

Also, resolution of Cigar Makers' Union No. 232, of Sellersville, Pa., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of H. O. Wilbur and 73 other citizens of Bryn Mawr, Pa., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petition of Cigar Makers' Union No. 232, of Sellersville, Pa., favoring the continuation of the exclusion law against Chinese laborers without limit of time—to the Committee on Foreign Affairs.

By Mr. WILSON: Petition of United Garment Workers' No. 5, of Brooklyn, N. Y., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, February 20, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

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

RURAL FREE-DELIVERY DIVISION.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 13th instant, the names of employees in the rural free-delivery service, with date of appointment, term of service, and State from whence appointed, etc.; which, on motion of Mr. GALLINGER, was, with the accompanying paper, ordered to lie on the table and be printed.

PRESERVATION OF THE BUFFALO.

The PRESIDENT pro tempore laid before the the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 30th ultimo, certain information with reference to the preservation of the buffalo or American bison in the United States and the Dominion of Canada; which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed.

SHIP GLASGOW.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel ship *Glasgow*, M. Alcorn, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore.

A bill (H. R. 1200) granting an increase of pension to Oliver P. Goodwin;

A bill (H. R. 1324) granting an increase of pension to Charles N. Lee;

A bill (H. R. 1484) granting an increase of pension to Robert M. Scott;

A bill (H. R. 2620) granting a pension to Jennie A. McKinley;

A bill (H. R. 3229) granting a pension to Catherine R. A. Ogden;

A bill (H. R. 3266) granting an increase of pension to James Smith;

A bill (H. R. 6453) granting an increase of pension to Ida R. Siegfried;

A bill (H. R. 7343) granting an increase of pension to Martha V. Keenan;

A bill (H. R. 8652) granting an increase of pension to Virginia Terrill;

A bill (H. R. 11470) making an appropriation for clearing the Potomac River of ice;

A joint resolution (H. J. Res. 88) authorizing the Commissioner of Internal Revenue to return bank checks, drafts, certificates of deposit, and orders for the payment of money having imprinted stamps thereon to the owners thereof, and for other purposes; and

A joint resolution (H. J. Res. 131) authorizing the transfer to the Library of Congress of the library of State reports, etc.

PETITIONS AND MEMORIALS.

Mr. HEITFELD presented a petition of G. A. Hobart Post, No. 27, Department of Idaho, Grand Army of the Republic, of Nampa, Idaho, praying for the enactment of legislation authorizing

the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington presented petitions of Farragut Post, No. 15, Department of Washington, Grand Army of the Republic, of Port Townsend, and of Longshoremen's Local Union No. 240, American Federation of Labor, of Port Hadlock, all in the State of Washington, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Mount Tacoma Lodge, No. 192, Brotherhood of Locomotive Firemen, of Tacoma, Wash., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning or the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of Peterboro, and of the Woman's Christian Temperance Unions of Meredith, Epping, North Charlestown, Peterboro, Plymouth, and North Weare, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. HOAR presented petitions of comrades of R. A. Pierce Post, No. 190, of New Bedford; of Alfred C. Monroe Post, No. 212, of East Bridgewater; of Berkshire Post, No. 197, of Pittsfield, all of the Department of Massachusetts, Grand Army of the Republic; of Horse Shoers' Local Union No. 5, of Boston; of Musicians' Protective Local Union No. 138, of Brockton; of Printing Pressmen's Local Union No. 102, of Brockton; of Stationary Firemen's Local Union No. 85, of Fitchburg; of Local Union No. 224, International Association of Machinists, of Westfield; of Horse Nail Workers' Local Union No. 6313, of Boston; of International Engineers' Local Union No. 52, of Lynn; of Lawrence Typographical Union No. 51, of Lawrence, and of the Pattern Makers' Association of Boston, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Boot and Shoe Workers' Local Union No. 238, of New Bedford; of Carpenters' District Union of Boston; of Cigar Makers' Local Union No. 206, of North Adams; of Edgemakers' Local Union No. 118, of Brockton; of Boot and Shoe Workers' Local Union No. 230, of Conway, and of Boot and Shoe Makers' Local Union No. 244, of Natick, all in the State of Massachusetts, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. KEAN presented the memorial of Anna Rice Powell, of Plainfield, N. J., remonstrating against the regulation and control of vice by the board of health of Manila; which was referred to the Committee on the Philippines.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Trenton, N. J., and a petition of the Essex Trades Council, of Newark, N. J., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. WARREN presented a memorial of the National Live Stock Exchange, of Chicago, Ill., remonstrating against prohibitive taxation or restrictions against coloring butterine and depriving the laboring man of a cheap, nutritious, and wholesome article of food; which was referred to the Committee on Manufactures.

He also presented a petition of the Merchants' Exchange, of San Francisco, Cal., praying for unrestricted entrance into the United States of all merchants and members of the mercantile class of Chinese, but barring the class of coolie labor; which was referred to the Committee on Immigration.

Mr. WETMORE presented petitions of Cigar Makers' Local Union No. 96, of Pawtucket; of Journeymen Bakers' Local Union No. 361, of Pawtucket, and of Local Union No. 99, International Brotherhood of Electrical Workers, of Providence, all in the State of Rhode Island, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Atlantic Coast Seaman's Union, of Portland, Me., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

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

A bill (S. 3865) to establish light-houses at the mouth of Boston Harbor to mark the entrance to the new Broad Sound Channel; and

A bill (S. 3491) providing for a light and fog-signal station on or near Crisp Point, Lake Superior, Michigan.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 329) to amend section 10 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes," approved March 3, 1899, submitted an adverse report thereon; which was agreed to, and the bill was indefinitely postponed.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 3312) for the establishment of a light-house at the mouth of Oyster Bayou, near the Louisiana coast, in the Gulf of Mexico, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 199) for the establishment of a light station on Bluff Shoal, Pamlico Sound, North Carolina, reported it with amendments, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 3612) to remove the charge of desertion from the military record of Charles J. Clark, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3415) to correct the military record of Gideon Howell, alias Judson Howell, submitted an adverse report thereon; which was agreed to, and the bill was indefinitely postponed.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 2082) granting an increase of pension to Louise Ward, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 2878) to provide for the construction of a light-house and fog signal at the Pollock Rip Shoals, on the coast of Massachusetts, submitted an adverse report thereon; which was agreed to, and the bill was indefinitely postponed.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 5957) granting an increase of pension to Wright H. Auchmoody, reported it without amendment, and submitted a report thereon.

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

A bill (S. 3746) to amend section 2593 of the Revised Statutes relating to ports of entry; and

A bill (S. 905) for the relief of Lindley C. Kent and Joseph Jenkins, as the sureties of Frank A. Webb.

Mr. KITTREDGE, from the Committee on Claims, to whom was referred the bill (H. R. 5106) for the relief of Rasmussen & Strehlow, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 1881) to correct the military record of Peter Connell, reported it without amendment, and submitted a report thereon.

Mr. CLARK of Montana, from the Committee on Indian Affairs, to whom was referred the bill (S. 2979) to ratify an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect, reported it with amendments to the preamble, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (H. R. 61) to authorize the establishment of a live-saving station at or near Bogue Inlet, North Carolina, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 344) to amend the Revised Statutes of the United States relating to the carriage of refined petroleum, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MASON, from the Committee on Commerce, to whom was referred the bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3651) appropriating the sum of \$3,000 a year for the support and maintenance of the permanent International Commission of the Congresses of Navigation, and for other purposes, reported it without amendment, and submitted a report thereon.

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

A bill (S. 1568) to restore Henry D. Hall to the Revenue-Cutter Service; and

A bill (S. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3129) for the authorization of the

erection of buildings by the international committee of Young Men's Christian Associations on military reservations of the United States, reported it with an amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 1545) to establish a marine hospital at Savannah, Ga., reported it with an amendment, and submitted a report thereon.

WEST FORK OF WHITE RIVER, INDIANA.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 3118) to declare the west fork of White River above the south line of Marion County and to the source of said river, in the State of Indiana, to be not a navigable stream, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS subsequently said: I move to recommit to the Committee on Commerce the bill (S. 3118) to declare the west fork of White River above the south line of Marion County and to the source of said river, in the State of Indiana, to be not a navigable stream.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 4062) for the relief of the estate of Alfred Hambrick, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN of Mississippi introduced a bill (S. 4063) to provide for the purchase of a site and the erection of a public building thereon at Greenville, county of Washington and State of Mississippi; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CLAPP introduced a bill (S. 4064) granting a pension to Betsy Gumm; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 4065) to remove the charge of desertion from Thomas Colahan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURTON introduced a bill (S. 4066) granting a pension to Florence E. Wilbur; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4067) granting an increase of pension to Julia L. Gordon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TILLMAN introduced a bill (S. 4069) to establish a fish hatchery and fish station in the State of South Carolina; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Fisheries.

He also introduced a bill (S. 4070) to provide for refunding internal-revenue taxes paid upon legacies and bequests for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, under the war-revenue act of 1898; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4071) granting an increase of pension to George C. Tillman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 4072) granting an increase of pension to Samuel J. Lamden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON (by request) introduced a bill (S. 4073) to establish an executive department of physical culture; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 4074) for the relief of Thierman & Frost; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4075) granting a pension to Henry R. Gibbs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4076) to provide for the construction of a sea wall and grand boulevard from the old Naval Observatory site around the Potomac Flats and across the Anacostia River, in the District of Columbia, without issuing interest-bearing bonds; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL introduced a bill (S. 4077) for the relief of Mrs. Libbie Arnold; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. KEAN submitted an amendment, proposing to make the salary of the chief of the division of maps and charts, Library of

Congress, \$3,000 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KITTREDGE submitted an amendment, proposing to appropriate \$25,000 for support, maintenance, and incidental expenses of the asylum for insane Indians at Canton, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MCENERY submitted an amendment, intended to be proposed by him to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act of March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. MASON submitted an amendment, proposing to make the salary of the chief of the division of public surveys, General Land Office, \$2,500 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PORTRAITS OF SENATORS OF FIRST CONGRESS.

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

Resolved, That the Committee on the Library be directed to inquire and report to the Senate as to the expediency of providing a suitable place in the Senate wing of the Capitol for receiving the portraits of the Senators of the United States during the First Congress under the Administration of President Washington, provided the same shall be presented by the several States or by individuals.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the act (S. 1970) to provide an American register for the barkentine *Hawaii*.

PHILIPPINE TARIFF BILL.

The PRESIDENT pro tempore. The morning business is closed; and the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. PATTERSON. Mr. President, as I stated yesterday, were it not that my colleague [Mr. TELLER] and some of the minority members of the Committee on the Philippines were insistent that I should discuss the treason and sedition laws of the Philippine Islands and some of the testimony given to the committee by Governor Taft I would not occupy the floor to the exclusion of Senators of much longer service and much greater capability to deal with the question than myself.

But I feel that the treason and sedition laws of the Philippines, if they are an evidence of the character of legislation necessary to reduce the Philippine Islands to a state of peace and to retain peace in them, should be discussed and understood. They may be fairly regarded as a true criterion of the tyrannical character of laws that are necessary to accomplish the end in view.

I will first call the attention of the Senate to the attitude of the Supreme Court of the United States upon the power of Congress and Territorial governments, such as that in the Philippines, to deal with treason and sedition laws. Divergent as the views of the members of that court may be, I think I am justified in maintaining that so far as legislation that is prohibited by the Constitution is concerned—the prohibitions on Congress contained in the bill of rights—the protection to the people therein conferred, is as applicable to the Territories as to any one of the American States. I have in mind, of course, the so-called “insular cases,” and particularly the latest utterances of the court in *Downes v. Bidwell*.

I would not claim so much, Mr. President, for the decisions of all the judges. We know what the views of four of them are by reading the opinion of Mr. Chief Justice Fuller, whose opinion is concurred in by the three other minority judges. We know that they hold that as soon as territory is acquired by the United States, whether by discovery and occupation, or by war, by treaty, or by purchase, the territory is incorporated into and becomes part of the United States, and every provision of the Constitution that can be applicable to such territory is immediately *ex proprio vigore* attached thereto; that thereupon the inhabitants of such territory become citizens of the United States, and once a citizen always a citizen, except as the allegiance may be voluntarily thrown off.

Turning to the opinion of Mr. Justice Brown, we discover that while he does not decide in terms that the bill of rights extends of its own force to territory acquired, whether it is territory incorporated into the United States by act of Congress or territory simply appurtenant to the United States, Congress not having

legislated for it, he does clearly intimate in it that whenever the question is properly presented to the Supreme Court he will almost certainly hold with the four minority judges that the bill of rights does extend to territories, whatever their relation to the Union may be.

Very briefly, Mr. President, I quote from the opinion of Mr. Justice Brown:

Thus, when the Constitution declares that “no bill of attainder or *ex post facto* law shall be passed,” and that “no title of nobility shall be granted by the United States,” it goes to the competency of Congress to pass a bill of that description. Perhaps the same remark may apply to the first amendment, that “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people to peaceably assemble and to petition the Government for a redress of grievances.”

Not content with that language, which to my mind shows the decided leaning of Mr. Justice Brown, he refers again to the subject, in his opinion, as follows:

We suggest, without intending to decide, that there may be a distinction between certain natural rights, enforced in the Constitution by prohibitions against interference with them, and what may be termed artificial or remedial rights, which are peculiar to our own system of jurisprudence. Of the former class are the rights to one's own religious opinion and to a public expression of them, or, as sometimes said, to worship God according to the dictates of one's own conscience; the right to personal liberty and individual property; to freedom of speech and of the press; to free access to courts of justice, to due process of law, and to an equal protection of the laws; to immunities from unreasonable searches and seizures, as well as cruel and unusual punishments; and to such other immunities as are indispensable to a free government. Of the latter class are the rights to citizenship, to suffrage (*Minor v. Happersett*, 21 Wall. 162), and to the particular methods of procedure pointed out in the Constitution, which are peculiar to Anglo-Saxon jurisprudence, and some of which have already been held by the States to be unnecessary to the proper protection of individuals.

It seems to me, Mr. President, that when the opinion of Mr. Chief Justice Fuller is read, concurred in as it is by three of the associate justices, with this opinion by Mr. Justice Brown, there can be little doubt in the minds of intelligent persons that the Supreme Court will hold, whenever the question is properly presented to it, that at least all the personal provisions of the bill of rights are by the Constitution extended to the Territories of the Union, whether they are Territories incorporated into the Union or Territories simply appurtenant.

With so much upon that subject by way of introduction, Mr. President, I call attention to the laws that are the object of the amendment I introduced. It proposes to immediately repeal the treason and sedition laws enacted by the Taft Commission. I want to thank the able and courteous Senator from Ohio [Mr. FORAKER] for causing these laws to be printed and distributed upon the desks of the Senators. They are arranged in parallel columns with the laws of the United States and of States that are supposed to be somewhat cognate. Therefore if Senators have the pamphlet to which I refer—Senate Document No. 173 of the present Congress—there will be but little difficulty in following me.

The first section of the Philippine treason and sedition law is claimed to be identical in substance if not in language with sections 5331 and 5332 of the United States Revised Statutes. I grant it, with this exception—that there is incorporated in the Philippine act a new and metaphysical sovereignty, a sovereignty new to the people of this country, one that erects itself into the equal of the United States, and undertakes to declare that where there is treason against the United States in the Philippines there also is treason against this new and strange sovereignty called the government of the Philippine Islands.

I challenge the right of the Philippine Commission to enact such a law. In my judgment it is clear, from the Constitution and the nature of the relation of the Territories of whatever character to the Government of the United States, that it is absolutely without the power of any Territory, incorporated or appurtenant, to enact a law declarative of the crime and providing for the punishment of treason.

Let me read the first section of the Philippine law:

Every person resident in the Philippine Islands owing allegiance to the United States or the government of the Philippine Islands who levies war against them, or adheres to their enemies, giving them aid and comfort within the Philippine Islands or elsewhere, is guilty of treason, and, upon conviction, shall suffer death, or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years and fined not less than \$10,000.

It is not astonishing, when we view their other acts, that the members of the Philippine Commission seek to place themselves upon the same pedestal with the Government of the United States; but I assert again that the government of no Territory, whatever its relations to the General Government, has it in its power to create the crime of treason or to declare its punishment.

I do not fail to recognize that the judicial sections of the Constitution are not, as a rule, applicable to the Territories. By reason of the supposed fleeting character of Territorial governments, it would be impossible to appoint judges of Territories with a life tenure, because when the Territories become States the Territorial governments must fall and the terms of all officials theretofore appointed to conduct the affairs of such Territories must end.

By reason of this fact the courts at all times have held that the judicial clauses of the Constitution are not applicable to the Territories. But while this is true, other sections of the Constitution do, either directly or indirectly, control the powers of Territorial courts and Territorial legislative and executive officers.

Let us take the Philippine Islands by way of example. What is the Philippine Commission? It is the representative of the United States in those Islands, nothing more. It is a commission appointed by the President for the purpose of performing the duties in the islands that are incumbent upon Congress, namely, to make needful rules and regulations for their proper management. It is the Army of the United States that is in the islands. Those who wage war or enter into alliances with the enemies of the United States in the Philippine Islands wage war upon the United States, wage war upon the title of the United States to the Philippine Islands. They assail nothing else.

Under the Constitution the crime of treason is the creation of Congress, and the punishment of treason can only be inflicted in accordance with an act of Congress. I call the attention of the Senate to sections 2 and 3 of Article III of the Constitution.

SEC. 2. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State—

And of course crimes committed in the Philippine Islands are not committed within any State—

but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

Proceeding immediately to the third section we find these provisions:

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

"The Congress shall have power to declare the punishment of treason." With all the industry displayed by the compiler of the pamphlet to which I have referred, there has been no law inserted from any Territory that declared the crime of treason or provided for its punishment.

Nor is there a law from any Territory that provides against the crime of counterfeiting the coins of the United States or of counterfeiting its paper money or of violating any of the provisions of the customs laws, for the reason that these are crimes and punishments that are peculiar only, and that may be taken cognizance of only by the Congress and courts of the United States. A Territory has no more power to provide a punishment for the crime of counterfeiting the money of the United States or for violating the customs laws of the United States than it has to create the crime of treason, even though it incorporates its own sovereignty into the law that defines treason.

Mr. President, if the Philippine Commission is simply the agent of the Government to make rules and regulations concerning the territory of the United States, then it follows that whatever its laws, they are the acts of the Congress of the United States in so far as they are allowed to stand or are approved by the Congress of the United States. When somebody rises against the army in a Territory it is rising against the United States. You can not imagine an effort to withdraw the Philippine Islands from the sovereignty of the United States by force without its being the levying of war upon the United States.

Starting with the fundamental proposition that the sovereignty of the United States over the Philippine Islands is fixed, that the Commission is there for the purpose of making rules and regulations for their government by authority of the President and the Congress of the United States, whenever any person shall levy war against that Commission, whatever its character, for the purpose of depriving that government of control and regulation over the territory, it is making war upon the United States, and upon the Army of the United States that is there to maintain the sovereignty of this Government over them.

I recall that many years ago a celebrated treason trial, that of Aaron Burr, took place. As I recall, it was charged that it was Burr's purpose to unite a portion of our Southwest Territory with territory belonging to other sovereignties and to erect the combined territory into an independent government. It was to be done, if necessary, by force. It was alleged that he had gathered munitions of war and, in conjunction with others, had arranged to enlist men. For what purpose? Not to take a State out of the Union, but to deprive the Union of a portion of its territory that it might be withdrawn by force from the sovereignty of the United States and erected into another sovereignty. If the charges had been established, Burr would have been guilty of treason, treason against the United States, treason under the definition of the Constitution and as punished under the acts of Congress. He was tried as provided by Congress. No one ever dreamed of trying

him in a court down in the territory out of which the new sovereignty was to be created.

The fact that the Commission has united the government of the Philippine Islands with the Government of the United States to make treason cognizable within the islands, and in courts controlled by the Commission, changes neither the rule nor the principle.

The acts of Congress punishing treason are as applicable to the Philippine Islands as to the States. All that is needed to put the Congressional treason laws in operation in the Philippines is for Congress to establish a Federal court within them, or by law to confer jurisdiction upon the Commission's courts to try and determine offenses against the laws of the United States. When that shall be done, then treason as well as all other crimes defined by acts of Congress, except in cases of impeachment, that are committed within the islands can be lawfully tried and offenders punished. But that is what the Commission does not want. It does not want Filipinos who are charged with either treason or sedition tried in Federal courts or under Federal statutes.

For in all such cases they must be tried under the protecting aegis of the Constitution. There must be a common-law indictment, a common-law jury, and no conviction can follow except on the testimony of two witnesses to the same overt act or on confession in open court. In the Philippines there is neither grand nor petit jury, and the treason law the Commission has enacted permits any irresponsible or vicious person to make the charge, and the trial can be only before a single judge without a jury. The Philippine judges, as admitted by Governor Taft, are appointed, some native and some American, because they are in sympathy with the schemes of the administration in the islands. A pretty show the unfortunate Filipinos will have who are accused of treason. Tried before a Scroggs or a Jeffreys, without jury or constitutional safeguards! The hangman's noose will be in merry demand as soon as the dance of death commences.

When we study the second section of the Commission's act the schemes of the Commission are even more apparent. In that section the Commission has undertaken to define and provide for the punishment of misprision of treason. Let me read it:

Every person owing allegiance to the United States or the government of the Philippine Islands and having knowledge of any treason against them or either of them.

There it is, a distinct and plain proposition. If there is any person within the Philippine Islands owing allegiance either to the United States or to the government of the Philippine Islands who has knowledge of treason against either the United States or the Commission, he is guilty of misprision of treason and must be tried and punished by one of Taft's judges.

I will pass from the treason clauses to call attention to the sedition provisions of this most extraordinary law, and I undertake to show that, except in the first two sections, the Commission has outraged every act that it has attempted to follow. It has deliberately cut out from every law that it pretended to make the basis of this enactment every provision they contained upon which citizens could rely for protection against tyrannical and unconstitutional arrest, against prosecution for mere offenses of the mind, for mere offenses of the thought, as well as for those of a more tangible nature.

For instance, Mr. President, section 3 of the Philippine act is intended to be a transcript of section 5334 of the Revised Statutes. I call the Senate's attention to the peculiar and extraordinary change from the Federal section, and I ask Senators who shall defend these laws to account for the change, if they can, except as the result of a deliberate purpose to create offenses that the statute of the United States never created and that were not within the purview of the statutes which the Commission pretended to follow.

Section 5334 of the Revised Statutes reads:

SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto.

"Gives aid or comfort" to what? To the setting on foot or engaging "in any rebellion or insurrection against the authority of the United States." If he does that; if one gives aid and comfort to the inciting of rebellion or insurrection, then he is amenable to the punishment that is provided in that section.

Let me show the devilish malignity—and no milder term is, in my judgment, applicable to the mind that conceived the deed—that was displayed by the Commission when they undertook to copy this section of the Revised Statutes. The Commission's production is as follows:

SEC. 3. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or of the government of the Philippine Islands, or the laws thereof, or who gives aid or comfort to anyone so engaging in such rebellion or insurrection—

The act of Congress declares against giving aid or comfort to rebellion or insurrection, but the act of the Philippine Commission denounces and provides for the punishment of giving aid or

comfort to anyone engaging in such rebellion or insurrection or in any attempt at rebellion or insurrection. Is there not a marked difference? This section provides for punishing anyone "who gives aid or comfort to anyone so engaging in such rebellion or insurrection." It is the difference between giving aid and comfort to the thing—the rebellion or insurrection—and giving aid and comfort to some individual engaged in rebellion or insurrection. I can well comprehend a Filipino giving aid to a wounded man; I can comprehend a perfectly loyal Filipino attending an insurrecto, as Philippine patriots are termed, in his sickness, assuaging his thirst, giving him remedies, or binding up his wounds. I maintain that under this section, changed by the Philippine Commission as I have shown, such a person, doing no more than I have suggested, is amenable to the punishment declared; which is "imprisoned for not more than ten years and be fined not more than \$10,000."

Will some Senator defending these outrageous laws explain why the change was made? Was it by accident or by design? Was not it the deliberate purpose of the Commission to make everyone amenable to this extreme punishment for simply giving aid and comfort to those inciting insurrection or rebellion, whether the aid or comfort given had reference to the rebellion or not?

There is not much difference, Mr. President, between section 5336 of the Revised Statutes and section 4 of the act of the Philippine Commission, except that the new sovereignty of the Philippine Islands is injected into it, and conspiring against the authority of the United States in the Philippine Islands is declared to be a crime with punishment—that is, conspiring against the United States itself—and, as I have shown, only the Congress of the United States can enact a law of that character.

Mr. President, although there are 15 sections in this conspiracy act of the Philippine Commission, those that I have read are the only sections that bear any relation whatsoever to the United States Statutes.

We now come to sections 5, 6, and 7. It surpasses belief that Americans can tolerate them. They are sections of Spanish acts, taken bodily from the code of Spain for the Philippine Islands. They were enacted either by the Spanish Cortes or some other Spanish authority, for the purpose of terrorizing Filipinos and inflicting upon them the most grievous punishment for offenses that would be offenses in no other country under the sun.

Section 5 has five subdivisions, and it is well worthy of the most careful consideration of Senators. I read:

All persons who rise publicly and tumultuously in order to attain by force or outside of legal methods any of the following objects are guilty of sedition.

To "rise publicly and tumultuously" is fully done when one moves openly and noisily. Now let us see what some of the objects are one can not seek to attain by force or outside of legal methods if he moves to attain them openly and with noise. Mark you, it is not a conspiracy to do unlawful acts that is denounced, nor the doing of an act that is in itself an offense; but the moving or rising to do it, whether it is accomplished or not, or whether a single human being is injured or property in anywise imperiled.

All persons who rise publicly and tumultuously * * * to prevent the insular government, or any provincial or municipal government, or any public official from freely exercising its or his duties.

From "freely exercising its or his duties." It is not difficult to imagine the manner in which a provision of this kind can be extended to imprison some one guilty of no real offense. If the accused rise publicly and noisily to prevent some insular officer from performing some duty he is guilty although the official was never impeded in any way from performing the duty. One may be convicted who never by sign or gesture interfered with an official in any way. The offense consists not in the prevention of an official duty but in rising to prevent its being done. And whether one does rise with such a purpose may so often be determinable only by the thoughts in one's mind at the time that punishment by imprisonment for perfectly innocent thoughts and purposes is not only possible but is highly probable, especially when the courts in which such cases must be tried and the ends to be gained by convictions are considered.

The next clause is even worse.

All persons who rise publicly and tumultuously * * * to inflict any act of hate or revenge upon the person or property of any official or agent of the insular government or of a provincial or municipal government.

How many times have we in our experience known officials so conducting themselves both in public and private as to incite against them feelings of hate and a desire for revenge? If, under this law, an individual should entertain a feeling of hate against a public official and rise to inflict it, whether he succeeded or not, he is guilty of sedition. If the accused does the same thing against a private citizen it is not sedition, but if he attempts it against an official, although the attempt is not incited by official misconduct, or a desire to impede the performance of an official act, the accused is to be adjudged guilty of sedition.

Then, again, paragraph 4 of section 5—

All persons who rise publicly and tumultuously * * * to inflict, with a political or social object, any act of hate or revenge upon individuals or upon any class of individuals in the islands—

Whether they are in the governmental service or not. If a man rises to inflict any act of hate or revenge upon an individual with a "social object" in view, whether he inflicts injury or not, or whether the person the deed is aimed at is an official or not, the accused is guilty of sedition. Mark this: These are intended to be offenses against government and not against individuals as individuals. Nevertheless, private individuals may be risen against, and the offense in doing so is made sedition.

Then section 6 provides:

SEC. 6. Any person guilty of sedition as defined in section 5 hereof shall be punished by a fine of not exceeding \$5,000 and by imprisonment not exceeding ten years, or both.

The section 5 referred to in this latter clause contains the paragraphs I have been reading. For these misnamed acts of sedition, acts which do not constitute a conspiracy nor which have resulted in an atom of injury to person or property, may cause the accused to be imprisoned for ten years and to be fined \$5,000, or both.

I submit, Mr. President, that never were acts more tyrannical, more clearly unconstitutional, and more destructive of the liberty of the citizen than are those of the Commission to which I have called attention, and I submit that Congress should by a unanimous vote show its abhorrence of them.

The compiler of the pamphlet from which I read does not hesitate to declare that sections 5 and 6, which I have just read—

are reenactments, with modified penalties, of articles 236 and 237 of the reform penal code of Spain—

What must have been the penal code of Spain before it was reformed?—

in force in the Philippines at the time of the transfer of sovereignty.

The pamphlet then recites the articles of the Spanish code, to show, I suppose, how close a parallel there is between that and the Commission's new treason and sedition code.

But I can not dwell further on the details of this part of the act.

I now come to section 8, and I recall that the Senator from Ohio [Mr. FORAKER] suggested that the Commission had copied this section from the code of Tennessee; that it had probably been prepared by the Hon. Luke E. Wright, a member of the Philippine Commission, from that State. Well, I can imagine the Hon. Luke E. Wright sitting down with section 5555 of the code of Tennessee before him—

Mr. FORAKER. Mr. President, if the Senator will allow me to interrupt him, what I said was merely to call attention to the note of the compiler of the statutes on treason and sedition. The Senator will find, on page 14 of the work he has before him, immediately following section 8, the statement made by the compiler to the effect that—

This section was probably drafted by Hon. Luke E. Wright, acting governor of the Philippines, who formerly practiced law in Tennessee.

Mr. PATTERSON. As to the section I read—I may be mistaken—the reference to the Hon. Luke E. Wright was made before this pamphlet was compiled.

Mr. FORAKER. Oh, no.

Mr. PATTERSON. It is immaterial.

Mr. FORAKER. I merely called attention to that statement of the compiler.

Mr. PATTERSON. In any event, the compiler makes this note at the end of section 5555 of the code of Tennessee:

This section was probably drafted by Hon. Luke E. Wright, acting governor of the Philippines, who formerly practiced law in Tennessee. Being familiar with the statutes of that State, he naturally adopted the language employed by the Tennessee legislature in creating an enactment of similar character.

There is a great similarity. But again, Mr. President, you discover the care with which certain words have been eliminated or changed when the Tennessee section was transformed into one of the sections of the treason and sedition law of the Philippines. Section 5555 of the Tennessee code reads as follows:

Whoever shall be guilty of uttering seditious words or speeches—

Mark the next—

spreading abroad false news—

That is eliminated from the Philippine act.

But I will read the section entire without interruption:

SEC. 5555. Whoever shall be guilty of uttering seditious words or speeches, spreading abroad false news, writing or dispersing scurrilous libels against the State or General Government, disturbing or obstructing any lawful officer in executing his office, or of instigating others to cabal and meet together, to contrive, invent, suggest, or incite rebellious conspiracies, riots, or any manner of unlawful feud or differences, thereby to stir people up maliciously to contrive the ruin and destruction of the peace, safety, and order of the Government, or shall knowingly conceal such evil practices, shall be punished by fine and imprisonment.

In the Philippine act there is not only eliminated "spreading abroad false news," but it provides that—

Every person who shall utter seditious words or speeches, write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands, or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities, shall be guilty, etc.

There is a wide difference between the uttering of seditious words and speeches that disturb or obstruct the lawful authorities and the uttering of words or speeches that simply tend to do those things. There is a difference—marked, clear, and well-defined. Any number of people may be guilty under the law of the Philippines, but not a hair of their heads could be disturbed under section 5555 of the code of Tennessee, though they were to do identically the same things in the State of Tennessee.

We now come to the act relative to secret societies, and I say that there is no statute in the United States or elsewhere that I have ever seen that is at all parallel with this. The compiler of this pamphlet places section 9 in apposition with section 267 of the laws of Maryland, doubtless to create the impression that section 9 was but a copy of section 267 of the laws of Maryland. Let us see what the Maryland section is:

SEC. 267. If any person or persons within this State shall hold any secret club or association known by him or them to be intended to effect, promote, or encourage the separation or secession of this State from the Government or Union of the United States, etc.

