the United States Army, within three months from the passage thereof. And the said sum of \$1,000 is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, to be paid and received in full discharge and satisfaction of all claims arising out of said judgment."

Mr. SHAFROTH. Mr. Speaker, I wish to make a brief statement concerning the facts connected with this bill.

In 1869 Major-General Brooke, who is now in Cuba, was a lieutenant-colonel, located in New Mexico. While there he ordered the arrest of two persons, citizens of that Territory, for violation of the rules of the Army concerning the selling of liquor. Those persons were arrested and placed in the guardhouse, but were afterwards released without any prosecution having been had against them. They each sued General Brooke for \$10,000 damages for false imprisonment. He turned the matter over to the War Department that it might conduct his defense.

An appearance was made in the case and a demurrer filed. But afterwards the attorney for the United States died, and the result was that when the case was called for trial no one appeared in behalf of the Government, and a judgment was taken against General Brooke for \$10,000 damages in favor of each of the plaintiffs. Those judgments have been in force in the Territory of New Mexico; but General Brooke has not been stationed there since. In 1894 Congress passed a bill relieving General Brooke from those two judgments. One of the parties drew the money under the bill for the relief of General Brooke, granting to each of them \$1,000. But the other of the plaintiffs had died in the meantime, and his heirs did not know of the passage of the act of Congress, which limited the time within which the parties could draw the money from the Government to three months.

Some time after the three months' limitation had expired they applied for the money, but the War Department held that this limit fixed by the law having expired, they were not entitled to the money unless Congress should see proper to extend the time.

This bill simply extends the time so that the heirs of John Smith may be enabled to claim the \$1,000 within three months

from the passage of this act and satisfy the judgment against Lieutenant-Colonel Brooke.

This, Mr. Speaker, is identically the same bill as that passed in 1894, except that its provisions are limited to the heirs of John Smith. But, as I have already stated, it failed as to John Smith because of the fact that the claimant did not know of the existence of the act or of the limit fixed in the law, and did not make application for the money in time.

I might state in this connection that General Brooke is anxious that the judgment should be wiped out. He feels that it might be presented against his estate and embarrass the settlement of the same after his death.

Mr. HOPKINS. Let me ask the gentleman what there is in this proceeding to wipe out a judgment in a matter of this kind in New Mexico?

Mr. SHAFROTH. This bill authorizes the payment of \$1,000 in satisfaction of the judgment, and unless the judgment is satisfied the money can not be paid.

Mr. HOPKINS. So that these parties would be required to satisfy the judgment against the estate and settle the matter in that way?

Mr. SHAFROTH. Yes; precisely.

And the judgment, let me say, in behalf of Andrew Cameron, the other party who was arrested, has been already satisfied by the acceptance of the same amount from the Government by Cameron.

Mr. HULL. Mr. Speaker, this is a bill for the settlement of a suit against an officer of the Government who is not at all to blame and should not be held responsible for the claim. He was ordered away before the matter was determined, and had no opportunity of making the defense that he could have made.

A civil suit was brought against him and nobody appeared for him, and judgment was therefore rendered by default. It never should have been rendered and could not and ought not to be collected. But it stands against him and against his estate, and the object of this bill is to wipe out this judgment and free the estate from the claim.

Mr. SHAFROTH. That is correct; that is the case as it stands now.

Mr. HULL (continuing). And the heirs are willing to take the thousand dollars and satisfy the judgment. I think the act should be passed by Congress.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. SHAFROTH. Mr. Speaker, since the introduction of the bill General Brooke has been promoted from brigadier-general to a major-general, and an amendment ought to be made, so that the bill may be made to conform to his present rank.

Mr. BAILEY. I suggest, if the gentleman will allow me, that if the rank of General Brooke appears in the papers at all he will appear as brigadier-general, and perhaps it is better to let the bill conform to the judgment.

Mr. HOPKINS. The bill recites the fact that General Brooke was a lieutenant-colonel at the time the judgment was entered against him, and being only a colonel at the time the judgment was rendered, the bill should conform to the facts as they then existed.

Mr. SHAFROTH. That is correct. The fact that he was a lieutenant-colonel at the time the judgment was rendered is recited in the bill.

Mr. HOPKINS. And the subsequent promotion would not affect the judgment.

Mr. SHAFROTH. Not at all; and the only purpose of the amendment is to make the bill conform to his present rank.

The SPEAKER. The amendment proposed by the gentleman will be read.

The Clerk read as follows:

On page 2, line 9, before the word "general" strike out the word "brigadier" and insert the word "major."

The amendment was agreed to.

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

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

ST. LOUIS, OKLAHOMA AND SOUTHERN RAILWAY COMPANY.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4070) to amend an act granting to the St. Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory and Oklahoma Territory, and for other purposes.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the act granting to the St. Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory

and Oklahoma Territory, and for other purposes, which took effect on March 23, 1893, be, and the same is hereby, amended as follows:

"The time for completing the survey of the entire line of said road and filing a map of the same with the Secretary of the Interior and constructing the first 50 miles, and the completion of the remaining sections thereof, shall be, and is hereby, extended two years from the dates specified in said act."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and was ordered to a third reading; and it was accordingly read the third time, and passed.

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

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Improving Upper White River, Arkansas: For the construction of Lock and Dam No. 1, on Upper White River, above Batesville, according to the project, plans, and specifications reported and recommended by Capt. William L. Sibert, in House Document No. 73, Fifty-fourth Congress, second session, to complete said lock and dam, \$100,000.

Mr. BURTON. Mr. Chairman, there is an amendment to that section of the bill, which I now send to the desk.

The Clerk read as follows:

Amend on page 54, in line 5, after the word "river," by striking out the word "above" and inserting the words "at or near."

Mr. BURTON. I am informed that there is some little question as to the exact limits of the town of Batesville, and that the amendment will make the provision more specific.

The amendment was considered, and agreed to.

The Clerk read as follows:

Improving French Broad and Little Pigeon rivers, Tennessee: Continuing improvement, \$5,000.

Mr. GIBSON. In line 14, page 55, I move to strike out the word "five" and insert in lieu thereof the word "ten;" so that \$10,000 may be appropriated to the improvement of the French Broad and Little Pigeon, instead of \$5,000.

In support of my motion, I wish to state that \$10,000 is the amount recommended by the War Department as the sum that can profitably be expended in the year for which the bill makes appropriation.

This river, the French Broad, in connection with the Little Pigeon, is one of the most important rivers in the State of Tennessee for its length. It runs through a section of country that has no railroad, but is extremely fertile.

According to the report of the Engineer Department, the value of the freight on that river in the year 1897, carried on steamboats and barges, was \$617,255.80, and I think that the amount now carried on that river in a year aggregates over a million dollars in value. There are a few shoals that need deepening. The Government has gone to the expense of providing a plant, a steamboat with dredges and barges, and men who are specially fitted to do this work. The Engineer Department has recommended the sum of \$10,000 for the further improvement of this river. This improvement is of very great value to my people, and I hope that the committee will agree with me in increasing this amount from \$5,000 to \$10,000, and thus enable my people to have a river that can be navigated by steamboats all the year round.

Mr. BURTON. Mr. Chairman, this is of a piece with all the requests that we have had. The committee pay close attention to the recommendations of the War Department in these appropriations, but we have more to do than merely to act as clerks and write down in the bill what they recommended. We had to take into account all the projects, aggregating \$15,580,000 for the next year, and numerous others besides. It was necessary to make a cut on an average of about one-third, and in some cases a little more. I take it this river, the French Broad, is now on the map, and after the remarks of the gentleman from Tennessee about it, that it will receive consideration in the future and be properly cared for. I have no doubt it is important, but there is nothing exceptional in this case at all.

The amendment of Mr. GIBSON was rejected.

The Clerk read as follows:

Improving Tennessee River between Chattanooga and Riverton, \$35,000; of which amount so much as may be necessary shall be applied in the survey of that portion between Bridgeport and Decatur and a resurvey of the remaining portions of said river between the points named: *Provided*, That so much as may be necessary may be used for a survey of the Clinch and French Broad rivers.

Mr. MOON. Mr. Chairman, in pursuance of the notice of amend-

ments to this section, I desire to offer two amendments, the first of which I send to the Clerk's desk to be read.

The Clerk read as follows:

Insert in line 23, page 55, after the word "named," the following: "And in making plans and estimates for the construction of locks and dams and other work between Chattanooga and Shellmound to make navigation easy and safe through that portion of the river commonly called 'the Suck,' or mountain section;" also estimates of the cost of the construction of a canal across Moccasin Bend, below Chattanooga, if in the opinion of the engineers such canal be deemed necessary."

Mr. MOON. Mr. Chairman, this is merely a direction to the engineer force, which the corps desired to have come from Congress, for the preparation of the plan and the making of estimates. I deem it to be unnecessary for me to discuss the necessity of the same since the Committee on Rivers and Harbors have agreed, with a slight amendment, to adopt this as the amendment of the committee or offer a similar amendment as a substitute.

Mr. BURTON. Mr. Chairman, the phraseology of that amendment does not seem exactly in accordance with that used in other portions of the bill, and I have a substitute which I think the gentleman from Tennessee will find to fully satisfy his wish in that matter. I take it the Corps of Engineers, in making the survey, would at any rate make the investigation called for, but I see no objection to giving specific direction that they may do so. I send the committee substitute to the Clerk's desk.

The Clerk read as follows:

Insert, in line 22, page 55, after the word "named," the following: "And in making the survey between Chattanooga and Shellmounds, through that portion of the river commonly called the 'Suck,' an examination shall be made with a view to the construction of locks and dams suitable for convenient and safe navigation. Also, if on examination it shall be thought desirable, an estimate shall be made of the cost of constructing a canal across Moccasin Bend, below Chattanooga."

Mr. MOON. Mr. Chairman, the substitute covers the whole question, and is entirely satisfactory to us.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. MOON. I withdraw the amendment and ask for the passage of the substitute.

The amendment of Mr. BURTON was agreed to.

Mr. MOON. Now, Mr. Chairman, I offer as an amendment to this section as amended the following:

Strike out the word "thirty-five," in line 18, and insert "one hundred;" so that it will read, "one hundred thousand dollars."

The amendment was read by the Clerk.

Mr. MOON. Mr. Chairman, I regret that I have not on this amendment the hearty approval and consent of the chairman of the Committee on Rivers and Harbors. There is but little that I desire to add to the remarks made in the few moments I had in the general debate upon this particular subject. The necessity for the increase is altogether apparent from the correspondence between the committee and the Engineer Corps.

It will be remembered that the committee, in making their estimates for the improvement of the Tennessee River, followed as far as possible the direction of the engineers. It is true they did not give the amount requested by the engineers, but they cut down the appropriations on each of the subdivisions of the river improvements in proportion; that is, that part of the river between Knoxville and Chattanooga the estimate of the engineer was reduced to meet the necessities of the Government; the committee not being willing to appropriate the full amount for that section, the engineer expressed a willingness to submit to the amount indicated by the committee.

Between Riverton and the mouth of the river the appropriation was not what the engineer desired. The committee, in the spirit of economy, cut it down in proportion to the other appropriations. The engineers thought that just. The committee declined to give any appropriation for the shoals, in view of the statement of the engineers. No complaint was made of that. But they appropriate only \$35,000 for surveys and improvement of the river between Chattanooga and Riverton, a distance of 226 miles. Now, the improvements there needed would cost \$3,000,000. It is perfectly apparent, then, that this appropriation was intended merely to keep the work moving, not to effect any permanent good in that section by way of improvements.

Now, why should the engineers' advice not be taken in that section of the river and be taken on the other portion of the river? The engineers inform us that the Government has upon this section and work a plant, machinery, forces of men, and an engineer corps all collected that it is absolutely necessary to keep together, and that the appropriation of \$35,000 is not sufficient to protect the Government property or the interest of the work already begun in that section. They ask \$300,000 for this purpose. The use of \$100,000 is absolutely necessary to protect the Government interests and not lose the benefit in part of what has been done, and so as not to scatter the force and cause a destruction of the machinery belonging to the Government.

Not having made a full appropriation—the increase to \$100,000—the item of \$35,000 is necessary and recommended by the engineer

force. For protecting the work already done, keeping together the force, and protecting the public interests this increase is desired. The committee in considering this question refused the appropriation between the points mentioned because of the statement that new plans and specifications were necessary at the shoals. We are asking nothing for the shoals. We concur that if a million dollars could be saved at that point, it ought to be done, by delay and new plans; but the committee reached the conclusion from this statement of the engineer that it was necessary to keep the work going between Riverton and Chattanooga, which conclusion was clearly erroneous. The correspondence with the engineer subsequent to that misconception of his position by the committee is before the House. I hope that the chairman of the committee and the House, for the purpose of protecting the public interests in that section, will vote for the amendment.

Mr. GROSVENOR. Mr. Chairman, I would not occupy the attention of the committee but for the fact that during the confusion, which has been so great, the gentleman from Tennessee was not heard on this side of the House. This is a matter with which I am somewhat familiar. It will be remembered that in the course of general debate it was explained by the gentleman from Tennessee [Mr. MOON] that the committee had refused an appropriation for the improvement of Colbert Shoals on the Tennessee River, because of a suggestion from the engineer that he could improve the plans so as to make a great saving. I have in my hand a letter of the engineer, in which he says, very briefly, he very much regrets that he made that suggestion, because he says that even \$250,000 would have been appropriately and economically expended on that work during the current year even though the change in plan should have been made.

Now, the fact about it is that we have expended a vast amount of money on the Tennessee River, and not a dollar too much. It is a mighty channel of commerce with its enormous tributaries, and the country at large scarcely understands the value and importance of that river. Contracts could be made to-day for the transportation of iron from the Tennessee River to the markets of Europe, where it is now going in large quantities, for 75 cents a ton cheaper than it is now being transported if the work on the Tennessee River was completed. Well, in its wisdom—and I do not combat the propriety of it—the committee have declined to prosecute that work, although we took out one enormous shoal, Muscle Shoals, leaving a block of obstruction in the river and rendering the work on which we have spent so much money comparatively valueless.

Now, here is an appropriation of \$35,000 only which is to be used from Chattanooga to Riverton; and then such an amount out of that \$35,000 as may be necessary to make new surveys between Bridgeport and Decatur; and then a provision that so much as necessary may be used for the survey of Clinch and French Broad rivers. Now, by the time these surveys are made I do not suppose that any man will hope that there would be one dollar left for the general purpose of repairs to the present works, which are very valuable, and for the prosecution of the same. Therefore, it seems to me, although I do not like to support an amendment to this bill, that the \$35,000 is totally inadequate for the purpose intended.

Mr. BURTON. Mr. Chairman, I could not hear, unfortunately, all that was said by the gentleman from Tennessee [Mr. MOON], but I take it that he desires that the \$35,000 should be raised to \$100,000 in order to keep the skilled force at work. In other words, the Government should appropriate \$100,000 to keep a set of laborers going and keep them at work until we decide what to do. Now, this is the situation. The amount required for the completion of the proposed improvement there is \$5,362,939, as estimated. The engineer in charge came before the committee and stated that he was satisfied it would cost some \$1,130,000 more than that, making \$6,500,000 for the improvement. But he also stated that at one place he thought a change could be made from parallel locks and dams to two dams in the river, which would save a million or more. I say, Mr. Chairman, it would be criminal extravagance for this House to make an appropriation looking toward the completion of that improvement costing \$5,500,000 until we know more about it.

Mr. MOON. Will the gentleman permit an interruption?

Mr. BURTON. Certainly.

Mr. MOON. I regret, Mr. Chairman, that the gentleman was unable to hear fully what I had to say. I fully agree with the committee in their position not to appropriate now a million of dollars. The only point I make for the amendment is this: The committee has followed the advice of the engineers on other divisions of the river, and has made this report upon it. Now, the engineer says that the appropriation of \$35,000 for this division of the river is not sufficient to protect the public property and interests there. The increase in the appropriation is not intended to benefit the river so much by the continuance of the improvement, for that will take a million dollars or more, as to protect work done and public property. I call the gentleman's attention to this section

of a letter which the committee received from the engineer. I will read the whole section if the gentleman will give me the time.

Mr. BURTON. I will; but perhaps I shall desire some extension of time.

Mr. MOON. I will read it.

We do not need any time and we do not need any money for making a survey at Colbert Shoals. We can go forward with the old improvement if Congress thinks best to adhere to it, or we can change to the new plan and proceed with the work as soon as the money is available.

If Congress should see fit to authorize the Secretary of War to continue the improvement by a lateral canal or by locks and dams, whichever plan was the most economical and best, then the matter would have ample consideration and no time need be lost; but if Congress thinks that it is necessary to suspend judgment upon the matter for a year, we might still expend at least \$100,000 most economically and advantageously in quarrying, cutting, and preparing the stone which will be needed in either case for the construction of the lock. This will enable us to take care of the expensive machinery and other plant which we have assembled for this work and to hold together our skilled force of engineers, mechanics, and laborers, which we have collected after much trouble and expense and which will be scattered and lost if we are unable to give them any employment for a year.

Now, it was upon that statement of the engineer that we insist that the committee has been in error and hope it will put itself right.

Mr. BURTON. Mr. Chairman, I want to say that the committee fully understood that situation and considered it carefully, and regarded \$65,000 or \$100,000 too high a price for keeping together the skilled mechanics and other workmen in anticipation of something we may do in the future. To do so would be a virtual commitment of the Government to the expenditure of \$6,500,000 when we are uncertain where we shall land, and I think the House ought to support the Committee on Rivers and Harbors in this position.

Now, in regard to my colleague from Ohio [Mr. GROSVENOR], he is in error in regard to there being no provision for the maintenance of these canals. These come under the act of 1884 and are provided for without appropriation. At the Muscle Shoals the locks and canals carried 5,119 tons of freight last year, worth \$88,000, and it cost the Government \$38,000, paid out of the Treasury under the act of 1884, to maintain these public works and keep them in repair. I do not think it can be said that we have not been generous to this section of the Tennessee River. I want to call attention to the fact that the appropriation in 1896 was only \$50,000 for the river from Chattanooga to the mouth, and this year we are appropriating \$135,000.

Mr. MOON. May I ask the gentleman if the fact that the Fifty-fourth Congress did a great error and injustice to the people of that section authorizes this Congress to pursue that course?

Mr. BURTON. Of course that does not govern our action, but I wish to say, and I think the House will understand it, that the Fifty-fourth Congress had a much clearer way in making appropriations for rivers and harbors, for we have thirty millions of deferred contracts on continuing-contract work which must hereafter be appropriated for. They could be much more generous; and when we equal their appropriations for this work, I think we have done our full duty. The substance of the whole matter is, here is an improvement proposed at an enormous expense, and we can not afford to go ahead and commit ourselves to it until we know more of the situation. As I stated yesterday, surveys have been made under the supervision of three different officers, and we do not know where we are. We want one plan perfected by one engineer.