Here the holding of a secret club or association must have for its object an effect upon the State, to withdraw the State of Maryland from the Union, and it is a law that very probably was within the purview of the State to enact. I want to suggest here that while the government of a Territory can not declare the crime of treason and provide for its punishment, such a disability does not apply to States, because a State is a separate and distinct sovereignty. The States, or the people of the States, by the Constitution granted some distinct powers to Congress and reserved all others to the States and to the people. Therefore, a State legislature may define treason against the State. If the treason so declared operates upon the State and affects the State, it is not akin to an act by a Territorial legislature defining and punishing treason against the Government of the United States. But I will read the law of Maryland again:

SEC. 267. If any person or persons within this State shall hold any secret club or association known by him or them to be intended to effect, promote, or encourage the separation or secession of this State from the Government or Union of the United States, every such person, upon conviction thereof, shall be sentenced to confinement in the penitentiary for a term not less than two nor more than six years.

Now, let me read the act of the Philippine Commission:

SEC. 9. All persons who shall meet together for the purpose of forming or who shall form any secret society or who shall after the passage of this act continue membership in a society—

Not a secret society, but in any society—

already formed, having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.

I have no more doubt than I have of my existence that this law was enacted to meet what is known as the Partido Conservador, the Conservative party of the Philippine Islands, a party which was admitted by Governor Taft to have for its platform, first, peace; the submission of the people of the Philippine Islands to the sovereignty of the United States; to admit that the Philippine Islands are territory of the United States; to use all of their efforts, physical and moral, to induce the Filipinos in insurrection to lay down their arms and recognize the right of government by the United States, and then to agitate peaceably for the independence of the Philippine Islands. That is the platform of the Conservative party. It was an association in existence when these treason and sedition laws were enacted last November. This section was clearly intended to cover that political association and to make those who continued membership in it guilty of sedition against the government of the Philippine Islands.

I say to Senators if such a law as this is to be maintained, it will be to the shame of the Government that gives it countenance. Has it come to this, that within territory owned and controlled by the Government of the United States a member of an association that has for its purpose the promulgation of political opinions or policies, however innocent or patriotic, shall be guilty of sedition? It is a declaration that men must not continue to think; it is an announcement that they must first learn the will of the Government, to find out what political policy or opinion it is willing for them to advocate, then to advocate that, and if they depart from it one hair's breadth to suffer the penalty of imprisonment and fine.

I am happy to say that there is no law in any other country, or in any State or Territory of which I have heard, that is a parallel to this in devilishness and atrocity.

Let us pass from section 9 to section 10, which declares that—

Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands—

Now mark, this is the only section that fixes a limit for its operation. Every other section is without limit as to time; and, as Governor Taft stated when he was directly questioned upon the subject, all the other sections of the treason and sedition act will continue in force until they have been properly repealed.

But I must read section 10 in full:

Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands, it shall be unlawful for any person—

To do what?—

to advocate, orally or by writing or printing or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

In a public meeting of the committee I asked Governor Taft if the wise, the humane, and patriotic speech of the senior Senator from Massachusetts [Mr. HOAR] should be distributed in the Philippine Islands whether he who engaged in its distribution would not be subject to prosecution and punishment under this section. Immediately protest was made against propounding such a question, and the question was never answered. But I submit to the members of this body that under this section if any person living in the Philippines should be found distributing a copy of the CONGRESSIONAL RECORD with the eloquent speeches of the Senator from Mississippi [Mr. MONEY] or the opening speech of the Senator from Utah [Mr. RAWLINS] or the speech of my colleague [Mr. TELLER] or the speech of the senior Senator from Massachusetts [Mr. HOAR] or any of the speeches that have been made in this body upholding the principles of free government, declaring that the principles of the Declaration of Independence were applicable to all the people as well as to the people of the colonies at the time the Declaration was published, he who distributed the RECORDS would be amenable, under this section, and could be arrested, fined, and imprisoned for giving them circulation. No man who understands the force and effect of the English language will or can take issue with that proposition.

Has it not indeed come to a desperate pass in the history of the United States when it is a crime within the jurisdiction of the United States to distribute the speeches that are made by honorable Senators and Representatives in the Congress of the United States or the speeches of other individuals who may agree with them in political views? And the Congress is asked to approve laws such as these. So far as I can, Mr. President, I utter my protest against them.

There are six other sections to this law, all equally detestable with those I have discussed. They are without precedents in the States or the United States. They are sui generis, devised to operate upon a helpless people who, 8,000 miles distant from constitutional relief, must be subjected to death, imprisonment, and fine ad libitum at the hands of some governmental satrap, grossly misnamed a judge, to "make them want peace and want it very badly."

Mr. President, we undertook in this country more than a century ago to enact laws of this character. I will read you the sedition law of 1798, and when the provisions of that law are compared with the laws of the Philippine Commission it will be seen that they are a beacon light of liberty as compared with the acts of the Commission. The sedition laws of 1798 consist of three sections, which I read from Foster on the Constitution:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any persons shall unlawfully combine or conspire together with intent to oppose any measure or measures of the Government of the United States which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the Government of the United States from undertaking, performing, or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise, or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the United States having jurisdiction thereof shall be punished by a fine not exceeding \$5,000 and by imprisonment during a term not less than six months nor exceeding five years; and further, at the discretion of the court, may be held to find sureties for his good behavior in such sum and for such times as the said court may direct.

SEC. 2. *And be it further enacted,* That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, and

one in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding \$2,000, and by imprisonment not exceeding two years.

Now, I call the Senator's attention to section 3. It contains a provision which is found in every State constitution almost without exception, and in every State statute in connection with the law of libel and slander:

SEC. 3. *And be it further enacted and declared.* That if any person shall be prosecuted under this act for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause shall have a right to determine the law and the fact under the direction of the court, as in other cases.

Under this law, however libelous were the spoken or written words against which the sedition law of 1798 was aimed, the defendant, when put upon trial, might give in evidence the truth of the libel, and the truth might prove a defense. But nothing of the kind is permitted under the acts of the Philippine Commission. Under them the greater the lie the greater the slander, the greater the offense. A libel is not necessarily untrue. One is guilty of libel at common law when he utters or publishes anything that is defamatory of another if it is spoken or printed maliciously. Under the Philippine statute, however truthful the charge made by an inhabitant of the islands may be, it is no defense nor is it in mitigation that it is true if the statement tends to incite or produce any of the things that are enacted against. Whether his words be true or false, the defendant is guilty of the crime and he must be punished.

We recollect the circumstances under which the sedition laws of 1798 were enacted. John Adams had been elected President. It was believed by the people of the United States, or of most of them, and George Washington concurred in the belief, that France was about to wage war against the United States. Washington wrote a letter in which he gave what he believed was the plan of invasion determined upon by the French directory. The French army was to land on the Southern coast, incite the slaves to rise, establish there the base of supplies, march to the North and wrest the States from the Government and annex them to France. There were in the United States at that time many sympathizers with the French Government. Mindful of the timely and necessary assistance that had been given by France to the efforts of the colonies for their independence, they thought it was the duty of the United States to actively sympathize with and aid France under the directory in its tremendous struggles against Great Britain. The sedition laws were enacted to suppress those sympathizers with France, and the writers of the history of those times point out that it was the sedition laws which caused the downfall of the Federal party. Van Holst was not an admirer of Jefferson. He was an admirer of Hamilton and his theory of government. Speaking of the sedition laws, which I have just read, in his Constitutional History of the United States, Van Holst says:

A small number of the Federalists were anxious for war, and the rest of them considered it at least as probable as the preservation of peace. Warlike preparations were therefore pushed forward with energy. But it was not considered sufficient to get ready to receive the foreign enemy; it was necessary to fetter the enemy at home. The angry aliens were to be gotten rid of while it was not yet too late, and the extreme anti-Federalists were to be deterred from throwing too great obstacles, at this serious time, in the way of the Administration. In the desire to effect both of these things, the so-called alien and sedition laws, which sealed the fate of the Federal party and gave rise to the doctrine of nullification, had their origin.

I may, in this connection, read a letter written by Alexander Hamilton, in which he deprecated and practically denounced the sedition laws. It is a short letter, one to Mr. Wolcott, dated June 29, 1798:

DEAR SIR: I have this moment seen a bill brought into the Senate, entitled "A bill to define more particularly the crime of treason," etc. There are provisions in this bill which, according to a cursory view, appear to me highly exceptionable, and such as, more than anything else, may endanger civil war. I have not time to point out my objections by this post, but I will do it to-morrow. I hope, sincerely, the thing may not be hurried through. Let us not establish a tyranny. Energy is a very different thing from violence. If we make no false step, we shall be essentially united; but if we push things to an extreme, we shall then give to faction body and solidity.

This was the view of Alexander Hamilton more than a century ago of the sedition laws of that year, laws which, as I suggested, are beacon lights of liberty and independence as compared with the laws enacted by the Philippine Commission.

But, Mr. President, when we consider, in connection with the laws, the tribunals by which those laws are to be enforced, then, indeed, should we shudder at the possible consequences. By what courts are they to be enforced? As testified to by Governor-General Taft—because that is his title in the Philippines; they all denominate him "General"—there is a court of first instance established in each of the provinces to which, as he maintains, peace has been brought. The court of first instance is the *nisi prius*

court, the court in which criminal offenses are tried and in which civil suits of a certain magnitude are originally brought. There is no jury of any kind or character in the Philippine Islands for criminal cases. For the trial of civil suits the judge has it in his power to call to his assistance two inhabitants of the islands, called assessors, that he may receive their advice and counsel. But this is in civil suits only.

Where a person is accused of crime, the penalty of which is death, imprisonment, or fine, he must be tried before a single judge. Governor Taft says that if the punishment of death is to be inflicted, then the record must be taken to the supreme court before the penalty is enforced. Where the punishment is simply imprisonment, however long, or fine, however great, the punishment goes into effect at once. The trial court is practically the court of last resort, for we know that the mass of the population in the Philippines is so poor that it would be utterly impossible for one out of ten thousand, who might be tried, to take an appeal and have his case reviewed by the supreme court of the islands.

Mr. CLAY. Will the Senator from Colorado give us, in the connection in which he is now speaking, an idea of the number of Americans and the number of Filipinos who are judges in the *nisi prius* courts, and also the number of judges on the supreme bench who are Americans and the number who are Filipinos?

Mr. PATTERSON. There are seven supreme court judges, three of whom, as I understand, are Filipinos and four Americans. About two-thirds of the judges of courts of first instance are Americans and one-third are Filipinos.

Now, consider the geography of the islands. I have never determined precisely, but looking at the map they must extend from north to south not less than 1,500 miles. Most of the different provinces are practically inaccessible from the capital of the islands, Manila. It requires a government vessel in the neighborhood of a month to visit the capitals of the provinces where they may be reached by water. Many of them are not accessible by water. The roads in many of the provinces are almost impassable. Just imagine one of these courts of first instance sitting in an inaccessible province, the judge of the court removed from all influences save the influence that secured his appointment. Fifty or a hundred poor and helpless inhabitants of the provinces are before him charged with the crime of treason and sedition.

However innocent the accused may be, the probabilities are that they will be convicted, conviction to be followed by certain and inexorable punishment. I do not believe you can conceive of a country having a system of laws such as this in which the inhabitants are so perfectly helpless as they are before those tribunals. Courts-martial would be heaven-ordained institutions in comparison with courts such as are provided in the Philippine Islands, under the conditions there existing. They are practically without supervision by a higher authority. Governor Taft admitted that the Commission appointed as judges only those who were in sympathy with its purposes. Its purposes are to force the islanders to a state of peace. Its courts will do their part of the forcing operation.

In these days of trouble and bitterness in the Philippine Islands, I submit that it would be far better for an accused person to be tried by court-martial. A court-martial must necessarily consist of more than one member, and these are bound by obligations of honor that none of them are willing to abandon. With a court-martial the chances of justice would be infinitely greater than under the civil courts of the islands.

When you take into consideration, Mr. President, the tribunals in which these laws are to be enforced, the legal system that prevails, the absence of everything in the form of a jury, the practical impossibility of review, the want of limitation upon the exercise of power by the judges presiding, then you must agree that justice has indeed fled or is likely to flee to "brutish beasts."

Mr. President, in this connection I may discuss the indictment of the people of the Philippines by Governor Taft. I said "indictment of the people." Never have a people been held up to baser scorn and contumely by one who is their ruler for the time being than have the people of the Philippines by the governor-general appointed by the President of the United States. I heard Senators talk about the extension of the franchise to the Philippine people; that we were giving them lessons in free government; taking them by the hand and leading them into the mysteries and benefits of the ballot box; and that within a generation or several generations, under the benign influence of the Taft Commission, they would be raised to the dignity of a higher manhood, and when that time came, when they had been thus qualified by our management, if they then wished to walk alone, in all human probability our Government would help them in the effort.

The franchise! Let me call the attention of the Senate to the franchise. That it is a marvel in its operation I think you will agree with me. How does it operate? I read from part first of

the report of the Philippine Commission for the period from December 1, 1900, to October 15, 1901. Those who are granted the franchise must speak, write, and read the Spanish or English language, must be the owner of property of the value of \$250, American money, or pay a tax of at least \$15. The Commission, writing upon that subject, says, quoting from page 32:

An attempt has been made to ascertain the proportion of qualified electors to inhabitants in the towns thus far organized. Difficulties of communication have rendered this effort only partially successful. Returns have been received from 390 municipalities, showing a total population of 2,695,801 and a total of 49,523 qualified electors, or 18.37 electors per 1,000 inhabitants.

In other words, the right to vote, so far as practical results are concerned, has been granted to something less than 2 per cent of the population—18.37 electors out of 1,000 inhabitants—and that result is declared by the Commission after a zealous attempt to ascertain the proportion of qualified electors to the inhabitants of towns thus far organized. Returns were received from 390 municipalities, showing the total of population 2,695,801, with a total of 49,523 qualified electors, or 18.37 electors for every 1,000 inhabitants; less than 2 per cent.

Governor Taft declared that there were no people in the islands fit for jury duty. He was asked why they did not go to the body of electors, since the body of electors comprised the intelligence of the Philippine Islands, for jurors; and he stated that that could not be done, because they were either corrupt or open to corruption. Those who can not vote, he reasoned, can not be selected for jury service. They also are corrupt and open to corruption. Governor Taft declares that men fitted for suffrage in the Philippine Islands, and to whom suffrage is granted, are not sufficiently honest to perform the duties of jurors.

Mr. President, I beg leave to differ with the honorable governor of the Philippine Islands. I am afraid he was not altogether frank with the committee in giving his reasons for depriving the Filipinos of the right of trial by jury. When these treason laws are read, when the character of the tribunals before which those accused must be tried is taken into consideration, I think it is reasonably clear that juries are denied in criminal cases because the Commission is afraid to trust Philippine juries with the enforcement of the laws extended over them. It wants the administration of justice kept in their own hands. The Commission is determined to say who shall go to prison and who shall pay a fine or who shall suffer death. They realize that the peace of which they speak is a false peace. They realize that the spark of liberty and a desire for independence have been enkindled in the bosom of the great body of the Filipino people, and although the Filipino people may profess a desire for peace now, they can not be trusted to enforce the tyrannical and the drastic laws that the Commission have set in operation against them.

Mr. President, I should like in this connection to call the attention of the Senate to the people of the Philippine Islands. They have been slandered, they have been defamed. They have been proclaimed a mass of besotted ignorants, cruel, treacherous, deceitful, idle, slothful, and corrupt human beings. Think of a human mass of this character, and that the United States have attempted to civilize and elevate it to a level upon which its members will intelligently and faithfully exercise self-government.

I take issue with the defamers of this people. I take issue with them, and I do not depart from governmental sources in sustaining my claims. I will confine myself to the records of the departments of the United States Government in showing that the Philippine people are what their friends believe them to be. I think it is well worth while to give the necessary time to comprehend the picture that the War Department has painted and then compare it with the picture painted by Governor Taft.

I read from a document styled "The People of the Philippines," Document No. 218 of the Fifty-sixth Congress, second session.

Only about a year ago, after we had been in possession of the Philippines for at least two years; after officers of the Army and Navy and private citizens had visited all parts of the Philippines; after American soldiers had been brought into contact with the Philippine people as prisoners of war; after there had been full opportunity to determine whether the Philippine people were treacherous or cruel, whether they were trustworthy and kind; after two years of this experience the War Department gives to the Congress of the United States the conclusion it reached as to the nature and character of the Filipinos. This is the letter of transmittal:

WAR DEPARTMENT, Washington, February 15, 1901.

SIR: I have the honor to transmit herewith an article on The People of the Philippines, compiled in the Division of Insular Affairs from standard works and the records of the Department, supplemented by the personal experience of returning officers.

This article, together with the data contained in the recent report of the Philippine Commission, would possibly supply the constantly growing demand for information on this subject, and may possess sufficient interest to warrant publication.

Very respectfully,

ELIHU ROOT, Secretary of War.

It is directed to Hon. H. C. LODGE, chairman of the Committee on the Philippines, United States Senate.

Now, Mr. President, we have heard much of the ignorance of those people. This is what the War Department says, speaking of the Tagalogs, who comprise about 2,000,000 of the inhabitants:

Most of them, both men and women, can read and write.

The Visayans are nearly two millions more. They are closely akin and follow closely in the footsteps of the Tagalogs. Most of the Tagalogs at least can read and write.

Governor Taft says this is not true. After compiling from standard authors and authorities; after consulting all that was communicated to the Insular Division of the Department; after consulting with returning officers who had been through the islands, both as travelers and prisoners, the War Department communicates its information to Congress. I place the War Department against the statement of the governor of the Philippine Islands and will let the Senate of the United States judge between them.

Right here let me suggest that one of the most cruel things which this beneficent Government is engaged in doing is crushing out the language of the Philippines. Most of the Tagalogs can read and write. So says the War Department. But from 5 to 7 per cent of them speak and write the Spanish language; but most of them do speak and write their own language—a language with a literature, a language in which a number of poems have been composed, in which works of fiction and philosophy have been written, a language which has a literature of substance and beauty. The United States is engaged in crushing out that language by every act that is available to it.

I know of nothing that will more surely breed discontent than efforts to crush out the language of a people. Austria is endeavoring to do it with Hungary, and we know the effort has led to riots in the legislature of that twin Empire. We know it has almost resulted in war between them. The Slavs will not submit to the crushing out of their language.

No man may vote in the Philippine Islands, whatever his intelligence, unless he reads and writes the Spanish language, the language of the tyrant conqueror of the islands. Those who write and read the English language may also vote. But Governor Taft says that the fraction of those who speak the English language in the islands is so small that it is not worth taking into consideration. Those who read and write only the language of the islands, though they may compose poems and write history in that language, are prohibited from the use of the ballot.

It is said we sent over 800 teachers. To do what? To teach them the English language. But we force the Filipinos to pay for their transportation and support without giving them a voice as to what or how they shall teach or in what language. We force them to pay all taxes necessary for the salaries of teachers and the support of the schools to root out their own language and supplant it with that of the new conqueror.

It seems to me, Mr. President, that it is not creditable. There is not much benevolent assimilation about that. It is simply the act of a conqueror, and a conqueror that is disposed to be tyrannical, who cares nothing for the sympathies and yearnings and prejudices and nature of the people over whom it has assumed the right to rule.

Now, let me read further:

Three centuries and over of Spanish subjugation have not been sufficient to materially change their racial characteristics.

Yet we are going to do it in a generation.

Wallace gives them place as the fourth great tribe of the Malay race. The Tagalog possesses—

Mark now—

The Tagalog possesses great self-respect, and in his behavior is quiet and decorous. He treats others with politeness and expects it for himself. Judging of industry as one must judge of it in the Tropics, he may be said to be reasonably industrious, and often works very hard, especially as a casco poleman against the swift current of the Pasig. The wife—

Even a woman there is upon a plane of equality with the man, giving evidence of at least a certain degree of civilization—

The wife exerts great influence in the family, especially in trading and in bargain making; indeed, she may often be called the real head of the house.

Now we come to their treatment of the children.

They treat their children with great forbearance, and manifest great desire to give them a good education. Parental authority continues during the entire life of the parent. Mr. Sawyer states that he has seen a man of 50 years come as respectfully as a child to kiss the hand of his aged parent at the sounding of the vesper bell. Children in return show great respect to both parents, coming to them morning and evening to kiss their hands.

Mr. MCOMAS. May I interrupt the Senator from Colorado? A moment ago he spoke of the language of the people?

Mr. PATTERSON. Yes, sir.

Mr. MCOMAS. What language, do I understand?

Mr. PATTERSON. The Tagalog.

Mr. MCOMAS. The Senator will remember the statement of Governor Taft that—

Mr. PATTERSON. Oh, of course. Of course the governor

took issue on nearly every statement made by the War Department. As I said, it was the War Department with all its opportunities for knowledge, with a careful consideration and sifting of what it had learned and read, against the statements of Governor Taft.

Mr. McCOMAS. If the Senator will allow me, within 20 or 50 miles in various directions there would be ten or fifteen different dialects whereof one person could not understand any other. Is not that true?

Mr. PATTERSON. Oh, yes; he said many things; but, Mr. President, this is the testimony of those who have known the people of the Philippines much longer than Governor Taft, who did not have the same motives to misrepresent them.

Mr. FORAKER. Will the Senator allow me to interrupt him? The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. I wish to know whether we are to understand the Senator has now stated that in his opinion Governor Taft did misrepresent in the testimony he has given?

Mr. PATTERSON. I have stated, Mr. President, that it is the War Department against Governor Taft. I have no personal knowledge.

Mr. FORAKER. Mr. President, there might very well be a conflict between something coming from the War Department and something said by Governor Taft. That of course is a fact that can be established or not according as the fact may be. But what the Senator has now said is that Governor Taft had motive and purpose for the misrepresentation, as I understood him.

Mr. PATTERSON. Yes, sir; that is my judgment.

Mr. FORAKER. That is all I wanted to know.

Mr. PATTERSON. Of course I am entitled to my opinion.

Mr. FORAKER. Of course the Senator is entitled to his judgment, and we are entitled to understand the Senator. We simply wanted to know whether the Senator is now deliberately stating in the Senate of the United States that in his opinion Governor Taft made misstatements purposely in the testimony which he has given.

Mr. PATTERSON. I did not say that. I said that Governor Taft has motives.

Mr. FORAKER. For misrepresentation?

Mr. PATTERSON. Yes, sir; for misrepresenting the people. Whether those motives operated upon him or not, or have operated upon him, I have not said. Governor Taft appeared before the committee as the advocate of the Administration in supporting, maintaining, defending, and justifying all that has been done in the Philippine Islands by the party and the Administration to which he owes his appointment.

Mr. FORAKER. I did not rise, the Senator will understand, to take any exception to anything he was saying; only to see that we correctly understood him. At another time, when we have opportunity to take the floor, there will be another view taken from that which the Senator has presented.

Mr. PATTERSON. Of course; there has been, right straight along.

Mr. McCOMAS. Will the Senator allow me?

Mr. PATTERSON. Certainly.

Mr. McCOMAS. I believe every word Governor Taft has said, but perhaps the Senator will also include Mr. Worcester, who spent years there, who says these same things, and even in a more extreme form. He says there are about 80 villages only 2 miles apart wherein people can not talk the language of their neighbors. Is that a like motive and not to be believed?

Mr. PATTERSON. That may be; but in England the dialects of a number of the different provinces are so widely different that it is next to impossible for the people of one province to understand the speech of the inhabitants of another. I understand such to be somewhat the case in Germany also.

I do not know anything about Mr. Worcester, however; I am reading from the official records of the War Department; the War Department against the defamers of the people of the Philippine Islands. Upon the one side stands the War Department, with its opportunity for information, with an avowed purpose in sending this contribution to Congress to give to the people of the United States the information which the people have been desiring, with apparently no motive to serve except to perform that important duty. I say, Mr. President, and repeat it, that this communication from the War Department brands as a slander most of what has been said—I particularize in no direction—when holding the Philippine people before the world as cruel, savage, idle, shiftless, and treacherous.

Now, I will proceed a little further. The War Department says:

Palgrave justly says of them—

Let us see what the Department quotes from Palgrave—

"Nowhere are family bonds closer drawn, family affection more enduring, than among the Malay races. His family is a pleasing sight, much subordi-

nation and little restraint, unison in gradation, liberty, not license, orderly children, respected parents, women subject but not suppressed, men ruling but not despotic, reverence with kindness, obedience in affection—these form a lovable picture, nor by any means a rare one in the villages of the eastern isles."

Then the War Department continues after the quotation:

It might be well to remark that this is an ideal picture and one only too rarely found among English-speaking people.

I will read further:

The children before attaining the age of puberty are not especially good looking, but are early trained in good manners. They greatly delight in bathing, the water usually averaging a temperature of 83° F. Both sexes and all ages mix indiscriminately in the bath, the adult decently clad, and all behaving themselves with decorum. Nearly every one learns to swim.

Then again:

Among the Tagals courtship is well drawn out.

It would not do to omit courtship.

The "catipado," or desiring-to-be bridegroom, is allowed to assist the girl of his choice in her allotted work, which is husking the rice for the use of the household. This is done in the cool of the day out of doors. A wooden mortar and long heavy pestle is used. It is a well-recognized opportunity for the lover to assist and entertain his sweetheart.

Evidently a quotation is what follows:

Very pretty do the village maidens look as, lightly clothed in almost diaphanous garments, they stand beside mortars plying the pestle, alternately rising on tiptoe, stretching the lithe figure to its full height and reach, then bending swiftly to give force to the blow. No attitude could display to more advantage the symmetry of form which is the Tagal maiden's heritage, and few sights are more pleasing than groups of these tawny maidens husking paddy midst chat and laughter, while a tropical moon pours its effulgence upon their glistening tresses and rounded arms.

I hope that when the Senator from Wisconsin [Mr. SPOONER] replies and closes the debate he will bear in mind this glowing picture and not strive to destroy it. But the War Department continues about the Tagalogs:

Hospitality is a leading characteristic of the Tagal, and any observing well-behaved traveler will testify to his kindness and liberality.

Now, then, as to their skill in mechanics:

They are apt as machinists—

Think of it—

They are apt as machinists, and a fair number of engine fitters, turners, smiths, and boiler makers can be found. Under Spanish administration all the engine drivers and firemen were Tagals. There can be found in and around Manila a large number of carpenters, quarrymen, stone masons, and some bricklayers. As early as the time of the landing of Legaspi he found both cannon and cannon foundries. They make their own fireworks and gunpowder. They excel as carriage makers and have many shops on the roads leading out of Manila toward Malabon. Two-wheeled vehicles, called quizeles and carromatos, are manufactured in great quantities. They also show talent in sculpture and painting, also great proficiency in carving. They are skillful in hunting and fishing. They make quite good agriculturists, and prepare their rice paddies with great care, and when the time of planting comes the whole population, men, women, and children, turn out to plant the rice, stalk by stalk, in the soft mud. It is a most beautiful sight to look over the broad valleys in time of the rice harvest and see fields swarming with Tagals, all busy at work. The bright colors worn by the women look especially attractive.

Then the War Department speaks of their talent and their love for music:

A writer who knows whereof he speaks gives this testimony concerning the musical talent of the Tagal: "Perhaps the most remarkable talent possessed by the Tagal is his gift for instrumental music. Each parish—

And the number must be almost innumerable—

"Each parish has its brass band, supplied with European instruments, the musicians generally wearing a quasi military uniform. If the village is a rich one, there is usually a string band as well. They play excellently, as do the military bands. Each infantry battalion"—

That is the Filipino battalion—

"Each infantry battalion had its band, whilst that of the peninsular artillery, of 90 performers, under a bandmaster holding the rank of lieutenant, was one of the finest bands I have ever heard. There are few countries where more music could be had gratis than in the Philippines, and for private dances these bands could be hired for very moderate rates."

Then we come to their other acquisitions besides that of reading, which is an item of some importance:

They are by no means void of knowledge of natural history, such as enables them to understand the habits of game, to give names for animals and birds, insects, and reptiles, and to describe in detail their habits. As hunters they are good marksmen. If sent out with two cartridges—

Mark it—

If sent out with two cartridges, they usually come back with two deer or pigs, or a lengthy apology for wasting the cartridge and how it happened. They drive the deer in nets arranged in an acute angle, and then spear them, throwing their weapons with great accuracy. The Tagalogs, though not as industrious as the Ilocanos, yet are very faithful and efficient house servants, though not as good buyers and cooks as the Chinos. As clerks and draftsmen they are reasonably skillful. Usually they write a beautiful hand, and some of them can do splendid work in headings and ornamental title-pages.

Now, let us see something about their honesty. Frederic H. Sawyer, writing in a book entitled *The Inhabitants of the Philippines*, says upon that subject, and I yet quote from the War Department's letter:

When doing business with the Tagals, I found that the older men could be trusted. If I gave them credit, which was often the case, for one or two years, I could depend upon the money being paid when due, unless some calamity such as a flood or conflagration had rendered it impossible for them to find the cash. In such a case (which seldom happened) they would advise beforehand, and perhaps bring a portion of the money, giving a pagaré—

That is, a promissory note—

bearing interest for the remainder, and never by any possibility denying the debt. I never made a bad debt amongst them, and gladly testify to their punctilious honesty. This idea of the sacredness of an obligation seems to prevail amongst many of the Malay races, even among the pagan savages, as I had occasion to observe when I visited the Tagbanuas in Palawan (Paragua). They certainly did not learn this from the Spaniards.

Then the Department tells how the Spaniards found it impossible to introduce the bull fight among them. Their nature rebelled against the atrocity of that so-called sport. In literature this is what the War Department says:

The Tagal race possesses but little literature in its dialect, since those who have made advancement along these lines have usually used the Spanish language. In the exhibition of the Philippines at Madrid, 1887, Barranter showed 20 volumes of grammars and vocabularies of the Philippine dialects and 31 volumes of popular native poetry, besides 2 volumes of native plays. We have examples of a high order of mentality among the Tagals when they have had the opportunity for training in the higher branches. The schools of primary instruction show that the children are both eager and apt to learn. The Tagal, doubtless, under American system of education will manifest great advance, but to increase his mentality without proper regard for a proportionate increase in that which pertains to higher standard of integrity and uprightness of character would make him a very undesirable citizen.

Of course the War Department could not end its description without saying something to support the Administration claim that the Filipinos are unfit for self-government.

Mr. President, if that were all it might be possible that the War Department is mistaken, but Prof. Ferdinand Blumentritt, who is given by the Encyclopedia Britannica as the first authority on the Philippines, describes the Christianized Filipinos, numbering more than 6,000,000, as follows:

The main features of Filipino character are quiet docility and ambition, which ranges, through different degrees, from vanity to proud striving after recognition of the Ego, and which is one of the most important physical factors in the Philippine question. This explains their proneness to revenge, which (long reined in and mastered) seeks satisfaction when opportunity offers. Another attribute of the Filipinos has shown itself for the first time in the rebellion against the Spaniards and in the war against the Americans—an attribute which there had been no previous opportunity to observe. This is a self-control which resembles that of northern peoples, and which manifests itself in this: That they restrained themselves, with few exceptions, from satisfying their ancient thirst for revenge on the unfortunates who fell into their hands because they were mindful of "their reputation in Europe."

In fact, the Philippine revolution has not been stained by such cruelties as have the revolutions of European nations. There is still another thing which casts a favorable light upon their national character, namely, the discipline maintained by the former army of rebellion, now the army of freedom, in the Philippine Republic. All who have read the history of the revolts of the Spanish colonies in America will surely remember that the rebels were always in discord, and that their generals betrayed, deserted, and, even in the very presence of the enemy, fought each other. Yet, with few exceptions, those generals belonged to the white race, the creole nobility. In the Philippine army, on the contrary, that was drawn together from so many provinces and whose generals were chiefly Malays, all ran smooth, and, if we except the single case of General Luna (which has not yet been cleared up), there ruled a spirit of subordination and discipline which the Filipinos could not have learned from their former Spanish masters. Germans who have lived both in Japan and the Philippines assert that the Filipino is the equal of the Japanese in many respects and far his superior in a sense of honesty and justice. The character of the Filipino as a host and friend is well known, and I have so often experienced this that I can not sufficiently praise it.

I might supplement this by the reports of Wilcox and Sargent, the one a paymaster in the Navy and the other a cadet. They made a tour of the Philippine Islands, starting while the American Army was occupying the trenches in which the Filipino troops had held the Spaniards—occupying the trenches which the valor and courage of the Filipino soldiers made so easy of conquest. While the forces of the two peoples were facing each other, Sargent and Wilcox, desiring to make a trip through the islands, applied for a permit to Aguinaldo.

It was requested also by General MacArthur and Admiral Dewey, but Aguinaldo declined to give a passport, saying, "You may go; you will be safe; you have nothing to fear." Sargent and Wilcox made a report of their several months' journeyings through eight or nine Filipino provinces. They traveled during the existence of the Filipino republic, with Aguinaldo as its provisional head. These officers made a report to the Navy Department of their observations during the journey. I will read but one sentence, which, it strikes me, is most significant:

The steamer *Saturnas*, which had left the harbor the day before our arrival, brought news from Hongkong papers that the Senators from the United States at the congress at Paris favored the independence of the islands with an American protectorate. Colonel Tirona considered the information of sufficient reliability to justify him in regarding the Philippine independence as assured and warfare in the island at an end.

In the morning Colonel Tirona resigned his command as one of the Filipino commanders. Let us see what he did:

For this reason he proceeded to relinquish military command he held over the provinces and to place this power in the hands of a civil officer elected by the people. This officer also made a speech, in which he thanked the disciplined military forces and their colonel for the services they had rendered the provinces, and assured them that the war they had begun would be perpetuated by the people of the provinces, where every man, woman, and child stood ready to take up arms to defend their newly won liberty and resist to the last drop of their blood the attempt of any nation whatever to bring them back to their former state of dependence. His speech was impassioned. He then placed his hand on an open Bible and took the oath of office.

This was the action of a Filipino military commander when the false news was brought that the Senators of the United States

composing the Paris Peace Commission had arranged for the independence of the Philippine Islands with an American protectorate. He immediately laid down his commission and immediately took the oath of allegiance to what he supposed was the new republic. Doubtless he had in mind the exalted procedure of Washington when the war of the Revolution was brought to a close. This entire report of Sargent and Wilcox should be read. It fully corroborates the printed views of the War Department.

Mr. President, I will not dwell longer upon this feature of the controversy; but, as I have said before, it is well that the American people should have another picture of the Filipino than those painted by his enemies. They are a homogeneous people. They are bound together by racial ties, by religion, and by a fervent and almost universal desire for freedom and independence. Surely these constitute an unusually safe foundation upon which to build a free and independent state.

When the history of the eight months' existence of the Filipino republic is read and understood, there will be found a complete answer to every claim that has been made by the imperialists of to-day that the Filipino is not capable of giving to his own kind a safe, orderly, and law-abiding government. His government may not be a government such as ours, but it will be a government suited to his own convictions and conditions, a government based upon what he has learned since his attention has been turned to the teachings of the American Republic for more than a century.

Do you blame the Filipino because he struggles for that which you taught him to struggle for? Do you blame him because he believes in his heart of hearts that governments should derive their just powers from the consent of the governed? Do you believe him when, through the Federal party, he tells you that no form of colonial government will satisfy him, but that he wants, first, a Territorial government under the Constitution of the United States, and ultimately statehood? That is what is demanded by the intelligent Filipinos who are most friendly to American domination.

The great majority stand upon a higher plane; they know their own resources and possibilities; they have had experiences for a number of years, and we know they have demonstrated that they are self-contained, but they can not restrain the natural promptings of the human heart for liberty and independence. They held their Spanish oppressors as prisoners of war by the thousands and treated them with a humanity that commanded the commendation of the civilized world. These things the Filipinos have learned. They now comprehend their own possibilities in the channels of government, and do you think it possible to eradicate these convictions from their hearts and minds?

You propose to educate them. The more education you give them of the American kind, the more determined will be their stand for all that for which the American people stand. The more the Filipino reads political literature, such as the press of this country is continually publishing, the more restless he will become under the domination of a master—for the attitude of this Government to the Filipinos is that of a master. The attitude of the Administration, as I understand it, is that of the three members of the Supreme Court who concurred in the decision rendered by Mr. Justice White. No man can read that decision without concluding that they hold that Philippine territory is simply appurtenant and may be controlled by Congress to the same extent and in the same way that the Government controls its other property; as it manages its horses, its buildings, and munitions of war. The islands and their population are property within the control of Congress, and there is no limitation upon its power over them.

There is no suggestion in their opinion, as there is in the opinion of Mr. Justice Brown, that there are certain natural inherent rights which the Constitution guarantees the inhabitants, and which should and will be enjoyed by inhabitants of the islands. There is nothing of the kind in the opinion written by Mr. Justice White. It is after the plan of that opinion that the Administration is governing.

Governor Taft was asked whether he would favor a declaration by the American Congress that the Filipinos were entitled to and should have Territorial government as enjoyed by other Territories under the Constitution, and he said that he would not—not even a Territorial form of government, a government affording the people constitutional protection.

Mr. President, I will refer briefly to another topic justified by the statements of Governor Taft before the committee. It relates to the condition of the insurrection now in the Philippine Islands. He states that the insurrection is suppressed in all but three of the provinces. He states that there are little more than from two to three thousand Filipinos in insurrection. He states that he feels as safe in the pacified provinces as he would on the streets of Washington. If this be true, what justification is there for the odious and unconstitutional treason and

sedition laws, especially when by the terms of the act they are operative only in the alleged pacified provinces?

In that connection I would refer to the Federal party, and emphasize what I said upon a former occasion, that the Federal party is the right hand of the Philippine Commission in the Philippine Islands. This is what the Philippine Commission says, on the very first page of its report, about the Federal party:

An account of the feeling of the Filipino people, which made the Federal party possible, will be found in an appended report of Dr. Pardo de Tavera, some time its president, and Señores Benito Legarda and Jose Luzuriaga, members of the party, all of whom are now members of the Commission (Appendix A).

All members of the Commission of which Governor Taft is the head. Then the report proceeds:

It was organized to secure peace for this country under the sovereignty of the United States. The party spread like wildfire through the archipelago, and there are now few towns in any of the provinces which have not their Federal committees. Its members were most active and effective in inducing insurgent leaders to surrender.

It does not seem unreasonable to ask the Senate to lend ear to what this Federal party urges. The three leaders are members of the Philippine Commission. It was organized, if not by the procurement, at least with the approval of Governor Taft and the other members of the Commission. The Commission leaned upon it as a staff, and it supported them in their early efforts. It was this Federal party that, after armies had swept over the islands like besoms of destruction, induced the people to accept the Government of their oppressors, advocating peace in the islands, with recognition of the sovereignty of the United States. There are over 150,000 members of this party in the Philippines, most of the members the intelligent, Spanish-speaking, and Spanish-writing Filipinos, and the testimony of Governor Taft is that the Filipino looks with peculiar reverence upon the intelligent members of his race. These Federalists have done yeoman service toward stable peace in the conquered islands.

Therefore it seems to me that when they, in the most solemn way possible, tell you what they desire, what the Filipino people will endure, what they will not endure, tell you the inevitable result of one course of conduct and the result of another course of conduct in the islands, you should, above all others, listen to this party through its representatives.

Now, what do they say? I trust the Senate will bear with me while I read with some detail the statements of the communication to Congress, of which Governor Taft was the bearer, delivered to the War Department and communicated by the War Department to Congress. Governor Taft and the Commission give faith and credit to this party. They have practically said to the leaders of this party: "We are your friends. We stand for your promises. We will use our influence to secure all that you promised to the Filipino people to induce them to join with you in abandoning the struggle for independence and to submit to the sovereignty of the United States."

In their petition they say to Congress:

PETITION FOR ANNEXATION AND FORM OF GOVERNMENT.

The Federal party has made an exhaustive study of the sentiments of the Filipino people.

The Federal party has made an exhaustive study of the sentiments of the Filipino people. Which is entitled to the greatest credit? The statements of this Federal party, made through its recognized leaders, who are Filipinos of the Filipinos, and who know their people, their hopes, and their aspirations.

The Federal party has made an exhaustive study of the sentiments of the Filipino people, as well as those animating the American people, with respect to determining the future of these islands.

From the mass of data which the Federal party has had before it, and seriously and formally considered, it is clearly deduced that the intention of the Americans and Filipinos is to constitutionally—

That is, what they say is clearly deduced—

is to constitutionally join the Philippines to America in such a way that the former may never be separated from the latter nor the latter disunited from the former.

Then they insert this quotation from the Constitution of the United States, which in their own printed copy is in small caps, so as to emphasize it.

"In order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty" are the principles in which the policy which should be followed in the Philippines should be inspired without the loss of a moment.

Now, listen—

To make of the Philippines a colony of the United States or to grant independence to the Philippines—

Putting one upon an equality with the other—

To make of the Philippines a colony of the United States or to grant independence to the Philippines would be to hand the islands over to disorder and to anarchy, to destruction and to chaos.

This bill, which the majority will vote for, is based upon the theory that the Philippine Islands are as foreign territory; that the Constitution does not extend to them; that they are territory

appurtenant and not territory that has become a part of the United States. It is founded upon the fact that the Philippines are but colonies of the United States, and their inhabitants subjects and not citizens.

It is because of this that Congress imposes a tariff upon goods imported into the islands from the United States and upon goods brought from the islands into the United States. This alone makes them a colony within the European standard of colonies, and Congress has assumed to govern them precisely as Great Britain governs its colonies or Germany or France theirs. Listen again to what the Federal party declares about the effect of governing the islands as a colony:

To make of the Philippines a colony of the United States or to grant independence to the Philippines would be to hand the islands over to disorder and to anarchy, to destruction and to chaos.

Are the Senators upon the other side willing in the face of this warning to assume the risk that the statement of the Federal party is untrue?

It may be that you have confidence that the Army, if the peaceful Filipinos again rise when they learn that you treat their appeal with contempt, will overcome them again. It may be that you can again raise the Philippine army to 70,000 and stamp out whatever opposition may arise out of your present course. You may be right, but either the consequences or the alternative should warn you to desist.

What perfidy is there not, Mr. President, in such a course? The Federal party gained its strength and influence through its representations to intelligent Filipinos that should they join the party and acknowledge the supremacy of the United States a Territorial government, guarded by the Constitution, and ultimately statehood, would be granted to them.

Statehood, when? In generations from now, or in the life of those who are making the sacrifices for statehood? A government under the Constitution for their children's grandchildren or for themselves within a reasonable limit of time, having in mind the ordinary length of human life? It was by these representations the Federal party was strengthened. It was by these representations that the peace you have in the islands now exists.

The petition further recites:

In behalf, then, of the Federal party, this convention has the honor to very respectfully present to the Congress the following petition, praying a declaration by the Congress of the United States to the effect that the Philippine Islands, as they are described in the treaty of Paris and subsequent conventions with Spain, are an integral part of the Republic of the United States of North America, the said Philippine Islands constituting a Territory with the rights and privileges which the Constitution of the United States grants to the other Territories, such as that of becoming eventually a State of the Union.

If the Senator from Nevada [Mr. STEWART] were here, I should remind him of the speech he made day before yesterday. He said: "Of course, we will give the Filipinos a Territorial form of government. Of course we will." But when I asked Governor Taft whether he would favor Congress making this declaration, even eliminating from it all reference to statehood, his answer was that he would not. The exact question propounded to Governor Taft was: "Now, eliminating from the proposition all question of statehood, would you favor a declaration by Congress that the said Philippine Islands should constitute a Territory of the United States, with the rights and privileges which the Constitution of the United States grants to the other Territories?" And his reply was that he would not.

For myself, Mr. President, I heartily support the minority bill offered as a substitute for that of the majority. It proposes, in short, to grant independence to the Philippines, this Government to retain control until their inhabitants form a stable government of their own. It insists that all in the islands shall be given like protection; that this country shall have such coaling stations and such other facilities as may be needed to advance our Western commerce. Pursuing this course, we will not be troubled with questions of statehood and constitutional Territorial government for the Philippines, nor by fears of uprising to throw off our colonial system. By such a course the Constitution will continue unimpaired and our country and its institutions will continue in the future as they have in the past to receive the blessings and prayers of the liberty loving in every land. I do not want the Philippines either as States or Territories, and still more do I deprecate their retention as colonies. The Filipinos have earned their independence. I believe they can form a stable republican government, not as perfect as ours, but perfect enough for themselves, for it will be after their kind and they will in the end perfect it so as to meet all the requirements of an Asiatic, liberty-loving people.

Mr. President, I have occupied more time, under the circumstances, than I should. I have not gone at all into events antedating the President's order directing the American Army to proceed to subjugate the Philippine Islands. I believe the United States should release that which was secured through perfidy and the strong arm of an invading army. It should release the 8,000,000 of people, 6,000,000 of whom are Christians. Christians,

Christian natives! Christians! The trouble may be that they are not Protestant Christians.

The suggestion may cause a smile, but I have it in my mind that if the 6,000,000 Christian Filipinos had learned their Christianity in the sanctuaries of the Methodist, Baptist, and Presbyterian churches, and if such Filipinos were as well founded in the cardinal virtues of Christianity as are the Filipinos to-day, there would be such an uprising by the Methodists, Presbyterians, and Baptists in the United States against the cruel, unconstitutional, and relentless policy of the Administration in dealing with their people that there would be but few members of Congress who would face the consequences.

But they are not Protestant Christians. Nevertheless, Mr. President, they are founded in the virtues of Christianity. They have acquired self-restraint, the domestic virtues, a fair degree of honesty. They love their neighbors as nearly as the average Christian loves his neighbors. They display a desire for freedom and independence that could only have been inspired in schools of the highest politics and have emanated from the teachings of such masters as Washington, Jefferson, and Madison, backed with the best thoughts and grandest impulses of all true lovers of liberty in the American Union.

I will not occupy more time. I have said more than I expected to say. If I have expressed my honest and my deepest convictions upon this most vital question as one of the representatives of my State upon the floor of the Senate, I have but done my duty.

Mr. NELSON obtained the floor.

Mr. LODGE. Will the Senator from Minnesota yield to me for a moment to make a motion?

Mr. NELSON. Certainly.

Mr. LODGE. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. NELSON. Mr. President, it is my purpose, for a few moments, to discuss some of the constitutional questions involved in the proposed legislation. I find that much confusion exists as to the constitutional powers of and the constitutional limitations imposed upon Congress in legislating for our territorial possessions.

But before I proceed with that discussion I can not help calling attention to one fact. We have had attacks made indirectly upon our soldiers in the Philippines; we have had attacks made upon our government in those islands; but it remained for the Senator from Colorado [Mr. PATTERSON] to characterize as an act of tyranny and despotism the fact that we have sent American teachers there to teach the Filipinos the English language, and tax them for that purpose.

A large number of our great Northwestern States have been settled by men and women speaking a foreign tongue. We have taxed them to teach them in American schools the English language, and not a single one of them within my knowledge has ever protested that it was an act of tyranny or despotism. And what we have done in the great Northwestern States to develop them—the States of Wisconsin, Iowa, Michigan, and Minnesota, in teaching our large foreign population the English language and taxing them for that purpose—we certainly have the right to do in the Philippine Islands, and it is no more despotism in one case than in the other.

I was not surprised, after the Senator from Colorado had advanced that idea, that he was the first Senator to inject the sectarian question into this discussion. One follows the other inevitably, and I was not at all surprised at it. It is not, as the Senator intimates, a Protestant scheme to give them the benefits of an English education. It is for the purpose of civilizing them and making good citizens, fit for free government. Attendance is not compulsory. The Filipinos are eager to learn English, and I would remind the Senator that they complain far more of the friars than the English schools.

No one can now be found to deny the Federal Government the power and right to acquire territory by conquest or treaty. And yet this power is nowhere in the Constitution given in express terms. It is one of the implied powers growing out of the power to make war and enter into treaties. It is one of the powers inherent in every organized and independent government, of which no government can afford to divest itself without crippling its capacity for self-preservation. Wars may come upon even the most peaceful nation, and war may lead to conquest, and such conquest can not oftentimes be relinquished without either suffering in compensation or in indemnity for future aggression or danger. (*American Insurance Company v. Canter*, 1 Peters, 540.)

The power of acquiring involves the power of holding, and from these twofold powers springs, as a necessary and inevitable consequence, the power of governing and of legislating for the territory acquired and held. This power of governing and legis-

lating is not only derived from this source, but also rests upon and is derived from the express language of the Constitution:

Congress shall have power * * * to make all needful rules and regulations respecting the territory * * * belonging to the United States. (Par. 2, sec. 3, art. 4; *Sere v. Pitot*, 6 Cranch, 337; *Am. Ins. Co. v. Canter*, 1 Peters, 540.)

This is the clear and emphatic language of the Constitution.

The people of the ceded territory, through the act of cession, sever their political connection, but do not thereby divest themselves of those rights and immunities given them by their local laws for the protection of their person and property. These laws remain in force until changed or abrogated by the nation to whom they are ceded. The people of such territory do not, though ceded to a self-governing nation, such as ours, thereby ipso facto become entitled to self-government, nor do they become vested with any political rights except such as may be conferred upon them by Congress. (*Story Const.*, sec. 1324 and 1325.)

Until Congress intervenes by appropriate legislation the government of the acquired territory remains under the control of the President, as the head of the executive department and as Commander in Chief of the Army and Navy. Such a government—and I wish to call the attention of the Senator from Colorado to it—is a valid and constitutional government, resting upon the right of conquest and acquisition. It was so held in the case of California, which was taken possession of by our military authorities in 1846 and remained under the control of the President till it was admitted as a State in 1850 (*Cross v. Harrison*, 16 Howard, 164); and it was so held in the case of New Mexico (*Leitensdorfer v. Webb*, 20 Howard, 176).

California never had a Territorial government. It remained under the control of the War Department, the executive department of the Government, from the time we got it in 1846 until it became a State in 1850, and our Supreme Court held that that was a constitutional and valid government.

This implied power was expressly conferred upon the President by act of Congress in the case of Louisiana in 1803 and in the case of Florida in 1819. The amendment to the Army bill of the Senator of Wisconsin [Mr. SPOONER] is a counterpart of this act, and neither of them confer any other or greater power upon the President than he is vested with under the Constitution, independent of statute, as decided by our Supreme Court in *Cross v. Harrison*, 16 Howard, 164.

We are now about to legislate for the Philippine Islands—one of our recent territorial acquisitions—and the question before us is not, as some suppose, whether the Constitution, or any part of it, extends by its own force, independent of legislation, to the islands. That question properly occurs after cession and before legislation, and has been settled by our Supreme Court.

The Constitution gives Congress the power, within certain limits, to legislate for the United States and all their territorial possessions. Congress assumes the power to legislate for the Philippines because they are a part of the territory of the United States. And in thus assuming to legislate the question arises: What are the powers of Congress in the premises and what, if any, are the limitations upon such power? These limitations may come from two sources, the treaty of cession and the Constitution.

This Constitution * * * and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land (par. 2, Art. VI)—

is the language of the Constitution. The power to legislate and govern comes from two sources, the treaty and the Constitution, with the Constitution paramount in case of conflict. Such being the case, the first question that arises is, What are the mandates and powers of the treaty? And, in considering this matter, it will instruct and throw some light on the subject to consider the several treaties of cession that our Government has entered into during the period of its existence.

By the treaty of April 30, 1803, with France, ceding Louisiana to the United States, it was provided by article 3 as follows:

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

By the treaty of February 22, 1819, with Spain, in article 6 it was provided as follows:

The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

By the treaty of February 22, 1848, with Mexico, it was provided by article 9 as follows:

The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution,

and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

In each of these cases the inhabitants of the ceded territory were, by the terms of the treaty, vested with all the privileges, rights, and immunities of citizens of the United States. There was no exception as to any class of inhabitants, and yet our Government has, persistently and from the very outset, denied the rights, privileges, and immunities of citizenship to the various Indian tribes who occupied the ceded territory and who constituted, at the time of the cession, the greater number of the population in these possessions.

In the case of the Indians, the practice and rule which had been applied to them in the original thirteen colonies and the Northwest Territory—of denying them all rights of citizenship and treating them as an inferior class, to be specially governed and controlled distinct from the rest of our people—was applied to the Indians in these several territorial acquisitions. The Indians were not considered a part of the inhabitants provided for in the treaty. And this has been repeatedly held by our highest court as neither an invasion of the Constitution nor the treaties.

Even the fourteenth amendment has failed to ingraft the right of citizenship upon the Indian. (*Elk v. Wilkins*, 112 U. S., 94, and cases there cited.) In these cases there was no express limitation either by Constitution or treaties. The limitation engrafted was wholly a matter of implication and judicial construction.

In the case of the Alaska cession and the Hawaiian annexation there are exceptions and reservations as to rights of citizenship. In this respect, a marked departure from our former treaties:

By the treaty of March 30, 1867, with Russia, ceding Alaska, it was provided by article 3 as follows:

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

By the joint resolution of July 7, 1898, annexing Hawaii, it was provided, among other things, as follows:

That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes. * * * The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged. * * *

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

In the case of Alaska it will be observed that the uncivilized native tribes are excepted from the "advantages and immunities of citizens," and that they "will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country."

In the case of Hawaii "the municipal legislation," limiting suffrage and citizenship as it does, "shall remain in force until the Congress of the United States shall otherwise determine."

It thus appears in the case of Alaska, under the terms of the treaty, the uncivilized native tribes, and in the case of the Louisiana, Florida, and Mexican cessions, by implication and judicial interpretation, the native Indian tribes, are held and deemed to be outside of the pale of American citizenship. In these cases the consent of the governed has never been invoked. And it is difficult to see, and there can be no sound reason given why there is any constitutional obligation to apply a different rule to the uncivilized tribes of the Philippine Islands, especially as the treaty of cession does not invoke a different rule, but leaves the whole matter with Congress.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress—is the language of the Spanish treaty of cession.

The very grounds and arguments that exist for excluding the Indians west of the Mississippi River from the pale of citizenship exist with equal force in case of the uncivilized tribes of the Phil-

ippine Islands. They are as savage, as ignorant, as brutal, and as little fitted for self-government as most of our Indian tribes, and it is no more unjust to deprive the former of citizenship than the latter.

There is no more ground for holding that the fourteenth amendment applies to the uncivilized tribes of the Philippine Islands than there is in holding that it applies to the uncivilized or partially civilized Indian tribes here in our home country. The Constitution no more breathes the life of citizenship into the uncivilized tribes in one case than in the other.

In all these cases of cession the consent of the people in the ceded territory was neither given nor asked; nor until in the case of the recent cession from Spain has the point been seriously made that the consent of the people of the ceded territory should be invoked. And yet the sovereignty of France over Louisiana, of Spain over Florida, and of Russia over Alaska was in neither case more pronounced nor more perfect than in the case of Spain over Porto Rico, and the Philippine Islands at the time Dewey entered Manila Bay. Russia had but a scant occupation in Alaska and France but a slight foothold in Louisiana.

But to recur to the main question: The treaty of Paris, as we have seen, gives Congress plenary power to fix the "civil rights and political status of the native inhabitants." There is no limitation to this jurisdiction and authority unless it is found in the Constitution. The pertinent question, then, is to ascertain what are the constitutional limitations upon the power of Congress, if any.

So far as the proposed legislation for the Philippines is concerned, the direct question of constitutional limitation may fairly be grouped under two heads—taxation and civil and political rights. What limitations are there, if any, upon the power of taxation in all its forms?

And what limitations are there, if any, on the right of fixing political and civil rights of the inhabitants?

First as to the question of taxation: To fully understand and comprehend the provisions of the Constitution relating to this subject, both in respect to direct and indirect taxes, let us first glance at the evils existing under the Articles of Confederation, which it was intended to cure. These articles laid down the following rules touching taxes, direct and indirect:

Article VIII contains the only rule as to direct taxes, which is as follows:

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

It will be perceived that the taxation provided for under this article was to be levied by the States, but was to be "in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall from time to time direct and appoint." The following provisions contain the rule as to indirect taxes:

Article IV, section 1:

* * * And the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof, respectively: *Provided*, That such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant: *Provided, also*, That no imposition, duties, or restriction shall be laid by any State on the property of the United States, or either of them.

Article VI, section 3:

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

Article IX, section 1:

* * * No treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the importation or exportation of any species of goods or commodities whatsoever; * * *

These articles, which I have quoted—and they are all which bear on this question—show that each State, under the Articles of Confederation, had the right to levy such imposts and duties as it saw fit, subject to three restrictions:

- (1) It could lay no greater duty, imposition, or restriction as against the inhabitants of other States than against its own;
- (2) It could levy no duty or imposition on the property of the United States or of any State; and
- (3) It could lay no impost or duty which would interfere with the stipulations of any treaty entered into by the United States.

But this last restriction was again modified and restricted by prohibiting the Federal Government from entering into any treaty curtailing the power of the State to levy "such imposts and duties on foreigners as their own people are subjected to." Subject to these restrictions and modifications, it is apparent that under the articles of confederation each State could have its own distinct system of duties and imposts. In other words, there could be, as there in fact was, as many different tariff rates as there were States.

It was this evil, then, that the Constitution attempted to remedy and cure. The great object to be attained was a uniformity of duties and imposts as between the States—one system of indirect taxes for all the States instead of thirteen separate and distinct systems. It was a question of adjusting and settling the differences between the States as to taxation. If this fact is kept in view, the provisions of the Constitution become free from doubt and are susceptible of the interpretation which I suggest.

The power to lay and collect taxes of all kinds is conferred upon Congress in the following provision of the Constitution:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. (Par. 1, sec. 8, Art. I.)

Four classes of taxes are covered by this grant of power: "Duties," "imposts," "excises," and all other kinds of taxes. The first three embrace indirect taxes; the last embraces direct taxes and also all other taxes not included in the first three. These three seem to cover all forms of indirect taxation. So that it is not easy to see what else than direct taxes can be covered by the general term "taxes." If there are any other than direct taxes included under the term, the Constitution contains no direction as to how such taxes shall be levied. (*Hylton v. United States*, 3 Dalles, 171.)

The Constitution lays down the following rule as to direct taxes:

Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers * * *. (Par. 3, sec. 2, Art. I.)

This provision has been modified as to the apportionment of Representatives among the several States by the provisions of section 2, fourteenth amendment, but not as to taxes.

Paragraph 4, section 9, Article I, lays down this further rule as to direct taxation:

No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

It will be perceived, then, from an examination of these several provisions of the Constitution which I have just quoted, that the general power to lay and collect direct and indirect taxes is governed and restricted by two distinct rules, to wit:

(1) Direct taxes shall be apportioned among the several States according to their respective numbers—that is, according to population; and

(2) Indirect taxes must be uniform throughout the United States—that is, throughout the several States of the Union.

By paragraph 1, section 2, Article I, provision was made for "Representatives" in Congress from the several States, not from any Territories, and by paragraph 3 of the same section these "Representatives" and "direct taxes" were apportioned among the several States * * * within the Union according to population, and provision was made for ascertaining the population, in part by an artificial system of enumeration in which "three-fifths of all other persons," to wit, slaves, were to be counted.

Not only the express language but the peculiar system of enumeration, designed to adjust the political balance between the slave and the free States, made it evident that the rule as to direct taxes was a rule for the protection of the States as against each other—a rule of equality between the several States.

These provisions of the Constitution, relative to direct taxes, contain no rule or direction for laying a direct tax in the Territories. A direct tax, levied upon and apportioned among the several States, would be valid if the Territories were entirely omitted and paid no part of it.

The rule of equality between the States would not thereby be violated. The power to lay a direct tax in the Territories is embraced in the general power to lay and collect taxes, minus the rule of apportionment governing the States, and also in the general power given to Congress over the Territories of the United States, but the form in which this power is thus given shows that it is a discretionary and not a mandatory power. Congress can lay a direct tax in the Territories without imposing at the same time a similar tax on the States, and it can impose such a tax on the States without including the Territories.

The rule of uniformity, prescribed as to indirect taxes, was, if we keep in view the evils of the Articles of Confederation, evidently designed to prevent the people of one State from having a preference over the people of other States in respect to indirect taxes. It was not to protect the States against Territories, but to protect the States against each other, and to put them, as against

each other, on a footing of equality. The rule of uniformity was invoked for the protection of the States against each other and as an antidote to the evils of the Confederation, and therefore it is evident that the rule was intended to be limited to the States.

This view becomes apparent if we consider the provision of paragraph 6, section 9, Article I, which is as follows:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

This paragraph contains no inhibition as to any Territorial ports, nor as to vessels bound to or from a Territorial port. Congress can give a preference to a Territorial port and can oblige vessels to enter, clear, or pay duty in such a port without violating the Constitution. And hence it follows that there were no constitutional inhibitions to the provision of article 7 of the Louisiana treaty, giving Spain and France special privileges for twelve years in the port of New Orleans and other ports of the ceded territory. This is the provision of the treaty on this point:

* * *; it has been agreed between the contracting parties that the French ships coming directly from France or any of her colonies, loaded only with the produce and manufactures of France or her said colonies, and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce and manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandise or other or greater tonnage than that paid by the citizens of the United States. During the space of time above mentioned no other nation shall have a right to the same privileges in the ports of the ceded territory.

That the rule of uniformity was intended to be limited to the States is further apparent from what transpired in the constitutional convention in respect to paragraph 6, section 9, Article I, and paragraph 1, section 8, Article I. The latter paragraph was reported to the convention as clause 1, section 1, Article VII, in the following words:

The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States (Meigs, 132).

And as such it was referred to the committee on style, and the former paragraph was reported to be inserted after the fourth clause of Article VII in these words:

Nor shall any regulation of commerce or revenue give preference to the ports of one State over those of another, or oblige vessels bound to or from any State to enter, clear, or pay duties in another; and all tonnage, duties, imposts, and excises laid by the legislature shall be uniform throughout the United States (Meigs, 174-175).

After striking out the word "tonnage" the paragraph was thus adopted. But afterwards, on the 14th of September, during the comparison by the convention of the report of the committee on style, the words—

and all duties, imposts, and excises laid by the legislature shall be uniform throughout the United States—

were dropped and the paragraph was finally adopted in the form in which it appears as paragraph 6, section 9, Article I; and the substance of the words thus dropped were added to said clause 1, section 1, Article VII, and the same was then put in the form in which it now appears as paragraph 1, section 8, Article I (Meigs, 133, 175).

This clause of uniformity, as it first appeared in the convention, was thus a part of that paragraph in the Constitution which, in express terms, aimed to protect the States against each other. With the thought of providing that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall any vessel bound to or from one State be obliged to enter, clear, or pay duties in another—

came the thought that—

All duties, imposts, and excises shall be uniform throughout the United States.

Thus making it evident that the protection of the States as against each other was the object in view. As further evidence that the rule of uniformity was invoked for the protection of the States, I call your attention to the fact that the general power to lay and collect "duties," a term which covers impositions on both exports and imports, is limited by the following provision of the Constitution:

No tax or duty shall be laid on articles exported from any State. (Par. 5, sec. 9, Art. I.)

This contains no inhibition as to a duty on exports from a Territory. There is nothing here to prevent Congress laying a duty on exports from New Mexico, Alaska, or Porto Rico, or either of them. This destroys the rule of uniformity as to Territories.

To still further strengthen and fortify the rule of uniformity in its operation among the several States, we find paragraph 2, section 10, Article I, which is as follows:

No State shall without the consent of Congress lay any impost or duties upon imports or exports except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.

In this connection and as bearing on the question under discussion it is well to consider the provisions of paragraph 3, section 8, Article I, of the Constitution. By this paragraph the power is given Congress:

To regulate commerce (1) with foreign nations, (2) and among the several States, (3) and with Indian tribes.

It will be observed that nothing is said in this provision about regulating commerce between the several States and the Territories of the United States. Whatever power Congress may have in that respect must either come by implication from the provision I have quoted or else it must be found, which is more reasonable, under the general grant of power to make all needful rules and regulations touching the Territories of the United States.

On the whole, then, the conclusion seems justly warranted that the rule of uniformity prescribed for indirect taxes was a rule intended and designed for the protection of the several States as against each other and for the purpose of putting them on a footing of equality, and thus to remedy and cure the great evils that had existed under the peculiar provisions of the Articles of Confederation.