Mr. GROSVENOR. Mr. Chairman, I will not go any further with the main argument of the proposition, but I will point out to the gentleman from Ohio, the chairman of the committee [Mr. BURTON], why it is that the Tennessee River has borne so small a proportion of traffic. I read from the official report of the engineer. He states:

The question of completing the Colbert Shoals Canal is one of money only, and Major Kingman in his official report states that the work can be done in two years or less time if the money required is forthcoming. The immense work which the Government has done on the Tennessee River at a cost of some \$5,000,000 is of no practical value until the work on the Colbert Shoals is completed. The Tennessee River improvement is a question of greater importance than any other river and harbor work, except that of the Mississippi and Ohio. The bed of the Tennessee River is composed of rock and other hard substance, so as to be free from drifting sand bars.

All the work is firm and lasting, which is not the case with many of the other rivers upon which large expenditures have been and are being made. At the Muscle Shoals, some 25 miles above Colbert Shoals, the river falls 85 feet in a distance of 16 miles. This is passed by one canal of two locks and another of nine locks. This work is already complete, but is of no use unless the work below is also completed, so that boats can pass the obstruction known as Colbert Shoals. One lock is already complete at the Colbert Shoals at a cost of about one-half million dollars, but is thoroughly useless without the other work contemplated by the appropriation asked for. It is just like cutting a tunnel and when almost done to stop the work and let it drag along when the proper expenditure of a sum less than the interest on what has already been expended would finish the tunnel and make the entire work available.

Unless an appropriation is made this session the work will practically be suspended for a year, and the legal interest at 8 per cent upon the money already expended upon this work would be \$395,161. Therefore, to make this appropriation would cost the Government nothing; it would really save the Government, because in addition to saving interest we would save the loss and deterioration caused by delay.

That is the sort of river and harbor work we are having. The engineers go to work and improve Muscle Shoals at a cost of \$5,000,000. Now they can not get over Muscle Shoals from below without crossing Colbert Shoals. So they spend half a million dollars on Colbert Shoals and then leave the work to wash away and say they are waiting for some new plan.

Mr. BURTON. Is the gentleman in favor of going ahead with a project on which we are asked to expend six and a half million dollars when there is no sufficient survey and an uncertainty amounting to a million dollars as to the cost, besides an uncertainty as to the best plan to be pursued?

Mr. GROSVENOR. I will answer the gentleman.

Mr. BURTON. Let me say that all those letters have been before our committee and have been considered very fully.

Mr. GROSVENOR. And now I am getting them before this Committee of the Whole to justify its interposition.

It appears that an unfortunate remark, as the gentleman who made it calls it, was made before the Committee on Rivers and Harbors, and this seems to have caused the attitude which the committee has taken on this subject. I read a letter dated January 18, 1899—only a few days ago—from Dan C. Kingman, major of engineers, and addressed to the chairman of the River and Harbor Committee:

ENGINEER OFFICE, UNITED STATES ARMY,
Nashville, Tenn., January 13, 1899.

MY DEAR SIR: I have met to-day in Nashville a number of gentlemen who fear that my well-meant effort to reduce the cost of the improvement of Colbert Shoals, on the Tennessee River, would lead to a total failure of the appropriation, and the consequent detriment to commercial interests, and the disintegration and loss of the valuable force of trained laborers and mechanics which have been finally gotten together for the work.

I truly hope that this may not be so. Such a result would almost make me wish that I had stifled my conscience and permitted the work to go on upon the more expensive plan. If my approval of the proposed change and that of Col. Henry M. Robert, division engineer, are not thought sufficient, I can have all of the detailed plans and estimates ready by June 30, 1899 (the time when the money would be available), to be submitted to a board of engineers or to any experts that the Secretary of War might select. In any event, I could use two or three hundred thousand dollars to the best advantage this year in getting out stone and collecting other material, which must be had whichever plan is finally adopted.

The Colbert Shoals improvement has been very unfortunate in the matter of appropriations, and the work has gone on with exasperating slowness. We only got \$50,000 in 1896 for the Tennessee below Chattanooga; so that our last appropriation practically was in 1894. The friends of the improvement are becoming discouraged. The best thing for the work would be a moderate appropriation for this year, with authority to resort to the continuous-contract method to the extent of not to exceed \$1,500,000.

Very respectfully, your obedient servant,

DAN C. KINGMAN,
Major of Engineers.

HON. THEO. BURTON, M. C.,
Chairman Committee on Rivers and Harbors,
House of Representatives.

Copy respectfully forwarded to Maj. W. A. Wills for his information.
D. C. K.

I call attention to this matter, not with any hope that the Committee on Rivers and Harbors will reconsider its action, but to show that I am not myself misled when I insist that the action of the committee was a most unfortunate abandonment of one of the most important public works of the United States, when such an abandonment for two more years, as is here proposed, will cost the Government, in the destruction of machinery and the erosion of the plant already constructed, more than five times the amount of the interest on the appropriation.

Mr. BURTON. Mr. Chairman, the gentleman is entirely in error in his last statement. All that the engineer claims is that the appropriation asked will enable him to take care of the expensive machinery and other plants which have been assembled for the work, and to hold together a skilled force of engineers, mechanics, and laborers. He sent a communication to the committee in which he stated that he wanted to retain them and pay them their wages for the year to come; in other words, he wanted us to go on and pay \$65,000 to \$100,000 just to keep that force of men together. Why, sir, he got along on \$50,000 for the whole reach from Chattanooga to the mouth of the river during the two or three years following 1896. Why must he now have \$100,000? I earnestly hope the House will not be misled on this question.

Mr. CATCHINGS. Mr. Chairman, I move to amend by striking out the last word. I wish to say a few words in regard to the action of the committee in this particular.

Everyone who has kept up with river and harbor improvements knows that I have been personally very friendly to this Tennessee River improvement. Hence what I may say now comes not from one who is at all hostile.

I am afraid that this Committee of the Whole may have formed the impression from what my distinguished friend from Ohio [Mr. GROSVENOR] has said that the failure to complete this improvement by which these shoals may be passed over will prevent absolutely any use whatever of that section of the Tennessee River. If such an impression has been created, I wish to say that it is entirely erroneous.

There is full, free, and ample navigation on that section of the river for quite seven months in the year. There is no difficulty

whatever in the passing of steamboats up or down, from one end of that section to the other—that is to say, from Chattanooga to Florence, Ala., during that period of time in each year. And as a matter of fact the records show that they did transport in 1897, from Chattanooga to Florence, commerce which is estimated at a value of something over \$4,000,000. That is an indication of the fact that commerce is not restricted on that reach of the river.

Now, Mr. Chairman, when this work of improvement is done, as I trust it will be done in time, it will not be of any special advantage to the commerce of the river except for the remaining five months in each year. Whether it will result in increasing the aggregate of commerce, of course no man can tell. I do not know. There is nothing before us to indicate or to enable us to form a satisfactory conclusion upon that point. Still I hope the improvement will be made.

But it should not be forgotten that this work calls for an enormous expenditure of money. In view of the uncertainty of the plans, as they were uncertain by reason of the statement of the engineer, the committee thought that there was no such emergency existing as would authorize the embarkation upon the work until a survey and suitable plan had been made and fully determined upon.

I think, therefore, that on reflection all fair-minded men who consider the matter impartially will justify the action of the committee. It was not suggested by any hostility on the part of the committee to the improvement in question. On the contrary, the committee have favored it, as the records will show. It is estimated that an expenditure of some five or six millions of dollars will be ultimately required to overcome the obstructions, and we do not feel justified in appropriating so large a sum; but we do appropriate a reasonable amount to carry the work forward gradually to its completion. It would not be necessary to make the entire appropriation, because it could not be available.

As I have already stated, there is free and unobstructed navigation on the river for over seven months every year, which is very much more, Mr. Chairman, than the navigation of the Ohio River, a much more important stream, on which there is a very much larger commerce, and where there is very much more necessity for continuous navigation. And yet the Ohio River has not been neglected.

We have been intending to improve that river so that it would be navigable for twelve months in the year by the construction of certain locks and dams where they are necessary, but no one, as far as I have been able to ascertain, claims that we should make an appropriation for the entire completion of that work in one year. No one has even made such a suggestion as that. They are content to take an appropriation for the construction of one or two of the dams at a time, and in this manner gradually secure the completion of the whole improvement. These expenditures, as a rule, involve, as gentlemen must know, many millions of dollars. The work must be done gradually, and it would be an absurd thing to suggest that the Treasury of the Government should be taxed, except gradually, to complete these works.

In addition to that, sir, I desire to state that the committee has been liberal in its estimates in this bill. An examination of previous bills will show we have been particularly liberal to the Tennessee River. Below Florence, Ala., where there are few obstructions on the river, there is a large commerce all the time. Above Chattanooga the same may be said to a certain extent. And the improvements upon the river generally are going along as rapidly as in the judgments of the engineers the work can be safely accomplished.

It is scarcely necessary that I should say on this floor that I have long been an advocate of these improvements of our rivers and harbors. Gentlemen know that as far as the improvement of the Tennessee River is concerned, I have been one of its most constant and strenuous advocates—persistently supporting the improvement of that river—ever since I have been a member of this body. And therefore, Mr. Chairman, I feel justified in claiming that the committee should be sustained in its action in this matter.

Mr. MOON. Mr. Chairman, I desire to say a word only in reply to the gentleman from Ohio [Mr. BURTON] and my friend from Mississippi [Mr. CATCHINGS].

I regret very much to hear the gentleman from Mississippi express the sentiment he has expressed of hostility to the motion or amendment I have made. He has been regarded as the very best friend of the Mississippi River in all of the country. And we thought that, in his devotion to the waterways of the country, he might give some consideration to the Tennessee River. But when Mississippi is involved Tennessee is not regarded by the gentlemen in appropriations.

Now, I do not regard the amendment that I have offered as a reflection in any sense on the action of the Committee on Rivers and Harbors, but simply as bringing to the attention of that committee and the House matters which may have escaped their observation.

That committee, Mr. Chairman, is not infallible. Its members

are not infallible. It is always the duty of members of the House plainly, fully, and in accordance with law to bring up for consideration on such occasions as this those matters which may have escaped the observation or attention of its committees.

It is not a reflection on the committee to suggest an amendment to their work when every fact in the record indicates that they are wrong.

I know, of course, that the committee must necessarily stand close together and support each other, lest the bill might go to pieces when it came to an equalization of appropriations for localities, and when the amounts received by the gentleman from Mississippi, the gentleman from Ohio, and other gentlemen on the committee, which they have gotten for their districts, are compared with those of us who are not fortunate enough to be on the committee or to control the influences that reach that committee.

The position taken by the gentleman from Ohio is not a sound one. I think he reflects unjustly upon the engineer in charge of this work. The engineer does not seek the appropriation "to hold together the laborers and preserve the working materials" on hand. But the statement is made expressly that the appropriation is necessary "to protect the machinery and save the Government from loss" in connection with the improvement. He says the work "is absolutely necessary" to be done, and that it will be done if the appropriation asked for is given; and that the appropriation can be used in the adoption of such other plan as may be determined upon with reference to the improvement at Colbert Shoals.

We are not insisting that the committee were in error in refusing to appropriate for that work at Colbert Shoals so long as there is a difference of opinion as to the propriety of the plan to be adopted. But we do insist that the inference of the committee that no work is needed between Chattanooga and Riverton is erroneous. We do insist that a misinterpretation has been put by the committee on the letter of the engineer. I know that that committee has no means of ascertaining the truth of the facts except from the engineers. They have no more capacity to determine those questions of engineering and public improvement as individual members of that committee than you or I have. They must of necessity go to the record made by the engineers for the facts; and appealing to that record, I say this committee are wrong and this amendment is just, not only to that section, but just to this Government, whose property and interests are sought to be protected by it.

Mr. REEVES. In reply to what the gentleman from Tennessee has said concerning the committee, let me suggest that we claim no patent upon the information furnished us by the engineers. But this whole question resolves itself fairly and squarely into this proposition: A project costing between five and six million dollars is before us. It is an uncertain one, and the engineer in charge of that river states to us as a committee that he believes he can propose a project that will save the Government more than a million dollars of this money. He further says, however, that if he could have this sum of a hundred thousand dollars he could keep his force of men together and could put them at work in the stone quarries, getting out stone that might be used either in the present project or one that he may propose hereafter. Now, the prime object of this enlarged appropriation asked for at this time, as stated by the engineer, is to keep this body of men at work getting out stone, which will commit us at least to an improvement of that river costing from four to six million dollars, when we do not know whether it ought to be done or whether it ought not.

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

Mr. REEVES. In just a moment. Let me finish, please, and then I will yield. In that condition of this river, we feel that it is unfair to other commercial interests of the country about which there is no uncertainty, and which are demanding appropriations quite as urgently as this—we feel it unfair toward those commercial interests to adopt this project without knowing what we are doing. Now I will yield to the gentleman.

Mr. MOON. May I ask the gentleman a question now?

Mr. REEVES. Yes.

Mr. MOON. Does the gentleman propose to intimate by his remarks that the committee intend to abandon work on the Tennessee River, work already done, amounting to four or five million dollars?

Mr. REEVES. Not by any manner of means, but we do not propose to go any further while a part of this river has not been surveyed at any time and when the engineer in charge tells us that he thinks and believes he can give us a proposal which will save the Government a million dollars and accomplish the same end.

Mr. MOON. I agree with the gentleman exactly upon that proposition, that that appropriation, so large as a million dollars or any other considerable sum, for that particular point ought not to be made at this time. There is no difference in our contention there. I have tried to make the House understand that,

but the gentleman from Ohio [Mr. BURTON], as well as the gentleman who has just spoken, seems to avoid the exact issue that is here made and come to the language of this engineer. I deny that the statement the gentleman has made covers the whole proposition. I read from the report. The statement is correct as far as you have gone, but the whole statement should have been made.

If Congress should see fit to authorize the Secretary of War to continue the improvement by a lateral canal or by locks and dams, whichever plan was the most economical and best, then the matter would have ample consideration and no time need be lost; but if Congress thinks that it is necessary to suspend judgment upon the matter for a year, we might still expend at least \$100,000 most economically and advantageously in quarrying, cutting, and preparing the stone which will be needed in either case for the construction of the lock. This will enable us to take care of the expensive machinery and other plant which we have assembled for this work and to hold together our skilled force of engineers, mechanics, and laborers, which we have collected after much trouble and expense and which will be scattered and lost if we are unable to give them any employment for a year.

Now, he says that the work is necessary that we speak of, that it is desired; but in addition to that here is an immense plant, an immense amount of machinery, boats, dredges, tools, implements, and property of all sorts belonging to the Government which need protection. To protect and care for them, to carry on any sort of improvement, to make these surveys requires, he says, more money than you have given. I think the committee ought not to contend with us over that question. It is a small amount; it is just. It is requested by the engineers, and I hope there will be no objection to it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. REEVES] has expired.

Mr. REEVES. Inasmuch as the gentleman from Tennessee has been speaking in my time, I ask for just a minute in which to answer him.

Mr. MOON. I ask that the gentleman have five minutes, as I occupied a portion of his time.

Mr. REEVES. I only want a moment.

The CHAIRMAN. If there be no objection, the gentleman's time will be considered as extended five minutes.

Mr. REEVES. The gentleman from Tennessee persists in saying to the committee here that this sum of money is needed to take care of this plant or this machinery. I do not so understand the engineer.

We have appropriated or attempted to appropriate in this bill—at least we have made the proposal of \$35,000, which is surely ample, and more than ample, for the purpose which he suggests. Now, the statement has been made by the engineer that money beyond this amount—now, I do not quote him verbatim, but in substance—can be used to keep this force at work in stone quarries, getting out stone which could be used in this new project. We did not believe that to be fair to the balance of the commercial interests, and therefore refused it, so far as the committee is concerned.

Mr. COX. Before the gentleman takes his seat, I want to get at the bottom of these facts. [Cries of "Vote!"]

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. MOON. Mr. Chairman, I do not want to be too persistent, but I want a division on this question.

The committee divided; and there were—ayes 37, noes 81.

So the amendment was rejected.

The Clerk read as follows:

Improving Tennessee River above Chattanooga: Continuing improvement, \$30,000.

Mr. GIBSON. Mr. Chairman, I offer an amendment to that paragraph.

The Clerk read as follows:

Insert in line 25, page 55, after the word "dollars," the following: "Provided, That out of said sum \$5,000 shall be expended for the further improvement of the French Broad and Little Pigeon rivers, in addition to the \$5,000 hereinbefore appropriated."

Mr. GIBSON. Mr. Chairman, that amendment does not call for any further appropriation. It only specifies in what manner the appropriation shall be expended, and I ask that no objection shall be made, inasmuch as it will be of more advantage to my people to have it expended in the manner provided in the amendment than in that provided in the bill. I do not see how the committee can object to it, as it does not cost the Government any more, but only provides the manner in which it shall be expended. I ask that the amendment be adopted.

Mr. BURTON. I want to say, Mr. Chairman, that a request was made to the committee, and the reply was made that if the members from that locality would concur in the proposed amendment, the committee would have no objection. I understood, however, that there was a division of opinion between them in regard to it. If there is not a difference of opinion, and the members from that section will agree to it, there is no objection.

Mr. COX. What section?

Mr. BURTON. East Tennessee.

Mr. GIBSON. It is not in your district at all.

Mr. COX. Well, I have a little interest in Tennessee, whether it is in my own district or not.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. GIBSON. Division.

The committee divided; and there were—ayes 17, noes 34.

Mr. GIBSON. I call for tellers, Mr. Chairman.

The CHAIRMAN. Six gentlemen have arisen—not a sufficient number; tellers are refused. The noes have it, and the amendment is rejected.

The Clerk read as follows:

Improving Obion River, Tennessee: For maintenance, \$2,500.

Mr. HEPBURN. I move to strike out the last word. Mr. Chairman, a newspaper this morning made the statement that Mr. HEPBURN yesterday made his usual annual speech against the river and harbor bill. [Laughter.] Another newspaper said that seven years ago Mr. HEPBURN made a speech against the river and harbor bill and repeated it on yesterday. [Renewed laughter.] That is a mistake, Mr. Chairman; he did not repeat all of it, at least, yesterday. [Renewed laughter.]

The gentleman from Ohio [Mr. GROSVENOR] will remember that on one occasion, about twelve years ago, the State of Ohio, being the owner of a worn-out and worthless improvement on one of its rivers, the Muskingum, sought to unload it upon the Government of the United States.

There were some water rights owned by citizens of Ohio, I think in perpetuity, for which they paid a slight rental, and the State of Ohio, in order to preserve these water rights, was required to make a much larger annual expenditure. There was no commerce on the river to speak of, and in order to avoid this annual expenditure the gentleman from Ohio, with that great persuasiveness that always characterizes him, and that sometimes is banefully used, at least on river and harbor bills, persuaded the Government to assume the ownership and control of the work. Ohio gave it to the Government! [Laughter.] I took the liberty of saying at that time that the improvement was worthless, that the dams were in ruins, that the locks were rotting, that there was but little commerce, and that in a little while the gentleman from Ohio would come to Congress demanding large appropriations for the improvement of the waterway.