And from this it follows, as a necessary consequence, that Congress is not obliged to apply the rule of uniformity in laying and collecting duties, imposts, and excises in the Territorial possessions of the United States. That in respect to such possessions Congress is vested with a discretionary power, both as to rate of duty and regulation of commerce or revenue. I am strengthened and confirmed in the views I have expressed and in the conclusions to which I have come by the following pertinent and interesting words of Judge Story:

Having endeavored to point out the leading distinctions between direct and indirect taxes, and that duties, imposts, and excises, in the sense of the Constitution, belong to the latter class, the order of the subject would naturally lead us to the inquiry why direct taxes are required to be governed by the rule of apportionment, and why "duties, imposts, and excises" are required to be uniform throughout the United States. The answer to the former will be given when we come to the further examination of certain prohibitory and restrictive clauses of the Constitution on the subject of taxation. The answer to the latter may be given in a few words.

It was to cut off all undue preferences of one State over another in the regulation of subjects affecting their common interests. Unless duties, imposts, and excises were uniform the grossest and most oppressive inequalities, vitally affecting the pursuits and employments of the people of the different States, might exist. The agriculture, commerce, or manufactures of one State might be built up on the ruins of those of another, and a combination of a few States in Congress might secure a monopoly of certain branches of trade and business to themselves, to the injury, if not to the destruction, of their less favored neighbors.

The Constitution, throughout all its provisions, is an instrument of checks and restraints, as well as of powers. It does not rely on confidence in the General Government to preserve the interests of all the States. It is founded in a wholesome and strenuous jealousy, which, foreseeing the possibility of mischief, guards with solicitude against any exercise of power which may endanger the States, as far as it is practicable. If this provision as to uniformity of duties had been omitted, although the power might never have been abused to the injury of the feebler States of the Union (a presumption which history does not justify us in deeming quite safe or certain), yet it would of itself have been sufficient to demolish, in a practical sense, the value of most of the other restrictive clauses in the Constitution.

New York and Pennsylvania might, by an easy combination with the Southern States, have destroyed the whole navigation of New England. A combination of a different character between the New England and the Western States might have borne down the agriculture of the South, and a combination of a yet different character might have struck at the vital interests of manufacture. So that the general propriety of this clause is established by its intrinsic political wisdom, as well as by its tendency to quiet alarms and suppress discontents. (Story on Constitution, Ch. XIV, sec. 957, Vol. I.)

This is Story's Commentary on the Constitution, and it is evident from this language that he regarded the provision of uniformity inserted in the Constitution as designed for the protection of the States against each other and nothing more.

I am aware that there is an apparent conflict between these views and the opinion of the court in the case of *Loughborough v. Blake* (5 Wheaton, 317), but, if it be noted that this case involved simply the validity of a direct tax in the District of Columbia, it will readily be seen that the constitutional rule of uniformity as to indirect taxes had no relevancy and was not involved in the case.

The question at issue was whether Congress had a right to levy a direct tax in the District; not even the rate of the tax was in issue. The validity of the tax, especially where the rate was not involved, was properly sustained on two grounds:

1. On the general grant of power to lay and collect taxes; and
2. On the grant of exclusive legislative jurisdiction over the District of Columbia.

The tax was not a tax involving, in any sense, the rule of uniformity, and hence the expression of the court, as to the territorial extent to which the rule of uniformity applied, was outside of and foreign to the issues of the case.

I shall now pass on to consider the question of the limitations upon the power of Congress to legislate in respect to citizenship and civil and political rights. To arrive at a proper solution it is well, first, to consider the civil and political status of the inhabitants of the Philippine Islands, after cession and before Congressional legislation.

It is a principle of international law that mere annexation, in the absence of treaty provisions therefor, does not of itself necessarily imply a naturalization of the people of the Territory annexed, and does not confer upon them the full political rights of citizenship. (2 Wharton, sec. 187 and note; 1 Halleck, p. 433, sec. 31, chapter 12.)

The municipal laws of such territory relative to private rights, touching person and property, remain in force till abrogated or changed by the annexing nation. These laws the people of such territory carry with them (*American Insurance Company v. Canter*, 1 Peters, 543); but they bring with them no political rights and are possessed of none till expressly conferred upon them by their new superior. They owe allegiance to the new government and are entitled to its protection, but are not entitled to those rights of citizenship of a purely political character, such as that of suffrage or right to hold office or right of representation. These are general principles of international law, and there is nothing in conflict with them found in our Constitution. (3 Halleck, 480-481.)

Those fundamental rights of the Constitution relating to the protection of person and property, at home and abroad, those rights that are common to all citizens—men, women, and children alike—come to the people of the annexed territory by virtue of their new allegiance, to which it is a complement without any further affirmative legislation, for no legislation can deprive them of those rights.

The term "citizen," found in the Constitution and in the fourteenth amendment, is used in a general sense, implying a membership of the nation. Minors and women, as well as men, are citizens in this sense—are members and part and parcel of the political community. The term "citizen" is used in the same sense as the term "subject" in monarchical forms of government. Whoever owes allegiance to our Government is entitled under the Constitution to protection in such citizenship and the rights that appertain thereto.

There are many privileges and immunities that are common and pertain to all classes of citizens, but such a right as that of holding office or of suffrage is not one of these privileges and immunities, not even since the adoption of the fourteenth amendment. Neither at the time of the adoption of the Constitution nor at the time of the adoption of the fourteenth amendment was suffrage coextensive with citizenship. Neither the Constitution nor the fourteenth amendment made all citizens voters. (*Minor v. Happersett*, 21 Wall., 162; *Elk v. Wilkins*, 112 U. S., 94; U. S. v. *Cruikshank*, 92 U. S., 542.)

Prior to the adoption of the fourteenth amendment it was the doctrine that there was no such thing as a citizen of the United States independent of State citizenship; that only those persons were citizens of the United States who were citizens of a State; that if a person was not the citizen of a State he could not be a citizen of the United States, and hence, that a citizen of a Territory or of the District of Columbia was not a citizen of the United States.

One object of the fourteenth amendment was to establish the fact that a person could be a citizen of the United States without being a citizen of a particular State. But the chief purpose of the amendment was to make the negro a citizen, and thus place him within the pale of the protection of the Federal Government against hostile action on the part of the State. (*Strauder v. West Virginia*, 100 U. S., 303.) There is still a State citizenship and a Federal citizenship, with separate and distinct privileges and immunities as to each. The fourteenth amendment merely prohibits the States from abridging the privileges and immunities of Federal citizenship:

* * * No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. (Sec. 1, Art. XIV.)

is the language of the amendment. This is an inhibition against denial of Federal "privileges and immunities," not State "privileges and immunities." And Federal "privileges and immunities" are those which are common to all citizens under the Constitution of the United States, without regard to age, sex, or condition.

As to the "privileges and immunities" of the States, the constitutional rule is that a State must accord the same privileges and immunities to the citizens of other States that it accords to its own. It need not accord such privileges and immunities, so far as they differ from Federal privileges and immunities, to the citizens of Territories. This is the constitutional provision:

The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States. (Sec. 2, Art. IV. See *Slaughterhouse cases*, 16 Wall., 36.)

This provision does not include nor apply to the citizens of Territories. The "privileges and immunities" of the States are the

civil rights conferred upon and given to its citizens, and they do not depend for their existence upon the Constitution and laws of the United States.

The "privileges and immunities" of the United States are those fundamental civil rights relating to person and property designed for the protection of the Federal citizen under the allegiance due from him to the Federal Government and as a compensation therefor. We are citizens of and owe allegiance to both our State and Federal Government, and each confers upon us special privileges and immunities.

The inhibitions of the Constitution, to which I have thus briefly called your attention, are inhibitions upon the States, not inhibitions upon Congress or its power to legislate. They in no wise restrict the power of Congress to legislate with reference to the political rights of the people of acquired territory. Congress may confer or deny the right to hold office, the right to vote, and the right of legislative representation, and other rights of a political character, including the right of local self-government. But Congress is inhibited, under the Constitution, from passing laws hostile to or in abridgment of the following provisions of the Constitution:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for the redress of grievances. (First amendment.)

The right of the people to keep and bear arms shall not be infringed. (Second amendment.)

No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law. (Third amendment.)

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized. (Fourth amendment.)

Nor shall any person be subject for the same offense to be twice put in jeopardy in life and limb, nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation. (Fifth amendment.)

The privileges of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it. No bill of attainder or ex post facto law shall be passed. (Sec. 9, Art. I.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (Eighth amendment.)

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the parties shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction. (Thirteenth amendment.)

These provisions of the Constitution are fundamental—the very groundwork of free government and personal liberty, and the common property and heritage of all the people of our country. Congress can not abridge these rights and immunities anywhere. (*Murphy v. Ramsay*, 114 U. S., 44, 45.)

The right of trial by jury—and I say this in reply to the contention of the Senator from Colorado [Mr. PATTERSON] that we have no right to deprive the Filipinos of the benefit of jury trial—right of trial by jury is not, under all circumstances and conditions, an absolute constitutional privilege and immunity.

Our Supreme Court has held that neither under the seventh nor under the fourteenth amendment are the States restrained from denying jury trial in common-law actions in State courts, and that the provisions of the seventh amendment do not apply to State courts. (*Walker v. Sauvinet*, 92 U. S., 90; *Missouri v. Lewis*, 101 U. S., 22). In this last case—and I call the attention of the Senator from Colorado to this language—the Supreme Court, among other things, says:

There is nothing in the Constitution to prevent any State from adopting any system of laws or judicature it sees fit for all or any part of its territory. If the State of New York, for example, should see fit to adopt the civil law and its method of procedure for New York City and the surrounding counties, and the common law and its method of procedure for the rest of the State, there is nothing in the Constitution of the United States to prevent its doing so. * * * Each State prescribes its own modes of judicial proceeding.

If diversities of laws and judicial proceedings may exist in the several States without violating the equality clause in the fourteenth amendment, there is no solid reason why there may not be such diversities in different parts of the same State. * * * If a Mexican State should be acquired by treaty and added to an adjoining State or part of a State in the United States and the two should be erected into a new State, it can not be doubted that such new State might allow the Mexican laws and judicature to continue unchanged in the one portion and the common law and its corresponding judicature in the other portion. Such an arrangement would not be prohibited by any fair construction of the fourteenth amendment. Neither are the restrictions or inhibitions of the fifth and sixth amendments, relating to criminal prosecutions, any limitations upon the State governments and State courts. (*Twitchell v. Commonwealth*, 7 Wall., 321.)

There are several cases that hold that the right of trial by jury, in both civil and criminal cases, is given by the Constitution in our Territorial courts. But an examination of these cases, and the facts upon which they were based, will show that in all these cases the Constitution, the laws and jurisprudence of the United States—the common-law system—had been extended to the Territories. In the first case on this subject the court evidently based its decision on this ground. This is the language of the court on this point:

By the seventh article of the amendments of the Constitution it is declared, "In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved." The organic law of the Territory of Iowa, by express provision and by reference, extended the laws of the United States, including the ordinance of 1787, over the Territory, so far as they are applicable. The act under which the above proceeding was had prohibited the trial by jury in matters of fact on which the suits were founded. In this respect the act was void. (2 Howard, p. 460; *Webster v. Reid*, 2 Howard, p. 437.)

In the following cases from Utah, to wit, *Reynolds v. United States* (98 U. S., 145), *Springfield v. Thomas* (166 U. S., 707), *Thompson v. Utah* (170 U. S., 343), it is to be noted as a controlling fact that by the organic act of the Territory the Constitution and laws of the United States were extended to the Territory in these express words:

SEC. 17. And be it further enacted, That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same or any provision thereof may be applicable.

Manifestly this made the Constitution and laws of the United States controlling in the jurisprudence of Utah a part of its municipal law, and therefore the right of trial by jury could not be questioned or denied.

The case of *Callan v. Wilson* (127 U. S., 550) was a case involving the right of trial by jury in a criminal case in the District of Columbia. The District had been given a Territorial form of government in 1871. In section 33 of the act giving it such a form of government is this provision:

* * * And the Constitution and all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said District of Columbia as elsewhere within the United States. (16 U. S. Stat., p. 426.)

This provision was not repealed by the act of 1874, changing the system of government, nor by the act of 1878, establishing the present system of government, and remained in force when this case was decided, and is still in force.

The constitution of Utah, after it became a State, provided for the trial of persons accused of crime upon information instead of indictment, and by a jury of 8 instead of 12, except in capital cases. The Supreme Court of the United States held that these provisions were not in conflict with any of the provisions of the Constitution of the United States, and particularly not in conflict with the fourteenth amendment, and that these provisions of the constitution of Utah were not an abridgment of the privileges and immunities of citizens of the United States. (*Maxwell v. Dow*, 176 U. S., 581.)

It appears, then, that in all cases passed upon by the Supreme Court involving the right of trial by jury in the Territories and the District of Columbia the Constitution and laws of the United States had been duly extended thereto by act of Congress and were a part of the local jurisprudence, and under these circumstances there was ample ground for maintaining the right of trial by jury.

But these cases, in view of these facts, can not be said to furnish the rule or lay down the law for the Philippine Islands or cases of that kind. These islands, when they were annexed, had a system of municipal laws based upon the civil law and the laws of Spain, which they brought with them and which remain in force till changed or abrogated by Congress. Congress can permit them to retain and remain under this system of local municipal law.

If under this system trial by jury is not in vogue, as under the common law, the citizens of the Philippine Islands can not claim that the lack of jury trial is depriving them of due process of law, for they retain the same procedure to which they are accustomed and which they have always had. If a State can, without violence to the Constitution, deprive its citizens of the right of trial by jury, as the Supreme Court, in *Missouri v. Lewis* and *Maxwell v. The Warden*, says it can, it is difficult to see why Congress can not give the people of the Philippines the same privilege, and permit them to retain the form of procedure in vogue under the civil law.

In concluding this discussion, I may be permitted to quote the following comprehensive and instructive words of our Supreme Court in the case of *Murphy v. Ramsey*, 114 U. S., 44-45:

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 qualification 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.

Mr. President, I can not help, in view of the remarks which I listened to this morning on the part of the Senator from Colorado, calling attention to the fact that all his discussion and all his argument was based on an utter misapprehension of the case. Congress has not yet established a territorial or any other kind of government in the Philippine Islands. That government is to-day exactly as the government of California was from 1846 to 1850. It is a government under the control of the executive department of the Government—under the War Department. We acquired those islands through war, by conquest, by cession, and by treaty, and we are holding those islands to-day, not through any governmental establishment created by Congress, but they are held and governed by the executive department of this Government.

The President himself, without the intervention of any commission, without even the intervention of the Secretary of War—the President himself, as the head of the executive department and the Commander in Chief of the Army and Navy, has the right to govern and control those islands until Congress establishes a government there. The case is in principle exactly analogous to the case of New Mexico and the case of California. The Senator from Colorado might as well contend that the government in California which existed prior to 1850 was a usurpation and an unconstitutional government.

The Philippine Commission is simply an adjunct. It is simply an aid to the President of the United States, and whatever acts they perform and whatever acts the Secretary of War performs are acts of the executive department of this Government. They are simply a part and parcel of the executive governmental machinery.

Now, while these islands are in that condition and before Congress has legislated in the premises, it is idle for the Senator to discuss the principles of a Territorial government such as we have in some of our organized Territories. We have a right to establish a Territorial government in the Philippine Islands if we see fit to do so, and we have a right not to establish a Territorial government. We have the right to hold those islands under the Constitution as we hold them to-day. The only limitations upon the power of the executive department are the limitations contained in the constitutional inhibitions to which I referred in my remarks a few moments ago—the bill of rights, as it is sometimes called.

But, Mr. President, there is another question connected with this subject. The whole argument on the other side in regard to the Philippine Islands is based upon the assumption that we are to judge matters over there by the conditions which prevail in a state of peace. Insurrection has prevailed in that country, and is prevailing there now in a small degree. While those islands are in a state of insurrection, while we have an army there and have to resort to military power for their government, it is futile and idle for Senators to assume, to hold up the standard which regulates and controls a government where there is no war, and where civil government has been established as in our organized Territories here at home.

I have heard a good deal in the way of attack this morning upon the American school system, and our poor soldiers in the Philippines have been attacked and accused of brutality. The Senators in this Chamber who see fit, by innuendo, directly or indirectly to slander the American soldiers know little what they do. There is no more patriotic, no more law-abiding citizen in this country than the American soldier. This country has never been in danger of losing its liberties through its Army.

At the close of the civil war, Mr. President, there were a million men, trained veterans, who came back to the walks of civil life trained in all the hardships of actual warfare. Some of them marched proudly down yonder avenue. They all came back into civil life. Did they come there threatening the liberties of the American people? Did they come there jeopardizing the Constitution of the United States? Did they come there bringing contention and destruction in the body politic? Why, Mr. President, the great historian, Macaulay, tells us about the old soldiers of Oliver Cromwell, when the Stuarts came back into power in England and the old Puritan army was disbanded.

The Stuarts and the cavaliers had great fears that those old veterans would become a disturbing element in the body politic

in the various communities of England, and Macaulay says that their fears proved utterly groundless—that if you traveled through England in those days and came to one of those little rural villages and found an industrious carpenter, a thrifty blacksmith, or a prosperous bricklayer anywhere you would find that he was one of Oliver Cromwell's old soldiers. And, Mr. President, when these old veterans of ours came back to the walks of civil life they came as good citizens, as untarnished and as pure and as loyal to the flag as when they went forth to do battle for their country, and such has been their record since the great war.

Talk about militarism! Senators do not know how our poor soldiers feel when they are away, fighting the battles of the country. As they sit around their camp fires and bivouacs after a long march or a fierce struggle, they think and talk of the loved ones at home and hope to soon meet them again; they pull from their pockets letters which they have received from their loved ones at home and have carried in their pockets for many a day, and they read them over again to themselves and to one another. Then they join in singing those good old songs, "Do they miss me at home?" and "The girl I left behind me." Senators, there was another song we sometimes sang in those days around our camp fires. It was this song of the great war:

Just before the battle, mother,
I am thinking most of you.

* * * * *
Tell the traitors all around you
That their cruel words we know
In every battle kill our soldiers
By the help they give the foe.

What we sang in those sad and stormy days I have no doubt our soldiers in the Philippine Islands have sung on the tented field and in the bivouac many a time.

My friends, you can repress a general from expressing his opinion about this question, but our brave soldier boys around their camp fires in the Philippine Islands will criticize you, and pass judgment on you fearlessly, impartially, and without mercy and you can not repress them. The American soldier has a mind of his own and is always an American citizen.

Senators talk about our possessions in the Orient as if they were of no consequence. Why, there are the Philippine Islands, with Manila, a city of 300,000 inhabitants, our possession, right in the center of a great beehive of humanity. To the northeast is Japan, with 40,000,000 or 50,000,000 inhabitants; to the north is China, with 300,000,000 or 400,000,000; to the northwest is British India, with Siam and Cambodia, and to the south and southeast are the Dutch East Indies, the islands of Borneo, Sumatra, and Java.

Right in the center of that great beehive of humanity are our possessions and our flag. They are of immense value to us commercially. Not only so—though that is of great importance to us—but the recent outbreak in China, the Boxer rebellion, shows the great advantage the possession of the Philippines gave us in protecting our people and our interests in the Orient. Because of our possessions in the Philippine Islands, when that outbreak occurred we were the first, or among the first, who were able to send troops and ships there to protect our missionaries and our representatives.

The first soldiers in that expedition were ours; and the soldier who first planted a flag on the walls of Peking was an American soldier carrying the Stars and Stripes. He planted our banner on the ramparts of those walls. Had we not been in the Philippines it would have taken us six months or more to have got our army to China.

We are in the Philippines, Mr. President, and I want to tell Senators on the other side that the people of this country, whatever else they may do, will never consent to pull down the American flag in those islands; they will never consent to abandon those islands.

As to the talk which we hear about tyrants and tyrannizing, when did it come to pass that the American people came to be a set of tyrants? When did it come to pass that our soldiers became brutes in the Philippine Islands? Such charges are slanders upon the American nation. We are a nation possessed of the highest degree of liberty, of education, and intelligence, and it is a slander upon us to say that we are not as competent as any nation on the face of the earth to give the Filipino people the blessings of liberty, of free and good government.

What would have taken place in case we had abandoned Manila? The German fleet was there, and within sixty hours after we left that country would have been seized by Germany or some other European power. I take it there is no man in this Chamber who would be willing to admit that the American people can not do more and are not competent to do more for the people of the Philippine Islands than any nation of the Old World in securing them the blessings of a good government.

Look at the colonial governments, with the exception of those of England; look at their forms of government. None of the

European governments has treated its colonies as the American people are treating the Philippines, or as England has treated her colonies.

What is the position of Senators on the other side? That we must first establish a stable government there, and then what? Then give them their independence. Then what? Then protect them—exercise a guardianship over them. Now, Senators, if the Philippine Islands are entitled to absolute independence, what business is it of ours to establish a stable government? If they are entitled to and are competent to govern themselves, we have nothing to do with their kind of government, whether it be a stable or an unstable government, and we certainly have no business to exercise a protectorate over them.

If we are to exercise a protectorate over that country—that is, protect them against the attacks and inroads of foreign nations—it will be our duty to establish and maintain a stable government that will protect life, liberty, and property in that country. No one will assert for a moment that we can exercise protection over a nation or a race who fail to give due protection to life and property of other nations. The very idea of a protectorate implies that there must be a proper and lawful government there. Something besides chaos and disorder.

Mr. President, what is a protectorate? We can not protect the Filipinos by moral suasion. I never knew of a protectorate 7,000 or 8,000 miles away that was managed by a moral suasion. If we are to have a protectorate there, Mr. President, we shall need fortifications there; we shall need a naval station; we shall be required to have a part of our Navy there and to maintain an army there. Is that constitutional?

I want these gentlemen who are so careful about violating the Constitution to answer me and tell me under what provisions of the Constitution we are to exercise a naked protectorate in the Philippine Islands after we have given them up and have abandoned them. Talk about militarism! Can you conceive of a purer state of militarism than a militarism which consists in simply standing as a guard, with a musket and a loaded cannon, to protect these people? And yet that is the whole programme here.

"This bill of taxation is unconstitutional." "You must tell the Filipinos that they can stand alone." "Give them their independence; but after you do it you must continue to protect them;" that is, continue to prevent other nations from touching them. What a hard task it will be! We have enough tasks in exercising a protectorate under the Monroe doctrine on the Western Hemisphere.

I do not think we want to assume a guardianship as protectors in the distant Orient, 8,000 miles from our shores, in the midst of the densest beehive of humanity on the face of the habitable globe. But if we are to keep an army and navy there, if we are to have fortifications there, if we are to maintain a naval station there, if we are to protect anybody in that country, let it be under our flag, under our dominion, where we can exercise, not the care of a policeman, but the care of a good father.

Mr. McCUMBER obtained the floor.

Mr. BACON. Will the Senator from North Dakota pardon me for a moment? I wish to offer an amendment.

Mr. McCUMBER. Certainly, with pleasure.

Mr. BACON. I present an amendment, giving notice that I will offer it at the proper time. I ask that it may be now read and ordered to be printed.

The PRESIDENT pro tempore. Without objection, the amendment will be read.

The Secretary read as follows:

An amendment intended to be proposed by Mr. BACON to the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Amend by inserting the following sections at the end of section 7:

SEC. — That when armed resistance to the authority of the United States shall have ceased within said islands and peace and order shall have been restored therein it is the purpose and intention of the United States, so soon thereafter as the same can be practically and safely accomplished, to provide the opportunity and prescribe the method for the formation of a government by and of the people of the Philippine Islands, to be thereafter independently exercised and controlled by themselves, it being the design of the United States to accord to the people of said islands the same measure of liberty and independence which have been pledged by the Congress of the United States to the people of Cuba.

SEC. — That when a stable government shall, by the method aforesaid, have been duly formed and erected in said islands, competent and worthy, in the judgment of the United States, to exercise the powers of an independent government and to preserve peace and maintain order within its jurisdiction, it is the purpose and intention of the United States, reserving to themselves only such harbors and tracts of land as may be needed for coaling stations or other Governmental purposes, to transfer to said government, upon terms which shall be reasonable and just, all rights and territory secured in said islands under the treaty with Spain, and to thereupon leave the dominion and control of the islands to their people.

SEC. — That when said government has been thus formed and set up in the Philippine Islands and approved by the United States, it is the design and intention of the United States, through such means and measures as may be deemed most efficient and appropriate, to secure the guaranty of the continued independence of the same.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. McCUMBER. Mr. President, under the present arrangement but to-morrow and the next day can be devoted to any addresses which will last for a period longer than fifteen minutes. It is because of that fact that I excuse myself for addressing the Senate on this subject so late in the afternoon.

The final decision of the Supreme Court of the United States in the insular cases has put to rest all manner of quibbling as to what the status of the Philippine Archipelago is at the present time. We need not agree with the reasoning by which this court arrives at its conclusions. We may not even be able to see any great consistency in the several opinions of the members of that court, nor agree fully with the process by which seeming divergent theories could arrive at a common conclusion.

Our national structure rests upon absolute obedience to the will of the majority in judicial as well as in political matters. We are treating now, not with theories, but with conditions—conditions that confront us now, and not theories which might not have been fully considered or digested two or three or four years ago. I will not go into those matters which occupied the attention of the Fifty-sixth Congress. The bill before us is a bill to obtain revenue to carry on the government in the Philippine Islands. The provisions of that bill have been so ably defended, and their necessity so clearly demonstrated by the report of the committee, that comparatively no argument has been urged against them, except as they incidentally touch upon the greater question of our present or future attitude toward the people of the archipelago. I am therefore disposed to deal with but one single proposition which comes from the other side of the Chamber—the proposition that we shall at this time determine what shall be our future policy in the Philippine Islands.

Straight and square have the opposite side of the Chamber presented the question and demanded an answer: Why do you not now determine upon an absolute policy with reference to the islands and the people therein, and declare to those people what your policy shall be? Why do you not promise them that at a specified future time you will grant them absolute independence, or inform them that you will hold them as a colonial possession; or, if you do not hold them as a colonial possession, that you will organize them into a territory which shall ultimately be taken into the sisterhood of States? The question, I admit, is clear cut and definite. I venture to say, however, that there has not been a single good reason proposed by those who ask this question why it should be answered to-day. There has been no good reason given why this Government should, in the experimental stage of its labors for the advancement of these people, for their education and development, the result of which endeavor is as yet wholly unknown, make a specific declaration of just what it will do in the future with reference to them.

Why should this Government now promise to create a new State and make of an oriental people, differing from us in every trait of character, in education, in environment, in history, in institutions, an integral part of the United States? Who to-day would dare to say "yes" to that proposition? On the other hand, what man is so filled with prophetic wisdom as to say: No; it shall not be done in seventy-five or one hundred years from to-day. To-day we are solving that very question, and when we have arrived at the solution we shall answer. To-day we are experimenting with these people in first giving them limited self-government. To-day we are sowing the seeds of the principle of self-government. To-day we are sowing the seeds of public education in the 800 educators we are planting in those islands. To-day we are leavening the whole archipelago with the principles of self-sustaining American character, upon which alone self-government must ever rest.

What the result may be no man on earth can with certainty declare, and until he can so declare it would be worse than folly to say what our future action or decision should be. It would be a double folly, because it would not only commit us to a course which might be a curse rather than a blessing to either people, but might also force upon us the alternative of either doing this or sacrificing our national honor in breaking our national compact. For my own part, I can answer that, if the people of those islands shall become fitted for American citizenship, if, in the great future, they will have reached that height in mental and moral character so that their admission to our statehood would not deteriorate from the high character of our people as a whole, then I certainly would admit them, but until they have reached that standard then I would say "No." I have some doubts whether the race of people now inhabiting the Philippine Islands can ever be raised to the standard which would justify their admission as a State to this Government. I do not believe it will ever be advisable to add to our State citizenship any oriental people who can not assimilate with our Caucasian race. But I do

not know this; I may be in error, and if I am I certainly would not wish to bind the future by a present declaration that they should never be admitted.

But when the time of final decision arrives, when we have all the necessary information and proper wisdom to act on the matter, when all these forces for the enlightenment and uplifting of these people have had time to operate upon their character and quality, then let the American people of that time answer the question. What right have we in this experimental stage of their development to bind the hands of the future American people, who, in all probability, will be better equipped with facts and conditions to answer that question? What right have we to usurp their function by prematurely pledging for them and imposing upon them any particular course?

What right have we to answer that the American people in the future will be less enlightened or less humane or less just and honest than we are to-day. We are constantly being threatened by the "wrath to come" of the American people for the injustice that we are charged with committing, and yet the very persons who make these threats admit that, if we do not bind these same people, who are to execute the punishment of their dire disfavor, they themselves will carry on the atrocities which we are accused of propagating in the islands. My whole answer to them is: Stop these inconsistent and pessimistic arguments and put your faith in the honor and integrity of the American people of the future. They have never betrayed that trust in the past, and you have no right to assume that they will do so in the future. The same blood that courses in our veins to-day will flow in theirs fifty years from to-day. The same characteristics which we have inherited from our ancestors, their ideas of justice, of law, of order, and of humanity will be inherited by those people who are to follow us.

Shall we give them absolute independence now? Such a proposition no intelligent man dare for a moment advocate. We are bound not alone by the solemn obligation of a treaty to hold at least a quasi sovereignty over them for a definite number of years, but by the greater obligation of our solemn honor to perform every act in our power to uplift and civilize and bring the blessings of peace, commerce, education, and political and religious liberty to them, and to hold and govern them, whether they consent or not, until they have had a full knowledge of our own country, a full knowledge of our form of government, backed by a power to make it strong and absolute, and a full knowledge of the blessings that follow law and order. And if we desist in our efforts before we have done this, we are recreant to our most sacred duty. As I have said before, I know of no influence more potent for good, for civilization, for developing character with a sense of right and justice, than a practical administration by this great country—this exponent of individual rights—of its equal laws, conceived in equity and enforced with rigid justice and equality in all the commercial and business relations in those islands. Fifty years of such influence will produce more advancement and greater civilization than could be evolved by them in a thousand years if left to themselves.

Had we given effective consideration to this well-established principle of trade and business influence in our early legislation for the government and control of our Indian tribes, failure and pauperism would not have been written on every page of our Indian history. Had we forced into the very midst of every tribe free and untrammelled trade opportunities, with the fair results of honest labor kept constantly before their eyes, the comforts and luxuries which invariably follow the wake of persistent effort, I believe the lazy, loafing aboriginal, gorging himself on each ration day and starving until the next, would be unknown. Wherever we have tested this policy we have found it working like magic.

Labor is a civilizer. The development of these islands, the establishment of industries there giving opportunity for labor and demanding it, will of itself generate a demand for better food and more clothing. A higher civilization requires a higher and more extravagant mode of living, and it will make that which to-day is barely useful an absolute necessity to-morrow.

But they tell us that this commercial greed is destroying our every sense of honor and duty. On the contrary, it is well known that commerce and commercial relations are the most potent factors in the world to develop integrity, to create and establish a high sense of social duty. Commercial dishonesty was never known to succeed. The very highest degree of integrity is essential to success in internal or international trade. I might ask these pessimistic prophets of American degeneration whether or not we have dealt justly with Porto Rico. Have we dealt inhumanly with Cuba? Have we devastated Hawaii? Will not the same people whose Congress, with scarce a dissenting voice, voted \$2,000,000 of assistance in the island of Porto Rico, presented her with all custom duties on both imports and exports until such

time as she might be able to form a proper government, with power to levy and collect a revenue for local government, be trusted in dealing with these islands in the future? In this has our people exemplified a character for oppression and greed toward our new possessions justifying this charge against our integrity, or casting a cloud upon the justice of our future intentions? Exactly what policy the future shall demonstrate to be proper, no man can with absolute certainty affirm. What we can affirm with certainty in the future is this: Whatever is honorable and just; whatever is for the highest welfare of these people in the years to come, be it near or far, our children, the American people, preserving the grand traditions of their fathers, can be trusted to faithfully fulfill.

And when all this has been accomplished, when all the forces we have put in motion there for the benefit of these people have had time to operate upon them, then let the Filipino people come to us and say: Your government has been a failure. And then, and not until then, will it be time for us to answer. It may be that, when we reach that time, the question will have solved itself. It may be that the question will not then be asked. I believe myself that it will not, but no political party can, without gross assumption, answer it to-day.

I have listened with interest to the reports of the governors of the provinces in which civil government has been established.

I may agree with much that has been said on the other side as to the amount of credence to be given to these reports. I have learned that it is the rule rather than the exception to exaggerate matters, and I take these reports with some due and proper allowance. Their views are certainly extremely roseate, and I am free to say that I think they may be taken with proper allowance. I believe their enthusiasm has led them into an overestimate of the patriotic feelings and inclinations of the Filipino people toward the United States.

War, as such, is over in the Philippine Islands. The volcano no longer emits flame from its crater, but that the fire is dead or the ashes cold not even the most optimistic reasoning, based upon the facts, can fully sustain. Though practically over, it is certainly too recent to be so soon forgotten by the combatants. It was waged on the part of the insurgents with as much desperation as their strength could maintain. Blood has flowed freely from Filipino veins. Their losses will probably never be known.

In the early part of the war, while opposing our advance in nearly solid phalanx against our modern and perfect implements of war, their slaughter must necessarily have been great, and the animosities of the survivors, living yet upon the memories of these battles and the sorrows for the dead, can not be extinct. We have no right to expect it. It would be contrary to all human impulses and emotions to be so. No matter how kind, how generous, how noble, or how sympathetic our conduct toward these people may be, their wounds can not be healed in one year or two years. Our knowledge of human nature, of human animosities and hatreds, is an insurmountable barrier against such a conclusion. The smart of defeat can not be smothered in a day by any act of ours.

Because there is still insurrection in the islands our friends on the other side of the Chamber claim that our course there has been a failure. That we have done so well, that we have established order so thoroughly in those islands, seems to me one of the grandest achievements I have ever read of in history.

In all but fourteen of these provinces, as I remember, civil local governments have been established, and the governors report a very strong desire on the part of the Filipino people for American sovereignty. Such assumed love and devotion to our institutions by a people still bleeding from the wounds of a lost battle must not be taken too seriously. I can not but believe that it is more lip service than heart devotion. The necessity of an army there of some 40,000 or even 30,000 soldiers to-day rather negatives the assumption.

If these governors' reports are entitled to absolute verity as to the patriotic condition of the people of their provinces, their absolute and sympathetic accord and harmony with our sovereignty, then there could be no necessity for an army in the provinces in which civil governments have been established. Does any person on either side of the Chamber feel that it would be safe to rely upon these reports and withdraw our armies from these sections? If we could build an insurmountable wall around the still hostile provinces, so that their rebellious influences could not be exercised in those provinces in which civil governments have been established, and then withdraw our armies wholly from the latter, how long would those civil governments sustain themselves without the strong arm of the military power? How long before anarchy would prevail? On the other hand, who is there so audacious as to declare that these reports are wholly without any foundation; that they are chimerical, and fanciful only?

You must admit that for the most part or the greater part, at

least, they are correct and as intelligent men see the facts before you. Some credence must be given to them, and if they are but half true a most wonderful success has been achieved. If they are but half correct, a progress far beyond our hopes has been attained in securing law and order and good will, and more has been accomplished by us than history has ever recorded before under like conditions. Our position in the Philippine Islands is an uncommon one.

Blood has flowed before our guns, but behind we have left the flowers of peace and prosperity and good order. We have done what no other nation on earth has ever done before. We have protected those people as no people have ever been protected before. We have given evidences of our good will and generous conduct to them as have never before been given to a vanquished army.

We have shown our good will; we have shown that our intentions are for the uplifting and for the development, moral and material, of these people. The establishment of 800 schools in those islands are monuments to the fidelity of our purpose, which can not be gainsaid and must be felt even in the islands by every inhabitant thereof. They are living principles of good will and national friendship.

The Filipino people can not but understand and comprehend that no people educates or desires to educate another people whom they purpose to rob and enslave or wrong in any manner. You talk about granting them absolute independence; about withdrawing our armies. You say we have no right there, and hence our only honorable course would be to withdraw. If you would do that, then you would break the solemn obligation entered into between this country and Spain within four years from its enactment. By your very votes—and I refer to our Democratic members more particularly in this—you imposed a condition upon us which guaranteed certain privileges and obligated us to do that which you would now deprive us of the power to carry out.

By Article IV of the treaty you provided:

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

Can you now by your act dishonor that obligation by any agreement with the Filipino people, whereby you surrender the power of enforcement, and if you retain the power of interference to uphold that article of the treaty, then your grant of independence is a farce. Absolute independence is wholly at variance with the right to coerce for any purpose whatever. You can not in one breath declare to them that they are an absolute independent people, with power to conduct without interference their internal government and external relations, and in the next breath command them to insure your decree in their internal affairs, and to carry out your compact with another country to which they were not a party. By your own argument you not only destroy your conclusion, but divulge the inconsistency of your vote on the treaty, which your proposed action would now destroy.

By Article III of the treaty you provide:

Spain cedes to the United States the archipelago known as the Philippine Islands.

When you voted for that article in the treaty you voted for American sovereignty over these islands.

By Article IX you guaranteed that Spanish subjects might remain in the territory or remove therefrom, retaining in either event all their rights of property and the right to carry on their industry, commerce, or professions, being subject in respect thereof to such laws as are applicable to other foreigners. When you voted for that you voted for American supervision for not a definite time, but for an indefinite period.

By Article X you agreed that—

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

Mr. President, can this be fulfilled by an edict? Can we carry that into effect and guard it by a simple declaration? Can we control it without an interference which is out of harmony with the absolute independence of the Philippine Archipelago?

By Article XI you granted them certain rights in respect to the civil and criminal jurisdiction of courts and their right to appear before such courts.

When you voted for that article, you voted for American supervision, that they might have their rights before any and all courts. Make them independent, and they may not wish any courts. Make them independent, and what power have you to decree that they shall organize courts for any purpose whatever?

By Article XIII you agreed to secure them for a period of ten years in their acquired patents.

By Article XIV you guarantee that Spain shall have the power to establish consular officers in the ports and places of the territory. Suppose that they refuse after they are independent? Suppose they say, "We are not bound by a treaty which you made with an-

other country to which we were not subject at the time?" What power would we have of enforcing it after granting independence?

By Article XVI of that treaty it was declared that obligations assumed by the United States with respect to Cuba should be limited to the time of its occupancy thereof, thus inferentially agreeing that, with respect to the other territory ceded, including the Philippine Islands, it should not be limited to such occupancy. When you voted for all of these articles, you voted for interference, if necessary, to carry them into effect. When you voted for the articles pertaining to life and liberty and security of property, you voted for American supremacy for such future time as those rights might be absolutely secure, and until they have been secured and this country can say to an absolute certainty that they have been, you have no right to release your sovereignty or promise to release it.

I am surprised to hear Senators who voted for this treaty—a treaty which absolutely conveyed the sovereignty of the islands to the United States, and which bound us by every precept of national integrity to perform acts to enforce conditions and regulations which could be performed upon no other theory than that our sovereignty was complete, now assert that at the time we entered into that treaty these islands were an independent country. If they were an independent country at that time, then why did you vote for that treaty? If they were an independent nation, what right had you, by solemn obligation, to accept sovereignty over them? What greater right would you have to accept sovereignty over them than you would have to accept sovereignty over Canada in a compact made between this country and Spain? Your position that you could release them after a while is inconsistent with the very terms that that compact contained, which forbade your releasing them upon any terms until at least you were able to guarantee every condition that was contained in that treaty.

I can not understand how Senators can now take the position, "I voted for this treaty and yet at the same time I knew that I was taking a sovereignty over people against whom I had no right or authority to exercise that right of sovereignty." That is the position they are placed in in their argument upon this proposition.

It does not do to answer that we could accept a temporary sovereignty and then release them. If they were an independent people at that time, we had no more right to hold a sovereignty over them one second than we had to hold it for a thousand years. If you question the right to accept sovereignty over them, if you insist that they were an independent nation at that time, free from Spain, then certainly it seems to me that you were derelict in your honorable duty toward an independent country to have assumed authority over them.

I am not prepared to agree with the contention on this side of the Chamber the other day, if I understood the proposition, that the acknowledgment of any country is a necessary prerequisite to independence of another. I believe a nation, under the rule of international law, may be an independent people without their independence being acknowledged by any other country on the face of the earth. However, it is not their declaration of independence that makes them such, and this is doubly true when any province or State declares itself to be independent of another to which it held formerly allegiance.

The rule may not be different, but the presumption is different. When a nation has been independent of another and is thought to be subjected to it by conquest the presumption is always in favor of its independence until it has been actually subjugated. On the other hand, when a country is a part of another, the presumption is that it belongs to the mother country until it has absolutely expelled her power from its shores and from every portion of its territory.

The Declaration of Independence did not make us an independent people, nor did the acknowledgment of France operate as such. We were only independent when we had succeeded in dislodging the enemy from our territory. After the surrender at Yorktown, with or without admission of independence by other countries, no person could have justly questioned our absolute independence at that time. Prior to the battle of Manila it may be admitted that the greater portion of the Philippine Islands were in the control—semi or actual—of the insurgents; but their principal seaport, the principal city, was still held by the Spaniards. Spain was still enabled to cut off their relations with the balance of the world. With a Spanish fleet capable of surrounding her, with the principal seaport in the hands of the enemy, much stronger than herself, she could hardly claim that her temporary control of the greater portion of almost inaccessible provinces was equivalent to a final separation from the mother country, or equivalent to a defeat of Spain in the contest.

Mr. President, we have been accused time and again here of subjugating all of our better impulses, our ideas of honesty, our

sympathy, toward a foreign people to the one idea of trade relations. While I do not consider it pertinent to this question, it has been discussed so often that I wish to say only one word in reference to it before closing.

I can see no reason in the world why we may not, even while we are conducting a war in the Philippine Islands, keep our eyes constantly upon trade with foreign countries.

I was more than glad to see in the morning papers the note from our Secretary of our State which was sent to the Chinese and Russian Governments holding to the strict terms of the understanding lately entered into by the powers in China. When he did that he knew the condition of trade relations by which we are confronted, as it seems to me every American does.

It may be true that the enormous expenditures attendant upon a war in the Philippine Islands may be so great that many years of prosperous trading would be required in those islands and in the Orient to repay the sum expended. This war, however, is not a war for revenue. It is carried on to fulfill an obligation resting upon our people—an obligation which the treaty-making power of the United States forced upon the country. Commercial prosperity and advanced commercial relations will, however, follow our occupation of the Philippine Islands. Proximity to any country, as is well known, is an incentive to and stimulates trade with such country. It is most natural to trade with one's nearest neighbor, whose influence is ever present where the trade relations are favorable. It has been demonstrated time and again that even the establishment of banks by the citizens of any country in the Oriental regions has, by reason of that fact alone, stimulated trade with such country. One can not belittle the future Oriental trade. It may be that those people to-day can purchase relatively but little, and that they need but little; but they are being hemmed in, surrounded by the Christianizing influences of every enlightened country in Europe, and their demands are bound to grow in proportion to the advance of such influence.

To-day the great commercial powers of the world are bending every effort to inclose and hold for the respective commerce vast tracts of this great field of consumption. England holds and pours out her surplus upon India. Russia is crowding upon Manchuria and Persia. China and the Orient—no place on the face of the earth offers the possibilities for future trade as does this region.

Mr. President, we know to-day that we are becoming the greatest export nation upon the face of the earth. Our exports now are not only agricultural products, but they are manufactured products. The continued prosperity of our people demands a continued policy which shall open up new fields for new products. It is useless to say that these people buy but little. Where will our trade pay? To-day we can sell our agricultural products in great quantities to Great Britain, because she raises but little herself; but we can not sell to her our manufactured products and at the same time sustain our own country and keep up the high prices which are paid to labor here.

We can not trade agricultural goods with an agricultural country or manufactured goods with a manufacturing country. We must find territory which does not produce or produces but a limited amount of the goods we desire to export. We can not sell wheat to Egypt or Russia or the Argentine Republic. Great Britain to-day can not place any ban against our agricultural products, because she needs them and must have them, because they can not be raised there in sufficient quantities, but whenever we invade the markets of Germany or Great Britain or France with manufactured products they can, for self-protection, raise the wall of duties against us, so as to cut off our field there entirely. We can not sell manufactured fabrics to England or Germany. The world knows this law of trade and it knows the present trade conditions. The world is not one-hundredth part so large as it was a century ago, and the commercial eye of man scans its every foot.

Our Asiatic trade is in its infancy. It is destined—if the interest of the Government is properly directed toward it—to soon become a giant in its proportions. The business men of the country see this. President Hill, of the Great Northern, who has given a life study to the industrial conditions of the world, and whose great success as a business man and financier has shown him to be a thoroughly practical man, and never a mere theorist, is about to place upon the Pacific ships of the greatest carrying capacity ever built, purely for the oriental trade. The great question affecting America to-day is what to do with our surplus in agricultural and manufactured goods.

Unless the surplus can be forced into foreign markets it must disastrously affect the price here. It therefore follows that a newly discovered or created field of consumption, such as China or Japan, in which the demand for our surplus can be developed to an enormous extent must be wonderfully beneficial to the American people. Let Japan, the Philippines, and China, with its 400,000,000 people, take the wheat from the Pacific States alone, which

need be shipped only across one ocean, and we have disposed of our surplus. Compared with rice, wheat is a far better article of food, and with freight rates that will enable us to compete with the rice market of China there is no reason in the world why the oriental people should not in the near future demand and consume every bushel of our grain above what is needed for home consumption.

Mr. President, I have a table here which I will ask also to be made a part of my remarks, showing the imports of the world into the Orient alone. I note by this table that the total amount of imports for one year, 1900, was \$1,125,882,000. The United States exported into that country \$60,500,519 of this trade, or only about 5.3 per cent of the whole.

Considering our importance both as an exporter of manufactured and agricultural products, considering the enormous trade that there was, of over a billion and a quarter in imports alone, in that country in 1900 (and it has been very much more in the last two years), is there not a field of itself worthy of the careful consideration of the American people?

ASIATIC IMPORTS.

[Figures taken from official reports of each country at latest date obtainable.]

Countries.	Year.	Total.	From United States.	United States' share.
Aden	1900	\$14,448,000	\$851,753	5.8
China	1900	161,353,000	11,061,146	6.8
British East Indies:				
India	1900	377,950,000	7,508,120	1.9
Ceylon	1900	40,779,000	212,300	.5
Straits Settlements	1900	57,044,000	667,600	1.6
Dutch East Indies	1900	76,911,000	1,994,858	2.5
French East Indies	1900	37,179,000	118,102	.3
Hongkong	1900	*125,000,000	9,373,239	7.5
Japan	1900	143,630,000	26,492,235	18.4
Korea	1900	5,359,000	130,297	2.4
Russia (Asiatic)	1898	14,458,000	1,390,558	9.6
Siam	1900	12,644,000	164,311	1.2
Turkey (Asiatic)	1898	32,500,000	241,000	.7
Persia	1899	26,600,000	.....	.....
Total for Asia		1,125,882,000	60,500,519	5.3
British Australasia ^b	1900	270,223,000	28,175,683	10.4

* Estimated.

^b Intercolonial trade omitted.

But, Mr. President, commercial aggrandizement is not the object, but a mere incident of our occupancy and sovereignty of these islands. As such incident it has its place and may, with entire propriety, be considered.

Far higher and overshadowing commercial considerations is our threefold duty—duty toward the people of the Philippine Islands, duty we owe to the world, and duty we owe to ourselves. When that duty has been wholly performed and we have done to the utmost all that effort and example can do for the betterment of these people, then will be the time for final decision as to our future relation.

But if the time comes when we can honorably say to these people, "Go," that time will be when we can also say, "Go in peace, with a steadfast faith and assurance in your ability to maintain a self-governing republic, which will be an honor to the name, a lesson to the world, and a pride to our own country, which established and guarded it in its infant weakness."

Mr. BATE obtained the floor.

Mr. TELLER. I do not suppose the Senate wants the Senator from Tennessee to go on at this late hour. I suggest that we either take an adjournment or go into executive session.

Mr. BATE. The Senator from Wisconsin [Mr. SPOONER] told me just now that he desires an executive session. I have no objection to going on now, if that is the wish of Senators.

Mr. LODGE. I do not want, of course, to press the Senator from Tennessee to speak this evening if he does not desire to do so, but we have only two days before the day which is to be devoted to fifteen-minute speeches, and the indications to me are that there are a number of Senators who desire to speak. I am anxious that—

Mr. BATE. I understand that the Senator from Massachusetts who has the bill in charge proposes that the Senate shall meet tomorrow at 11 o'clock.

Mr. TELLER. That has been already done.

Mr. BATE. I was not aware of it.

Mr. LODGE. That has been agreed to.

Mr. BATE. Very well.

Mr. TELLER. I think we ought to give the Senator from Tennessee an opportunity to go on to-morrow morning.

Mr. LODGE. Very well. I desire to consult the convenience of Senators. Unless there is some other Senator who would like to go on at this time I will move that the Senate proceed to the consideration of executive business.

Mr. BATE. I have the floor, I understand.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Tennessee in the morning.

Mr. SPOONER. I wish to give notice that after the Senator from Tennessee [Mr. BATE] shall have concluded his remarks to-morrow I shall ask to be recognized.

MISSOURI RIVER BRIDGE AT KANSAS CITY, MO.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3107) to authorize the construction of a bridge over the Missouri River at or near the city of Kansas City, Mo. It is a very short bill, and will take but a very few moments. It has been favorably reported from the Committee on Commerce with amendments.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw his motion?

Mr. LODGE. I will withdraw it temporarily. I shall make no objection to the consideration of the Senator's bill, but I desire to say that I shall renew my motion for an executive session after that bill shall have been concluded.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3107) to authorize the construction of a bridge over the Missouri River at or near the city of Kansas City, Mo., which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, on page 2, line 19, before the word "feet," to strike out "fifty" and insert "fifty-two;" in the same line, after the word "above," to insert "the;" in the same line, after the word "high-water," to strike out "mark, as understood at the point of location, to the lowest member of the bridge superstructure, and shall have at least one channel span of not" and insert "grade line for bridges as established by the Missouri River Commission, nor shall any of its spans over the waterway be;" in line 24, after the word "feet," to insert "in the;" in the same line, after the word "clear," to strike out "channel way, all other spans over the waterway to have clear channel way of not less than 300 feet" and insert "between the piers or the piers and abutments;" in line 8, after the words "spans of," to strike out "not less than 200 feet in length in the clear on each side of the central or pivot pier of the draw" and insert "such clear width of opening as the Secretary of War shall prescribe, and the next adjoining spans to the draw shall also be of such length as he shall prescribe;" so as to read:

That if said bridge shall be made with unbroken and continuous spans it shall not be of less elevation in any case than 52 feet above the high-water grade line for bridges as established by the Missouri River Commission, nor shall any of its spans over the waterway be less than 400 feet in the clear between the piers or the piers and abutments, and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto as near as may be: *Provided*, That if said bridge be constructed as a drawbridge, it shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and the best navigable point, and with spans of such clear width of opening as the Secretary of War shall prescribe, and the next adjoining spans to the draw shall also be of such length as he shall prescribe; and said spans shall not be less than 10 feet above extreme high-water mark, measuring to the lowest member of the bridge superstructure, etc.

The amendment was agreed to.

The next amendment was, at the end of section 3, on page 3, line 23, to insert:

Provided further, That after the completion or during the construction of said bridge, if in the opinion of the Secretary of War it is necessary for the safety and convenience of navigation under said bridge to build accessory works, such as dikes, booms, or other structures, in order the more effectually to preserve the free navigation of the river, such structures as may receive the approval of the Secretary of War shall be built and maintained by the owners of said bridge.

The amendment was agreed to.

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

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

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 21, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1902.

BOARD OF VISITORS.

I nominate as members of the Board of Visitors to the United States Naval Observatory, Charles A. Young, a citizen of Princeton, N. J., for a term of three years; Ormond Stone, a citizen of

Charlottesville, Va., for a term of three years, and Charles F. Chandler, a citizen of New York City, N. Y., for a term of two years.

PROMOTIONS IN THE NAVY.

Capt. Philip H. Cooper, to be a rear-admiral in the Navy, from the 9th day of February, 1902 (subject to the examinations required by law), vice Rear-Admiral William T. Sampson, retired.

Capt. George H. Wadleigh, to be a rear-admiral in the Navy, from the 9th day of February, 1902, vice Rear-Admiral Bartlett J. Cromwell, retired.

Lieut. Commander Charles W. Bartlett, to be a commander in the Navy, from the 9th day of October, 1901, vice Commander Uriel Sebree, promoted.

Lieut. (Junior Grade) Fritz L. Sandoz, to be a lieutenant in the Navy, from the 9th day of October, 1901, vice Lieut. Thomas W. Ryan, promoted.

Lieut. (Junior Grade) Frank Lyon, to be a lieutenant in the Navy, from the 17th day of December, 1901 (subject to the examinations required by law), vice Lieut. Walter J. Sears, promoted.

Lieut. (Junior Grade) John McC. Luby, to be a lieutenant in the Navy, from the 17th day of December, 1901, vice Lieut. Frank Lyon, an additional number in grade.

Lieut. (Junior Grade) Arthur G. Kavanagh, to be a lieutenant in the Navy, from the 27th day of December, 1901 (subject to the examinations required by law), vice Lieut. Edward H. Scribner, promoted.

Lieut. (Junior Grade) Carlton F. Snow, to be a lieutenant in the Navy, from the 28th day of December, 1901 (subject to the examinations required by law), vice Lieut. Frank M. Bennett, promoted.

Lieut. (Junior Grade) Henry T. Baker, to be a lieutenant in the Navy, from the 15th day of January, 1902, vice Lieut. John A. Bell, promoted.

Rev. Bower Reynolds Patrick, a citizen of Minnesota, to be a chaplain in the Navy, to fill a vacancy existing in that Corps.

POSTMASTERS.

Frank F. Crowe, to be postmaster at Montevallo, in the county of Shelby and State of Alabama. Office became Presidential January 1, 1902.

Laura G. Crable, to be postmaster at Tombstone, in the county of Cochise and Territory of Arizona. Office became Presidential January 1, 1902.

Eben B. Trask, to be postmaster at Plant City, in the county of Hillsboro and State of Florida. Office became Presidential January 1, 1902.

F. J. Allen, to be postmaster at East Point, in the county of Fulton and State of Georgia. Office became Presidential January 1, 1902.

Hans Keiser, to be postmaster at Elgin, in the county of Fayette and State of Iowa. Office became Presidential January 1, 1901.

Isaac Foster, to be postmaster at Gladwin, in the county of Gladwin and State of Michigan. Office became Presidential January 1, 1902.

Max V. Robinson, to be postmaster at Fairfax, in the county of Atchison and State of Missouri. Office became Presidential January 1, 1902.

George C. Reed, to be postmaster at Park Ridge, in the county of Bergen and State of New Jersey. Office became Presidential January 1, 1902.

Harry C. Butler, to be postmaster at Anson, in the county of Jones and State of Texas. Office became Presidential January 1, 1902.

Berry McGee, to be postmaster at Italy, in the county of Ellis and State of Texas. Office became Presidential January 1, 1902.

Andrew J. Prince, to be postmaster at Pratt City, in the county of Jefferson and State of Alabama, in place of Andrew J. Prince. Incumbent's commission expired February 16, 1902.

David L. Clinton, to be postmaster at Clintonville, in the county of New Haven and State of Connecticut, in place of David L. Clinton. Incumbent's commission expires February 25, 1902.

John W. Garwood, to be postmaster at Monticello, in the county of Jefferson and State of Florida, in place of John W. Garwood. Incumbent's commission expired January 21, 1902.

Mitchell G. Hall, to be postmaster at Cordele, in the county of Dooly and State of Georgia, in place of Mitchell G. Hall. Incumbent's commission expired January 14, 1902.

Thomas W. Price, to be postmaster at Astoria, in the county of Fulton and State of Illinois, in place of Thomas W. Price. Incumbent's commission expired January 14, 1902.

Lewis A. Castle, to be postmaster at Wyoming, in the county of Stark and State of Illinois, in place of Lewis A. Castle. Incumbent's commission expired February 18, 1902.

Clarkson D. Overman, to be postmaster at Fairmount, in the county of Grant and State of Indiana, in place of Clarkson D. Overman. Incumbent's commission expired January 10, 1902.

James A. Rose, to be postmaster at Chickasha, in the Chickasaw Nation, Indian Territory, in place of James H. Miller. Incumbent's commission expires February 25, 1902.

E. T. Roland, to be postmaster at Eldon, in the county of Wapello and State of Iowa, in place of William G. Crow. Incumbent's commission expired January 19, 1902.

L. E. Hulse, to be postmaster at Keota, in the county of Keokuk and State of Iowa, in place of Hanno P. Newton. Incumbent's commission expired January 10, 1902.

Milton A. McCord, to be postmaster at Newton, in the county of Jasper and State of Iowa, in place of Milton A. McCord. Incumbent's commission expired January 21, 1902.

Ludlow F. Petty, to be postmaster at Shelbyville, in the county of Shelby and State of Kentucky, in place of Ludlow F. Petty. Incumbent's commission expired February 16, 1902.

Arthur Bliss, to be postmaster at Andover, in the county of Essex and State of Massachusetts, in place of Arthur Bliss. Incumbent's commission expired January 10, 1902.

Joseph M. Hollywood, to be postmaster at Brockton, in the county of Plymouth and State of Massachusetts, in place of Joseph M. Hollywood. Incumbent's commission expired May 17, 1901.

Arthur P. Wright, to be postmaster at East Pepperell, in the county of Middlesex and State of Massachusetts, in place of Arthur P. Wright. Incumbent's commission expired January 10, 1902.

John F. Freese, to be postmaster at East Walpole, in the county of Norfolk and State of Massachusetts, in place of John F. Freese. Incumbent's commission expired January 10, 1902.

Dexter Grose, to be postmaster at North Abington, in the county of Plymouth and State of Massachusetts, in place of Dexter Grose. Incumbent's commission expired May 18, 1901.

Walter N. Beal, to be postmaster at Rockland, in the county of Plymouth and State of Massachusetts, in place of Walter N. Beal. Incumbent's commission expired January 10, 1902.

Serbertrum E. Bliss, to be postmaster at South Hadley Falls, in the county of Hampshire and State of Massachusetts, in place of Serbertrum E. Bliss. Incumbent's commission expired January 21, 1902.

Harry S. Tripp, to be postmaster at Spencer, in the county of Worcester and State of Massachusetts, in place of Harry S. Tripp. Incumbent's commission expired January 10, 1902.

William M. Beekman, to be postmaster at Charlotte, in the county of Eaton and State of Michigan, in place of William M. Beekman. Incumbent's commission expires February 25, 1902.

Stephen R. Allen, to be postmaster at Homer, in the county of Calhoun and State of Michigan, in place of Stephen R. Allen. Incumbent's commission expired February 18, 1902.

William G. Hudson, to be postmaster at Ludington, in the county of Mason and State of Michigan, in place of William G. Hudson. Incumbent's commission expired January 10, 1902.

Calvin A. Palmer, to be postmaster at Manistee, in the county of Manistee and State of Michigan, in place of Calvin A. Palmer. Incumbent's commission expired January 10, 1902.

Edwin S. Williams, to be postmaster at Niles, in the county of Berrien and State of Michigan, in place of Edwin S. Williams. Incumbent's commission expired February 18, 1902.

Hannibal A. Hopkins, to be postmaster at St. Clair, in the county of St. Clair and State of Michigan, in place of Hannibal A. Hopkins. Incumbent's commission expires February 25, 1902.

Frederick Kruger, to be postmaster at St. Ignace, in the county of Mackinac and State of Michigan, in place of Frederick Kruger. Incumbent's commission expired January 10, 1902.

Charles Brown, to be postmaster at Vicksburg, in the county of Kalamazoo and State of Michigan, in place of Charles Brown. Incumbent's commission expired January 10, 1902.

Henry Loss, to be postmaster at Wayne, in the county of Wayne and State of Michigan, in place of Henry Loss. Incumbent's commission expired January 10, 1902.

John J. Davis, to be postmaster at White Pigeon, in the county of St. Joseph and State of Michigan, in place of Fred C. Hotchin. Incumbent's commission expires February 25, 1902.

James Ruane, to be postmaster at Slayton, in the county of Murray and State of Minnesota, in place of James Ruane. Incumbent's commission expired January 10, 1902.

Annette Simpson, to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi, in place of Annette Simpson. Incumbent's commission expired February 18, 1902.

Aaron M. Storer, to be postmaster at Kosciusko, in the county of Attala and State of Mississippi, in place of Aaron M. Storer. Incumbent's commission expired January 14, 1902.

Joseph H. Handel, to be postmaster at King City, in the county of Gentry and State of Missouri, in place of Joseph H. Handel. Incumbent's commission expired January 21, 1902.

William C. Gaston, to be postmaster at Keytesville, in the county of Chariton and State of Missouri, in place of William C. Gaston. Incumbent's commission expired February 16, 1902.

August Schneider, to be postmaster at Weston, in the county of Platte and State of Missouri, in place of August Schneider. Incumbent's commission expired January 31, 1902.

Maurice Deering, jr., to be postmaster at Marysville, in the county of Lewis and Clarke and State of Montana, in place of Maurice Deering, jr. Incumbent's commission expired January 10, 1902.

John Peters, to be postmaster at Albion, in the county of Boone and State of Nebraska, in place of John Peters. Incumbent's commission expired February 8, 1902.

Frank W. Wake, to be postmaster at Genoa, in the county of Nance and State of Nebraska, in place of Frank W. Wake. Incumbent's commission expired February 16, 1902.

F. W. Barnhart, to be postmaster at Hartington, in the county of Cedar and State of Nebraska, in place of Thomas B. A. Watson. Incumbent's commission expired February 11, 1902.

Walter H. Andrews, to be postmaster at Lexington, in the county of Dawson and State of Nebraska, in place of Walter H. Andrews. Incumbent's commission expires February 23, 1902.

Thomas F. Austin, to be postmaster at Millville, in the county of Cumberland and State of New Jersey, in place of Joseph D. Troth. Incumbent's commission expired January 12, 1902.

Frank Wanser, to be postmaster at Vineland, in the county of Cumberland and State of New Jersey, in place of James J. Hunt. Incumbent's commission expired February 18, 1902.

Henry H. Smith, to be postmaster at Worcester, in the county of Otsego and State of New York, in place of Henry H. Smith. Incumbent's commission expires February 22, 1902.

Anna Callahan, to be postmaster at Casselton, in the county of Cass and State of North Dakota, in place of John F. Callahan. Incumbent's commission expired January 10, 1902.

Thomas W. Millham, to be postmaster at Ellendale, in the county of Dickey and State of North Dakota, in place of Fred S. Goddard. Incumbent's commission expires February 25, 1902.

Charles S. Dunn, to be postmaster at Lockland, in the county of Hamilton and State of Ohio, in place of Charles S. Dunn. Incumbent's commission expired January 12, 1902.

S. E. Nimmons, to be postmaster at Plymouth, in the county of Richland and State of Ohio, in place of George W. Hofman. Incumbent's commission expired January 12, 1902.

James W. Bartlett, to be postmaster at Doylestown, in the county of Bucks and State of Pennsylvania, in place of James W. Bartlett. Incumbent's commission expires February 22, 1902.

C. A. Wishart, to be postmaster at Dunbar, in the county of Fayette and State of Pennsylvania, in place of George H. Swearingen. Incumbent's commission expired June 16, 1901.

Charles Seger, to be postmaster at Emporium, in the county of Cameron and State of Pennsylvania, in place of Charles Seger. Incumbent's commission expired January 10, 1902.

Benjamin F. Davis, to be postmaster at Freeland, in the county of Luzerne and State of Pennsylvania, in place of Benjamin F. Davis. Incumbent's commission expired January 10, 1902.

Delazon P. Higgins, to be postmaster at Lewisburg, in the county of Union and State of Pennsylvania, in place of Delazon P. Higgins. Incumbent's commission expired July 8, 1901.

George W. Schoch, to be postmaster at Mifflinburg, in the county of Union and State of Pennsylvania, in place of George W. Schoch. Incumbent's commission expired January 31, 1902.

Joseph E. Euwer, to be postmaster at Natrona, in the county of Allegheny and State of Pennsylvania, in place of Joseph E. Euwer. Incumbent's commission expired January 10, 1902.

Frederick H. Bartleson, to be postmaster at Sharpsville, in the county of Mercer and State of Pennsylvania, in place of Frederick H. Bartleson. Incumbent's commission expires February 25, 1902.