I can remember the virtuous indignation with which the gentleman repelled that assault. I "was mistaken about it!" I "had no information upon the subject!" In fact, yesterday, when I listened to the gentleman from Texas [Mr. BALL] discussing my ignorance, I thought he was plagiarizing from the gentleman from Ohio.

Now, Mr. Chairman, we have some information on this question. The United States up to nearly two years ago had expended upon this great artery of commerce \$1,173,339.66.

Mr. BURTON. I beg the pardon of the gentleman from Iowa, but I did not hear what improvement he is speaking of.

Mr. HEPBURN. It is not in this bill at all.

Mr. BURTON. Is it the Muskingum River?

Mr. HEPBURN. The Muskingum River. In the year 1897 the Government expended \$96,379 in maintenance, or, perhaps, in improvements. This last year the Government has expended \$41,000. The total tonnage of all the freight moved on that river, as shown by this report, was 65,000 tons, less than 3,000 carloads of freight, and yet we have expended more than one million and a quarter of dollars in the last twelve years upon that "great improvement." I refer to this, Mr. Chairman, not that I can effect anything, because these expenditures are now paid out of a lump appropriation under the act of 1884.

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman, I would like a minute or two more to conclude what I have to say before I get my punishment from the gentleman from Ohio. [Laughter.]

A MEMBER. I ask that the gentleman have five minutes more.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

Mr. COX. Now, Mr. Chairman—

Mr. HEPBURN. I do not desire to be interrupted, if my friend will excuse me. I refer to this for the purpose of showing how inconsiderate gentlemen of the committee are in putting appropriations of this character upon the bill and making possible these outrages. I do not charge my friend from Ohio [Mr. GROSVENOR] with intentional misstatement in the prophecies he indulged in twelve years ago in regard to this improvement. We only hold him to the extremest accuracy when he is prophesying in regard to political future events [laughter] and not when he is talking about expenditures of money, at least when they affect the State of Ohio. [Laughter.]

I think I have a right to call attention to this matter for the purpose of challenging other improvements that are in this bill now. We can not to-day tell just what they are in their enormity,

just as we could not tell the measure of the wrong that was done to the United States when the charitable gift from the State of Ohio was accepted twelve years ago. I can not recall all that the gentleman from Ohio said on that occasion, because it happened twelve years ago, but I do remember that we were then told that this was a necessity to commerce; we were then told that great good would come to the people of a populous region; we were then told that this was to be a corrective of railway freights and would put down extortion and annihilate trusts, and would accomplish all these virtuous results that gentlemen talk about and have in their mind's eye apparently when they are putting their hands into the Treasury to help a particular locality. This much of my annual speech I did not make yesterday. [Laughter.]

Mr. GROSVENOR. Mr. Chairman,

The sheeted dead did squeak and gibber in the Roman streets.

If my friend were engaged in the business of resurrecting from the past all his disappointments and misfortunes in attacking the river and harbor bill, he would find plenty of field of operation for months to come. He accuses the gentleman from Texas of having charged him with ignorance and, in doing so, making a draft on a former speech of mine. The gentleman ought to know that the common stock of knowledge on that subject is much more available than any speech I may have made on any former occasion, and I presume the gentleman from Texas simply drew on the common stock we already have when the question of this river and harbor is under discussion.

Let us see how plain a tale will put to flight the gentleman's—I will not call it attack on me, but his illustration of himself. [Laughter.] Long before I was a member of Congress the legislature of Ohio passed an act ceding to the General Government the improvement of the Muskingum River. I had nothing to do with it any more than the gentleman has with the enactments of the Iowa legislature. Long prior to my coming to Congress this House and Congress had appropriated over \$400,000 to the improvement of the Muskingum River in building an ice harbor at the mouth, prior to the cession by the State legislature and prior to my entry into Congress, made under an appropriation bill, when Mr. Van Vorhes, of Athens, and General Warner, of Marietta, were Representatives of that Congressional district.

When I came here I was charged with the duty of carrying out the plan of the State government in its tender of these works, and I did what any other member of Congress would have done. I introduced an amendment to the river and harbor appropriation bill accepting the cession by the State. The gentleman is entirely at fault in regard to these water rights, and surely he does not draw upon any speech of mine for that information. There were certain perpetual rights in the surplus water of the river, just as there are rights in the surplus water of the canals of the various States. These rights—one of them at Zanesville—grew out of the fact that the land upon either shore was ceded, if I recollect, for the purpose of enabling the State government to build a dam and lock; and in consideration of that he was given the right to use the surplus water in perpetuity; and there were perhaps one or two other cases of the same character. The bill accepting the cession to the General Government of course recognized those vested and perpetual rights, but as to all the other water rights, which are very numerous—mills at Marietta and various manufacturing establishments along the river—they had their rights under leases made with the board of public works from one year to another; and those leases were all handed over by the State to the Federal Government, which either collected the water rents, or renewed the leases, or put an end to them, just as the engineers in charge saw fit. In other words, the Government of the United States took exactly the place of the State of Ohio in respect to every one of those interests.

Now, then, I may say that at that time I knew very little more about the works on the river—the locks and the dams—than did the gentleman from Iowa. I will frankly say now that if I had known the character of those works at that time I should not have been quite as zealous as I was in securing the action of Congress. But we had to rely upon the reports of the engineers—both the State engineer and the Government engineers—

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GROSVENOR. I should like to have five minutes more.

Mr. CLARK of Missouri. I ask unanimous consent that the gentleman be allowed five minutes to conclude his remarks. His statement is very interesting.

The CHAIRMAN. If there be no objection, the gentleman will continue his remarks for five minutes.

There was no objection.

Mr. GROSVENOR. As I was saying, we had to rely upon the reports of the engineers, the State engineer, who had made the survey of the works, as well as the Government engineers.

Now, when the river was accepted by the General Government and the engineers took possession of it they, of course, criticised the old works which had belonged to the State. They did exactly

what the General Government has done in the case of the Green River and the Kentucky River and some works up in Michigan and everywhere where the march of engineering improvement has required additional and different sort of construction. So that from time to time, under the revised plans of the Government, new works have been put in there, new locks and new dams, and from Marietta to Zanesville there is now 6 feet of water all the year around, one of the best pieces of navigable water in all that section of the Union.

Since that time a railroad has paralleled the public work, right along the river bank, all the way from Zanesville to Marietta, and of course that has detracted in a large degree from the traffic of the river. But I say that is one of the most perfect works in the United States, standing in one of the richest valleys of the world, in the midst of a splendid population, connecting three or four great lines of railroad, and furnishing to the people along the river bank one of the best improvements in this country.

Now, while it has cost a great deal of money (and that cost in a large degree—to the extent of nearly half of the amount which the gentleman has referred to—was the expenditure of money in an ice harbor at the mouth of the Muskingum River, to which I have already referred and which took place before I had anything whatever to do with the matter), while the expenditure has been large, the value is there, and this House and this committee would not think of such a thing as abandoning that work if members could go there and look at it to-day.

Mr. SIMPSON. I hope the gentleman will tell us whether the statement of the gentleman from Iowa is correct, about the small amount of commerce over that river.

Mr. GROSVENOR. I have already spoken of that. I have not the figures. I am bound to suppose that the gentleman has given them correctly. As I have stated, the paralleling of the river right along its bank from Marietta to Zanesville by the railroad has had a great deal to do with lessening the tonnage on that river.

Mr. McCULLOCH. The gentleman will allow me to ask him whether the improvement of the river has not controlled the rates on that railroad?

Mr. GROSVENOR. Everybody understands that that is so. I thank my friend for his suggestion. The rates of railroad transportation are absolutely controlled by the presence of that river with its improved navigation. Some people talk about this as a myth, as a small matter; but, sir, there is no better illustration of the wonderful value of water transportation in competing with the railroads, and thereby controlling their exactions, than the Muskingum River from Zanesville to Marietta, 65 miles, through a great producing country.

Mr. BURTON. I move that all debate on the pending paragraph be now closed.

The motion was agreed to.

The Clerk read as follows:

Improving Forked Deer River, Tennessee: For maintenance, \$3,000.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I am very grateful to the gentleman from Ohio for the frank and candid manner in which he has corroborated nearly all that I said. I would have been glad if in the spirit of truthfulness—

Mr. BURTON. I must make a point of order that this discussion is not at all upon this bill. I am very much interested in the discussion, but it pertains to something entirely outside, and I trust that my colleague from Ohio [Mr. GROSVENOR] and the gentleman from Iowa [Mr. HEPBURN] will find some other and more convenient season for their controversy, rather than when this bill is under consideration.

Mr. HEPBURN. Mr. Chairman, the improvement of the Deep River involves some resort to prophesy when we attempt to discuss its advantages. It may be that Deep River by being improved—

Mr. BURTON. The paragraph under consideration relates to Forked Deer River.

Mr. HEPBURN. I thank the gentleman for his suggestion. I take it that the benefit to be derived—

Mr. BURTON. Mr. Chairman, I really must insist on the point of order. I think we ought to discuss this bill.

Mr. HEPBURN. Is not the bill being discussed?

The CHAIRMAN. The gentleman from Iowa is familiar with the rule that during the five-minute debate remarks must be germane to the pending proposition.

Mr. HEPBURN. "The gentleman from Iowa" has heard that suggestion before, both from the Chair and from gentlemen on the floor, and he will, as nearly as he can, conform to the letter and the spirit of the rule. I say that no man can tell whether advantage will come to the United States by the improvement of Deep River—

Several MEMBERS. Deer River.

Mr. HEPBURN. Very well; Deer River.

I want to suggest also to the gentleman that the mere fact of

the appropriation finding a place here, in a bill of this character, does not prove that the improvement is going to be of the slightest value to the public. And in support of that assertion, Mr. Chairman, I wish to call the attention of the committee to what was said a long time ago—twelve years ago or more—about the improvement of the Muskingum River. [Laughter.] You can not make this a "great artery of commerce" by putting it in an appropriation bill any more than you could have made the Muskingum River an artery of commerce by the same process [laughter]; and in support of that assertion I call upon the gentleman from Ohio [Mr. GROSVENOR] himself and his concessions in that respect, because his plea for the support of the appropriation was nearly all of it a confession and an avoidance; and in that confession he has admitted that the same character of charge that was made by himself and by others against the proposition then under consideration might have been made against the improvement of that river. [Laughter.] I mean, of course, Mr. Chairman, the suggestion that has been made to-day as well as the suggestion that was then made with reference to that improvement.

Here has been a large expenditure of public money on an alleged improvement on that river. Here is an expenditure of many hundreds of thousands of dollars, appropriated and to be used in the great State of Ohio. Here we must assume a large expenditure is to follow the expenditure we are now seeking to make. Here is a concession also of the absence of commerce, and the absence of a necessity for the improvement—

The CHAIRMAN. The Chair will have to state to the gentleman from Iowa, in view of the fact that the point of order has been made, that in conformity with the uniform rule the gentleman from Iowa should confine himself to the matter under consideration.

Mr. HEPBURN. Do you mean to "strike out the last word?" [Laughter.]

The CHAIRMAN. To the amendment the gentleman has proposed.

Mr. HEPBURN. Is it necessary to confine myself to the "last word?" I have been trying, if possible, to have the last word. [Laughter.]

The CHAIRMAN. The Chair thinks the gentleman himself has occupied the chair in Committee of the Whole often enough to know what the rule is when attention has been specifically called to it.

Mr. HEPBURN. I think the Chair is entirely correct if the gentleman in charge of the bill insists on the point of order, and therefore I will desist. [Laughter and applause.]

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Improving Big Sandy River, Kentucky and West Virginia: Continuing improvement, \$52,500: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete one lock and dam in the Big Sandy River between Louisa and the mouth of the Big Sandy River, in accordance with the report of Major Bixby, April 27, 1898, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$220,000, exclusive of the amount herein and heretofore appropriated: *Provided further*, That of the amount authorized to be expended, \$1,000 may be expended for maintenance on Levisa Fork, and \$1,500 on Tug Fork, and \$30,000, or so much thereof as may be necessary, for a detailed survey of the Big Sandy River and Levisa and Tug forks of the same in Kentucky and West Virginia.

Mr. BURTON. Mr. Chairman, I move an amendment at this point, and I am frank to say that I do not think it necessary, but it has been believed better to insert it so as to make the provision more specific.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amend by inserting after the word "Virginia," in line 24, on page 56, the words:

"*Provided*, That the rest of the amount may be used for the local survey, acquisition of site, and commencement of construction of the above-named lock and dam."

The amendment was agreed to.

The Clerk read as follows:

Improving Saginaw River, Michigan: Continuing improvement, \$40,000.

Mr. BRUCKER. Mr. Chairman, I move a pro forma amendment for the purpose of making a suggestion.

I notice in the river and harbor bills passed heretofore, appropriating money for the improvement of the Saginaw River, there has always been a limitation in the shape of an apportionment of the appropriation, dividing it between the different points of the river. Providing, for instance, that a portion shall be expended above and a portion below points named in the river. I notice in the pending bill, however, that no such provision is made, and that there is no limitation with reference to the point where expenditure should be made. The language reads as follows:

Improving Saginaw River, Michigan: Continuing improvement, \$40,000.

I would like to ask the chairman of the Committee on Rivers and Harbors whether or not, by the use of the language as it appears in the bill, it is the intention of the committee to leave the

expenditure to the discretion of the local engineer as to where the amount should be expended in the improvement of the river.

Mr. BURTON. I yield to the gentleman from Michigan, who will answer.

Mr. BISHOP. Mr. Chairman, in reference to the question of my friend from Michigan, I will state that I drew the language of this provision myself. After a conference with the engineer in charge of the work, he thought, if the appropriation were left in this manner, to his discretion, he could divide it better, as far as the improvement of the river is concerned, than to make the appropriation in the ordinary form heretofore used.

Mr. BRUCKER. By reference to the "engineer in charge" my friend refers to Colonel Lydecker, of Detroit?

Mr. BISHOP. Yes; I refer to the engineer in charge.

Mr. BURTON. Permit me to say in this connection that the committee have been reluctant to impose limitations on the expenditure of these amounts, except where in their judgment it was found to be necessary.

Mr. BRUCKER. Permit me to say, Mr. Chairman, knowing the qualifications and the capacity of the gentleman referred to, the engineer in charge, I am perfectly satisfied that the expenditure of this money could not be placed in better hands. It is much better to leave it, in my judgment, to the local engineer in charge of the improvement than to undertake to limit him by any language which might be employed in the bill itself.

I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Improving Missouri River: For the removal of obstructions in the Missouri River above Sioux City, Iowa, \$50,000.

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

The amendment was read, as follows:

Amend, after line 20, page 67, by inserting the following:

"To continue improvements at Bismarck, Pierre (both sides), Yankton, Elk Point, and Sioux City (both sides), \$200,000; the allotment of this amount to be left to the discretion of the Secretary of War."

Mr. PERKINS. Mr. Chairman, it is probably unnecessary for me to add to what I said yesterday in support of this proposed amendment. I have drafted the amendment in accordance with the language used by the Board of Engineers, which I quoted in the remarks which I submitted yesterday. That recommendation is in this language:

It is understood to be the intention of Congress to continue improvements at Bismarck, Pierre (both sides), Yankton, Elkpoint, and Sioux City (both sides); and for the purpose of economical work at those localities an estimate of \$250,000 is submitted, with recommendation that the allotment of this amount be left to the discretion of the Secretary of War.

Desiring, so far as possible, to conform to the position of the Committee on Rivers and Harbors, in reducing the estimates, I have cut the amount down from \$250,000 to \$200,000. It seems to me, and I think also to the other gentlemen on this floor who are interested in this appropriation, that it is unjust to abandon the improvements that have been inaugurated at the points named.

While it is true that on the Lower Missouri River, under the care of the Missouri River Commission, a very large amount is carried under the continuing-contract system, which I understand it is not the purpose of the committee to change or abandon, yet I submit to this committee as to whether this implied contract made by the Government of the United States is not entitled to consideration in the same light that a written contract is.

I undertook yesterday to name some of the considerations why I thought this small appropriation should be made. It is probably useless for me to repeat those observations or to enlarge upon them. It is a simple, direct proposition, and it seems to me that it would be unwise for the Government to withdraw from the work already begun when comparatively a small amount will perpetuate and continue and make permanent that work.

It seems to me unwise to abandon the Upper Missouri River altogether, unwise in the judgment of the Committee on Rivers and Harbors themselves, for in this bill they have continued the appropriation of \$50,000 for the purpose of removing obstructions in that portion of the river. I hope very earnestly that this amendment, submitted not only in the interest of my own locality, but in the interest of northeastern Nebraska, South Dakota, North Dakota, and Montana, that the policy that Congress may now declare will not be in the line of the recommendation of the committee, to abandon this great river, so far as the improvements hereafter to be authorized are concerned.

[Here the hammer fell.]

Mr. JOHNSON of North Dakota. Mr. Chairman, I trust that the House will consider carefully what the gentleman from Iowa has said. We from the Northwest have, for all these years, cheerfully supported these great river and harbor bills, not because the expenditures were made inside of the borders of our districts or States. We have taken a broader view than that. The bulk of

this money is expended in New York Harbor, along the lakes, along the Gulf shore, and we get our share of those benefits. By removing the obstructions in those great harbors you make easy our access to the sea for our staple products, and in that way we get our benefit as integral parts of the great nation. But there are other items in the bill of a more or less local nature. Even these, through all these years, we have cheerfully supported.

Take, for instance, "Porcupine Island," \$10,000; "Cape Porpoise," \$70,000; "Woods Hole Channel," \$20,000; "Salt Pond," \$25,000; "Sand Beach," \$50,000. These are points along the New England coast not accessible to through traffic from our part of the country. We of the Northwest know very little of the necessity for these expenditures, but we trust to the judgment of the Committee on Rivers and Harbors, and we sustain them cheerfully.

Then along the South Atlantic and Gulf coast take the "Mystic River," \$50,000. How many of you can tell where the "Mystic River" is? Yet there is as much appropriated in this bill for the "Mystic River" as for the Missouri River above Sioux City, with its 1,600 miles of navigable water. "Deep Creek," \$25,000; "Ocmulgee River," \$20,000; "Suwanee River," \$5,000. Well, now, there is a sentiment, there is a melody and a music and a romantic tradition about the "Suwanee River" which would disarm any criticism. We cheerfully support that item without any regard for its commercial relations to us.

But here is the St. Johns River, only a short stretch of river in Florida, which carries an appropriation of \$40,000, almost as much as you give for nearly 2,000 miles of river on the Upper Missouri, the longest river in the world, longer than the Amazon, longer than the Mississippi.

"The Tombigbee River!" Whoever heard of the Tombigbee River? It is a local stream, and it carries in this appropriation \$66,000, which is \$16,000 more than you give to the upper 1,600 miles of the Missouri River, a river that is known wherever the English language is known.

We have rather a sparse population in that part of the country, but we have great natural resources to be developed. The gentleman from Montana, for instance, and I represent contiguous districts, and yet, neighbors as we are at home, there is intervening between my house and his 850 miles of territory. We have no north and south railroads; we have only east and west roads.