John W. Cass, to be postmaster at Woonsocket, in the county of Providence and State of Rhode Island, in place of John W. Cass. Incumbent's commission expired January 10, 1902.

Samuel G. Dewell, to be postmaster at Pierre, in the county of Hughes and State of South Dakota, in place of Samuel G. Dewell. Incumbent's commission expired February 11, 1902.

A. M. Hughes, to be postmaster at Columbia, in the county of Maury and State of Tennessee, in place of Hugh F. Fariss. Incumbent's commission expired February 2, 1902.

Harry A. Griffin, to be postmaster at Galveston, in the county of Galveston and State of Texas, in place of Harry A. Griffin. Incumbent's commission expired February 19, 1902.

Dan Peaslee Webster, to be postmaster at Brattleboro, in the county of Windham and State of Vermont, in place of Dan Peaslee Webster. Incumbent's commission expires February 25, 1902.

N. Clifford Nichols, to be postmaster at Leesburg, in the county of Loudoun and State of Virginia, in place of N. Clifford Nichols. Incumbent's commission expired February 11, 1902.

Charles T. Holtzman, to be postmaster at Luray, in the county of Page and State of Virginia, in place of Charles T. Holtzman. Incumbent's commission expired February 16, 1902.

William L. Mustard, to be postmaster at Pocahontas, in the county of Tazewell and State of Virginia, in place of William L. Mustard. Incumbent's commission expired February 16, 1902.

George N. Lamphere, to be postmaster at Palouse, in the county of Whitman and State of Washington, in place of George N. Lamphere. Incumbent's commission expired January 22, 1902.

Albert S. Dickinson, to be postmaster at Waitsburg, in the county of Wallawalla and State of Washington, in place of Albert S. Dickinson. Incumbent's commission expired January 22, 1902.

Alonzo E. Linch, to be postmaster at Moundsville, in the county of Marshall and State of West Virginia, in place of Alonzo E. Linch. Incumbent's commission expired January 10, 1902.

Alexander Clohan, to be postmaster at Martinsburg, in the county of Berkeley and State of West Virginia, in place of Alexander Clohan. Incumbent's commission expires February 22, 1902.

Matthew J. Connors, to be postmaster at Hurley, in the county of Iron and State of Wisconsin, in place of Matthew J. Connors. Incumbent's commission expired January 12, 1902.

F. A. R. Van Meter, to be postmaster at New Richmond, in the county of St. Croix and State of Wisconsin, in place of Thomas Porter. Incumbent's commission expired January 12, 1902.

Lewis S. Fisher, to be postmaster at Sparta, in the county of Monroe and State of Wisconsin, in place of Lewis S. Fisher. Incumbent's commission expired January 12, 1902.

Fred C. Furth, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas, in place of Louis Altheimer, resigned.

D. W. Rathbun, to be postmaster at Marion, in the county of Linn and State of Iowa, in place of John S. Willard, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1902.

POSTMASTERS.

Harry W. Rankin, to be postmaster at Hempstead, in the county of Waller and State of Texas.

Thomas L. Ball, to be postmaster at Decatur, in the county of Wise and State of Texas.

Henry A. Cady, to be postmaster at Ballinger, in the county of Runnels and State of Texas.

Joel D. Cranford, to be postmaster at Mineral Wells, in the county of Palo Pinto and State of Texas.

Theodore Ray, to be postmaster at Midland, in the county of Midland and State of Texas.

Joseph E. Roach, to be postmaster at Atlanta, in the county of Cass and State of Texas.

Robert C. May, to be postmaster at Leonard, in the county of Fannin and State of Texas.

Executive nominations confirmed by the Senate February 20, 1902.

APPOINTMENT IN THE ARMY—GENERAL OFFICER.

To be brigadier-general.

Col. Francis L. Guenther, Artillery Corps, February 13, 1902.

PROMOTION IN THE NAVY.

Lieut. Commander Henry McCrea, to be a commander in the Navy, from the 9th day of February, 1902.

APPOINTMENT IN THE NAVY.

Mr. Walter E. Griffin, a citizen of Michigan, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade).

REGISTER OF THE LAND OFFICE.

Anton H. Classen, of Oklahoma Territory, at present receiver of public moneys at Oklahoma, Okla., to be register of the land office at said place.

RECEIVERS OF PUBLIC MONEYS.

C. Frost Liggett, of Colorado, to be receiver of public moneys at Lamar, Colo.

George A. Smith, of Utah, to be receiver of public moneys at Salt Lake City, Utah.

Henry G. McCrossen, of Wisconsin, to be receiver of public moneys at Wausau, Wis.

POSTMASTERS.

Henry B. Rollinson, to be postmaster at Rahway, in the county of Union and State of New Jersey.

Edwin D. Goodell, to be postmaster at Brookfield, in the county of Worcester and State of Massachusetts.

Woodbury Marson, to be postmaster at Booth Bay Harbor, in the county of Lincoln and State of Maine.

George L. Stoughton, to be postmaster at Westerville, in the county of Franklin and State of Ohio.

Harry B. Ward, to be postmaster at Duquoin, in the county of Perry and State of Illinois.

Frank J. Cory, to be postmaster at Watertown, in the county of Codington and State of South Dakota.

Alfred R. Messler, to be postmaster at Upper Mont Clair, in the county of Essex and State of New Jersey.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 20, 1902.

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

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

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. 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 Indian appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, being the bill H. R. 11353.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, under the five-minute rule.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that I may proceed, not to exceed ten minutes, before we begin the reading.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. I have no doubt, Mr. Chairman, that the committee and the House could derive some amusement and pleasure and possibly information by listening to the continuance of such speeches as we have heard in the House for the last two days; but I notice in the morning paper's report of last night's gathering of the representatives of an organization—than which there is none more honorable in this country—that the Chief Executive of this country, preaching what he practices, stated that it should be our desire to place even before glory "duty;" and so, Mr. Chairman, I think it is not inappropriate to turn aside from the consideration of princes, past and present, and of money questions, mostly of the past, and various other subjects, relating to the past, the present, and the future, and devote our attention for a few minutes to the dry details of an Indian appropriation bill.

The bill now presented, Mr. Chairman, carries appropriations aggregating \$3,400,000, in round numbers, or one and three-quarters million dollars less than was appropriated in the last annual appropriation bill. These reductions are made mainly in the items for treaty stipulations, which this year carry one million two hundred thousand less than last year; for the support of the Dawes Commission and the continuance of its work, for which \$210,000 less is appropriated this year; \$100,000 less for the general school fund; and \$100,000 less for the town-site work in the Indian Territory; \$100,000 less for miscellaneous support, and \$75,000 less for the current contingent expenses of the Department.

The increases are about \$90,000 and are practically entirely within the heading of miscellaneous gratuities, and all of that increase is more than accounted for by the single item of \$100,000 for the benefit of the Mission Indians in Southern California, which we deem to be necessary to transfer the Indians of that tribe from their present location at Warner's ranch, the highest court having decided that they have no title there, and providing some other reservation for them in the vicinity of the present ranch, where they would not be subject to climatic changes and would be surrounded by all the conditions that have surrounded them for generations.

While the Book of Estimates calls for appropriations of \$1,000,000 less than is carried in this bill, there came to us as subsequent estimates from the Treasury Department and recommendations directly from the Secretary of the Interior covering substantially all that is included in this bill.

I think there are but one or two items in the bill that have not come to us through the regular channel of estimates from the Treasury Department or by the approval of the Secretary of the Interior.

There is included in the bill several legislative provisions. They are with one exception set out in the report which accompanies the bill, and that exception was an inadvertence. There are certain provisions in the bill which are susceptible to a point of order if any gentleman desires to make it. We have not attempted to conceal the existence of these items in the bill. There is no item in the bill, however, that the committee for whom I speak do not consider essential to the best interests of the Indians. I think, Mr. Chairman, that is all I care to say at the present moment. From time to time as the bill is read, if there is any

specific information that is desired by any member of the committee or of the House on any special item, I would be glad to give it.

Mr. SULZER. I would like to ask the gentleman a question. Is there anything in this bill that allows the Indians on the reservations in the State of New York to sell their lands?

Mr. SHERMAN. There is not.

Mr. SULZER. That is all I wanted to know.

Mr. SHERMAN. Mr. Chairman, I have prepared several tables showing the amounts of various appropriations for the past ten years under various heads other than treaties, which I will not take the time to read, but will print. I think they may be of use in considering needed appropriations in future years. I also desire to print an agreement made by the board of county commissioners of Jackson County, Kans., to keep in repair certain bridges, for the construction of which we appropriate in this bill.

Current and contingent expenses.

Year.	Number of agents.	Amount paid agents.	Amount paid interpreters.	Number of inspectors.	Amount paid inspectors.	Inspectors' traveling expenses.	For superintendent schools.	Superintendent schools, traveling expenses.	Buildings and repairs, agencies.	Contingencies of service.	Citizens' commission.
1892	58	\$92,200	\$25,000	5	\$15,000	\$8,000	\$4,000	\$2,000	\$30,000	\$45,000	\$5,000
1893	57	86,600	20,000	5	15,000	8,000	3,500	2,000	20,000	40,000	5,000
1894-95	57	86,600	10,000	5	12,500	7,000	3,000	1,000	44,000	40,000	4,000
1896	57	86,500	10,000	5	12,500	7,000	3,000	1,000	25,000	40,000	4,000
1897	56	85,000	12,000	5	12,500	7,000	3,000	1,500	30,000	40,000	4,000
1898	56	86,500	12,000	5	12,500	7,000	3,000	1,500	30,000	40,000	4,000
1899	56	85,000	12,000	8	20,000	12,000	3,000	1,500	30,000	40,000	4,000
1900	56	85,000	10,000	8	20,000	12,800	3,000	1,500	35,000	40,000	4,000
1901	53	83,150	8,000	8	20,000	12,800	3,000	1,500	45,000	50,000	4,000
1902	49	67,600	7,000	8	25,000	12,800	3,000	1,500	35,000	40,000	4,000

Miscellaneous supports.

Tribe.	1892.	1893.	1894-95.	1896.	1897.	1898.	1899.	1900.	1901.	1902.
Apaches, Comanches, etc.		\$125,000	\$110,000	\$110,000	\$100,000	\$100,000	\$100,000	\$75,000	\$50,000	\$50,000
Arapahoes and Cheyennes	\$240,000	65,000	90,000	90,000	90,000	90,000	90,000	100,000	80,000	70,000
Chippewas:										
Superior	6,000	6,000	7,125	7,125	7,125	7,125	7,125	7,125	7,000	7,000
Red Lake	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000		
White Earth	10,200	10,000	10,000	10,000	10,000	10,000	10,000	10,000		
Turtle Mountain	13,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000
Oregon	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	5,000	5,000
Dwamish	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	5,000	5,000
Flathead (Carlos band)	12,000	12,000	12,000	12,000	12,000	10,000	10,000	10,000	8,000	8,000
Do	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	8,000	8,000
Hualapais	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	5,000	5,000
Apaches (Arizona)	190,000	200,000	185,000	225,000	225,000	225,000	225,000	225,000	225,000	225,000
Shoshonis and Bannocks	13,000	13,000	10,000	10,000	13,000	13,000	30,000	30,000	35,000	25,000
Seminoles (Florida)	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000		
Shoshonis (Lemhi)	14,000	14,000	13,000	13,000	10,000	13,000	13,000	13,000	13,000	13,000
Klamaths	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Kansas	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
Kickapoos (Oklahoma)	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Makah	4,000	4,000	4,000	4,000	4,000	4,000	3,000	3,000	3,000	3,000
Nez Percé (Joseph's band)	12,000	12,000	10,000	10,000	7,500	7,500	7,500	7,500	4,000	4,000
Nez Percé (Indian Territory)	6,500	6,500	6,500	6,500	5,000	5,000	5,000	5,000	3,000	3,000
Ponca	18,000	18,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Quinalt and Quilente	4,000	4,000	3,000	3,000	3,000	3,000	1,000	1,000	1,000	1,000
Shoshoni (Wyoming)	23,000	15,000	15,000	15,000	20,000	20,000	20,000	25,000	25,000	25,000
Shoshoni (Nevada)	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	12,000
Sioux Devils Lake	6,000	6,000	6,000	12,000	10,000	10,000	10,000	10,000	20,000	10,000
Skullam	4,000	4,000	1,500	1,500	1,500	1,500				
Tonkawa	5,000	5,000	4,000	4,000	4,000	4,000	2,000	2,000	1,000	1,000
Walla Walla, etc.	6,500	6,500	6,500	6,500	5,000	5,000	5,000	5,000	5,000	5,000
Yakimas	10,000	10,000	10,000	10,000	8,000	8,000	8,000	8,000	5,000	8,000
Mission			10,000	10,000	10,000	10,000	3,000	3,000	1,500	3,000

General incidental expenses.

State.	1892.	1893.	1894-95.	1896.	1897.	1898.	1899.	1900.	1901.	1902.
Arizona	\$20,000	\$20,000	\$18,000	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
California	128,000	94,000	23,000	21,000	21,000	21,000	21,000	21,000	15,000	15,000
Colorado	1,500	1,500	1,500	1,250	1,500	1,500	1,500	1,500	1,000	1,000
Idaho	1,000	1,000	800	800	1,000	1,000	1,000	1,000	1,000	1,000
Montana	4,000	4,000	3,000	2,500	2,500	2,500	2,500	2,500	8,500	8,500
Nevada	22,500	22,500	19,000	16,000	16,000	16,000	16,000	16,000	14,900	12,900
North Dakota	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
New Mexico	5,000	5,000	4,700	1,000	1,500	1,500	1,500	1,500	1,500	1,500
Oregon	16,000	16,000	15,000	12,000	12,000	12,000	12,000	12,000	10,000	10,000
South Dakota	3,500	3,500	2,500	2,500	3,500	3,500	3,500	3,500	3,500	3,500
Utah	8,000	8,000	8,000	7,000	7,000	3,000	3,000	3,000	1,000	1,000
Washington	16,000	16,000	16,000	14,000	14,000	14,000	14,000	14,000	17,000	17,000
Wyoming	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000

Indian schools, support.

Act.	Year.	Amount.
July 13, 1892	1893	\$1,075,000
March 3, 1893	1894	1,075,000
August 15, 1894	1895	1,000,000
March 2, 1895	1896	1,164,350
June 10, 1896	1897	1,235,000
June 7, 1897	1898	1,200,000
July 1, 1898	1899	1,100,000
March 1, 1899	1900	1,100,000
May 31, 1900	1901	1,200,000
March 3, 1901	1902	1,220,000
Total		11,369,350

ALBUQUERQUE SCHOOL.

1893	\$80,000.00
1894	50,550.00
1895	43,250.00
1896	53,100.00
1897	55,300.00
1898	55,300.00
1899	68,300.00
1900	53,800.00
1901	53,500.00
1902	58,100.00
Total	551,200.00

BANNING SCHOOL.		
1893	.....	\$12,500.00
1894	.....	12,500.00
1895	.....	12,500.00
Total	.....	37,500.00

BLACKFEET AGENCY SCHOOL.		
1893	.....	\$12,500.00
1894	.....	12,500.00
1895	.....	12,500.00
Total	.....	37,500.00

CARLISLE SCHOOL.		
1893	.....	\$106,000.00
1894	.....	106,000.00
1895	.....	105,000.00
1896	.....	102,000.00
1897	.....	111,000.00
1898	.....	111,600.00
1899	.....	111,600.00
1900	.....	150,000.00
1901	.....	150,000.00
1902	.....	150,000.00
Total	.....	1,203,200.00

CARSON SCHOOL.		
1893	.....	\$24,000.00
1894	.....	22,500.00
1895	.....	25,375.00
1896	.....	23,175.00
1897	.....	23,175.00
1898	.....	29,350.00
1899	.....	29,350.00
1900	.....	41,550.00
1901	.....	40,900.00
1902	.....	53,200.00
Total	.....	312,575.00

CHAMBERLAIN SCHOOL.		
1897	.....	\$25,000.00
1898	.....	29,900.00
1899	.....	19,900.00
1900	.....	18,900.00
1901	.....	26,100.00
1902	.....	41,300.00
Total	.....	161,100.00

CHEROKEE SCHOOL.		
1893	.....	\$18,560.00
1894	.....	14,760.00
1895	.....	17,560.00
1896	.....	23,745.00
1897	.....	29,353.00
1898	.....	32,350.00
1899	.....	28,350.00
1900	.....	27,850.00
1901	.....	27,850.00
1902	.....	30,350.00
Total	.....	250,725.00

CHILOCCO SCHOOL.		
1893	.....	\$62,110.00
1894	.....	44,750.00
1895	.....	61,950.00
1896	.....	61,450.00
1897	.....	64,000.00
1898	.....	65,250.00
1899	.....	77,750.00
1900	.....	66,750.00
1901	.....	86,600.00
1902	.....	81,600.00
Total	.....	672,210.00

CLONTARF SCHOOL.		
1893	.....	\$15,000.00
1894	.....	15,000.00
1895	.....	15,000.00
Total	.....	45,000.00

FLANDREAU SCHOOL.		
1893	.....	\$20,000.00
1894	.....	22,000.00
1895	.....	29,150.00
1896	.....	29,550.00
1897	.....	80,850.00
1898	.....	44,900.00
1899	.....	69,900.00
1900	.....	47,850.00
1901	.....	69,750.00
1902	.....	78,250.00
Total	.....	492,200.00

FORT MOJAVE SCHOOL.		
1893	.....	\$32,500.00
1894	.....	26,750.00
1895	.....	28,050.00
1896	.....	27,550.00
1897	.....	29,550.00
1898	.....	43,550.00
1899	.....	31,550.00
1900	.....	36,550.00
1901	.....	32,050.00
1902	.....	43,550.00
Total	.....	331,650.00

FORT TOTTEN SCHOOL.		
1893	.....	\$54,300.00
1894	.....	41,880.00
1895	.....	44,580.00
1896	.....	42,580.00
1897	.....	44,850.00
1898	.....	48,350.00
1899	.....	48,350.00
1900	.....	55,150.00
1901	.....	62,050.00
1902	.....	48,350.00
Total	.....	490,440.00

GENOA SCHOOL.		
1893	.....	\$93,000.00
1894	.....	57,775.00
1895	.....	61,950.00
1896	.....	52,600.00
1897	.....	65,300.00
1898	.....	62,800.00
1899	.....	62,800.00
1900	.....	59,300.00
1901	.....	85,800.00
1902	.....	52,800.00
Total	.....	624,125.00

GRAND JUNCTION SCHOOL.		
1893	.....	\$29,000.00
1894	.....	25,675.00
1895	.....	23,235.00
1896	.....	29,050.00
1897	.....	27,550.00
1898	.....	34,250.00
1899	.....	28,550.00
1900	.....	36,550.00
1901	.....	54,325.00
1902	.....	39,725.00
Total	.....	332,910.00

HAMPTON SCHOOL.		
1893	.....	\$20,040.00
1894	.....	20,040.00
1895	.....	20,040.00
1896	.....	20,040.00
1897	.....	20,040.00
1898	.....	20,040.00
1899	.....	20,040.00
1900	.....	20,040.00
1901	.....	20,040.00
1902	.....	20,040.00
Total	.....	200,400.00

HAYWARD SCHOOL.		
1900	.....	\$60,000.00
1901	.....	38,675.00
1902	.....	22,675.00
Total	.....	121,350.00

KICKAPOO SCHOOL.		
1899	.....	\$15,000.00
1900	.....	12,190.00
1901	.....	18,360.00
1902	.....	14,495.00
Total	.....	60,045.00

LAWRENCE SCHOOL.		
1893	.....	\$90,000.00
1894	.....	87,000.00
1895	.....	87,000.00
1896	.....	86,300.00
1897	.....	90,500.00
1898	.....	102,500.00
1899	.....	94,000.00
1900	.....	112,000.00
1901	.....	122,200.00
1902	.....	140,200.00
Total	.....	1,011,700.00

LINCOLN INSTITUTE.		
1893	.....	\$33,400.00
1894	.....	33,400.00
1895	.....	33,400.00
1896	.....	33,400.00
1897	.....	33,400.00
1898	.....	33,400.00
1899	.....	33,400.00
1900	.....	33,400.00
Total	.....	267,200.00

MANDAN SCHOOL.		
1902	.....	\$50,000.00

MORRIS SCHOOL.		
1900	.....	\$48,550.00
1901	.....	34,450.00
1902	.....	33,550.00
Total	.....	116,550.00

MOUNT PLEASANT SCHOOL.		
1893	.....	\$25,000.00
1894	.....	27,375.00
1895	.....	27,500.00
1896	.....	29,050.00
1897	.....	67,550.00
1898	.....	35,400.00
1899	.....	62,100.00

1900	\$54,800.00	1901	\$115,527.00
1901	73,300.00	1902	106,300.00
1902	67,050.00		
Total	469,125.00	Total	699,427.00
PERRIS SCHOOL.			
1893	\$15,000.00	1893	\$45,000.00
1894	22,200.00	1894	34,550.00
1895	23,200.00	1895	28,550.00
1896	23,200.00	1896	29,750.00
1897	22,900.00	1897	40,000.00
1898	33,550.00	1898	62,850.00
1899	27,081.35	1899	50,050.00
1900	27,550.00	1900	57,800.00
1901	27,550.00	1901	62,800.00
1902	27,050.00	1902	67,300.00
Total	253,631.35	Total	485,750.00
PHOENIX SCHOOL.			
1893	\$38,675.00	1893	\$20,500.00
1894	36,550.00	1894	24,875.00
1895	30,210.00	1895	22,875.00
1896	44,750.00	1896	27,550.00
1897	45,550.00	1897	30,450.00
1898	104,600.00	1898	23,950.00
1899	131,200.00	1899	39,125.00
1900	112,200.00	1900	57,125.00
1901	109,700.00	1901	35,725.00
1902	118,000.00	1902	35,625.00
Total	771,235.00	Total	300,800.00
PIERRE SCHOOL.			
1893	\$33,200.00	1893	\$75,000.00
1894	28,550.00	1894	75,000.00
1895	27,550.00	1895	9,246.57
1896	27,550.00		
1897	28,550.00	Total	159,246.57
1898	27,050.00		
1899	28,550.00	SOUTHERN UTE SCHOOL.	
1900	28,550.00	1900	\$25,000.00
1901	28,550.00	1901	9,690.00
1902	35,550.00	1902	9,690.00
Total	293,650.00	Total	44,380.00
PIPESTONE.			
1893	\$15,000.00	1893	\$25,000.00
1894	15,020.00	1894	21,770.00
1895	12,220.00	1895	19,200.00
1896	14,225.00	1896	18,900.00
1897	20,400.00	1897	19,100.00
1898	30,400.00	1898	35,275.00
1899	49,175.00	1899	38,275.00
1900	32,550.00	1900	46,550.00
1901	27,550.00	1901	38,725.00
1902	38,550.00	1902	42,175.00
Total	254,960.00	Total	304,970.00
PUYALLUP SCHOOL.			
1899	\$20,000.00	1900	\$60,000.00
RAPID CITY SCHOOL.			
1897	\$25,000.00	1901	23,675.00
1898	31,400.00	1902	39,550.00
1899	18,400.00	Total	123,225.00
1900	22,400.00		
1901	18,900.00	ONIEDA SCHOOL.	
1902	42,700.00	1898	\$1,000.00
Total	158,800.00	UMATILLA SCHOOL.	
RIVERSIDE SCHOOL.			
1901	\$75,000.00	1894	\$6,000.00
1902	135,400.00	1895	6,000.00
Total	210,400.00	Total	12,000.00
RENSSELAER SCHOOL.			
1893	\$8,330.00	1893	\$10,020.00
1894	8,330.00	1894	10,020.00
1895	8,330.00	1895	10,020.00
Total	24,990.00	Total	30,060.00
ST. IGNATIUS MISSION.			
1893	\$45,000.00	1901	\$10,000.00
1894	45,000.00	1902	10,000.00
1895	45,000.00	Total	20,000.00
Total	135,000.00	INDIAN SCHOOL STOCK CATTLE.	
SAC AND FOX, IOWA, SCHOOL.			
1897	\$25,000.00	1893	\$20,000.00
1898	14,525.00	1894	25,000.00
1899	15,525.00	1895	20,000.00
1900	15,525.00	1896	20,000.00
1901	13,925.00	1897	15,000.00
1902	14,125.00	1898	15,000.00
Total	109,625.00	1899	10,000.00
SALEM SCHOOL.			
1893	\$53,750.00	1900	10,000.00
1894	48,800.00	Total	135,000.00
1895	45,250.00		
1896	44,250.00	INDIAN SCHOOL TRANSPORTATION.	
1897	46,850.00	1893	\$40,000.00
1898	71,700.00	1894	40,000.00
1899	74,700.00	1895	35,000.00
1900	92,000.00	1896	30,000.00
		1897	35,000.00
		1898	35,000.00
		1899	35,000.00
		1900	35,000.00
		1901	40,000.00
		1902	40,000.00
		Total	365,000.00

INDIAN SCHOOL BUILDINGS.	
1893	\$100,000.00
1894	40,000.00
1895	40,000.00
1896	
1897	140,000.00
1898	200,000.00
1899	200,000.00
1900	300,000.00
1901	240,000.00
1902	240,000.00
Total	1,500,000.00

The total annual appropriations for the support of Indian schools made by the Government since 1877, will be found on page 39 of the Commissioner's last annual report.

Referring to question 6.—The deficiency bills of each year contain small appropriations for schools which arise in the settlements of accounts, but these as a rule are trivial.

Number of employees at Indian agencies, 1900.

ARIZONA.	
Colorado River	11
Fort Apache	18
Pima	13
San Carlos	25
CALIFORNIA.	
Hoopa Valley	13
Mission Tule	5
Round Valley	3
COLORADO.	
Southern Ute	10
IDAHO.	
Fort Hall	17
Lemhi	11
Nez Perce	11
IOWA.	
Sac and Fox	3
INDIAN TERRITORY.	
Quapaw	8
Union	7
KANSAS.	
Pottawatomie	7
MONTANA.	
Blackfeet Agency	28
Crows	24
Flathead	16
Fort Belknap	24
Fort Peck	30
Tongue River	8
MINNESOTA.	
Leech Lake	21
White Earth	16
NORTH DAKOTA.	
Devil's Lake	22
Fort Berthold	37
Standing Rock	45
NEW MEXICO.	
Mescalero	1
Navaho	18
Pueblo	8
Jicarilla	13
NEVADA.	
Western Shoshone	10
Nevada Agency	6
NEW YORK.	
New York Agency	2
NEBRASKA.	
Omaha and Winnebago	17
Santee	18
OHIO.	
Sac and Fox	7
OKLAHOMA.	
Cheyenne and Arapaho	51
Kiowa	38
Osage	27
Ponca	16
Pawnee	12
Otoe	11
Oakland	1
OREGON.	
Grand Ronde	5
Klamath	12
Siletz	6
Umatilla	9
Warm Springs	9
SOUTH DAKOTA.	
Cheyenne River	34
Crow Creek	26
Lower Brulé	16
Fine Ridge	63
Rosebud	51
Sisseton	1
Yankton	28
WASHINGTON.	
Colville	25
Neah Bay	10
Puyallup	6
Tulalip	18
Yakima	13

WISCONSIN.	
Green Bay	33
La Pointe	11
WYOMING.	
Shoshone	24
UTAH.	
Uintah	16
Ouray	14

NOTE.—Above are the number of employees at each agency, with the exception of the Indians employed as police.

Be it known that Jackson County, State of Kansas, hereby promises, agrees, and pledges itself, by and through the undersigned, county commissioners of said county, to keep in repair at its own expense any and all bridges that may be constructed and erected by the General Government over the creeks and streams running through the Pottawatomie Indian Reservation located within said Jackson County, State of Kansas.

JOHN C. FRANZ, Chairman.
H. H. POSTON,
W. FARMENTER,
Board of County Commissioners of said
Jackson County, State of Kansas.

Dated at Holton, Jackson County, State of Kansas, this 17th day of December, A. D. 1901.

Attest:
[SEAL.] J. W. ATWATER,
County Clerk.

The Clerk, proceeding with the reading of the bill, read as follows:

At the Pottawatomie and Great Nemaha Agency, Kans., \$1,200.

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

The Clerk read the amendment, as follows:

In line 12, page 4, strike out the word "two" and insert "five."

Mr. CURTIS. Mr. Chairman, the word "two" was inserted by mistake. This item was raised to \$1,500 last year and should be for that amount in this bill.

The amendment was agreed to.

The Clerk read as follows:

At the Standing Rock Agency, N. Dak., \$1,800.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment:

On line 2, page 5, insert:
"Tongue River Agency, Mont., \$1,500."

It was agreed upon by the committee, but by mistake it was not included in the bill.

The amendment was agreed to.

The Clerk read as follows:

At the White Earth Agency, Minn., \$1,800.

Mr. JONES of Washington. Mr. Chairman, I move to amend, after the word "dollars," in line 10, page 5, by inserting the following:

At the Yakima Agency, Wash., \$1,600.

Mr. Chairman, I was very much surprised to find that the bill omitted the amount for this agency. Of course I understand the rules relating to secrecy in the consideration of appropriation bills. I had received no intimation from the Commissioner of Indian Affairs that an agent was not needed at this point, and in conversation with some of the officials of the Indian Department some time ago that statement was made that the discontinuance of our agent was not thought of. Of course these officials did not speak with authority, but they did speak with knowledge of the conditions, and I never dreamed of such action.

It is fair to the House to say that when the bill was reported I consulted the Commissioner of Indian Affairs relating to the Yakima Agency, and he said he did not consider an agent necessary at this point. He stated that the special agent and inspectors of the Department had reported to him that it would be better to have a bonded superintendent of Indian schools in charge of this reservation. It is but fair also to say that he stated that it had been the experience of the Department that they got more satisfactory service from the bonded superintendents than through the Indian agents, and it was their policy to abolish the agents as fast as possible.

I desire to state that there are about 2,000 Indians at the Yakima Agency. There have been 2,700 allotments made to the Indians. In the reservation proper there are about a million acres of land. It was found that a mistake in the boundaries had been made, and upon investigation it was ascertained and determined by the Department that about 300,000 acres more of timber and grazing land should be included in the Yakima Reservation. The Government is endeavoring to make arrangements by which it shall secure title to the land and also to the unallotted lands of the reservation. It seems to me an agent could look after the interests of the Indians much better than a bonded superintendent. It is fair to say that the Commissioner of Indian Affairs says that the bonded superintendent can do and perform the duties of agent the same as the agent himself. There are other matters in connection with these Indians which seems to me make it certain that if any Indians in the country need an agent these Indians do.

I presume that about one-half of these Indians are what are commonly known as blanket Indians. In other words, they have not yet fully adopted the manners, customs, and habits of civilized people, nor of the white men surrounding them. They are within 4 miles of North Yakima. These Indians give the Government considerable trouble in connection with the sale of whisky and other intoxicating liquors. An agent could look after these matters better than a bonded superintendent. Furthermore, their land is arid land. Irrigation ditches have been constructed, and are being constructed, for the purpose of irrigating the Indian lands. Much of their lands are leased. Each man, woman, and child has 80 acres. The interests of the women and children must be looked after. Their lands must be leased and the rents collected. I believe that the interests of the Indians require an agent to look after the disposition, handling, and care of the lands, as well as the many other matters that come up in connection with them. These are the facts, conditions, and circumstances surrounding the Yakima Indian Agency. It seems to me they warrant, yes, demand the maintenance and existence of an agent there. I want to say frankly that all I desire is the good of the Indians. I do not profess to know as much about the difference between the requirements that necessitate an agent and those that necessitate only a bonded superintendent as the experts of the Department, nor as much as the Commissioner himself.

I do not know what the special requirements are at these different agencies, where an agent is maintained instead of a bonded superintendent. I do not know wherein they differ from our agency. I can not conceive of conditions, circumstances, or facts connected with the other Indian agencies that would make it more important or necessary to maintain an agent at those points than at the Yakima Agency. If this agency is abolished, I believe the Government will realize the injury done before the year is past. I hope the committee will not oppose this amendment, and I insist that the amendment should be adopted.

Mr. SHERMAN. Mr. Chairman, the committee gave considerable attention to the question of agencies, and after a full hearing by the subcommittee at the Indian Office and a consideration of all the facts presented by the Commissioner we found that it was possible to dispense with five agencies, of which this is one. There are in the neighborhood of 2,000 Indians at this agency and in the neighborhood of 200,000 acres of allotted land.

The Indians raise their own crops; they do more or less labor for others outside of the reservation. They are quite as capable, many of them, of taking care of themselves as any white people in this country. It is the opinion of the Department that the duties of the agency can be performed by a bonded superintendent, and that the interests of the service, instead of being injured, will be subserved by doing away with the agency at Yakima. I trust therefore the amendment will not prevail.

The question being taken on the amendment of Mr. JONES of Washington.

The CHAIRMAN. The ayes appear to have it.

Mr. SHERMAN. I call for a division.

The question being again taken, there were—ayes 8, noes 33.

So the amendment was rejected.

The Clerk read as follows:

For pay of 41 agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

Mr. SHERMAN. I ask unanimous consent to amend the paragraph just read by making "41," in line 2, page 2, read "42," and making the total in line 12, page 5, \$67,300. This is made necessary by the amendment already adopted.

The CHAIRMAN. Without objection, the amendments proposed by the gentleman from New York will be agreed to.

There was no objection.

The Clerk read as follows:

For pay of eight Indian inspectors, one of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, at \$2,500 per annum each, \$20,000: *Provided*, That the Indian inspector located in the Indian Territory, under the provision of section 27 of the act of Congress approved June 28, 1898, while assigned to such duty, may be designated as commissioner for the Indian Territory, and shall be allowed for compensation \$3,500 per annum, together with all traveling expenses and \$3 per diem while on duty and under such assignment.

Mr. SHERMAN. I move to amend by striking out the proviso just read. It is an error that it was printed here. It was voted down in the committee.

Mr. LITTLE. That is right.

The motion of Mr. SHERMAN was agreed to.

The Clerk read as follows:

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of 5 special agents, at \$3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the 5 special agents, at \$2,000 per annum each, \$40,000.

Mr. LITTLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after the word "offices," in line 23, the following:

"And to enable said Commissioner to examine and report the feasibility and expediency of educating Indians in schools upon the reservations and in the communities where said Indians reside, and to submit the best plan, in his judgment, to accomplish this end to the next session of Congress."

Mr. SHERMAN. I desire to reserve a point of order on that amendment. I did not know that the gentleman intended to present it at this time.

Mr. LITTLE. I do not think it is subject to a point of order, but I have no objection to the gentleman's reserving the point. I would like to be heard for a moment.

Mr. Chairman, my purpose in this amendment is in a measure to carry out the wishes of the Commissioner of Indian Affairs. I do not mean that he has recommended this mode of proceeding; but anyone who will read the report of the Commissioner will see that he very earnestly advocates the education, as far as possible, of the Indians upon the reservations and in the communities in which they reside. In that expression of opinion I most heartily concur.

Now, the only effect this amendment can have is to furnish to Congress at its next session such information and such recommendations as the Commissioner of Indian Affairs may make. It does not bind Congress to any particular line of proceeding. It simply seeks information upon this subject. I believe that if we had more schools on the reservations—more day schools, more industrial schools—where the scholars would be brought into contact with the home Indians, this system would have a decided tendency to elevate the condition of the Indian tribes.

Mr. SHERMAN. Will the gentleman yield a moment?

Mr. LITTLE. Certainly.

Mr. SHERMAN. The amendment, as I understand, contemplates no additional expense?

Mr. LITTLE. None whatever.

Mr. SHERMAN. It appropriates no money?

Mr. LITTLE. None.

Mr. SHERMAN. Does the gentleman, after a careful reading of the last report of the Commissioner of Indian Affairs, where this entire school subject is discussed very fully, think that this amendment is really necessary?

Mr. LITTLE. I really do.

Mr. SHERMAN. Very well; then I will withdraw my point of order.

Mr. LITTLE. I feel sure that the adoption of the amendment can not work harm in any way. I believe it will give us information that we ought to have; and if there should be any change in our educational policy upon the reservations, this information will enable us to make that change intelligently.

Mr. CANNON. Let us hear the amendment read again.

The amendment was again read.

Mr. STEPHENS of Texas. I think this should be adopted without division.

Mr. CANNON. Why so?

Mr. STEPHENS of Texas. The Secretary of the Interior, in speaking of the report made by Mr. Jones, Commissioner of Indian Affairs, adopted the ideas of Mr. Jones that these Indians should be educated on the reservations, and not sent away to these contract schools. Now, if we are to put that into effect, I know of no better way to begin it than by requiring these men sent out by the Government to investigate Indian affairs to report to Congress the best means of accomplishing that end, if that is the end to be accomplished. It is the end to be desired, in my judgment, and is very desirable and necessary for the education of the Indian. If that is to be accomplished, we should make a beginning at some time, and it will not cost the Government one dollar more, and these Indian inspectors sent out to investigate Indian affairs will take up this subject in connection with other subjects, and report to Congress the best means of accomplishing that result.

Mr. CANNON. If the gentleman will permit me?

Mr. STEPHENS of Texas. Certainly.

Mr. CANNON. As I understand it, since 1896 we have not been doing anything else but supporting boarding and day schools on the reservations. As I understand the report of the Commissioner of Indian Affairs, there is now substantially on the various reservations industrial and day schools sufficient to accommodate the whole number of children of school age. Now, it has gone beyond the era of investigation. We have had investigation for eight or ten or twelve years past, as I understand it—nothing else but investigation—and that investigation has ripened into a policy, a policy which has covered the expenditure of money—millions of dollars—on school facilities sufficient for the purpose, run by the Government, to care for the children. Am I right about that?

Mr. SHERMAN. The gentleman in the main is correct, but the purpose of this amendment, as I understand it, is to draw a

distinction between the nonreservation and the reservation schools. There are gentlemen who contend that equally good results are not obtained in the nonreservation schools. I think the gentleman from Texas [Mr. STEPHENS] is in error in assuming that the report of the Commissioner maintains that efficient work is not obtained in the nonreservation schools. On the contrary, as I read his report, he expressly commends nonreservation schools, and says that the work they are doing is most beneficent and efficient work, describes what that education is, and tells why, in his judgment, that education produces results that can not be produced in a reservation school pure and simple. I think the gentleman is in error. I dislike to disagree with my friend from Arkansas [Mr. LITTLE], but, I think, in the last report of the Commissioner of Indian Affairs this entire subject is discussed as fully and all of the conditions are set forth as clearly as it would be possible to set them forth after another examination.

Mr. LITTLE. Mr. Chairman, if the gentleman will permit me, I do not want the purpose of the amendment that I offer misunderstood. We have the recommendation in a general way from the Commissioner of Indian Affairs. The principal object of this amendment is to give us more detailed information as to the condition of the reservation, with a view that we may take additional steps in education at and near their homes. Now, do not understand me to say that good results are not accomplished by nonreservation schools; but I think they have gone far enough, as you will find in the report of the Commissioner—I do not happen to have it before me—where he says things that rather concur with me, that these nonreservation schools, in a large measure, have not produced the results desired and hoped for, and he believes that it is wise to begin the more extensive education of these Indians upon their reservations, at their homes, and in that way you will build up the entire sentiment of the tribe.

You take a boy and girl from their homes and put them into nonreservation schools, and when they go back they are so far out of joint with their tribes that neither the child nor the parents are satisfied. I do not pretend to say that the purpose of this amendment will change the present purpose of Congress, but it is additional information we may get without any material additional expense under the appropriation asked here. It is information that I want us to get if we can do it, and it will be for Congress to say as to whether they want to increase the reservation school or not.

The gentleman from Illinois [Mr. CANNON] is correct that upon the reservations we have day schools and industrial schools, but no one can maintain that there are enough of those schools to accommodate the children on the reservations. There may be some reservations where it is wholly impracticable to do this. That is what I want to know, and if the Department needs money to build smaller schools similar to the smaller schools of the country, I would like to see that done. In fact, I do not see how that amendment can, in any view of this subject, do any harm; all it can do is to give us additional light on the subject, and for the Commissioner to make such recommendations in the line he expresses in his report, if he sees proper, that we may enlarge at least that branch of the education, whether we diminish from the nonreservation schools or not. I believe we ought to have this amendment, and I hope that the point of order will not be pressed.

The CHAIRMAN. The time for debate on this amendment is exhausted.

Mr. FITZGERALD. I move to strike out the last word. I hope there will be no objection to the amendment of the gentleman from Arkansas [Mr. LITTLE]. Mr. Chairman, yesterday I discussed under the general debate the necessity which I believe existed for commencing to prepare for the abandonment of nonreservation schools. I believe the amendment of the gentleman from Arkansas should be adopted. It merely directs the Commissioner to report as to the advisability of establishing additional schools upon the reservations. Nobody who has read the report of the Commissioner of Indian Affairs can fail to be impressed with his language upon this subject. After reviewing the conditions under which an Indian is transplanted from his home on the reservation to the nonreservation school, he uses this language:

Here he remains until his education is finished, when he is returned to his home—which by contrast must seem squalid indeed—to the parents whom his education must make it difficult to honor, and left to make his way against the ignorance and bigotry of his tribe. Is it any wonder he fails? Is it surprising if he lapses into barbarism? Not having earned his education, it is not appreciated; having made no sacrifice to obtain it, it is not valued. It is looked upon as a right and not as a privilege. It is accepted as a favor to the Government and not to the recipient; and the almost inevitable tendency is to encourage dependence, foster pride, and create a spirit of arrogance and selfishness. The testimony on this point of those closely connected with the Indian employees of the service would, it is believed, be interesting.

With that language incorporated in the report of the Commissioner, I believe that every member of this House should be anxious to secure that information. It can do no harm, and it may

be of great good and of much advantage, not merely to the members of the House, but to the members of the committee who are charged with the duties of framing legislation for the Indian school service. I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. LITTLE].

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding \$75 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, \$75,000.

Mr. CANNON. Mr. Chairman, I want to reserve a point of order to ask a question.

I see here the item, wages of farmers, not exceeding \$75. I believe heretofore the amount has been \$65.

Mr. SHERMAN. Heretofore it has been that. I think I can explain that to the satisfaction of the gentleman. Heretofore the wage of these farmers has been \$65, as the gentleman states. There are altogether about 100 of these farmers employed. It has been impossible for the Commissioner at all times to find farmers who would fill these positions in certain parts of the country at the maximum rate of \$65. In other parts of the country he succeeded in procuring them at \$25 a month. There was a time during the last fiscal year when there were 23 vacancies in this force by reason of the fact that the Secretary was unable to find efficient, practical, useful farmers to fill those positions who would take them and perform the service for \$65 a month, and for that reason we have increased the maximum to \$75 a month and increased the total of the appropriation accordingly.

Mr. CANNON. I do not desire to make the point of order, especially after the committee has made the investigation; but I believe, nevertheless, that neither for \$65 nor \$75 can you get a farmer who will earn his salt. I do not think you could for \$175 a month. Still we have had the farmer through all the years, and we have him now. I would rather have a good farm hand who would do the work, because that is what it amounts to, and you could get a farm hand for \$20.

Mr. SHERMAN. Mr. Chairman, I do not know as it is pertinent to this bill, but I do not like to allow so sweeping an indictment of the agriculturists of the country as my friend makes. I do not think he wishes to be understood as having it so broad as his language seems to imply.

The fact remains, Mr. Chairman, that in actual practice the Commissioner, with the funds on hand, has been unable to find competent men to fill these positions for the maximum salary he has been permitted to pay; and therefore it seemed to the committee that there could be no more conclusive argument that the increased salary was necessary. It has not been our experience around Washington, I think, that we could not find people to accept the positions, no matter what the salary was; but the Commissioner's experience in this line has been somewhat different.

Mr. CANNON. Perhaps I ought to have made myself better understood. I would not antagonize the conclusion of the Committee on Indian Affairs that the salaries ought to be increased from sixty-five to seventy-five dollars a month; but what I had in my mind to say, which I will now say, was that the whole system of furnishing farmers to instruct Indians in agriculture—Indians who will not work, to be instructed by a farmer who will not work—is worse than useless in its practical results.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. CANNON. Oh, no; I do not feel at liberty to do that. I will not antagonize a committee that has a system and does not propose to abolish it.

The Clerk read as follows:

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

Advance interest to the Chippewa Indians in Minnesota, as required by section 7 of "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), \$90,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. What is this money to be reimbursed from, and how?

Mr. SHERMAN. It is to be reimbursed under the provisions of the act referred to therein, which is an act to confirm the Chippewa treaty, and the money arises from the sale of timber and timber lands. Up to the present time there has been received from this source about \$1,400,000, and there has been disbursed about \$2,800,000, which is about twice as much as received. The act confirming the treaty provides in section 7:

That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals in this act provided, be placed in the Treasury of the United States to the

credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of 5 per cent per annum, payable annually for the period of fifty years, after the allotments provided for in this act have been made, and which interest and permanent fund shall be expended for the benefit of said Indians in manner following:

One-half of said interest shall, during the said period of fifty years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; and one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians; and the remaining one-fourth of said interest shall, during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said fifty years the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares:

Provided, That Congress may, in its discretion, from time to time, during the said period of fifty years, appropriate, for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding 5 per cent thereof. The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid the sum of \$90,000 annually, counting from the time when the removal and allotments provided for in this act shall have been made, until such time as said permanent fund, exclusive of the deductions hereinbefore provided for, shall equal or exceed the sum of \$3,000,000, less any actual interest that may in the meantime accrue from accumulations of said permanent fund; the payments of such interest to be made yearly in advance, and, in the discretion of the Secretary of the Interior, may, as to three-fourths thereof, during the first five years be expended in procuring live stock, teams, farming implements, and seed for such of the Indians to the extent of their shares as are fit and desire to engage in farming, but as to the rest, in cash; and whenever said permanent fund shall exceed the sum of \$3,000,000 the United States shall be fully reimbursed out of such excess for all the advances of interest made as herein contemplated and other expenses hereunder.

So that it amounts to this: up to the present time they have been paid, as advances, about \$3,000,000, which, if this timber and these lands are properly sold, will eventually all come into the Treasury. We have already paid something over \$2,000,000 directly to the Indians or for their support. There is a considerable amount paid for the surveys and allotment and all that. So that of the \$2,800,000 now paid, nearly \$2,500,000, or the greater part of the amount paid under the act and treaty, will eventually be repaid to the Indians.

Mr. CANNON. Well, if I understand then, almost three millions that has been advanced from the United States Treasury, reimbursable from the sale of the timber.

Mr. SHERMAN. That is correct.

Mr. CANNON. And it has been reimbursed in part, and they are still in arrears over a million.

Mr. SHERMAN. That is correct.

Mr. CURTIS. I will state to the gentleman that it is estimated that the timber is worth from ten to fifteen millions of dollars.

Mr. CANNON. Now, I understand, further, that this \$3,000,000 was expected to go into the Treasury and the Indians get the interest, but instead of that they have gotten almost the three millions. Now, does my friend think that the time will ever come when that will be reimbursed?

Mr. SHERMAN. Oh, yes. I do, because there seems to be no possible question but that these timber lands are worth vastly more than this sum. They have been estimated at something over \$10,000,000; but all the sales have been tied up for a year or two pending an investigation of alleged frauds in reference to the sale of them, and pending the consideration of an amendment to the act under which they are sold. Therefore for about two years nothing has come into the Treasury from these sales. I have no doubt but that eventually all of this \$3,000,000 will be repaid to the Treasury of the United States.

Mr. CANNON. I am very glad to hear the gentleman say so, because, first, I had an impression that they never would pay it; second, long before it could be untangled and the machinery could be put in motion with which it would be paid that the good people of the United States—I was going to say of Minnesota, but I will not, because Minnesota has no monopoly of good people—will have found with covetous eyes that the remainder of the timber up there ought to be used for commercial purposes, and that the timber would disappear under legislation or administration, more probably both, and that the United States would pocket the loss to the extent of the loss of the timber, and that finally, in the not far-distant future, it will be thrown open to free homes.

Mr. SHERMAN. I think I have stated to the gentleman on some former occasion when this same subject was up, when an Indian appropriation bill was under consideration, that I questioned whether enough would ever come from these sales to make the Government good; but I said that when there was what seemed to me a defective law, or rather a careless administration, to use a rather mild term; but the defects of administration seem to have been cured, and in my judgment the time is not far distant when the defects of the law will be cured.

The CHAIRMAN. Does the gentleman from Illinois withdraw his amendment?

Mr. CANNON. Yes.

The Clerk read as follows:

CREEKS.

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Muscogee or Creek tribes the sum of \$999,368, being in full for the permanent annuities guaranteed them by the treaties of August 7, 1790, June 16, 1802, June 24, 1826, August 7, 1856, and June 14, 1866, to be added to the Creek general fund already to the credit of said nation, and to draw interest at 5 per cent per annum until drawn out of the Treasury for the purpose named in the agreement with the Muscogee or Creek tribe of Indians ratified by act of March 1, 1901.

Mr. CANNON. Mr. Chairman, I will reserve a point of order on that paragraph for the purpose of asking a question.

Mr. SHERMAN. I think I can explain it before the question is asked, as I think I anticipate the question. Under the several treaties there are many items of payments that we must make to this tribe, and it has been thought wise, and recommended by the Department, that instead of appropriating year after year, as we have been doing, these funds, we should capitalize the fund upon the basis of 5 per cent, the amount of these several obligations amounting to not quite \$50,000 a year, and put this money in the Treasury, pay them 5 per cent annually, and hereafter there will be no provision in the appropriation bill under the treaties for the Creeks.

It is simply a question whether we shall continue to pay item by item \$50,000 each year, or capitalize it and put it into the Treasury now and have the interest paid out to them every year under the provision of the several treaties.

Mr. CANNON. Does the gentleman know the amount of the general fund?

Mr. SHERMAN. Already in the Treasury? Something over a million dollars.

Mr. CURTIS. I would like to read section 27 of the Creek agreement ratified by the act of March 1, 1901. It provides:

All treaty funds of the tribe shall hereafter be capitalized for the purpose of equalizing allotment, and for the other purposes provided in this agreement.

That is simply carrying out, in addition to what the chairman of the committee has said, the provision of the treaty.

Mr. CANNON. Why should it be capitalized at 5 per cent?

Mr. SHERMAN. If you capitalize it at 4 per cent per annum, it makes the principal sum so much more. It is as long as it is broad, whether you capitalize it at 5 per cent or 4 per cent; at 4 per cent it takes so much more money to pay the principal sum.

Mr. CANNON. The interest on this sum at 5 per cent equals the appropriation that is made to them under the treaty?

Mr. SHERMAN. Yes, and has been made for many years.

Mr. CANNON. It is to be made in perpetuity?

Mr. SHERMAN. Yes, or until such time as the United States may pay it out of the Treasury to them.

The Clerk, proceeding with the reading of the bill, read as follows:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 23, 1877, \$850,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed when practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account: *Provided further*, That the unexpended balance for the fiscal year 1902 is hereby appropriated and made available for 1903.

Mr. CANNON. Mr. Chairman, I would like to ask the gentleman in charge of the bill, if this is a reappropriation, if he knows about the amount reappropriated?

Mr. SHERMAN. My recollection is that it is between twenty and thirty thousand dollars. I thought I had the memorandum here, but I have not. It is not a large sum.

The Clerk read as follows:

WINNEBAGOES.

For interest on \$804,909.17, at 5 per cent per annum, per fourth article of treaty of November 1, 1857, and joint resolution of July 17, 1862, \$40,245.45; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians.

Mr. CANNON. Mr. Chairman, I reserve a point of order on lines 13, 14, and 15, after the word "cents," for the purpose of asking a question. What is the necessity for this legislation; how does it change the treaty, if at all? I apprehend, although I have not examined the treaty, that it is for subsistence, tools, etc. Now, if you divert it to subsistence, support, education, and civilization, and blow it in for that purpose, will you not have then, from the standpoint of humanity, to support the Indians?

Mr. SHERMAN. I have absolutely no memorandum about it and no recollection about it. I suppose it is the same language as that in the last bill.

Mr. CANNON. I think not. Suppose we let it pass until the end of the bill?

Mr. SHERMAN. Very well. I ask unanimous consent, Mr. Chairman, that we may pass over this item until we reach the end of the bill, and return to it.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the paragraph just read be passed until the end of the bill is reached, and then return to it. Is there objection?

There was no objection.

The Clerk read as follows:

For payment per capita, under the direction of the Secretary of the Interior, to certain Creek Indians, or their heirs, who removed themselves from east of the Mississippi River to the Creek Nation, in the Indian Territory, and subsisted themselves for one year, in accordance with the twelfth article of the treaty with the Creek Nation, proclaimed April 4, 1832, as exhibited in Senate Executive Document No. 198, Fiftieth Congress, first session, \$12,230, to be immediately available.

Mr. CANNON. Mr. Chairman, I desire to make a point of order beginning at line 21 to the close of the paragraph. I think on examination—

Mr. CURTIS. I think, Mr. Chairman, the item is subject to a point of order, but as it was the last of the claims of that kind against the Government, and as we had entered into a treaty with the Indians looking to the settlement of the affairs of said tribe as soon as possible, the committee thought it best to put this item in the bill at this time. I desire to have read as a part of my remarks a letter from the chief of the tribe in regard to this item.

The Clerk read as follows:

WASHINGTON, D. C., February 19, 1902.

SIR: I notice an item in the pending Indian appropriation bill providing for the reimbursement of certain Creek Indians, as per treaty stipulations, for which, on behalf of said Indians, I beg to thank you and your honorable committee. That item is just, and I trust it may be permitted to remain in the bill. The Indians for whom this appropriation is intended removed themselves from east of the Mississippi and subsisted themselves for one year thereafter, and they are the last of all so removed who have not been reimbursed. All others have been paid according to treaty stipulations, and it is but common justice and fair dealing to treat these remaining few likewise.

Should the legality of justice of this item be called in question by members of the House, I trust you will refer them to the Creek treaty of 1832, and the reports of the honorable Secretary of the Interior and Commissioner of Indian Affairs, of date June 19 and 20, 1838, as printed in Senate Executive Document 198, first session Fiftieth Congress. These reports and the treaty show that the claim is just and ought to be paid. I hope, therefore, that Congress will make the appropriation, so as to enable us poor orphans to start even with our white brothers in the race of life.

Very respectfully,

P. PORTER,

Principal Chief Cherokee Nation.

Hon. JAMES S. SHERMAN,

Chairman Indian Committee, House of Representatives.

Mr. CANNON. I will say to my friend that I have examined the document referred to. If we have to give gifts, I think it is well to give them where needed, to the wards of the nation, as we do here in these miscellaneous items by wholesale. Taking into consideration the condition of the Creeks and the civilized tribes, they are very well off—much better off than the average white man is from a property standpoint—taking the average all over the United States.

After an examination of this document I have no hesitation in saying that the provision is subject to a point of order, and as this is a continuing appropriation, dating back to 1836, which was available up to 1882 under the treaty, in pursuance of which these amounts were paid, it seems to me that this legislation ought not to be had.

Mr. CURTIS. They have all been paid except this bunch of claimants. The provision is no doubt subject to a point of order. We provided in 1901 that this claim and other claims of this class of the Creek Indians should be referred to the Senate as referees; but, as I have remarked, we inserted this provision in this bill because it was represented to the committee that this was the last claim of this class.

Mr. CANNON. Well, upon this document, to which the gentleman refers, no Senate and no auditing officer, in my judgment, would ever pass a cent of these claims.

The CHAIRMAN. Does the gentleman from Illinois withdraw his point of order?

Mr. CANNON. No, sir.

Mr. CURTIS. The provision is undoubtedly subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the support and civilization of the Mission Indians in California, \$100,000, to be immediately available: *Provided*, That out of said sum the Secretary of the Interior be, and he is hereby, authorized to purchase a suitable tract of land in southern California and to locate thereon such Mission Indians heretofore residing or belonging on the Rancho San Jose del Valle, or Warners Ranch, in San Diego County, Cal., and such other Mission Indians as may not be provided with lands elsewhere, as the Secretary of the Interior may see fit to locate thereon. And the Secretary of the Interior may at any time, in his discretion, cause the land so purchased to be allotted in severalty to the Indians located thereon, under the provisions of the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887, in such quantities and to such classes as he may deem expedient: *Provided further*, That of said amount a sum not exceeding \$30,000 may be expended, under the direction of the Secretary of the Interior, in the removal of said Indians to the said tract, and in the purchase of such building materials, agricultural implements, harness, subsistence supplies, and other necessaries as may be required to properly establish the Indians at their new location.

Mr. CANNON. Mr. Chairman, I desire to reserve a point of order on this paragraph. In the first place, let me ask how many of these Indians are there?

Mr. SHERMAN. Between two and three hundred.

Mr. CANNON. What is the necessity for purchasing land for them?

Mr. SHERMAN. I explained that matter briefly in a few remarks I made before this bill was taken up. I believe the gentleman was not in the House at the time.

Mr. CANNON. I was not.

Mr. SHERMAN. These Indians have lived for many generations upon property which is known as Warners Ranch, in southern California. Litigation which has covered a period of some years has been finally determined in the appellate court adversely to the Indians, in favor of a man whose name I do not recall, who, as the decision held, owns the fee to the ranch. This decision was made some months ago, and the owner of the land was about to eject the Indians; but he was prevailed upon to permit them to stay there by sufferance until Congress took some action.

The Indian Commissioner in his report, on page 114 and subsequent pages, goes quite fully into a discussion of this matter. An inspector who has been detailed to investigate has made a special report, which is embraced in House Document 119 of the present session of Congress. In that document the inspector reports that there is no available public land in southern California where these Indians could be located. Whatever public land remains in that part of the country is barren, rugged, unproductive. The Indians could not subsist upon it.

The inspector further reports that it would be very expensive to move these Indians from California to some other part of the United States where we have land. Besides, they have lived for generations in that climate and in those environments, and it would be a very great damage to them to attempt to remove them. He reports upon several proposed new locations for the Indians. His report covers offers from eight or ten owners of land at various prices; and this unquestionably is the most advantageous offer that the Government has received. There is no question that this is purely and simply a gratuity, but these Indians must receive help from the Government or they will absolutely starve to death. It has seemed to us that this is the most feasible and economical way in which to dispose of the matter.

Mr. CANNON. The litigation is now ended?

Mr. SHERMAN. Yes.

Mr. CANNON. The question has gone to the court of last resort?

Mr. SHERMAN. Yes.

Mr. CANNON. And the Indians are to be ejected?

Mr. SHERMAN. They are to be ejected.

Mr. CANNON. Are they to be removed down onto arid lands?

Mr. SHERMAN. Oh, no. The report sets out how much of the land is timber land, how much has water on it, and how much has been cultivated. It would appear from the report that these 2,500 acres are reasonably worth all that is asked for them—\$70,000. Thirty thousand dollars is to defray the expenses of moving them and for temporary subsistence.

Mr. CANNON. Then the gentleman is of opinion that this gratuity will end the matter. In other words, that we are not to enter upon irrigation and all that sort of thing.

Mr. SHERMAN. Oh, no; these Indians have been self-supporting. We have never given them anything. They have supported themselves for generations, and it may be that for one more year we might be asked to appropriate a very small sum to help them out, but even that I question. I am perfectly clear in my own mind that after twelve or twenty-four months they will be self-sustaining, the same as they have been heretofore.

The Clerk read, as follows:

For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior and to be immediately available, \$15,000; in all, \$110,000: *Provided, however*, That it shall hereafter be unlawful to remove or deport any person from the Indian Territory who is in lawful possession of any lots or parcels of land in any town or city in the Indian Territory which has been designated as a town site under existing laws and treaties, and no part of this appropriation shall be used for the deportation or removal of any person from Indian Territory: *Provided*, That the just and reasonable share of each member of the Chickasaw, Choctaw, Creek, and Cherokee nations of Indians, in the lands belonging to the said tribes, which each member is entitled to hold in his possession until allotments are made, as provided in the act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1838, be, and the same is hereby, declared to be 320 acres for each member of the Chickasaw Nation, 320 acres for each member of the Choctaw Nation, 100 acres for each member of the Creek Nation, and 120 acres for each member of the Cherokee Nation.

Mr. CURTIS. Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas.

Mr. CURTIS. I offer the following amendment: In line 16, after the words "one hundred," add the word "sixty," making it read "160 acres."

Mr. LITTLE. I would suggest that was the agreement of the committee. It is a misprint in the bill.

Mr. CURTIS. Yes; it was left out by mistake.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 16, on page 37, after the words "one hundred" insert the word "sixty;" so as to read "160 acres."

Mr. CURTIS. Also the following amendment: In line 17, after the words "one hundred," I move to strike out the word "twenty," making it read "100 acres." That was the agreement of the committee.

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Kansas.

The amendments were agreed to.

Mr. SHERMAN. I offer the following amendment, to correct a typographical error.

The Clerk read as follows:

On page 36, in line 23, strike out "ten" and insert in lieu thereof "sixty;" so as to read "\$160,000."

Mr. SHERMAN. It simply corrects the total.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to cause to be assembled at the city of St. Louis, in the State of Missouri, at such time and for such period as he may designate, and as a part of the Louisiana Purchase Exposition, to be held at the city of St. Louis, in the State of Missouri, pursuant to an act of Congress entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibit of arts, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," approved March 3, 1901, such representatives of the different Indian tribes and such exhibits from Indian agencies, schools, and archives as he may deem advisable or necessary to illustrate the past and present conditions of the Indians and the Indian tribes of the United States and progress made by such in education, art, and industry, and the methods of education and government, and such other matters and things as will fully illustrate Indian advancement in civilization, the details of which shall be in the discretion of the Secretary of the Interior. And for the purposes of carrying into effect this provision, the sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated out of money in the Treasury not otherwise appropriated; but the Secretary of the Interior is hereby prohibited from making, or causing to be made, any expenditure or creating any liability on behalf of the United States in excess of the sum hereby appropriated.

Mr. CANNON. I make a point of order on that paragraph. It covers new legislation, and is therefore not in order on the bill; second, if it were in order, it does not belong to this bill.

The CHAIRMAN. Does the gentleman from New York care to discuss the point of order?

Mr. SHERMAN. I do not care to discuss the point of order. Of course what is proposed is antagonistic to the rule; there is no question about that; but the appropriation is the same as made for other expositions. It is appropriated on the same bill as was the money for the exposition at Omaha, for the exposition at Chicago, and, if my memory is correct, also at Nashville. Of course I concede that the point of order is well taken if the gentleman insists upon it.

Mr. CANNON. It seems to me that we better keep the expositions free of this and under one set of appropriations, in one bill, so that we may know where we are at.

Mr. SHERMAN. If the gentleman will permit me to ask this question: The purpose of his point of order, then, is to strike the provision from this bill? It does not indicate that the gentleman is opposed to the general proposition of appropriating for this purpose at the St. Louis Exposition, or does the gentleman prefer not to answer that question?

Mr. CANNON. I have no objection to answering it. I am perfectly willing, on full consideration, taking into view the legislation that has been had and the necessities of the exposition, and seeing how much it is going to cost in addition to what we are already committed to, I am perfectly willing, with other members of the House, to consider it. Just how much sense there is in exhibiting the progress in civilization of the Indian I do not know. How far it might be a drawing card to help the gate receipts would be another question.

Mr. SHERMAN. It would draw all right.

Mr. CANNON. I really have no antagonism to this provision, but I think that all the expenditures ought to be considered together as a whole; that is all.

Mr. SHERMAN. I am glad to know that is the position of the gentleman.

The CHAIRMAN. Does the Chair understand that the gentleman insists on the point of order?

Mr. CANNON. Yes.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For pay of physician, New York agency, \$600.

Mr. JONES of Washington. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by adding after line 7, on page 39, the following:

"To enable the Secretary of the Interior to remove certain Indians now residing in the vicinity of Missouri and Wenatchee, in the State of Washington, known as Wenatchi, to the Colville Indian Reservation, and to properly establish and temporarily maintain them, the sum of \$12,000, or so much thereof as may be necessary, to be immediately available."

Mr. SHERMAN. Mr. Chairman, I desire to reserve a point of order, but will not absolutely make it until the gentleman has an opportunity to make an explanation of his amendment.