The Missouri River is not paralleled by railroads, like the short Muskingum River in Ohio, spoken of a few minutes ago. We must depend, therefore, entirely for north and south transportation on wagons and steamboats. We have the Canadian Pacific, the Great Northern, the Northern Pacific, and the Union Pacific, all great transcontinental railroads, with very few branches, but none of them north and south roads. Here I hold in my hand an amateur photograph taken last summer near Bismarck, the capital of North Dakota. There you see photographed a vein of lignite coal 7½ feet thick, a mile and half long, cropping out of the clay banks of the river; and yet, easily accessible as that coal is in winter, when the farmers can drive their sledges on the ice of the Missouri River right under it and shoot coal down to their sleds, it could be made accessible in summer also with a small expenditure for harbors. We have 20,000 square miles—

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of North Dakota. I will ask the House to give me five minutes more.

There was no objection.

Mr. JOHNSON of North Dakota. We have 20,000 square miles of land underlaid with such coal up and down both sides of the river near Bismarck. In some places the vein is 15 feet thick. It is inaccessible. It is worthless now on account of lack of transportation facilities. We ask of you not to abandon these works that have been undertaken by the Government for the improvement of the navigation of that stream. It is not a small stream. Why, even its tributaries are great. You seldom think of its navigable tributaries above Bismarck. And yet this Government on one very historic and momentous occasion employed a thousand miles of the tributary waters above Bismarck to carry its wounded to a place of shelter and hospital service.

Twenty-two years ago last summer, when the Custer massacre occurred, unfortunately there were no wounded that needed any attention of the seven companies under Custer; but of the five companies of the Seventh Cavalry, under the command of Major Reno, there was a large percentage of wounded to be cared for. The surgeon had been killed, and all the assistant surgeons but one young man had been killed in the massacre. Dr. Porter had charge of these poor fellows, and had them carried on improvised litters, made of blankets and poplar poles, 25 miles, where they were put on a steamboat, during the June freshet, and there, for a thousand miles over the navigable waters of the Little Big Horn and the Yellowstone and the Missouri, for fifty-five hours they ran at the tremendous speed of 18 miles an hour, and the steamer *Far West* carried these poor wounded fellows to the nearest place where they could find pillows and medicines and shelter for these men.

That gives you something of an idea of the distances in the interior of our country, when we have to carry the wounded a thousand miles to find hospital care. This great stretch of territory, meandered by great and historic waters, is comparatively without railroad facilities. We have great natural resources, and we are not asking for millions. We are not asking for something that has not been estimated for by the Board of Engineers. We are simply asking that you will continue in the bill \$200,000 of the \$250,000 that the engineer said was absolutely necessary to preserve the Government works which have been undertaken and which are now in process of erection along that stream. It is a very modest request. It is a reasonable request, and I ask that this House stand by the amendment offered by the gentleman from Iowa.

Mr. MAXWELL. Mr. Chairman, the Missouri River is one of the great rivers of the world. The Mississippi and Missouri rivers are navigable from New Orleans to Sioux City by the large boats that traverse the river from St. Louis to New Orleans. In a full sense it is a navigable river, the boats passing not as frequently as formerly, but still they are occasionally passing up and down the river, and have been for many years. The Government recognizes the fact that this is a navigable river, and every license for a bridge that is constructed across the river has a provision that it shall be elevated high enough so that boats can pass beneath it or shall have a draw in it. Now, the fact that there are but few boats running at the present time is no argument against the river itself. Improvements have been made there.

A large amount has been expended by the Government to protect the banks of the river, and it is demonstrated that they can be made stationary by what is called riprapping. At Sioux City and opposite and above for some distance the banks are protected in this manner, and it is necessary that they should be repaired and kept in good order, so that the river when it rises, as it does every spring, will not overflow the riprapping. These improvements have been made there to protect the banks, and the riprap must be of sufficient height to be above high water; otherwise the overflow would cut the earth out from behind the riprapping and injure or destroy it.

My friend from southwestern Iowa stated that \$375,000 had been appropriated for certain purposes on the river and had been misapplied. If that had been applied in the manner intended, I think he would have had no cause to complain that the city of Hamburg, Iowa, was in danger of being injured or destroyed by the river. The Government has made improvements at various points on the river by riprapping, and there is great danger, unless these improvements are protected, that they will be more or less injured by the high water.

The sum asked and recommended by the engineers, as I understand, is \$350,000. Shall we make appropriations for little streams at various points and neglect this great river, a river of such a volume of water that the Yellowstone and the Platte rivers do not appear to increase the volume? A dozen such rivers as the Connecticut might flow into it and scarcely appreciably increase the volume of water. It is one of the great rivers of the world, and to say that you will not protect the banks of that stream, and still make improvements on little rivulets, seems to me a neglect of duty on the part of the House, if it should pass a bill of that kind, as I think it will not do.

It seems to me the appropriation asked for is absolutely essential. It is claimed that the railroads transact the business that was formerly transacted on the river. The river is in better condition now than it was twenty years ago. The timber has been cut off the banks, and there are fewer snags than formerly. The effect of riprapping has been to make a channel that clears its own way and protects the river from overflowing, and there is no question whatever but in a few years steamboats will again be running on the river for the transportation of merchandise which is now carried on the railroads.

[Here the hammer fell.]

Mr. KELLEY. Mr. Chairman, I move to strike out the last word. I have a word to say to the members of this committee upon the proposition now before the House. I am absolutely astonished that the Committee on Rivers and Harbors brought in such a bill as is here presented to this body. I shall ask for some member of the committee or the chairman of the committee to give some satisfactory explanation to this body why certain omissions were made, noticeably in the West, a section of this country which, if it is secondary in population, certainly is not in other respects; and I believe all sections of this country are entitled to just and equal treatment. I believe that in the appropriation and the expenditure of public money equal and exact justice should be the underlying principle governing the action of this body; but I say that justice has not been dealt out, so far as the provisions of this bill are concerned.

And I want to say that whoever undertakes to defend this bill as it stands at present should not undertake to shield themselves behind the flimsy barrier erected here, that no money is appropriated by this bill except for navigable streams. Though even

upon that score we claim the justice of this amendment. But if we were to waive that, we find from the speech of the gentleman from Mississippi [Mr. CATCHINGS] yesterday, in reply to the criticisms of the gentleman from Iowa [Mr. HEPBURN], that millions and millions of dollars have been appropriated and carried in this and former bills, not for the purposes of navigation, if you please, but for the protection of the people living along the Mississippi River. I will read a part of the gentleman's remarks:

Thirty-two thousand square miles of magnificent land will have been protected from overflow. A distinguished writer has said that the Mississippi Valley is like a jug of cream; that the richest soil from the Western States has been washed down by the river and used in building up this magnificent empire; and it is true. It is scarcely yet touched by the husbandman.

Go to my district, and I will show you primeval forests, magnificent, gigantic, and splendid to behold, which remain to be felled to make room for the farmer of this country. I undertake to say that the small pittance of \$13,000,000 donated by the Government has given more hope to more American hearts and has rendered more actual and immediate benefit to the people of this country than any other sum which it has expended anywhere for any other purpose. [Applause.]

Now, I say, Mr. Chairman, what is right and just for the people living along the banks of the Mississippi River is no less right when applied to the people of the great West living along the banks of the Missouri River. The Missouri River is not known as Goose Creek or some other euphonious name to which we have listened to-day, unknown to commerce and geography alike, and rescued from oblivion only by the magnanimity of the Committee on Rivers and Harbors in allowing them to share in the large appropriations carried in this bill. It is only when you refer to the Mississippi River in conjunction with the Missouri River that you can point to the great father of waters in the American continent. Yet, except immediately above Sioux City, Iowa, not a single dollar is given for the protection of the people residing adjacent to the banks of that stream and no assistance whatever for navigation.

[Here the hammer fell.]

Mr. KELLEY. Mr. Chairman, I would like five minutes more.

Mr. BISHOP. I object.

The CHAIRMAN. Objection is made.

Mr. BURTON. I should be willing that the gentleman from South Dakota should have five minutes more, but I trust the discussion will be immediately closed. I want to say a word upon this question, however. I desire to say that I am in favor of liberal river and harbor improvements, and I should like to see a bill in this House that would carry an appropriation of fifty millions. I am satisfied it would be of great benefit to the country, but I doubt if the House would pass any such bill, and the public sentiment of the country would not sustain it. It is first necessary for us to relieve these river and harbor bills from some of the excrescences upon them, and to avoid some of the waste which has been incident to our appropriations for these purposes in the past.

Among these items of waste, these excrescences, if I may call them such, I think this under consideration is one of the worst. In the first place, it is an absurdity. This is a river and harbor bill, making appropriations for the improvement of rivers and harbors; and confessedly these amounts are to be expended in the protection of the banks of a river where it is not claimed that any appreciable commerce exists to-day.

Now, I want to call attention to a second feature of the absurdity of this proposition. This amendment professes to make provision for harbors along that river before the river itself is improved and before there is any commerce on it or any chance for commerce.

Mr. KELLEY. Will the gentleman permit an interruption?

Mr. BURTON. Certainly.

Mr. KELLEY. Is not the gentleman aware that there is commerce on the Missouri River above Sioux City?

Mr. BURTON. I will come to that point in a minute. I will read statistics for the satisfaction of the gentleman.

Mr. KELLEY. I think we have a right to expect the chairman of the committee not to make such a statement as we have just listened to.

Mr. BURTON. I believe I said "trivial" commerce, or words to that effect. Here are the statistics:

	Tons.
Coal and wood	4,045
Grain, hay, and straw	4,728
Lumber	1,143
Sand, lime, and cement	1,953
General merchandise and miscellaneous	4,901

A good deal less than 20,000 tons a year.

Mr. JOHNSON of North Dakota. At what point is that?

Mr. BURTON. It is for the whole river. I refer to page 1848 of the reports of the engineers.

Mr. KELLEY. Will the gentleman permit a further interruption?

Mr. BURTON. I will, but I hope the gentleman will be brief.

Mr. KELLEY. Is it not a fact, and is it not apparent to the chairman of the committee, that one reason why this appropriation is asked is that the river may be made more navigable than

at present, so that we may increase commerce there, where we have small railroad facilities?

Mr. BURTON. How is the commerce to be improved by expending thirty or forty thousand dollars at Pierre, at Elkpoint, at Yankton, and other places of that kind?

Mr. KELLEY. By causing the current to flow in one channel. At present the current shifts. We want to force the river to remain in one channel, so that a pilot going down the river to-day may, when he comes back in a week or two, know where the channel is. There is sufficient flow of water; the difficulty is that the channel changes. That is all the trouble with the Missouri River.

Mr. BURTON. In other words, the proposition is that this un-governable stream, 1,600 miles long, shall be improved at points two and three hundred miles apart so as to make it navigable. That is the kind of argument with which this proposition is supported. Before we enter into an improvement of this nature we ought to know where we are going to land.

Mr. KELLEY. That stream is navigable—
Mr. BURTON. I must decline to yield further. I think I have stated the case fairly. I have given the tonnage for a series of years. I will repeat the figures for the benefit of the House.

Mr. PERKINS. That is not necessary.
Mr. BURTON. Here are the figures:

Amount of freight carried on the Missouri River above Sioux City.

Calendar year.	Tons.	Calendar year.	Tons.
1887	13,961	1893	19,481
1888	12,895	1894	37,936
1889	16,723	1895	21,264
1890	14,072	1896	10,368
1891	14,211	1897	17,105
1892	17,292		

In a commercial community we do not call that amount of transportation commerce. There are fifteen or twenty ports in the United States in urgent need of appropriations that have more commerce between noon and night of a single day than the whole Missouri River for 1,660 miles. We are compelled to turn down requests for an increase in the size of channels in numerous harbors on the Atlantic coast and the Gulf and on the Great Lakes, where, as I said, they have more commerce in a single day than this river has in a whole year.

They have been seeking to build what they call ice harbors over the whole length of the river at an enormous cost. Let us see the total number of boats on the whole stream:

The number of boats engaged in carrying freight and passengers is 11, with a total tonnage of 1,275 tons.

Why, gentlemen, we had better buy every one of those eleven boats and burn them, rather than to try to provide in the several towns on this river ice harbors to take care of them.

Mr. PERKINS. There are only one or two ice harbors.
[Here the hammer fell.]

Mr. PERKINS. The gentleman from Ohio [Mr. BURTON] does not wish to convey the impression that this is a new work?

Mr. BURTON. I admit that it is an old work; but, as I said yesterday in response to a question of the gentleman from Delaware [Mr. HANDY], the fact that we have wasted public money in the past does not seem to me any reason why we should waste it in the future.

It has been urged here that there is a pressing necessity that this work be done at this time. In reply to that I wish only to read briefly from the last Report of the Chief of Engineers. Let us see whether there is any necessity for this work.

We will first take the Bismarck Harbor, with reference to which the engineers say:

The works constructed and completed during the year have protected the left bank, just below the bridge, and have given a more favorable direction to the channel above the bridge.

Not a word about the necessity of further expenditure in that direction.

Now let us take Pierre and Fort Pierre. They say:

The expenditures during the fiscal year have been \$13,551.95. The incomplete 1895 dike at Pierre has been completed, and the lower end of Marion Island has been protected by two dikes and a revetment 1,220 feet long below them, the dikes extending out to the proposed rectification line. Minor repairs to the Marion Island dikes and revetment and to the dikes in front of Fort Pierre have been made during the present spring. The works have nearly stopped the erosion below the Pierre steamboat landing, having formed a large accretion, and have protected that part of Marion Island covered by them. A marked improvement in the crossing between Pierre and Fort Pierre has also been effected.

I call the gentleman's attention to that statement of the engineers.

Now let us take the Yankton appropriation:

The plant needed for beginning the work has been procured. Six of the proposed right-bank dikes have been begun and will be carried out as far as available funds will permit. The erosion of the right bank in the vicinity of

the dikes, which was formerly rapid, has been checked, but the dikes have not yet been extended sufficiently to produce any decided change in the position of the channel.

That is the report, as far as the protection of property is concerned in that locality.

At South Sioux City—
I read from the report—

At South Sioux City.—The Nebraska bank of the Missouri River in front of South Sioux City had been protected for about 4,000 feet upstream from the lower bridge and for about 5,400 feet upstream from the upper bridge, by revetments constructed by the owners of the respective bridges. Between these two revetments about 4,270 linear feet of bank was unprotected and was being rapidly eroded. The present project, adopted July 24, 1896, contemplates the expenditure of the funds provided by the river and harbor act of June 3, 1896, in revetting this unprotected bank, in repaving the upper bank for 300 feet farther upstream, and in protecting the head of the work by a short pile dike. The project contemplated the expenditure of \$50,000, but as it was believed that the work could be done for the \$40,000 allotted, no modification of the project was made. The work forms part of a general plan, described under the next heading, for the improvement of the river in this vicinity.

To June 30, 1897, there had been expended \$35,674.36. The work had been completed. Its results had been the stopping of the erosion on the formerly unprotected portion of the town front.

The expenditures during the year have been \$4,080.48. A combined pile driver and hydraulic grader and four skiffs have been constructed, and a towboat purchased, a part of its cost being paid from the allotment for work at Yankton. The plant is intended for use in the lower part of the district as may be required.

The work at South Sioux City remains in good condition, and has protected the front.

Mr. PERKINS. But will the gentleman come to the conclusion contained in the recommendation of the engineer, in which he sums up all that has been done and what is required?

Mr. BURTON. Of course I propose to do that. I will read the extract:

The expenditures during the year have been \$18,668.97. The Iowa bank has been protected by revetment for 824 feet next below the Floyd River, below which 29 short dikes have been built, and shore protection and foot mattress for 3 other dikes constructed. The mattress for one of the latter is an extension of the revetment. It is thought from present conditions that their completion may prove unnecessary, the mattress laid being a sufficient protection to the bank. By the revetment and dikes the front has been protected for about 7,400 linear feet. The works are in good condition and have thus far fulfilled their purpose.

It is understood to be the intention of Congress to continue improvements at Bismarck, Pierre (both sides), Yankton, Elkpoint, and Sioux City (both sides); and for the purpose of economical work at those localities an estimate of \$250,000 is submitted, with recommendation that the allotment of this amount be left to the discretion of the Secretary of War.

I take it this body has as much to do in determining what is the intention of Congress as the engineers.

So it will be seen that there is no special urgency there.

Mr. MAXWELL. But, Mr. Chairman, if the gentleman will permit me, I ask, why not make the appropriation, in view of the fact that the necessity for it is recognized on all hands—

Mr. BURTON. But it will be seen that it would be regarded as mandatory, practically. Now, I wish to say to the gentleman that it will be well to read further. I read from page 2182 of the Report of the Engineers for 1897:

In the value thus obtained was included that of so much of the farm land between Elkpoint and the river, of the town property, and of the railroad property as lay within a curve of fairly probable erosion.

The results of the survey have shown that to properly improve the reach, giving to the works as full security as is ordinarily obtainable on the Missouri, it would be necessary to begin the work at the bluff contact, 5½ miles above Elkpoint, and to extend it progressively down stream.

Again:

As there is no present or prospective river commerce at Elkpoint, as such changes in the channel may occur before the general permanent improvement of the river is undertaken as to render the proposed works useless as a part of that plan, as the works will not in any case benefit navigation until included in an improvement of a long reach of river at least the distance between two important ports, and as the carrying out of a general plan for improvement in the interest of navigation can be far more economically and advantageously done if done continuously rather than by constructing isolated works and afterwards connecting them, it would appear that in instances of this kind such appropriations made for the protection of certain localities are not advisable and interfere with the general scheme for the improvement of the Missouri River in the interest of navigation.

The estimated cost of such an improvement extending downstream so far as to fully protect the town is \$377,700, which is regarded as a greater expense than the ascertained value of property endangered would justify.

Mr. MAXWELL. I would like to ask the gentleman a question, with his consent?

Mr. BURTON. Certainly.

Mr. MAXWELL. Is it not a fact that near this town there is a slough which extends for a long distance from the river—

Mr. BURTON (interrupting). I am not thoroughly familiar with the geographical situation there.

Mr. MAXWELL. I was only endeavoring to show to the gentleman that this is not a parallel case with Sioux City.

The gentleman must remember that these towns, Sioux City and South Sioux City, are below the Big Sioux River, which forms a current striking the bank at that point, and is now doing serious damage to property adjacent to the towns, and unless steps are taken promptly there is no knowing what the result will be at any time within the near future.

Mr. BURTON. I should like to yield to the gentleman, but my time is so limited that I think I must decline to yield further. I am not arguing about any specific place; but here, in a river and harbor act, we are asked to protect these different towns. Why, if this is for the protection of commerce, I would suggest that it go to some other committee or to some commission. The gentleman from Iowa [Mr. PERKINS] might introduce a resolution and have it referred to the Committee on Interstate and Foreign Commerce. The chairman of that committee is his colleague from Iowa [Mr. HEPBURN], and if referred there, he no doubt would be in the hands of his friends. But when it comes to making appropriations here, and calling them river and harbor appropriations, where there is no commerce practically—less than 20,000 tons; where you are engaged in an impracticable scheme, when you seek to pick out for improvement places here and there on a great reach of 1,660 miles, I must enter my decided opposition to it. I trust this bill will receive the support of members of this House who believe in river and harbor appropriations, but who believe in making them effective for the purposes intended.

Mr. KELLEY. I ask unanimous consent for three minutes time.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent—

Mr. MAHANY. I should like to ask the gentleman from Ohio a question.

Mr. BURTON. I yield to the gentleman from New York for a question.

Mr. MAHANY. The gentleman speaks of a plan for the general improvement of the river. Can he forecast in any degree or approximate the time when this plan will probably go into operation?

Mr. BURTON. It will take many years and many millions; that is all, I think, anyone can say.

Mr. MAHANY. Then do you not think the temporary improvement would be valuable, and that it would not interfere with the general plan?

Mr. BURTON. The temporary improvement, as far as snagging is concerned, is provided for, but the point is, why pick out these places and make a harbor before you have any commerce?

Mr. Chairman, I move that debate on the pending paragraph be now closed.

Mr. KELLEY. I asked unanimous consent for three minutes, or two minutes, and my request is before the House.

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] moves that debate on the paragraph and pending amendment be closed.

Mr. KELLEY. Mr. Chairman, my request was announced to the House.

Mr. BURTON. I had not yielded the floor.

The CHAIRMAN. The gentleman from South Dakota submitted his request at a time when the gentleman from Ohio was still in possession of the floor, and before yielding the floor he made the motion which the Chair has submitted.

Mr. BURTON. If I may make my motion at the end of the gentleman's remarks, I am willing to yield to him three minutes—

Mr. KELLEY. Two minutes are all I ask for.

Mr. BURTON. But I think I should have the right to close the discussion.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from South Dakota?

Mr. BURTON. I ask unanimous consent that the gentleman from South Dakota may have three minutes, and at the close of that time I ask the Chair to recognize my motion.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. KELLEY. I simply want to state to the members of the committee that the very courteous chairman of the Committee on Rivers and Harbors has overlooked certain things in presenting this case. Work has already been commenced in three different places on the Missouri River, and above \$40,000 has already been expended at the city of Pierre in building dikes to deflect the water and hold it in a certain channel. Over \$40,000 has already been expended by the Government at the city of Yankton, and money has already been expended for the improvement of the river at the city of Elk Point. Now, the engineer who has this work in charge tells us that if more money is not appropriated to complete the work, the money already expended will be entirely lost; the dikes that have been built will be washed away and be absolutely of no value.

Further, I want to call the attention of members of the committee to the fact that in the first session of the Fifty-fifth Congress I myself introduced a bill in this House, and it passed by unanimous consent, for the purpose of quieting the title to certain lands situated on the Missouri River, where the action of the river had cut away a large portion of land and left a section of country in the State of South Dakota that was formerly in Nebraska.

I think we are entitled to some consideration at the hands of Congress as well as the people living in other sections of the country. It is to stimulate the commerce of the great Middle West as much as for the protection of the people who live along the banks of the Missouri River that we ask for this small appropriation in a bill that carries \$30,000,000.

In spite of this large sum the committee do not seem to be able to find it in their hearts to grant to this great Middle West \$200,000, while there is carried in this bill \$24,000,000 for twelve States of the Union. The gentleman from Michigan [Mr. BISHOP], who interposed his objection a few minutes ago to my having five minutes, himself gets for his State \$2,500,000 in this bill. Let us be just and fair with one another. We are all American citizens, and we appeal to your honor and your sense of fairness and justice. We ask you to take this measure fairly under advisement and as we are asking for nothing but what is right, we are sure you will grant it if you will only give the matter proper consideration.

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. KELLEY demanded a division.

The committee divided; and there were—ayes 29, noes 78.

So the amendment was rejected.

The Clerk read as follows:

Improving Sacramento River, California, from the city of Sacramento to the mouth: Continuing improvement, \$30,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out the revised project as recommended in House Document No. 186, Fifty-fifth Congress, second session, and House Document No. 44, Fifty-fifth Congress, third session, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate the sum of \$184,000, exclusive of amount herein and heretofore appropriated.

Mr. BURTON. Mr. Chairman, I desire to offer an amendment, to correct a verbal error that has crept into the bill.

The Clerk read as follows:

Strike out in line 3, page 68, the words "Forty-four" and insert in lieu thereof "Forty-eight."

The CHAIRMAN. Without objection, the amendment will be adopted.

There was no objection.

The Clerk read as follows:

Improving San Joaquin River, California: Continuing improvement, \$20,000.

Mr. BURTON. Mr. Chairman, in that paragraph in regard to San Joaquin River an amendment is needed, to make it more clear where the dredging and other work is to be done.

The Clerk read as follows:

Insert in line 9, page 68, after the word "dollars," the following: "To be expended in dredging, making cut-offs, or otherwise improving said river and Stockton and Morgan channels to the city limits of the city of Stockton."

The amendment was agreed to.

The Clerk read as follows:

Improving Upper Coquille River, between Coquille City and Myrtlepoint, Oreg.: Continuing improvement, \$6,000.

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

In the remarks made by the chairman of the committee on yesterday he made this statement:

I trust the gentleman from Oregon, in giving figures by States, will not overlook the fact that in the appropriations last made for rivers and harbors the State of Oregon received approximately \$3.50 for each inhabitant of the State, while the State of New York received only 25 cents.

Now, Mr. Chairman, if the State of Oregon received that amount of money two years ago, while now half a million more is being taken away than is appropriated, it would indicate the difference in treatment proposed appropriations receive when the State interested is represented on the Committee on Rivers and Harbors and when it is not. It is hardly fair to assume that Oregon was entitled to that much appropriation at that time, and entitled to have the same appropriations taken from it now.

But this statement, Mr. Chairman, requires considerable explanation, and I shall be glad to see the gentleman give an extended statement as to just what these appropriations consist of. I have tried to look over the law of 1896, and have done the best I could to see how large appropriations were made, and find the appropriations on rivers and harbors by the bill of 1896 for Oregon alone was \$225,000. There was an appropriation for Columbia River, which is on the boundary line between Oregon and Washington and extends also toward Idaho. It is not fair that the State of Oregon should be charged for more than half of that. Then, charging half of it to Oregon, there were appropriated \$302,500.

There was authority to give contracts, it is true, but of these contracts only \$60,000 have been approved and are in operation, making a total of \$362,500 of the appropriations available under that bill. As there are about 500,000 inhabitants in Oregon, it is an appropriation of about 70 cents per capita, and the appropriation as compared with New York would be nearly or about the same. It is true that there were some appropriations for contracts;

but this bill proposes to repeal those appropriations and repeal those contracts, so that instead of being charged with \$3.50 we should only be charged with about 70 cents per capita.

But, Mr. Chairman, I want rather to insist that the appropriation ought not to be distributed in a certain per capita way. If so, there are States that receive nothing. These appropriations should be made something in proportion to the needs of the localities. New States have to build new public buildings. They have to build new schoolhouses, new court-houses, and new public buildings of every kind, and new roads, and have to appropriate the money for opening up their own channels of commerce. You can not build up a new State for nothing, and a new State should not be treated in the same manner in appropriations as the old States. They are expenditures for opening up commerce, and it can be done best in the new States.

The gentleman raised the comparison with New York. I do not want to raise any criticism of any appropriation for anything in New York, but when you compare the question of expenditure of public money in New York and the Western States there is no comparison. We pay our taxes as they do. We pay internal-revenue taxes of about a million dollars, beside taxes on imports, and we can not, therefore, act on percentages, as a rule, in appropriating money for the improvements of rivers and harbors. There are no great public buildings there; there are no great contracts there; there are no people getting great contracts for supplies to the Government there, and money is not expended except when the Government improves a river or harbor.

Now, of the millions of dollars that Oregon will pay into the public Treasury but little will come back. There is \$140,000 in this bill, practically. Then there are some appropriations for the Indians, but the lands sold by the Government will recoup that. The Government is selling land constantly and putting the money in the Treasury, and that does not come back to Oregon. The people who gave Oregon to the United States and enabled it to sell these lands have no benefit of it. The men who took their packs upon their backs and saddled up their horses and took their rifles and shotguns and drove out the public enemies from that Territory have not received the benefit of it. They have been begging here for years for small pensions, and, notwithstanding they are getting to the age of 70 or 80 years, they have received nothing. It does not seem to me that the State of Oregon has been a charge upon the public Government, and it is entitled to consideration as one of the States of the Union.

Mr. BURTON. I do not intend to take up the time of the committee long with these figures. The figures I gave to the House yesterday were correct. In making the computation, I followed the quasi-official estimate book made up at the War Department. In the column of last appropriations, according to the titles given in this book, Oregon received in the last appropriation \$1,281,167.

Mr. TONGUE. Read the items.

Mr. BURTON. I do not think I ought to take the time of the House, but I will read a few of them:

Coos Bay	\$95,000
Yaquina Bay	25,000
Tellamook Bay	17,000
Harbor at Coos Bay	14,300
Columbia River at Three-Mile Rapids and boat railway from The Dalles Rapids to Celilo Falls	150,000
Coos River	5,000
Alsea River	3,000
Nestugga River	6,000
Columbia River at the Cascades	179,507
Mouth of Columbia River	338,180
Lower Willamette and Columbia rivers	100,000
Willamette River above Portland	160,000

And so forth.

Now, it is true some of these are on the boundary line between Oregon and Washington, but they are regarded as distinctly Oregon improvements and are so classified in the official estimates.

Mr. TONGUE. What is the total amount?

Mr. BURTON. One million two hundred and eighty-one thousand one hundred and sixty-seven dollars, as against \$1,895,910.56 for the State of New York. The average for the State of Oregon is \$3.57 per inhabitant. I said approximately \$3.50. The computation is according to the population of 1890, which was 313,767. For the State of New York it was 31.6 cents per inhabitant. The actual amounts appropriated in 1896 for expenditure during the following year show that Oregon received \$329,726 in that bill, or \$2.64 per inhabitant, while New York received \$934,650, or 16.6 cents. I think the gentleman will find, on verification of these figures, that they are exactly correct.

Mr. TONGUE. Mr. Chairman, I move to strike out the last two words. The gentleman has read the figures and makes a total of \$1,281,167, charging to Oregon all of the Columbia River. Now, he has forgotten to tell you that this bill proposes to repeal \$1,170,000 of that, leaving practically what I said was to be expended—about 70 cents per capita.

Mr. BURTON. I know the gentleman from Oregon does not wish to make a misstatement. Allow me to call his attention to

the fact that the \$1,000,000 repealed is not included in the totals that I gave. That was authorized under continuing contract and may be regarded as a reserve fund additional to the \$1,287,000.

Mr. TONGUE. Then the gentleman or I can not figure. The appropriations will not make one-half of the amount. I have examined the statutes, and I say to the House that the appropriations will not make one-half of the figures given by the gentleman from Ohio. I want to say further that the figures for New York are as inaccurate as those for Oregon. The appropriations for New York actually carried in that bill for rivers and harbors amounted to \$1,182,000, while the contracts authorized were \$2,649,558, or a total of \$3,831,558. I do not begrudge New York one cent of it. Mr. Chairman, I withdraw my formal amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

Appropriations made for the respective works herein named, or so much thereof as may be necessary, may, in the discretion of the Secretary of War, be used for the repair and restoration of said works whenever from any cause they have become seriously impaired, as well as for the further improvement of said works.

Mr. BURTON. Mr. Chairman, at the completion of the reading of section 1, I ask unanimous consent to return to the item on page 12 pertaining to Brunswick, Ga., as I desire to offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out, beginning with line 5, on page 12, all to and including line 13, page 14, and insert the following:

"Improving the outer bar, Brunswick, Ga.: C. P. Goodyear, the contractor with the Government of the United States to deepen the outer bar of Brunswick, Ga., under the river and harbor acts of 1894 and 1896, shall be entitled to receive the sums appropriated by said acts for obtaining a channel 24 feet deep and 200 feet wide and a channel 25 feet deep and 100 feet wide, provided the same are obtained on or before June 3, 1900; and said acts are hereby amended accordingly. After the expiration of the time herein stated within which said work of improvement must be obtained, the Secretary of War shall cause a survey of the same to be made and report a plan, with estimate of the cost thereof, with a view to obtaining a depth of 26 feet at mean high tide with a width of 200 feet; and the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated to defray the cost of making said survey and estimate based thereon.

"Improving inner harbor at Brunswick, Ga.: For maintenance, \$10,000."

Mr. BURTON. Mr. Chairman, a word of explanation. Some years ago the Government engineer made an estimate that it would require to obtain 26 feet over the bar here \$2,700,000. Mr. C. P. Goodyear, a New England man, thought that by the use of dynamite he could obtain a channel at a place different from the one selected by the Government engineers at a less cost, and in the acts of 1894 and 1896 provision was made that he should receive certain compensation provided he obtained a channel of certain depths and widths. He has earned the compensation promised him except \$90,000, the opportunity to earn which is by the provisions of this bill extended one year. The remaining \$320,000, which by the terms of this bill he was to receive, provided certain results should be obtained, is stricken out.

The committee felt somewhat doubtful, notwithstanding the great economy in securing the results accomplished by Mr. Goodyear, whether the dredging which he had done could not be done as economically, or more economically, by the Government. His claim has been that by the use of dynamite a channel was secured which would be more permanent than one made by dredging in the ordinary way. Some question existed in the minds of members of the committee who had considered the subject whether this claim is a valid one; and in order that we may be absolutely on the safe side, it seemed best for us merely to modify the existing appropriations by giving an additional year.

It is but just to Mr. Goodyear that this should be done, because he asserts that he has already secured the depth which would entitle him to \$90,000; and in every case where a measurement has been made he has been compelled to wait a long time for a report. There was once a bitter controversy between him and the Government engineers as to what was the correct measurement; and we regard it as due to him that he should have this additional time. But the remaining provisions for further appropriation are absolutely eliminated from the bill, but there is added a clause providing that when the depth already provided for is secured by him—24 by 200 feet and 25 by 100—a survey shall be made with a view to obtaining a depth of 26 feet across the bar, and an estimate of the cost is to be made.

I can not close without saying that this port is one of those whose growth and importance have impressed us; and we regard it as one that is certainly deserving of improvement as proposed.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the provisions of the river and harbor act of 1894 for a boat railway from the foot of The Dalles Rapids to the head of Celilo Falls, Oregon and Washington, and the provisions of the river and harbor act of 1896 providing for the improvement of Yaquina Bay, Oregon, and all acts for the prosecution of either of said projects are hereby repealed, and any amounts heretofore appropriated for either of the same now remaining unexpended shall be paid into the Treasury of the United States.

Mr. LEWIS of Washington. I should like to have the attention of the chairman of the committee for a moment.

Mr. BURTON. What is the gentleman's point?

Mr. LEWIS of Washington. I wish to ask the gentleman whether he will be kind enough to state the reasons of the committee for reporting in this section a clause repealing the provision heretofore made for a boat railway from the foot of The Dalles Rapids to the head of Celilo Falls, Oregon and Washington?

Mr. BURTON. The committee regarded this project, I may say, as very doubtful, if not absolutely impracticable, from an engineering standpoint. Besides, it would require, if constructed, at least \$100,000 a year to maintain it. The expense of maintenance would be very largely increased by the drifting of sand across the track. I have no doubt the gentleman from Washington understands what the plan is—that it is to take a boat out of water and carry it on a railway up a considerable grade to a point some miles above—that is, from The Dalles Rapids to the head of Celilo Falls.

Mr. LEWIS of Washington. To make a ship railway.

Mr. BURTON. Yes; to make a ship railway. This project has never been recommended by the engineers; they do not believe in it now. The proposed plan has given rise to a great deal of discussion in engineering journals here and in Europe. Engineering authorities would like to see the project tried, but most of them do not think it would succeed; and the cost of this work would be about two million and a half of dollars. The committee thought that too large a sum to spend upon an experiment.

Mr. LEWIS of Washington. Mr. Chairman, I appreciate the kindness of the chairman of the committee in giving us this very intelligent explanation. I would for some reasons have been desirous for the continuance of this appropriation; but I realize that we must display some deference to the recommendations of some of the Departments; and as the War Department after investigation has not thought proper to concur with the views of those interested, I do not think I should be justified in urging this appropriation further, although some of my constituents request that I should do so. I have only risen in my place to demonstrate publicly the interest that I feel in the matter and to say that the information of the honorable chairman verifies what has been stated to me at the Department.

I have serious doubts as to the practicability of the scheme and some doubt as to the virtue of the project, notwithstanding the good intentions of some of those behind it. While I would like to favor a certain class of my constituents who ask me to advocate this project, yet with the scruples which I have I can not ask the committee to do other than what it has done in this bill. I wish to make myself perfectly plain. While personally I would like that the class of my constituents interested in this adventure should be personally benefited and profited, I do not think I should be justified in asking the House to combat the position of the committee, in view of what has been stated by the honorable chairman.

The Clerk read as follows:

SEC. 8. That the Secretary of War is hereby directed to cause preliminary examinations or surveys to be made at the localities named in this section as hereinafter provided. In all cases a preliminary examination shall first be made, which shall embrace information concerning the commercial importance, present and prospective, of the river or harbor mentioned, and a report as to the advisability of its improvement. Whenever such preliminary examination has been made, in case such improvement is not deemed advisable, no further action shall be taken thereon without the direction of Congress; but in case the report has been or shall be to the effect that such river or harbor is worthy of improvement, the Secretary of War is hereby directed, at his discretion, to cause surveys to be made and the cost of improving such river or harbor to be estimated and to be reported to Congress, to wit:

CALIFORNIA.

Napa River.
Sonoma Creek.
Suisun Creek.
Crescent Bay.

Mr. BARLOW. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert between lines 21 and 22, page 75, after the words "Crescent Bay," the following:

"Wilmington Harbor, California, with a view of increasing the depth of said harbor to 25 and 30 feet at mean low water over the area proposed to be improved in the project set forth in the report of Lieut. Col. W. H. H. Benyard of June 8, 1894, and contained in Senate Executive Document No. 61, Fifty-third Congress, third session, and over an additional area extending to Smith Island, and of adequate width to allow the turning of vessels."

Mr. BARLOW. Mr. Chairman, this is simply the exact provision contained in the river and harbor appropriation bill for 1896. It provides for the survey of this harbor, so that when the Government of the United States in its wisdom sees fit to improve—as, no doubt, it will in time—the inner harbor in connection with the outer harbor we will have the data on which to proceed.

I hope no objection will be made.

This bill provides a number of surveys at four or five other points in California which, if I may be permitted to say so, are of comparatively small importance in connection with this harbor. I only ask that the survey shall be made, so that the data may be on hand when the work is undertaken.

Mr. BURTON. Mr. Chairman, I do not feel like vigorously op-

posing the proposition of my friend from California, yet I do not think it is necessary at this time to make this survey. We have made provision in the bill for all of the surveys that we deemed were necessary; and to enlarge the number will certainly require a much larger force of engineers than the United States has at present in its employ. If the work is placed upon the present force, they will be largely overtaxed.

I hope the amendment will not be adopted, therefore.

Another point why it should not be adopted is, I would suggest, that it will be some three years yet before the outer harbor is completed, and there will be ample time to make provision for the inner harbor when that work is done. I therefore suggest that, while I do not like to make opposition to the amendment, I hope it will not be agreed to by the committee, because it is not necessary at the present time.

The question was taken; and on a division (demanded by Mr. BURTON) there were—ayes 28, noes 66.

So the amendment was rejected.

The Clerk read as follows:

Channel between the straits of Carquinez and the Golden Gate, off Point Pinol, Point Wilson, and Lone Tree Point, with a view to obtaining a channel 200 feet in width, of a depth of 30 feet.

Mr. BURTON. Mr. Chairman, I desire to offer an amendment at this point.

The Clerk read as follows:

Insert after line 25, page 75, a new paragraph, as follows:
"Connecticut—Millford Harbor."

The amendment was considered and agreed to.

The Clerk read as follows:

MARYLAND.

Claibourne Harbor.
Queenstown Harbor.

Mr. BURTON. Mr. Chairman, I wish at this point to offer an amendment on behalf of the committee.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Insert after line 20, page 78, following the word "harbor," the words:
"Patuxent River at Bristol Bar, Brittons Bay, on the Potomac River."

The amendment was agreed to.

The Clerk read as follows:

MASSACHUSETTS.

Chatham Harbor: With the view of ascertaining what further expenditure is necessary to complete existing project of removing the bar which obstructs navigation up to the New Bedford and Fairhaven Bridge.

Mr. BURTON. I offer the following amendment, Mr. Chairman:

The Clerk read as follows:

Strike out lines 23, 24, and 25, on page 78, and insert:
"New Bedford Harbor: To remove the bar between the present channel and the northerly terminus of the proposed channel on the northerly side of the New Bedford and Fairhaven Bridge."

The amendment was agreed to.

The Clerk read as follows:

Winthrop Harbor: To provide channels of a width of 75 and 100 feet, respectively, and a depth of 12 feet.

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

The Clerk read as follows:

Insert in line 8, page 79, after the word "feet," the words "and 15 feet."

Mr. BURTON. Mr. Chairman, I see no objection to the amendment and shall make no opposition to it.

The amendment was considered and agreed to.

The Clerk read as follows:

Channel of Assonet River.

Beverly Harbor.

Cottage City.

Westport Point Harbor.

Sandwich Harbor.

Bass River Harbor.

Cotuit Harbor.

Harbor at Hyannisport.

Mr. BURTON. I move to amend by striking out, in line 16, page 79, the words "Harbor at Hyannisport" and insert in lieu thereof the word "Hyannis."

The amendment was considered and agreed to.

The Clerk read as follows:

Channel from Lake Michigan to Stoney Lake, Oceana County.

Mr. BURTON. Mr. Chairman, another committee amendment.

The amendment was read, as follows:

In line 23, page 79, after the word "County," insert the following:
"Cheboygan Harbor: To obtain a depth of 18 feet from the entrance of said harbor to the first bridge."

The amendment was agreed to.

The Clerk read as follows:

St. Croix River, from Stillwater Harbor to Taylors Falls, Minn., with a view to making said river accessible to steamboats and other craft navigating said river.

Mr. BURTON. I desire to offer an amendment to that paragraph.

The amendment was read, as follows:

Insert in line 10, page 80, after the word "river," the following:
 "Minnesota River, with a view to protecting the banks thereof at and near St. Peter, in Nicollet County."

The amendment was agreed to.
 The Clerk read as follows:

Missouri River: With a view to prevent the erosion of the north bank thereof at and near Huntsdale, in Boone County, Mo.

Mr. COWHERD. I wish to offer an amendment.
 The amendment was read, as follows:

Insert after line 21, page 80, after the word "Missouri," the following:
 "With a view to prevent the erosion of the south bank thereof and the cutting of a new channel at or near the city of Napoleon, in Lafayette County, Mo."

Mr. BURTON. I should like to have that amendment explained. Does this enlarge the territory over which the examination is to be made?

Mr. COWHERD. No, sir; this is a request for a survey at a point in Lafayette County, Mo., near the little town of Napoleon. I will explain that there is a bend in the river at that point, and that about 6,000 acres of very fertile land are connected with the mainland by a small neck. The river is cutting in at this neck, and there is a lake in there—I do not know how many acres in extent, but quite a large body of water—a shallow lake. The danger is that unless the erosion is stopped, when the water reaches that lake, it will cut through and form a new channel. I do not ask for any appropriation. I understand that a large part of the appropriation for the Missouri has been diverted, or possibly will be; but I wish this put in the bill to call the attention of the Missouri River Commission to the danger at that point, in order that if, upon examination, they find it necessary, they will make the repair out of the continuing improvement fund in their hands. It will cost practically nothing, I suppose.

Mr. BURTON. I see no objection to this being inserted, but I do want to say for myself, not assuming to speak for the remainder of the committee, that I am decidedly opposed to this custom which has prevailed for so many years, of providing for the protection of private property, or public property either, on navigable streams, and calling it river and harbor improvement. As to whether that shall be undertaken by the General Government or not, I do not pretend to say; but as to the propriety of bringing it in here on a river where there is no navigation, and asking us to prevent the banks from being washed away or lands overflowed, I have decided views. If this were a new proposition, I should feel in duty bound to oppose it. However, as there are other similar items in the bill, I do not see that we can justly object.

The amendment was agreed to.
 The Clerk read as follows:

NEW JERSEY.

Raccoon Creek.
 Woodbridge Creek.
 Kill van Kull.

Mr. BURTON. I desire to offer an amendment as a substitute there.

The amendment was read, as follows:

Strike out the words "Kill van Kull" in line 25, page 80, and insert the following:

"Arthur Kill, or Staten Island Sound, from Kill van Kull to Raritan Bay, with a view to obtaining of a 21-foot channel by way of Staten Island Sound from New York Bay to Raritan Bay."

The amendment was agreed to.
 The Clerk read as follows:

Passaic River: With the view of ascertaining the cost and feasibility of extending a 10-foot channel of suitable width from Center street bridge to the Montclair Railway Bridge, and also as to the feasibility and cost of affording a channel 12 feet in depth from Center street bridge to Staten Island Sound. Also an examination of said river from Montclair Railway Bridge to the city of Paterson.

Mr. McEWAN. Mr. Chairman, without wanting to antagonize the section referring to the Passaic River, it seems to me proper at this time to put in the RECORD the fact that Jersey City and other municipalities in Hudson County have a right to use the water of that river for domestic and other purposes. I say this in order that the engineers, in considering the feasibility of making that stream navigable, shall have the information that these municipalities have contracts whereby they are entitled to a water supply from the Passaic River for the use of these cities. These rights were granted by charter by the legislature of the State of New Jersey, are valuable, and if their value is in any way impaired of course compensation would be asked. The engineers ought to consider this in making any estimates of the cost of rendering the river navigable.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that that body had insisted upon its amendments to the bill (H. R. 11487) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1900, disagreed to by the House of Repre-

sentatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. FAULKNER as the conferees on the part of the Senate.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

The canal and locks situated on the west side of the Willamette River, at Willamette Falls, in Clackamas County: With a view to ascertaining the desirability of their condemnation and purchase by the United States.

Mr. ROBBINS. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Insert in line 12, page 72, after the word "United States," the following:
 "PENNSYLVANIA.

"Youghiogheny River, with a view to the improvement of said river by locks and dams from West Newton to the mouth of said river, at McKeesport, Pa."

Mr. ROBBINS. Mr. Chairman, this involves the Youghiogheny improvement for a distance of 20 miles on that river which was navigated for a period of twenty-five years prior to 1866, rendered so by a system of locks and dams built by the Youghiogheny Navigation Company. These dams were taken away in 1866 and not since rebuilt. Now, since the Ohio and the Monongahela improvement has been made public, owned by the United States and made free, it is only contemplated to survey this river and ascertain under this bill whether it is necessary and proper to improve this river, to replace improvements which were very profitable from the beginning when in the hands of a private corporation. This amendment commits the Government to no expense.

The matter was considered by the Committee on Rivers and Harbors. I have spoken to the chairman, and I understand there is no objection to having a preliminary examination made. This is a most meritorious case, and I urge its adoption most earnestly. The whole matter was so fully explained by me before the River and Harbor Committee that it is unnecessary now to longer consume the time of the committee.

Mr. BURTON. I will say, Mr. Chairman, that I have no objection to the insertion of the amendment, and I ask that the gentleman from Pennsylvania may be recognized.

Mr. GRAHAM. Mr. Chairman, some criticism has been made as to the large amount appropriated in this bill for the improvement of the Monongahela, Allegheny, and Ohio rivers, including this improvement suggested by the amendment of my colleague, it being considered rather out of proportion to the amount appropriated for other sections of the country. Having the honor to represent a portion of the district affected, a section of Allegheny county adjacent to Pittsburg, I desire to call the attention of the House to the importance of this portion of our great country, and I state, without fear of successful contradiction, that this is the center of the greatest hive of human industry on the face of the earth, as I will demonstrate by the following statistics collated from State and national bureaus. To impress these facts more forcibly, I have put them into comparative form.

Pittsburg is the center of greatest population in the United States outside of New York and Philadelphia. Within a radius of 60 miles around Pittsburg reside, according to the last census, 1,608,964 people, a greater population than Chicago and a similar radius.

The capital, surplus, and deposits of the banks, national, State, and savings, of this one county exceed the combined banking capital, surplus, and deposits of eight Southern States.

The tax valuation of property in the county is \$490,000,000. Real estate exempted from taxation, sixty-four millions.

Of the following products made in the United States Allegheny county produces:

	Per cent.		Per cent.
Steel	47	Harness leather	50
Steel rails	56	Bituminous coal mined	25
Plate glass	75	Paper sacks	33
Pig iron	27	Wrought iron and steel	
Window glass	40	pipe	75
Table glassware	50	Nails and spikes	25

Has 2,483 mills and manufacturing establishments, with a capital of over \$300,000,000; value of annual products, \$244,525,875; paying out in wages over \$60,000,000 annually.

Has 62 blast furnaces and rolling mills, employing 82,000 workers. Also over 250 miles electric street railway, with combined capital of \$54,000,000. One thousand miles of iron pipe is used in conveying natural gas to the manufactories and dwellings.

Pittsburg stands sixth among the cities of the United States in comparative volume of bank exchanges.

Pittsburg coke district produces 65 per cent of the entire output of coke in the United States; Pittsburg oil district produces 60 per cent of the entire output of oil in the United States.

The daily output of coke, if loaded on one train, would be 10 miles long, and yet, notwithstanding this immense product, surveys show 75,000 acres of coking coal yet untouched in this section.

The above figures only show a few of the leading industries that far surpass those of other sections, but in addition there are hundreds of other lines of manufacture which I have not the time to dwell upon.

While Pittsburg is famous the world over as the manufacturer of the most unyielding products of man's labor, namely, iron and steel, yet it stands first in the manufacture of glass, that most brittle and perishable article of trade.

Pittsburg can present annually to every man, woman, and child in this country a glass bottle. [Laughter.] It leaves to them to decide whether it shall be filled with milk or something stronger. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. I would like to ask for a few moments more.

Mr. BROSIUS. I ask unanimous consent that my colleague have five minutes more.

Mr. GRAHAM. Three minutes will be sufficient.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that his colleague be allowed five minutes more? [After a pause.] The Chair hears none.

Mr. GRAHAM. I can give you a pointer that she sends out with the bottles 20,000,000 glass tumblers annually. And while I do not claim that Pittsburg leads the country in the manufacture of rye whisky and beer, she makes enough of both beer and whisky to fill all the tumblers she sends out, her most recent product being a \$25,000,000 beer syndicate.

Now, to provide for other cravings of the stomach she has the "Heinz" firm, which sends out pickles enough to present every human being on the face of the earth with one. Of course, she manufactures corks enough to safely preserve the contents of all her bottles. [Laughter.]

One point which I wish to bring out is the fact that the tonnage, river and rail, of Pittsburg exceeds the river and rail tonnage of any other city in the known world. The river and rail tonnage of Pittsburg will amount to one-half as much as the combined commerce of the Atlantic and Pacific coasts. Now, that is a startling statement, but is true nevertheless. If you take the entire commerce of New York, Baltimore, Boston, and the Pacific coast, the tonnage of all the vessels entering and leaving those ports will only exceed the tonnage of Pittsburg by one-half.

She has a railroad and river tonnage greater than any other city in the world. Her railroad tonnage is three times that of New York or Chicago, twice that of London, and four times that of Paris. [Applause.] Imagine a railroad tonnage in excess of the combined rail tonnage of New York, Chicago, and Boston. Two hundred and fifty passenger trains enter and depart daily from Pittsburg. Five thousand loaded railroad cars enter and depart daily. Including the Connellsville coke region, over 2,000,000 railroad cars are loaded annually.

Mr. BRUCKER. What town is that?

Mr. GRAHAM. It needs some gentleman on the floor of this House to ask that question, for it is known throughout the world. [Laughter and applause.] I want to say to the gentleman from the South—

Mr. GRIGGS. I object to that. The gentleman from Michigan [Mr. BRUCKER] lives farther north than the gentleman from Pennsylvania. [Laughter.]

Mr. GRAHAM (continuing). That the trade of a single firm in that city in iron ore, limestone, fuel, and finished product amounts to a greater tonnage than the combined cotton product of the entire Southern States. [Laughter and applause.]

Allegheny County consumes during the winter months over 1,000,000 cubic feet of natural gas per day. This is a greater consumption than at any previous time since the discovery of natural gas, and certainly does not indicate that the supply is becoming exhausted.

It reads like a paradox, that Pittsburg, known as the iron city, and making more iron than any other city on the globe, has no iron ore mined within 250 miles of its borders, the rough material being transported mainly from northern Michigan, it being found cheaper to transport the ore to the fuel than to bring the fuel to the ore.

Now, here is something that will perhaps interest gentlemen as to the revenue received by the United States from this section. The report of the Commissioner of Internal Revenue shows that of the 114 revenue districts in the United States there are only 7 which exceed this, the twenty-third district of Pennsylvania, in gross receipts, the returns for the last six months being \$4,209,233.95, indicating an annual income of \$10,000,000 from this district. [Applause.]

Now, for comparison with the world. Pittsburg contains the largest Bessemer steel plant in the world. It contains the largest

crucible steel plant in the world. It contains the largest plate-glass plant in the world. It includes the largest chimney-glass plant in the world. She manufactures enough glass chimneys to break three or four in every family every day. It includes the largest table glassware plant in the world. It includes the largest air-brake plant in the world. It includes the largest steel-rail plant in the world. It includes the largest pickle works in the world. [Laughter and applause.] It includes the largest cork works in the world. It includes the largest tube and pipe works in the world. It includes the largest steel freight-car works in the world, and includes the largest coffee-roasting establishment in the world. Gentlemen, if I had time I could tell you hundreds of other things that Pittsburg contains. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. ROBBINS) there were—ayes 108, noes 1.

So the amendment was agreed to.

Mr. KELLEY. I am well pleased that the combination is broken.

Mr. GROSVENOR. Mr. Chairman, it must be apparent to the House that the gentleman from Pennsylvania [Mr. GRAHAM] had but just entered upon the strong points of Pittsburg, and that he did not anywhere near complete his statement on account of the confusion in the House, and I ask unanimous consent that he may be allowed to extend his remarks in the RECORD, so as to do justice to that city. [Laughter.]

Mr. JOHNSON of Indiana. I suggest that the gentleman from Pennsylvania [Mr. DALZELL] may want to be heard on that subject. [Laughter.]

Mr. BURTON and Mr. MOON rose.

Mr. BURTON. I desire to offer an amendment; perhaps it is the same for which the gentleman from Tennessee [Mr. MOON] is seeking the floor. Does the gentleman from Tennessee propose to offer an amendment for the survey of the Hiawassee River from its mouth to the mouth of the Okoee?

Mr. MOON. Yes, sir; that is the amendment I desired to offer.

Mr. BURTON. That is the amendment I am about to present on behalf of the committee and which I now send to the desk.

The Clerk read as follows:

Insert, in line 23, page 83, after the word "ford," the following: "Hiawassee River: For its survey from its mouth to the mouth of the Okoee."

The amendment was agreed to.

Mr. LEWIS of Washington. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEWIS of Washington. I wish to ask whether it has been ruled by the Chair that unanimous consent is required in order to enable us to go back to a part of the bill that has been already passed.

The CHAIRMAN. It is the rule that where a paragraph has been reached in regular order and passed, it can not be gone back to except by unanimous consent.

Mr. LEWIS of Washington. Then, with the indulgence of the Chair, I wish while on my feet to propound an inquiry to the chairman of the committee [Mr. BURTON]. I have just received a telegram about the project known as the Seattle waterway, or ship canal—

Mr. BURTON. Between Lake Union and Lake Washington?

Mr. LEWIS of Washington. Yes, sir. I should be very grateful if the chairman of the committee in his own time would state to the House, so that it may go on record, why the Committee on Rivers and Harbors did not see proper at this time to report an appropriation for that purpose. That statement of those reasons has been made to me in private conversation, but I would like to have a public statement, so as to relieve me of the necessity of bringing the proposition to the attention of the House.

Mr. BURTON. By the consent of the Committee of the Whole, I will say to the gentleman that the Committee on Rivers and Harbors did not regard that project as of sufficient importance to navigation to warrant us in including it in this bill. We regarded such an improvement as is proposed here as possibly desirable for the use of the Navy, but we did not think it should find a place in the pending measure. We regarded the project as one to be adopted not by us, but by the Committee on Naval Affairs. Arguments both for and against the project were presented to us, and those against it seemed to have the greater weight.

Mr. LEWIS of Washington. Allow me to ask my friend whether it was the general opinion of the committee that the project, if available or expedient, should fall under the jurisdiction of the Naval Committee rather than the Committee on Rivers and Harbors?

Mr. BURTON. Yes; if any such improvement is to be made at all.

The Clerk read as follows:

TEXAS.

Harbor at Alligator Head, in Matagorda Bay, and the harbor at Brazos Santiago, off Point Isabel, Texas, with plans and estimates for the removal of the bars at said harbors to furnish an inlet to each of said harbors to permit ocean-going vessels to enter said harbors with necessary depths of channel.

Mr. BURTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the paragraph just read insert the following:
"From Galveston jetties to Texas City, with a view to obtaining a depth of 25 feet and a bottom width of 100 feet."

Mr. HAWLEY. To this amendment I desire to offer an amendment which seems to me more comprehensive, I ask the Clerk to read it.

The Clerk read as follows:

The Secretary of War is hereby directed to cause an examination and such survey as may be necessary to be made to determine the feasibility and cost of dredging a channel from Galveston Harbor to Texas City, Tex., the same to be 100 feet wide at the bottom and 25 feet deep between the points above named, and advisability of said improvement, and report the same to Congress as soon as practicable.

Mr. BURTON. The gentleman from Texas [Mr. HAWLEY] will allow me to say to him that a general provision at the beginning of section 8 covers all matters of this kind. We have not repeated the verbiage in connection with each separate project, harbor, or channel. I refer the gentleman to page 75 of the bill.

Mr. HAWLEY. I withdraw my amendment, because it is covered under section 8, to which the gentleman from Ohio has referred.

The Clerk read as follows:

To remove bar at the mouth of Jacksons Creek, in Middlesex County.

Mr. BURTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after the paragraph just read the following:
"James River, with a view of ascertaining what expenditure will be necessary to continue improvement to the head of navigation at the Docks."

The amendment was agreed to.

The Clerk read as follows:

Harbor at Port Washington: With a view of obtaining a channel 15 feet in depth, by extending piers 300 feet and of protecting the same by a breakwater, or otherwise.

Mr. BURTON. I move to amend by striking out the word "by," in line 8, and inserting the words "and of," so as to read:

With a view of obtaining a channel 15 feet in depth, and of extending piers, etc.

The amendment was agreed to.

Mr. BURTON. My attention has been called to the necessity of a verbal amendment on page 81. I ask unanimous consent that we return to the item embraced in lines 15 and 16 of that page.

There was no objection.

Mr. BURTON. I move to amend by striking out after the word "Dunkirk" the words "preliminary examination as to necessity for" and inserting "survey for easterly;" so as to read:

Dunkirk: Survey for easterly breakwater.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. BURTON. Mr. Chairman, I move that the committee now rise and report the bill to the House with the amendments adopted.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the river and harbor bill, had directed him to report the same to the House with sundry amendments, and as so amended that the bill do pass.

The amendments recommended by the committee were considered, and agreed to.

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

The question recurred on the passage of the bill.

Mr. MAXWELL. Mr. Speaker, on that question I demand the yeas and nays.

The yeas and nays were not ordered.

The question was taken on the passage of the bill; and on a division (demanded by Mr. HEPBURN) there were—ayes 160, noes 7. So the bill was passed.

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

EULOGIES ON THE LATE REPRESENTATIVE DINGLEY.

Mr. BOUTELLE of Maine. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk,

The SPEAKER. The resolution will be read, after which the Chair will ask if there be objection.

The resolution was read, as follows:

Resolved, That Saturday, February 11, 1890, be set apart for the purpose of paying tribute to the memory of Hon. NELSON DINGLEY, late a member of the House of Representatives from the State of Maine.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered, and agreed to.

EXTENSION OF RHODE ISLAND AVENUE.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to submit at this time for consideration a conference report.

In view of the fact that this report has been before the House and already read, I ask unanimous consent that its reading now be dispensed with and that the statement of the conferees be read instead.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The statement of the House conferees was read, as follows:

The bill as it passed the Senate carried an appropriation of \$75,000 for extending Rhode Island avenue; half of which sum was payable out of the Treasury of the United States and half out of the revenues of the District of Columbia.

The House struck out the appropriation and provided for condemnation proceedings, with a thousand dollars to pay the cost of such proceedings.

The conference reports in favor of dividing the cost of the land to be acquired for extending Rhode Island avenue between the persons whose property was to be benefited by the extension and the revenues of the District of Columbia.

This is in accordance with the position that the House has taken for the past five years in relation to extension of streets in the District of Columbia beyond the city of Washington.

G. M. CURTIS,
W. S. COWHERD,

Conferees on the part of the House.

Mr. CURTIS of Iowa. I move the adoption of the conference report.

The report was considered, and agreed to.

GAUGING, ETC., OF SPIRITS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration in the House of the bill (H. R. 10997) to amend section 3287 of the Revised Statutes of the United States, concerning the drawing off, gauging, marking, and removal of spirits.

I ask that the Committee of the Whole be discharged and that the bill be now taken up for consideration.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3287 of the Revised Statutes of the United States, as amended by section 6 of the act approved May 28, 1880, entitled "An act to amend the laws in relation to internal revenue," be amended by adding at the end thereof the following:

"Provided, however, That the Commissioner of Internal Revenue be authorized, upon application of the distiller, to allow any package or cases, or packages encasing not less than two tins. Said packages or cases, or packages encasing tins to be of not less capacity than 10 gallons, wine measure, to be filled with distilled spirits from the receiving cisterns in such manner as said Commissioner may by regulation prescribe for the purpose of exportation from the United States. And there shall be charged for each of said packages or cases for the expense of providing and affixing stamps, 5 cents instead of 10 cents as now required by law."

The Committee on Ways and Means recommended the adoption of the following amendments:

Strike out lines 9, 10, 11, 12, and 13 on page 1, and lines 1, 2, and 3 on page 2, and insert in lieu thereof the following:

"Provided, however, That upon the application of the distiller, and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, distilled spirits may be drawn into wooden packages, each containing two or more metallic cans, which cans shall have each a capacity of not less than 5 gallons, wine measure, such packages to be filled and used only for exportation from the United States."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

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

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

WILLIAM H. HUGO.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1032) for the relief of William H. Hugo.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the laws regulating appointments in the Army of the United States be, and they are hereby, suspended for the purposes of this bill, and that, in view of his services to his country, the President is

hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint William H. Hugo, now of Fort Bayard, N. Mex., a first lieutenant of cavalry in the Army of the United States, and thereupon to place him on the retired list of the Army with the pay and emoluments of a retired officer with the rank of a first lieutenant, without regard and in addition to the retired list now authorized by law.

THE SPEAKER. Is there objection to the present consideration of the bill?

MR. McEWAN. Mr. Speaker, I reserve the right to object until this bill has been explained.

MR. HAY. I ask that the report be read, Mr. Speaker, which fully sets forth the purposes of the bill.

MR. BAILEY. Is this party in the service now?

MR. HAY. He is not.

MR. BAILEY. Then I do not think—

MR. HAY. I hope the gentleman will wait and allow the report to be read.

MR. BAILEY. Certainly.

THE SPEAKER. The report will be read.

The report (by **MR. McDONALD**) was read, as follows:

The Committee on Military Affairs, to which Senate bill No. 1032 was referred, the same having passed the Senate January 22, 1898, return the same with the recommendation that the bill do pass, incorporating as part of their report the report of the Senate, as follows:

[Senate Report No. 477, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, having considered the bill (S. 1032) for the relief of William H. Hugo, respectfully recommend that the bill do pass.

A report in favor of this bill was made in the House of Representatives on the 25th day of March, 1892, and reports were twice made in the Senate in favor of this bill—first July 12, 1894, and again on February 11, 1897. Each one of these reports contains an elaborate statement of the facts, with copies of records and papers.

These records and papers have been carefully considered. They show that William H. Hugo was a captain of volunteers in the Army of the United States in June, 1861. He served faithfully and gallantly until the end of the war. He was severely wounded, and on another occasion he lost entirely the use of one ear. His record in that war was without a single blemish. He was twice promoted for gallant conduct in that war.

When the Volunteer Army was disbanded Mr. Hugo was made a lieutenant in the Regular Army. In this new position Mr. Hugo, in the Indian wars, saw much hard service and maintained a high character as a faithful, brave soldier, and Colonel Bliss, his commander, writes, "He is a perfectly honorable and upright man."

On the 21st of June, 1881, he was drunk at retreat roll call. For this alone he was tried by court-martial and dismissed from the Army. He is old and in want, and unable to work.

The members of the court-martial, the post of the Grand Army of the Republic at Albuquerque, N. Mex., where he lives, and many of his comrades pray for his relief from a judgment which was a terrible punishment of such a man for such offense.

MR. HAY. I desire to say, further, that this is a unanimous report, and there were other facts not stated in the report which urged the committee to make the favorable recommendation which it has made.

MR. BAILEY. Mr. Speaker, this is an effort to place on the retired list a man who is not now in the service, and although I dislike to do it, I must object.

THE SPEAKER. Objection is made.

SALE OF AUXILIARY NAVAL VESSELS.

MR. HILBORN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 318, authorizing the sale of auxiliary vessels.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to cause to be appraised by competent boards of officers of the Navy, to be designated by him for that duty, and to sell at public auction, after due advertisement, such of the vessels purchased since the 21st day of April, 1898, for auxiliary service in connection with the Navy as are no longer needed: *Provided, however,* That no such vessel shall be sold for less than its appraised value unless the President shall otherwise direct in writing: *And provided further,* That the net proceeds arising from the sales of vessels as herein authorized shall be paid into the Treasury.

MR. HILBORN. Mr. Speaker, I ask for the reading of the report, which I think is the best statement that can be made.

MR. BAILEY. I reserve the right to object.

THE SPEAKER. The Clerk will read the report.

The report (by **MR. HILBORN**) was read, as follows:

The Committee on Naval Affairs have had under consideration a proposed joint resolution (H. Res. 318) authorizing the sale of auxiliary vessels of the Navy, and report the same to the House with a recommendation that it pass.

The proposed authorization relates only to such auxiliary naval vessels as were purchased for temporary service during the late war and can now be disposed of without detriment to the service. In a letter to the committee the Secretary of the Navy says:

"While it is considered that the language of section 1541 of the Revised Statutes, in conjunction with the acts of August 5, 1882 (22 Stat., 296), and March 3, 1883 (22 Stat., 599), might perhaps be so construed as to sanction the sale of the vessels referred to, such interpretation, if adopted, would likewise warrant the sale, at executive discretion, of any vessel of the Navy. I am not satisfied, after considering together the several statutory provisions on the subject, that they confer authority to sell public vessels that are in good repair and are entirely serviceable and the sale of which is desirable merely because the exigencies under which they are acquired have passed. It seems preferable, therefore, before action is taken in the matter, that the special authorization of Congress to make necessary sales be secured, and the inclosed draft is accordingly submitted, with the recommendation that it may receive favorable consideration by the committee."

The resolution herewith reported by the committee is substantially as recommended by the Secretary of the Navy.

MR. BAILEY. I should like to ask the gentleman from California if he was not able to accompany this report with a list of those vessels which have been bought?

MR. HILBORN. The report of the Secretary of the Navy and the reports of the heads of the bureau contain all of these lists, and also the prices paid for all of them.

MR. BAILEY. And the parties from whom they were purchased?

MR. HILBORN. Yes.

MR. BAILEY. I think myself that it is desirable to dispose of them as soon as possible, because the longer we keep them the less we will get for them.

MR. HILBORN. Certainly.

MR. BAILEY. I want to ask the gentleman if the resolution provides for the proper advertising in advance of the sale?

MR. HILBORN. Oh, yes.

MR. MOODY. I should like to ask the gentleman from California a question. Is there anything in the bill which would authorize the Secretary of the Navy to transfer these vessels to other Departments of the Government?

MR. HILBORN. There is not.

MR. MOODY. I should like to ask the gentleman if he has considered the question whether it would be desirable to so transfer any of the vessels?

MR. HILBORN. We have considered it.

MR. MOODY. There is a very great call for vessels in all departments of the service, is there not? I should like to ask the gentleman whether the committee have considered the advisability of transferring any of these vessels to the Treasury Department, the War Department, or some other Department of the Government?

MR. BOUTELLE of Maine. Will my friend from California permit me to answer briefly?

MR. HILBORN. Certainly.

MR. MOODY. I should be glad to receive the information.

MR. BOUTELLE of Maine. A proposition of that nature has been made, but the Committee on Naval Affairs have not felt authorized to incorporate a provision of that kind in the bill now before the House, for the very obvious reason that that would authorize the Secretary of the Navy to transfer to the different Departments of the Government vessels the use of which had never been granted to those Departments by the Congress of the United States. For instance, if the Secretary of the Navy had the opinion that the transfer of some ship of the Navy to the Army would greatly facilitate the operations of that Department, the fact would remain that the Congress of the United States had not authorized the War Department to have the use of such a vessel.

MR. BAILEY. That could be done in this very resolution; and if it be true that there is any need for these vessels, this very resolution could authorize the Secretary of the Navy to transfer such as it is desirable to transfer, and to sell the others.

MR. BOUTELLE of Maine. The objection would still remain that we have had no action of Congress to determine that that Department should be granted the use of such a vessel.

MR. BAILEY. I understand we have not, but we would have, immediately upon the passage of the resolution. I know nothing of the state of facts indicated by the gentleman from Massachusetts. I have supposed that in the excitement of the war we bought many more such craft than we need in time of peace.

MR. BOUTELLE of Maine. That is undoubtedly the fact.

MR. BAILEY. I would suppose it to be wise to dispose of them as soon as possible, and thus get as much out of them as possible.

MR. BOUTELLE of Maine. But the Committee on Naval Affairs had not before it any evidence that other Departments needed vessels, and it did not seem to us, on the face of it, desirable to put upon the Secretary of the Navy the responsibility of deciding what facilities of transportation should be given to the Army or what addition of ships should be made to the Coast Survey or the Revenue Marine.

MR. BAILEY. Can the gentleman from Maine tell me if these vessels to be disposed of include the yachts and such like that were bought up at that time?

MR. BOUTELLE of Maine. It means the disposal of all vessels bought under the exigencies of war which it is not necessary to retain.

MR. BAILEY. Would that include the vessels we bought in Great Britain, which were constructed under contract for the Government of Brazil?

MR. BOUTELLE of Maine. It would not; for the resolution itself provides that it shall apply only to those vessels which are not desirable to be retained permanently in the Navy.

I want to state further, to make it perfectly clear, that there is a law on the statute books for the disposition of vessels of the Navy that are condemned by proper authority, and authorizes the Department to sell them at auction to the highest bidder. But the Secretary of the Navy, in his recommendation of this measure to us, stated—and the committee regard it as a very proper statement—that he did not feel sure that that legislation was broad

enough to authorize the Department to sell ships that were in good order.

The statute related to vessels that were desired to be disposed of, because their term of usefulness had passed, and that they should be condemned; but this is to dispose of the ownership of United States vessels not necessary in the usual operations of the Navy Department and that were bought for an exigency, for a specific service, and it is not now desirable to retain them in the service.

Mr. BAILEY. And now the Secretary of the Navy can either hold or sell these other vessels?

Mr. BOUTELLE of Maine. He can dispose of those vessels that have been condemned and can retain these others if the best interests of the Government require their use.

Mr. BAILEY. It is not absolutely required that he shall sell them all.

Mr. BOUTELLE of Maine. No; not to sell any ships of the United States that are properly adapted for the regular use of the Navy.

Mr. PAYNE. I want to suggest to the gentleman from Maine whether—

Mr. TERRY. In the further unfolding of the present undeveloped policy may we not have to buy these ships back again? [Laughter.]

Mr. BOUTELLE of Maine. That would depend very much upon the coolness or the ardor of those who wanted to go to war.

A MEMBER. I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HEPBURN. I object, Mr. Speaker.

Mr. MAGUIRE. I want to ask the gentleman from California a question?

Mr. HILBORN. Certainly.

Mr. MAGUIRE. Would it not be better in the present state of the case to authorize the Secretary of the Navy to transfer to other Departments such of these vessels as are required by them and not needed by the Navy Department, and provide afterwards for selling those that no other Department of the Government needs?

Mr. HILBORN. Up to this time Congress has always determined whether the other Departments of the Government, like the Treasury or the War Department, need vessels. After finding the fact that a Department does need them, it authorizes their purchase or building. If the suggestion of the gentleman were adopted, Congress would abdicate and give the right to the Secretary of the Navy to determine whether the War Department needed one or a dozen vessels and whether the Treasury Department needed one or a dozen vessels.

Mr. BAILEY. I was of the impression at first that it might be well that the Departments that could use these vessels should be permitted to use them; but, on reflection, I agree now that they ought to come to Congress and let it judge whether they should have vessels or not.

Mr. SHAFROTH. We generally act upon the recommendations of those Departments anyhow.

The SPEAKER. The gentleman from Missouri and several other gentlemen have objected.

Mr. MOODY. I desire to ask the gentleman from California a question.

The SPEAKER. Does the gentleman from California yield to the gentleman from Massachusetts?

Mr. HILBORN. Certainly.

Mr. MOODY. Some inquiry has been made as to the number and character of the vessels to which this bill would refer. I have in my hand a list of vessels that are not to be retained in the service, furnished to the Committee on Appropriations by the Secretary of the Navy, and it might be of some use to have the Clerk read it. Or I should like to have it inserted in the RECORD. It is as follows:

Vessels which are not recommended for retention in the naval service.

Name.	Character.	Cost.	Approximate tonnage.
Governor Russell	Ferryboat	\$71,000	750
East Boston	do	57,500	732
Scipio	Steamer	* 17,500	
Hawk	Yacht	50,000	270
Onesida	do	55,000	118.9
Restless	do	29,000	105
Siren	do	40,000	110
Seminole	Tug	25,000	122
Chickasaw	do	15,000	142
Cheyenne	do	20,000	140
Enquirer	Yacht	80,000	130
Viking	do	30,000	141

* Pounds sterling.

The SPEAKER. Is there objection?

Mr. BAILEY. I have no desire to interfere, but I understand an objection was raised by the gentleman from Iowa.

The SPEAKER. Has any objection been made?

Mr. HEPBURN. I have been trying to make one.

The SPEAKER. The gentleman from Iowa objects.

CANAL, ETC., AT MUSCLE SHOALS, ALABAMA.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 9335) granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Muscle Shoals Power Company, a corporation created and organized under a charter granted by the legislature of the State of Alabama, its successors or assigns, to erect, construct, operate, and maintain inlet and outlet races or canals and a power station or stations at a point or points at or near the Muscle Shoals in Tennessee River, that are, and always have been, unsuitable and unused for the purposes of navigation, and to make such other improvements as may be necessary within said limits for the development of water power and transmission of the same: *Provided*, That the constructions hereby authorized do not in any way interfere with the Muscle Shoals Canal, or with navigation of said river: *Provided further*, That until the plans and location of the works herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War, the improvements shall not be commenced or built.

Mr. COX. Mr. Speaker, I want to reserve the right to object to that matter until an explanation is made by the gentleman.

Mr. BANKHEAD. Mr. Speaker, I ask the Clerk to read the report. It is very short.

The SPEAKER. Pending objection, the Clerk will read the report.

The report (by Mr. BURTON) was read, as follows:

The Committee on Rivers and Harbors, to whom was referred the bill (H. R. 9335) granting right to construct canal, etc., at Muscle Shoals, Alabama, respectfully report:

Your committee recommend, first, that the bill be amended by striking out, in lines 9 and 10, the words "that are and always have been unsuitable and unused for the purpose of navigation," because we regard such an expression of opinion as out of place in a bill of this kind; and second, by adding after line 5, page 2, the words "and the Secretary of War is authorized and directed to fix reasonable charges for use of said power." We regard it as proper that compensation should be made for the privileges granted.

The bill seems to provide all necessary safeguards to prevent injury to the works owned by the Government, and, when amended as above stated, the committee recommend that the same do pass.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I do not want to object, but I want to understand how that corporation is running that machine down there on the shoals.

Mr. GROSVENOR. Mr. Speaker, what committee reports this bill?

The SPEAKER. The Committee on Rivers and Harbors.

Mr. BANKHEAD. The corporation referred to is not running any machine at this time. They simply ask permission to operate on the Muscle Shoals a power company and use the water there that is not used in the canal, and such water as is not needed for the canal. The bill provides that their work shall not be begun or constructed until the Secretary of War authorizes it. The bill also provides that the Secretary of War shall fix a reasonable compensation for the use of water—that is, in case any compensation is required and just.

Mr. COX. Will the gentleman yield to me for a question?

Mr. BANKHEAD. Certainly.

Mr. COX. We have been discussing all through the river and harbor bill the improvement of these shoals.

Mr. BANKHEAD. This is a different shoal altogether. This is Muscle Shoal.

Mr. COX. Well, you have got to go through both shoals to get up the river. Now, here is a company proposing to use the water which will impede the navigation over the shoals.

Mr. BANKHEAD. No; this is an electric light company.

Mr. COX. And it does not affect the navigation?

Mr. ERMENTROUT. No; it gives you more light. [Laughter.]

Mr. GROSVENOR. I object.

The SPEAKER. Objection is made.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Resolved by the Senate (the House of Representatives concurring). That there be printed 8,000 copies of the chronological list of battles in which troops of the permanent establishment have participated from the organization of the Army in 1789, together with statistics of losses and the names of officers wounded or killed in action; 1,000 copies for the Senate, 2,000 copies for the House, and 5,000 copies for the War Department—

To the Committee on Printing.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. Res. 344. Joint resolution granting authority to the Republic of Venezuela to send a cadet to West Point Military Academy.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5224. An act to extend the time for the construction of a bridge across the Missouri River, at or near the city of Boonville, Mo., by the Boonville and Howard County Bridge Company.

MARY R. FROST.

Mr. WEYMOUTH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2871) for the relief of Mary R. Frost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and instructed to redeem, in favor of Mary R. Frost, United States 4 per cent registered bonds issued under the acts of July 14, 1870, and January 20, 1871, No. 2235, for \$50; No. 13657, for \$100; No. 7392, for \$500, inscribed in name of Mary R. Frost, with interest accrued and unpaid to the date of their maturity, said bonds having been lost in the mails after having been assigned in blank by the said payee: *Provided*, That the said Mary R. Frost shall first file in the Treasury a bond, in a penal sum equal to the amount of said missing bonds, and interest due on the same, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury with condition to indemnify and save harmless the United States from any claim because of the lost bonds.

With the following amendment recommended by the committee:

In line 16 strike out the words "equal to" and insert in lieu thereof the words "in double;" so it shall read, "file in the Treasury a bond in a penal sum in double the amount of said missing bonds."

Mr. BRUMM. Mr. Speaker, reserving the right to object to that for a moment, I would like to hear the report.

Mr. WEYMOUTH. Mr. Speaker, I will say to the gentleman from Pennsylvania that this is a favorable report from the Committee on Claims—a favorable report from the gentleman's own committee.

Mr. BRUMM. All right; I withdraw any objection.

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

The committee amendment was considered and agreed to.

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

ARREARAGES OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I present a conference report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4700) to receive arrearages of taxes due the District of Columbia to July 1, 1896, at 6 per cent interest per annum, in lieu of penalties and costs.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4700) entitled "A bill to receive arrearages of taxes due the District of Columbia to July 1, 1896, at 6 per cent interest per annum, in lieu of penalties and costs," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House and agree to the same amended as follows: In lieu of "ninety-eight" read "ninety-seven;" and the Senate agree to the same.

That the Senate recede from its disagreement to the second amendment of the House and agree to the same amended as follows: Instead of the date "January, 1900," read "July, 1899;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House relative to the title and agree to the same amended so as to read: "A bill to receive arrearages of taxes due the District of Columbia to July 1, 1897, at 6 per cent per annum, in lieu of penalties and costs;" and the Senate agree to the same.

JOHN J. JENKINS,
CHARLES F. SPRAGUE,
JAMES D. RICHARDSON,
Managers on the part of the House.
JAMES McMILLAN,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

STATEMENT.

The bill as it passed the Senate reduced the rate of interest from 12 to 6 per cent on arrearages of taxes paid prior to July 1, 1896, provided such arrearages were paid before January 1, 1899.

The House extended the provisions for 6 per cent interest to 1898, and extended the time of payment to January, 1900.

The conference reports in favor of extending the time to July 1, 1897, and the time for payment to July 1, 1899.

This is in accordance with the recommendations of the Commissioners of the District of Columbia, who say that the amendments of the House will confuse all tax matters for the reason that the list of property for sale for taxes in arrears for the year ending June 30, 1898, is now in preparation.

Mr. JENKINS. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to; and the conference report was adopted.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I move that when the House adjourn to-day, it adjourn to meet at noon on Saturday next, which will give us a day to catch up with the work.

Mr. BRUMM. Mr. Speaker, I offer an amendment to that, that when the House adjourns, we adjourn until 12.05 o'clock to-morrow.

The SPEAKER. That would not be in order.

Mr. BRUMM. Why, Mr. Speaker, it is not the regular hour.

The SPEAKER. That is one of the difficulties about it. Under the rules of the House, the House is required to meet at 12 o'clock.

Mr. BRUMM. Then, Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. BRUMM) there were—ayes 37, noes 52.

Mr. CLARDY. Mr. Speaker, I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Two gentlemen only rising—not a sufficient number. The yeas have it, and the House refuses to adjourn. The question now is on the motion of the gentleman from Illinois that when the House adjourn it adjourn until Saturday noon.

The question was taken; and on a division (demanded by Mr. BRUMM) there were—ayes 69, noes 16.

Mr. BRUMM. No quorum, Mr. Speaker.

The SPEAKER (after having counted the House). One hundred and eight gentlemen present—not a quorum. Under the rules of the House a call of the House will be considered as ordered; the yeas and nays are also ordered, and the Clerk will call the roll.

Mr. CANNON. Mr. Speaker, there is evidently no quorum in the Capitol. I do not desire to punish members on the one hand nor myself on the other to stay here an hour or two to get a quorum, and I move that the House do now adjourn.

The motion of Mr. CANNON was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the president of the Brightwood Railway Company, transmitting the annual report for 1898, was taken from the Speaker's table, referred to the Committee on the District of Columbia, 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. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11916) to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes, reported the same without amendment, accompanied by a report (No. 1890); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11868) to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes, reported the same with amendment, accompanied by a report (No. 1896); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4854) granting a pension to Isom Gibson, reported the same with amendment, accompanied by a report (No. 1891); which said bill and report were referred to the Private Calendar.

Mr. STRODE of Nebraska, from the Committee on Pensions, to which was referred the bill of the Senate (S. 168) granting an increase of pension to W. P. Snowden, reported the same without amendment, accompanied by a report (No. 1892); 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. 730) granting an increase of pension to John N. Corgan, of McPherson, Kans., reported the same without amendment, accompanied by a report (No. 1893); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10716) to pension John S. Draper, reported the same with amendment, accompanied by a report (No. 1894); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 3495) for the relief of the heirs of Margaret Kennedy, reported the same adversely, accompanied by a report (No. 1895); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GAINES: A bill (H. R. 11955) to amend sections 820 and 821 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BROWNLOW: A bill (H. R. 11956) to establish a military post in or near Knoxville, Knox County, Tenn.—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 11957) providing for the execution of new bonds and release of sureties—to the Committee on the Judiciary.

By Mr. WISE: A bill (H. R. 11958) to establish a lighted buoy at Hog Island, in James River, Virginia—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11959) to establish a lighted buoy at Goose Hill Shoal, in James River, Virginia—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11960) to establish a lighted buoy at Epps Island Shoals, in James River, Virginia—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11961) to establish a lighted buoy at Glovers Bluff, in James River, Virginia—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11962) to establish a lighted buoy at Harrison's Bar, in James River, Virginia—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11963) to establish a lighted buoy at Bailey Creek Flats, in James River, Virginia—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11964) to establish a lighted buoy at Dancing Point, in James River, Virginia—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: A bill (H. R. 11965) to provide for the purchase of a site and the erection of a public building thereon at Clinton, in the State of Iowa—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY: A joint resolution (H. Res. 348) to display flags at half-mast on Government buildings—to the Committee on Naval Affairs.

By Mr. RICHARDSON: A resolution (House Res. No. 384) to print the regular edition of the Digest and Rules—to the Committee on Printing.

By Mr. BRODERICK: A memorial from the senate of the State of Kansas, favoring liberal appropriations for merchant marine—to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HAMILTON: A bill (H. R. 11966) granting a pension to Mary A. Randall—to the Committee on Invalid Pensions.

By Mr. STALLINGS: A bill (H. R. 11967) for the relief of the estate of William Booth—to the Committee on War Claims.

By Mr. WARD: A bill (H. R. 11968) to pension Eliza R. Field—to the Committee on Pensions.

By Mr. ROBBINS: A bill (H. R. 11969) to correct the military record of Samuel Steinman of Scottsdale, Pa.—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Young Woman's Christian Temperance Union of Pleasant View, Pa., for the passage of the Ellis bill to prohibit the sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ARNOLD: Petition of the Lutheran Church of Philipsburg, Pa., for the abolition of the sale of liquors in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. BABCOCK: Petitions of J. J. Wright and 198 citizens of Oxford, J. Odell and 200 citizens of North Freedom, and citizens of Seneca and Richland Center, Wis., urging the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER: Papers relating to the claim of C. C. Spaulding—to the Committee on War Claims.

By Mr. BARTLETT: Resolutions of the Board of Trade of Augusta, Ga., protesting against the striking out the appropriation for the fast Southern mail—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Resolution of the Thirty-second Encampment, Grand Army of the Republic, Department of Ohio, concerning a national military park—to the Committee on Military Affairs.

By Mr. BULL: Papers to accompany Senate bill No. 3525 and House bill No. 8773, for the erection of a public building at Providence, R. I.—to the Committee on Public Buildings and Grounds.

By Mr. COCHRANE of New York: Protest of the local union of Christian Endeavor of Troy, N. Y., against the seating of Brigham H. Roberts as a Representative from Utah—to the Committee on Elections No. 1.

By Mr. CRUMPACKER: Petition of Rev. John L. Brandt and 800 citizens of Valparaiso, Ind., against the seating of Representative-elect B. H. Roberts, of Utah—to the Committee on Elections No. 1.

By Mr. DOLLIVER: Petitions of fourth-class postmasters of Humboldt County, Carroll County, and Palo Alto County, State of Iowa, in favor of House bills Nos. 4930 and 4931, relating to the compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFIN: Petition of a union meeting of Congregational, Methodist, Episcopal, Baptist, and Advent Christian churches, of Sparta, Wis., for the passage of House bill No. 7937, to prohibit the sale of liquor in canteens and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HAY: Petitions of numerous citizens of the State of Virginia, in favor of the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Indiana: Communication of James K. Gore, of Indianapolis, Ind., relating to the National Guard—to the Committee on the Militia.

Also, communication of A. D. Welker, of Curryville, Ind., favoring the Ellis bill to prohibit the sale of liquor in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. HITT: Petition of 83 citizens of Rockford, Ill., against the seating of Brigham H. Roberts as a Representative from Utah—to the Committee on Elections No. 1.

Also, memorial of Farmers' Institute of Winnebago County, Ill., favoring the Ellis bill to prohibit the sale of liquor in canteens and immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOWE: Petition of the American Shipping and Industrial League of New York City, praying for legislation restoring to the United States the ocean carrying trade sailing under the American flag—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: Petitions of J. H. Shipman and 195 citizens of Tillinghast, Wis., and Charles Miles and 203 citizens of Prescott, Wis., in favor of the establishment of postal saving banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LANDIS: Petitions of Taylor Morrison and 196 citizens of Garfield, Ind., and Elizabeth A. Smith and 198 citizens of Milroy, Ind., in favor of the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MCRAE: Petitions of Josiah T. Middleton and 20 citizens of Index, J. D. Cook and 40 citizens of Chancel, P. H. Ward and 20 citizens of Edmondson, W. J. Niemyer and 39 citizens of Butterfield, Paul Knod and 19 citizens of Antimony, L. H. Perry and 18 citizens of Boss, R. E. Brewer and 12 citizens of Delight, H. M. McGaughey and 78 citizens of Rogers, S. A. Barnes and 19 citizens of Alco, Hugh Davis and 8 citizens of Grayson, Mrs. N. C. Woods and 8 citizens of Coldspring, John B. Watson and 20 citizens of Jersey, R. C. Bertrand and 33 citizens of Greeley, H. G. Reed and 59 citizens of Claremore, Robert F. Sollers and 71 citizens of Douglas and vicinity, all in the State of Arkansas, favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MADDOX: Resolutions of the Exchange and Board of Trade of Augusta, Ga., protesting against the striking out the appropriation for the fast Southern mail—to the Committee on the Post-Office and Post-Roads.

By Mr. OTEY: Petitions of William L. Dorley and 199 citizens of Crystal, Va.; N. M. Owens and 203 citizens of Warren, Va., favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PERKINS: Petition of 7 fourth-class postmasters of the Eleventh Congressional district of Iowa, urging the passage of House bills Nos. 4930 and 4931, relating to the compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBBINS: Petitions of the First Baptist Church and Woman's Christian Temperance Union, of West Newton; two Lutheran churches of Worthington and vicinity; James D. Donnell Post, No. 281, and Methodist Episcopal Church, of Kellersburg; Methodist Episcopal churches of Putneyville and Duncansville; the Christian Union, United Presbyterian Church, and Woman's Christian Temperance Union of Stewart Station; certain churches and societies of Brockwayville and Parker City, all in the State of Pennsylvania, in favor of the Ellis bill to prohibit the sale of liquor in canteens and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUSSELL: Protest of New London County (Conn.) Baptist Young People's Union, against the seating of a polygamist in Congress—to the Committee on Elections No. 1.

By Mr. STEWART of Wisconsin: Petition of the Cigar Makers' Union of Marinette, Wis., remonstrating against any extension of the sovereignty of the United States over the Philippine Islands—to the Committee on Foreign Affairs.

By Mr. VANDIVER: Petition of M. D. Bruner and others, for the relief of Daniel McCarty—to the Committee on Claims.

Also, papers to accompany House bill granting a pension to Peter Jennings—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John A. Lyon—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of the Woman's Christian Temperance Union of Newtown, Bucks County, Pa., to prohibit the sale of liquor in canteens and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. WISE: Petitions of H. Montgomery and 240 citizens of Oklahoma and George W. Gibson and 201 citizens of Rescue, Va., favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Board of Trade and Business Men's Association of Norfolk, Va., praying for the enactment of legislation to promote our ocean carrying trade—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, February 3, 1899.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Vice-President being absent, the President pro tempore took the chair.

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

The PRESIDENT pro tempore. The Journal stands approved, without objection.

ACQUISITION OF TERRITORY.

Mr. WOLCOTT. Mr. President, I see by the Calendar that the Senator from Mississippi [Mr. MONEY] and the Senator from Virginia [Mr. DANIEL] have given notice of an intention to address the Senate this morning upon the Vest resolution and other resolutions which have been offered and may be proposed as amendments to that resolution. Under the unanimous-consent rule we go into executive session at 2 o'clock, and I take it without question that those two Senators will naturally occupy the time of the Senate during the morning hour and until 2 o'clock.

Therefore I ask consent to address the Senate to-morrow, when that order shall be reached, upon the question of these resolutions. I desire to say that I have no wish to do other than hasten action upon the resolution, and that the time I shall occupy in the few remarks I have to make will not be, probably, over fifteen minutes or so.

Mr. GALLINGER. The Senator from Texas [Mr. CHILTON] has given notice likewise for to-morrow.

Mr. WOLCOTT. I understand that the Senator from Texas [Mr. CHILTON] has likewise given notice for to-morrow.

Mr. PASCO. I was going to call the Senator's attention to that notice and ask if his notice would not interfere with it.

Mr. WOLCOTT. Not at all. Then I will follow the Senator from Texas at the conclusion of his remarks to-morrow, if there shall be time.

PAYMENTS BY THE CHEROKEE NATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of June 27, 1898, a letter from the Commissioner of Indian Affairs, also two reports and inclosures from United States Indian Inspector McConnell, relative to the payment of \$400,000 by the Cherokee Nation on account of the Cherokee freedmen, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

NAVAL ACADEMY STATISTICS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 25th ultimo, a statement prepared by the Bureau of Navigation, showing the number of cadets who entered the United States Naval Academy in each class since 1866, etc.; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed.

BUREAU OF ENGRAVING AND PRINTING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 28th ultimo, the report of the committee appointed to investigate the Bureau of Engraving and Printing, together with the testimony taken in the investigation, and also the comments of the Director of the Bureau on the committee's report, and a brief rejoinder by the committee; which was read.

The PRESIDENT pro tempore. The communication is accompanied by two volumes of typewritten testimony taken. In the absence of the Senator who offered the resolution, the communication and accompanying papers will lie on the table for the present.

HEALTH OF SOLDIERS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate the following communication from the Secretary of War; which was read, referred to the Committee on Military Affairs, and ordered to be printed:

WAR DEPARTMENT, Washington, February 2, 1899.

SIR: In answer to the Senate resolution, dated January 30, 1899, inquiring as to the number of sick, the number of deaths, and the health of our troops in the Philippines, I have the honor to quote the following dispatch, just received from Major-General Otis:

MANILA, February 2, 1899.

SECRETARY OF WAR, Washington:

Deaths among troops in Philippines since arrival to February 1, seven months, 220; of which 40 due to wounds and accidents; of remaining 179, 65 died of typhoid, 43 smallpox, 22 dysentery, 8 malarial fever; remaining deaths due to many various diseases. Smallpox causes apprehension. Entire command vaccinated several times. Twelve physicians engaged several weeks vaccinating natives. More sickly season during hot months—March, April, May—when fevers, smallpox, and dysentery more prevalent. Nine per cent of command now reported sick; great majority cases slight ailments.

OTIS.

The troops at Manila at the end of the several months of the past year were as follows: June, 2,491; July, 10,924; August, 15,689; September, 15,689; October, 15,689; November, 18,500, and December, 21,521.

I have the honor to be, very respectfully, yours,

R. A. ALGER, Secretary of War.

Hon. GARRET A. HOBART,

President of the Senate.

REPORT OF BRIGHTWOOD RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Brightwood Railway Company, of the District of Columbia, for the year ended December 31, 1898; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORT OF COLUMBIA RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Columbia Railway Company, of the District of Columbia, for the year ended December 31, 1898; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORT OF CAPITAL TRACTION COMPANY.

Mr. GALLINGER. I ask that Document No. 89, being the annual report of the Capital Traction Railway Company, containing a list of the stockholders, be reprinted with certain corrections that are indicated in the print I hold in my hand. There are some very palpable errors in it. For instance, one stockholder is credited with 15,705 shares, and it ought to have been 1,575. I ask that the document be reprinted with the corrections, and that the former print be destroyed.

The PRESIDENT pro tempore. The Senator from New Hampshire requests the reprint of the report to which he has referred, that certain corrections which he has indicated be made, and that the former document be destroyed. Is there objection? The Chair hears none, and the order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4070) to amend an act granting to the St. Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory and Oklahoma Territory, and for other purposes.

The message also announced that the House had agreed to the