Mr. JONES of Washington. Mr. Chairman, there are 82 families of these Indians, consisting of 166 persons, according to the report of the special agent who has investigated their condition. They are located on the Wenache and Columbia rivers, in the north central part of the State of Washington, in a dry, arid region. Quite a number of these Indians have settled upon Government lands and some of them have proven up. Others have not. The lands upon which they have settled, however, are of very little value without irrigation, and a great many of them are incapable of being irrigated; so that these Indians are upon lands that are almost wholly unproductive.

I have here the letter of the Commissioner of Indian Affairs to the Secretary of the Interior, which was transmitted to Congress about the 20th of January, in which he sets out the condition of these Indians and very urgently recommends this appropriation. In fact, he was so urgent in the matter that he recommended that it be submitted by a separate bill, in the hope that it would be gotten through before it could be made available in the Indian appropriation bill. I think, however, if we can get it on this bill, we will probably have the money available more quickly than by a separate bill.

The statement of the Commissioner is that the condition of these Indians at the present time is deplorable. They are poor, unclothed, and, as I said, can make nothing off of their farms, and it is a matter of absolute necessity to make some provision for their future sustenance.

Now, the object is to transfer these Indians from where they now are onto the Colville Indian Reservation. The securing of the lands for the Indians will not cost the Government a cent. The lands of this reservation were set aside by Executive order in 1872 for the benefit of the Colville Indians and "such other Indians as the Government might see fit to place there." According to the report of the special agent, these Indians are willing to remove to the Colville Indian Reservation. They can get good lands there that they can farm, and in that way sustain themselves.

I agree with the statement of the Commissioner in his letter, that it is the policy of the Department to make the Indians support themselves as much as possible; that it is the policy of the Department not to render assistance to Indians except where it is absolutely necessary. In this case it seems that it is absolutely necessary that the Government should render some assistance to these Indians by transferring them from the lands they now occupy to lands upon the Colville Indian Reservation. It is necessary, of course, that some amount should be provided for the purchasing of tools and implements to be used upon the farms, and a small amount, as the Commissioner says here, for their sustenance for about six months.

In addition to the report of the special agent, the Department ordered the Indian agent of the Colville Indian Reservation to go down and look into the condition of these Indians. He did that, and reported their condition, as the Commissioner says, to be deplorable; that they are poor, that they need some assistance, and he also made careful detailed estimates as to what would be absolutely necessary for the care, encouragement, and aid of these Indians for the first six months. That estimate was a little over \$15,000. The Commissioner has gone over it carefully, and has cut out such items as he thought could be dispensed with, and he says he believes if they are removed from where they are to the Colville Indian Reservation and sustained for six months, they can then care for themselves, and he urges that this be done. He believes that \$12,000 is sufficient for this purpose.

It seems to me that this provision ought to be placed in this bill here. It does not require any expenditure upon the part of the Government for the purchase of land upon which to locate these Indians, but it simply provides for the removal of the Indians and for their sustenance for about six months. From what I know of the country there I am satisfied that the Commissioner is right. The Government will be put to no further expense for these Indians. They will care for and maintain themselves. The Commissioner says this money ought to be made available at once, so as to be used before the crop season opens up this year. This should be done. They should be placed on this reservation in time to erect their houses and plant their crops for that year. I trust the point of order will not be insisted upon, and hope this amendment will be adopted.

Mr. SHERMAN. I desire to ask the gentleman about two questions. I understand from your remarks that it is not necessary for us to purchase any land. That this is purely an Executive order reservation to which the Indians are to be removed, and that they have the right to put them there.

Mr. JONES of Washington. That is correct.

Mr. SHERMAN. And, further, that after they are there and have a little bit of a start it will not thereafter be necessary for us to appropriate anything for their assistance.

Mr. JONES of Washington. That is my judgment, and that is the judgment of the Department.

Mr. SHERMAN. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. JONES of Washington. Mr. Chairman, I ask unanimous consent to have printed with my remarks a letter from the Commissioner relating to this matter.

There was no objection.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 11, 1902.

The SECRETARY OF THE INTERIOR.

SIR: The office has the honor to invite your attention to the matter of securing an appropriation from Congress for the purpose of defraying the expenses of removing the Wenatchi Indians from their present location on the public domain in the vicinity of Mission and Wenatchee, Wash., to the Colville Reservation in said State, and for the purpose of establishing them thereon and subsisting them for a short period.

The deplorable condition of this band of Indians has been frequently brought to the attention of this office during recent years, and in January, 1900, Special Allotting Agent W. E. Casson was sent among them for the purpose of assisting them in their land matters and to make additional allotments to them on the public domain under the fourth section of the general allotment act approved February 8, 1887.

During the summer of that year Mr. Casson submitted several full and detailed reports respecting these Indians, in which he made it clear that it was impossible to provide any considerable number of these Indians with lands suitable for homes in that locality. He suggested as the only solution of the land problem of said Indians their removal to the Colville Indian Reservation. He stated that the Indians themselves had expressed a desire to remove to that reserve. Subsequently the matter was taken up by this office and correspondence had with Agent Anderson, of the Colville Agency, respecting the matter of such removal. The office became fully convinced that at least a portion of the Wenatchi Indians should be allowed to go to the Colville Reservation, where an abundance of suitable land could be found for them upon which they could establish homes and become independent and self-supporting. The fact that they would then be under the protecting care of an Indian agent who could give them counsel and advice in the conduct of their affairs was an additional reason for favoring such removal.

With a report dated June 23, 1900, Mr. Casson submitted a list containing the names of the Wenatchi Indians, 166 in all. From this list it appeared that fully one-half held lands. A considerable number of the heads of families had a number of years previously entered lands under the homestead laws, although in but few cases had the Indians made their final proofs. Mr. Casson assisted them in perfecting their entries so far as practicable. He made but eighteen allotments under the fourth section.

In considering the question of removing these people to the Colville Reservation, the office at first contemplated the removal only of those who had no lands where they are now located. After full consideration and considerable correspondence it became apparent that the undertaking had developed into a much larger and more extensive one than had been anticipated. With an inconsiderable number of exceptions, the lands now held by the Wenatchi are of little value and unsuitable as homes, and both Agent Anderson and Mr. Casson express the opinion that it would be better to permit practically the entire band to surrender the lands now held by them and remove to the reservation.

There were not sufficient funds at the disposal of the office to defray the expense of removal and of subsisting and giving the Indians a proper start on the reservation if a majority of the band were to be removed, and the matter of effecting the removal last year was therefore abandoned. Under date of June 7, 1901, however, Agent Anderson was informed that it was the purpose of the office to ask Congress for a small appropriation to defray the expenses incident to the removal, and in order that the Department might have definite information he was instructed to visit the Indians and ascertain their actual needs, find out what ones would probably require assistance, and what things they would require in the way of implements and utensils and provisions. He was told that assistance should be limited so far as it possibly could be, but that it was recognized if these Indians were removed that it would be necessary to subsist them at least during a portion of the first year, and also to provide them with houses, some fences, and farming implements, etc. The office indicated, however, that he should impress upon the Indians the fact that they would be expected to depend upon their own resources so far as possible, and that it was not the purpose of the Department to aid them further than was absolutely necessary to give them a start in their new homes.

The office is now in receipt of a report from Agent Anderson, dated December 30, 1901, transmitting a detailed estimate of the things needed by these people in order to properly establish them in their new homes and give them an opportunity to prepare themselves for future self-support. The agent's estimate is based on the assumption that all of these Indians will remove, there being 82 families, comprising 162 persons.

His total estimate amounts to \$15,636.25, of which amount \$1,475 is for subsistence supplies for a period of six months. The largest single items in the estimate are those for wagons, harness, and farming machinery.

In submitting this estimate, Agent Anderson states that these Indians are all very poor—in fact, poorer than any band of Indians connected with the Colville Agency—and that if they are removed it will be necessary to subsist them during at least a portion of the first year. He states that he is unalterably opposed to the issue of rations excepting to Indians who, by reason of age or other good cause, are unable to provide for themselves.

He adds that inasmuch as the facts relating to the unfortunate condition and situation of the Wenatchi Indians are so well known to the office it will be unnecessary for him to enter into details in that connection. He says

their condition is indeed unfortunate and deplorable, and he earnestly urges the necessity of removing them from their present location at the earliest practicable date, and expresses the hope that Congress, through the efforts of this Department, may be induced to make a sufficient appropriation to accomplish that end.

The list of articles needed in the event of removal, submitted by Agent Anderson, has been carefully examined, and it is deemed proper to state that the estimate for subsistence supplies is very conservative. Some of the other articles named, however, it is believed the Indians could get along without, while as to others it is thought they can be purchased at a smaller cost than indicated in the agent's estimate. Again, the agent assumes that all of the Indians will remove, and his estimates are on the basis of 82 families. The latter number is considered to be rather large, and it is also doubtful whether all the Wenatchi will remove. If they do, the office feels that some of them who hold lands at present of considerable value where they are should be required to dispose of the same and use the proceeds in establishing themselves on the Colville Reservation. The office is opposed to helping Indians where they can help themselves.

As a general proposition this office has for a number of years been opposed to the further colonization of Indians upon reservations, believing that they will more successfully and satisfactorily work out the problem of their civilization intermingled with the whites on the public domain. It is felt, however, that the case of the Wenatchi is an exceptional one, and that their future welfare depends upon their being located somewhere upon lands where they can make homes for themselves and procure the means of livelihood. This, apparently, they will never be able to do where they now reside.

Another feature of their case is the fact that the local authorities in the vicinity of Wenatchi and Mission are unable or disinclined to prohibit the sale of intoxicating drinks to these Indians, and their condition in this particular is becoming daily more deplorable. On the Colville Reservation it would be difficult to procure liquor, and, besides, they would be under the care of the Indian agent, whose duty it would be to prevent the sale of liquor to them.

The Colville Reservation was set aside by Executive order dated April 9, 1872, for the use of certain tribes of Indians therein named and "such other Indians as the Department of the Interior may see fit to locate thereon." Should the proposed appropriation be made the Department could therefore authorize the removal of these Indians to that reservation.

While it is believed that the estimate of Agent Anderson is not excessive, and that all of the money could be used to good advantage in establishing the Wenatchi on the Colville Reserve, it is thought that by the exercise of reasonable economy \$12,000 will be sufficient to accomplish the purpose. The office has therefore prepared a draft of a bill, in duplicate, providing for the appropriation of said amount. In this connection the office desires to urge the importance of securing this appropriation in ample time to effect the removal during the coming spring. The appropriation should therefore be available not later than the 1st of April next. If, however, the appropriation should be carried as an item in the Indian appropriation bill, it is feared it would be too late to effect the removal this year.

It is therefore recommended that Congress be urged to pass the proposed bill as an independent measure at an early day in order that this matter may be taken up by this office and the removal accomplished in good season during the coming spring so that the Indians may be enabled to raise at least some of the necessaries of life the present year in their new homes.

This subject was discussed by the office in its annual report for 1900, page 174, and again in the annual report for 1901, page 166, to which attention is respectfully invited.

Two copies of this report are herewith inclosed.

Very respectfully, your obedient servant,

W. A. JONES, Commissioner.

Mr. SHERMAN. Mr. Chairman, I suggest that we go back to page 25, on which lines 13, 14, and 15 were temporarily passed over. I find on examination, that these lines are similar to the language contained in previous appropriation bills, and the provision is under the treaty.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order?

Mr. CANNON. No; the gentleman has explained that it is not new legislation. I had marked it, and marked it in error.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, \$150,000: *Provided*, That the Secretary of the Interior may employ such number of superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed two, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.

Mr. CANNON. I move to strike out the last word, for the purpose of asking the gentleman what necessity there is for the increase for \$50,000 which is provided for here.

Mr. SHERMAN. The necessity for it is, the work which has heretofore been done has been very valuable, and the bureau believed that an additional sum could be expended to the advantage of the Government and the Indians. The Commissioner appeared personally before the sub and full committee, and explained in detail what work they had done and what they had in contemplation. The Commissioner's last annual report is quite full on this subject.

Mr. CANNON. Then, this is in continuation of a public work in progress?

Mr. SHERMAN. Oh, yes, indeed.

Mr. CANNON. And is purely from a charitable standpoint for the irrigation of lands upon which are wards of the nation?

Mr. SHERMAN. It is a little more than purely charitable, from a practical and business standpoint, because it eventually makes self-sustaining Indians for whom we are obliged now to make appropriation—obliged as we are obliged to make any gratuitous appropriation.

The Clerk read as follows:

To enable the Secretary of the Interior to begin the preliminary work in the construction of a reservoir on the Gila River, in the Territory of Arizona, at a favorable point near the San Carlos Indian Agency, for storing the flood waters of said river, said water to be used for the benefit of the Indians on the Gila River and such others as may be allotted land there, the excess of waters to be used for reclaiming vacant public lands and supplying present appropriated water rights. The Secretary of the Interior is also authorized to acquire and prepare the dam site, and do such detailed work as may be necessary for preparing specification for advertising for bids for the various classes of work connected with the construction of the dam and its appurtenances, and to prepare plans and estimates of cost of construction (with Indian labor, so far as the same can be profitably used), and designate the vacant public lands which can be irrigated from the stored water of said reservoir; the sum of \$50,000 is hereby appropriated, or so much thereof as may be necessary. The Secretary shall report fully at the next session of Congress as to the details herein enumerated as to the cost and benefits of said works and of bids received for the construction and completion of said reservoir.

Mr. CANNON. Mr. Chairman, on that paragraph I desire to make the point of order. It is not work authorized by existing law.

Mr. SMITH of Arizona. The gentleman, I trust, will reserve the point of order.

Mr. CANNON. Yes; I will reserve the point of order.

Mr. SHERMAN. Mr. Chairman, the day before yesterday the gentleman from Arizona by unanimous consent was given thirty minutes to discuss this provision.

The CHAIRMAN. Does the gentleman from Illinois wish to discuss the point of order?

Mr. SMITH of Arizona. He reserves the point of order, and I have thirty minutes.

The CHAIRMAN. The gentleman from Illinois reserves the point of order?

Mr. CANNON. Yes.

The CHAIRMAN. According to previous arrangement the gentleman from Arizona is recognized for thirty minutes.

Mr. SMITH of Arizona. Mr. Chairman, I see the gentleman who has reserved the point of order is retiring.

Mr. CANNON. I will return in a moment, I will say to my friend.

Mr. SMITH of Arizona. This is an appropriation for the purpose of providing a large number of peaceful Indians on the Gila River, in Arizona, with the means of making a living. There are some six or eight thousand such Indians in Arizona who have for ages made their living by means of artificial application of water to the soil. They have been peaceful Indians. Being such, they have received less recognition at the hands of the Government than have those whose lives have been spent in lawless and bloody pursuits.

Their condition excites our sympathy and demands our aid. Their ancestors cultivated the fields, over which they now roam penniless and helpless, yet willing to provide for themselves the necessities of life if only given the chance. They can not live without water. Their former supply has been cut off, and the law protects the appropriators. This condition confronts us: Several thousand Indians without means of support, every one of whom will become a charge on the Government, can be made self-supporting at no cost to the Government. What course is dictated by common business sense, by statesmanship, by humanity?

The fear that some white men may be benefited must not blind our Indian devotees to the real advantages which the Indian will secure under this appropriation.

I am convinced that my friend from Illinois has raised the point of order on this item in the bill through fear that Congress may by favorable action on it commit, in a way, the country to the general project of irrigating the arid lands of the Western States and Territories. I here disclaim any such purpose in this item of this bill. It was put on the bill in committee on my motion, but I never imagined that it could be construed as a precedent for general irrigation of the arid region. Nor can it be reasonably so construed by any man.

It is true that if this appropriation is allowed and the dam finally built it will not only supply these 6,000 or 8,000 Indians with ample water for every want, with no expense to the Government, but will in addition reclaim sufficient land to pay every dollar the Government advances in this humane and urgent cause. I do not deny that the white man will be benefited ultimately by this work. On the contrary, many will be benefited, but at their own cost, and I am glad to know that they will.

The white man must pay for what he gets, and under this measure will also pay for what the Indian gets, and still your opposition is so determined that you attempt to strike the measure down by a "point of order" instead of taking the sense of the House by a motion to strike out the clause. I am willing to submit this question to a vote of the House. You are not. You have, or think you have, the parliamentary advantage of me. If the gen-

tleman will withdraw his point of order and move to strike out the appropriation, I shall be content with whatever result the vote on that motion discloses.

Mr. Chairman, these Indians to be benefited by this item are not savages in the sense that the Apache is a savage. They have climbed a rung or two upward and their further elevation is not hopeless. Something can be made of them by giving them a chance to work. Withholding this chance they must starve or steal. It is with you. The small advance they have made you are not only stopping, but are in cold blood relegating them to a condition of enforced savagery and necessary lawlessness. They have lived on these lands for several hundred years.

There is no place to send them. They can not support themselves on this land, and there remains no better land to give them. What are they to do, and what are you doing? Not being able to move them, and they being unable to move themselves; not willing to give them without cost all that is necessary for their support, and they unable of themselves otherwise to get it, the case becomes pathetic, and your action may furnish you what consolation it can. I have not been an Indian sentimentalist, but I am possessed of an ordinary share of human sympathy.

Mr. Chairman, I repeat we can without one cent of cost to the Government supply these Indians with water and prevent for all time any possible demand on the Treasury for their support. Not only this, we can gather similar tribes of peaceful and willing Indians there and supply them all from this great reservoir, and thus reduce your annual appropriations for the support of Arizona Indians, and after all this is done more than 100,000 acres of new land, at a cost of less than \$10 an acre, can be reclaimed, and all the water rights under the Florence Canal maintained at necessary flow and the United States not lose a dollar, but, on the contrary, place in her Treasury an amount of cash exceeding her original outlay by several millions of dollars. What is the matter? Is it possible that a man can be found to oppose such a beneficence. Yet you throw away millions of dollars in this very bill to civilize and educate the Indian.

Mr. Chairman, in this measure I present the only practical way to educate or civilize the Indian. He must work to live. Give him the chance to work, and if he idles let him starve. Surround him with the daily evidence of civilization. Let these particular Indians see their white neighbors, with more burdens to bear, carving their way to better conditions. Let them see the white man's home, his comforts, his schools, his churches, his stores, shops, fields, and granaries, built and sustained in conditions similar to his, and if civilization is possible to him, he will thus, and thus only, obtain it. Measuring my words, I assert with emphasis that any dollar spent in the line of this appropriation is worth more to the cause of Indian education than any ten dollars named in this bill.

This is no scheme to irrigate the arid lands. Alay such fears. A bill for that purpose will be brought before this House and the Senate, and it has my warmest sympathy and will receive my ardent support. This is simply now and here a question of humanity, of justice, of right, and of expediency as well. I wish to appeal to the gentleman from Illinois [Mr. CANNON] not to press his point of order against this provision. If he could only see this as I see it, I know that his heart, so full of the best impulses of our nature, would relent at beholding the misery and wretchedness which his act is sure to perpetuate. I know if he could see as I see the happy costless homes this measure will build for the homeless in his district as well as mine his great affection for our race would overcome his sense of duty and let this measure "have its perfect work."

Let me commend to my friend facts and considerations which he will find hard to resist. They are strongly recommended to our favorable consideration.

Mr. BELL. Who recommended it?

Mr. SMITH of Arizona. It is contained in a publication of the Department of the Interior entitled "Water-Supply," Irrigation Papers, United States Geological Survey, No. 33, and deals with the storage of water on Gila River, Arizona. On page 92 of the report, where a summary of the whole report is found, the following language is used in speaking of the San Carlos Reservoir:

The greatest economy to the Government, whether the relief of the Indian alone is considered or the general development of the arid lands in the neighborhood of the reservoir is taken as a basis, lies in the construction of a large reservoir. It is shown that the Government can build such a large reservoir, give water to the Indians without charging them for it, and sell the remainder of the water impounded at such figure as would rapidly return all the original investment made by the Federal authorities.

5. In the event of the construction of a large dam there will be built up in the valley of the Gila River, where a desert now exists, a community of fully 40,000 souls, and the creation of many million dollars of taxable wealth without permanent outlay on the part of the Government.

6. The cost per acre-foot of storage capacity of the dams as planned in this report at the three principal reservoir sites upon which estimates have been made is as follows:

Cost per acre-foot of water stored.

Location.	Amount.	Cost per acre-foot.
	<i>Acre-feet.</i>	
The Buttes.....	174,040	\$15.19
Riverside.....	221,138	9.01
San Carlos.....	241,396	4.30

From this it will be seen that the cost of storing water at The Buttes per acre-foot is 3.5 times the cost at San Carlos, and that the cost at Riverside is 2.1 times the cost at San Carlos.

And speaking further on this question the report, on page 93, says:

The argument in favor of the construction of a reservoir for the storage of the waters of the Gila River by the United States Government is stronger, perhaps, than for any other project in the country.

1. The Government has expended large sums of money for the introduction of irrigation on the Indian reservations where it is desired to educate the Indian into agricultural habits as a means of his civilization.

This is a well-established and wise public policy, and has already been productive of much good, but is always in the nature of an experiment, and more or less difficulty and uncertainty is attendant upon the attempt to induce the Indians to accept this mode of livelihood. In the present case we have a tribe of Indians who have for centuries been engaged in agriculture by irrigation, and who were, until recently, the only successful irrigators in Arizona. These Indians have been deprived of their water supply through the agency of the white man, directly encouraged by the United States Government. It is an imperative obligation of honor that their supply should be restored to them, and the only practical means of this restoration is by storage on the Gila River.

If the humanities are unavailingly appealed to, let us look at the problem from the modern, heartless, commercial standpoint and we will find cogent reasons for action, and I therefore submit from the same report a

Financial summary of results.

Total water supply to be delivered to the point of diversion from San Carlos reservoir for irrigation each year.....acre-feet.....	241,396
Ultimate requirement for Indians.....do.....	40,000

Remainder available for irrigation of public domain or private lands.....acre-feet..... 201,396

Assume a duty of water of 2 acre-feet or 24 inches in depth used each year on each irrigated acre; this would permit the irrigation of lands outside the reservation to the extent of.....acres..... 100,698

There are 389,211 acres of arid public land in the district to be supplied from this system. Assume that the water is given to the Indians without cost to the Government and that these 100,698 acres must pay the total cost of the works, then the necessary charge per acre for the remaining water rights to be sold would be.....\$10.24

It is believed that the public lands with this water right could, at this rate, be sold within a year.

If 3,000 Indians have to be fed by the Government at a cost per ration per day of 10 cents, the annual expenses would be.....\$109,500

The capitalization of \$109,500 at 4 per cent would represent the practical permanent expense of feeding these tribes. This is equivalent to a permanent Government debt, which would be liquidated by this construction, of.....\$2,737,500

The value of the 100,698 acres of irrigated public lands that would be taxable would be \$50 per acre, or a total of.....5,034,900

The saving, without expense to the Government, by irrigation of 20,000 acres of lands belonging to the Indians has been shown to be.....2,737,500

Total increase in value, without public expense.....7,772,400

There will also be a large increase in value of taxable town property, not estimated upon.

Observing what has been said, we are ready for the recommendations contained in the last of the report, which is using its very language, "Construct the San Carlos dam."

Mr. Chairman, it is proven to a demonstration that this work can be accomplished without expense to the Government and in doing it give the Indians free water for all time.

Mr. PALMER. Will their other land be sold?

Mr. SMITH of Arizona. It may be and it may well be, the proceeds being applied to the payment of expenses incurred by the Government in building the dam.

What more can I say, with the point of order still being pressed by the gentleman from Illinois. Is it possible that he can do any act which will condemn six or eight thousand Indians to possible starvation, retard the development of our common country, lock the desert against home invasion, when by a word he can change the picture to homes of plenty for those now hungry, schools for children now ignorant, and open up the waste places to man's happy habitation without one dollar of expense to our Government? I am sure that he feels that this is only an entering wedge to the great problem of national irrigation. I know he is impelled by a high sense of duty in his objection to that great enterprise and to everything advancing the possibilities of its success at this time.

If this were a scheme or a bill or a measure looking to the irrigation of the arid lands, I would agree with my friend that it should come from the committee as an independent bill and be

considered by the House in the regular way. But this is not such. It is sui generis, unlike any other case in the United States. This work will be done one of these days. Why not do it now? If private capital shall finally do it, which is hardly possible, what will become of these wards of the Government which you profess to care for in this bill? They will cost more, yea, a thousand times more, than this dam can ever cost. This is an urgent necessity. It should not be permitted to pass another day without favorable action. I sincerely hope the gentleman from Illinois will withdraw his point of order, though I do not concede that the point is good.

Mr. CANNON. I would be glad to have unanimous consent for a very few minutes to reply to the gentleman, reserving my point of order.

The CHAIRMAN. How much time does the gentleman require?

Mr. CANNON. Not over ten minutes, and I do not think that I will take so much as that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may be allowed ten minutes' time in which to speak on a point of order. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, an appeal, made, I have no doubt, in good faith, of the kind that the gentleman from Arizona [Mr. SMITH] has made, is always effective, and sometimes runs away with the judgment by exciting the sympathies. That there are Indians in Arizona there is no doubt; that they are as well off there as the average in other Territories, substantially, there is no doubt; better off in many respects than the Indians way up toward the northern boundary, the forty-ninth parallel, and not perhaps as well off as the Indians are in New York, where for many generations they have lived with the humane white farmer all about them; but I never have understood that even with all that good chance and good provision for them that they are entirely self-supporting or entirely the equal of the white farmer around them.

Now, I want the attention of the committee just for a moment to see what this proposition is. I hold in my hand Water Supply and Irrigation Papers, issued by the United States Geological Survey, No. 33. I have not been able to read it very closely, and yet I have dogeared it. I have done for this investigation what we are all compelled to do, with so many things to do; taken a hop, skip, and jump through it, and I find substantially the following facts to be true: This is to construct, I believe, if it should go on, a reservoir at a favorable point near the San Carlos Indian Agency for storing the flood waters of the river, and so on, and so on. Now I believe if this appropriation is made it is first proposed in the beginning to construct what is called the San Carlos dam. The San Carlos dam, according to the estimate here, would cost \$1,038,000 in round numbers. That is for the mere dam, without anything else now for irrigation. I read on a little further in this report and I find that this reservoir will last, when the dam is constructed, twenty-nine years in round numbers. That is to say, that the silt from the river will fill it up in twenty-nine years.

Mr. SMITH of Arizona. At what height of dam is that?

Mr. CANNON. Well, I think 150 feet. I am not sure as to that, but as it is proposed to make it.

Mr. SMITH of Arizona. I read sixty-three years in the report.

Mr. CANNON. Look at page 77.

Mr. CURTIS. It is on page 40.

Mr. SMITH of Arizona. All right; go ahead. I did not want to interrupt further than to find the data.

Mr. CANNON. Twenty-nine years. Well, now, the man who makes this report says:

Oh, yes, we ought to look out now, and if we start this irrigation work it would be the height of cruelty not to continue it later on, because it would just go out—snuff out like a candle.

And so he turns round and says:

When that is gone we can build a dam at Riverside that will cost \$1,962,000, that the cost per acre-foot there will be \$9.01, that the cost per acre-foot to irrigate the first would be \$8.60, and when that fills up, still we can build a dam at the Buttes to cost \$2,043,000.

Now, irrigated from the above reservoir would be 87,000 acres; needed for the Indians, 20,000 acres. Now, there is a good deal of sympathy for Lo, the poor Indian, but there is a good deal more for committing the Government there to the irrigation for the white man.

Mr. SMITH of Arizona. I would suggest to the gentleman if you will take every figure you have named right now and support these Indians without it, going to the expense that your ingenuity has driven you, that you will find for the keeping of these Indians the investment necessary to build every one of them would be a very light cost, take it even then.

Mr. CANNON. I will take it for the support of the Pima Indians, and those are the Indians, I take it.

Mr. SMITH of Arizona. They are the Pimas and Maricopas and two or three peaceful tribes.

Mr. CANNON. Was it \$10,000?

Mr. CURTIS. Ten thousand dollars we appropriated for them a few years ago.

Mr. CANNON. And I believe that has not all been expended.

Mr. CURTIS. No, sir.

Mr. SMITH of Arizona. You are talking about a different reservation. Let us not get off into something that we do not understand. Will my friend from Kansas [Mr. CURTIS], in saying \$10,000 for the Pimas, please tell me on what reservation?

Mr. CURTIS. On the Pima Reservation.

Mr. SMITH of Arizona. Where is the Pima Reservation?

Mr. CURTIS. There are 7,500 of those Indians, and they are the Indians referred to in the report. The reservation is about 37 miles below the San Carlos dam site.

Mr. SMITH of Arizona. Where is the Pima Reservation?

Mr. CURTIS. I say 37 miles below San Carlos.

Mr. SMITH of Arizona. I say the Pima Reservation is not within 120 miles of San Carlos, and is not on the Gila River at all.

Mr. CURTIS. That is so much worse for your proposition. Then you would have to carry the water 120 miles; but if you will read page 18 of the report on your desk you will find the Pima Indians are located on Gila River.

Mr. SMITH of Arizona. It has never been proposed to do that. They are on another river, and you would have to cross three mountain ranges to get there.

Mr. CURTIS. Then you are referring to another band of Indians.

Mr. SMITH of Arizona. I am referring to the same Pimas that are mentioned in the appropriation bill as the Pima Reservation.

Mr. CANNON. After all said and done, with the mildness of the climate, I believe the Indians now in Arizona, so far as comfort is concerned, are better off than the average Indians are in the United States. Now, I want to say another thing, that with white people helping them by grants from the Treasury of the United States has a tendency to pauperize them.

Mr. SMITH of Arizona. Yes; it does, and that is what I am opposed to.

Mr. CANNON. I am speaking of white people. How in the name of all that is good, following the policy that we have, do you expect the Indian will rise superior to the white man, and that he will be civilized, when under similar conditions the white man will be pauperized?

Mr. SMITH of Arizona. That principle would strike out every appropriation in this bill, I submit.

Mr. CANNON. I understand that, and I understand what the sentiment is that is touched so artfully by the humanitarians throughout the country who do not understand much about the subject. You can not strike it out, and therefore we will go on pauperizing the Indian.

Well, now, as we pauperize the Indian, I would sooner pauperize him by the appropriation of \$10,000 every year, or \$10,000 every two years, than to enter upon this scheme of irrigation that inside of sixty years will involve the building of three dams, one at a cost of over a million dollars, another at a cost of \$2,000,000, and another at a cost of nearly \$3,000,000, besides the employees, besides the maintenance, and besides other things that are a great deal more for the benefit of the white man than of the Indian.

Now to my point of order. This work is not authorized by existing law. It is authorized by this legislation. Not only for the Indians, but the excess of water is to be used for reclaiming vacant public lands and supplying present appropriated water rights. We are going to condemn present appropriated water rights, or buy them, and so on, and so on. It is legislation from beginning to end, coupled with appropriation, and therefore is amenable to the rule.

Mr. SMITH of Arizona. Mr. Chairman, on that question I wish to say that it is not new legislation except at the point indicated, and I will move to amend by striking out the particular words the gentleman has named. It can not be otherwise subject to the point of order, because every single line in this provision is in it by virtue of or in continuance of appropriations heretofore made. The money has been appropriated three separate years for the investigation of this question of the supply of water to these Indians.

This has continued from year to year. It has been again incorporated in the bill just as a hundred other items have been placed in it, and if this provision is subject to a point of order every page has provisions likewise subject to the very same point. I claim that, appropriations having heretofore been made for this identical purpose, an appropriation in continuance of that purpose is within the rule and the point of order can not be maintained. It is not new legislation, for other appropriation bills carried money for the same purpose—the same work, the same scheme, the same thing.

The CHAIRMAN. Does the gentleman desire to be heard further on the point of order?

Mr. SMITH of Arizona. Except what I have stated, it has been carried in the appropriation bill from year to year, certainly for two Congresses, and has just the same claim to remain in the bill as any one of the preceding dozen items or dozen pages.

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN], chairman of the Committee on Indian Affairs, desire to be heard on the point of order?

Mr. SHERMAN. Why, Mr. Chairman, I simply offer a single suggestion. At least twice before there have been appropriations for surveying the Gila River. The surveys have been made. Reports are now before Congress for its action. This section of the bill proposes, in pursuance of those surveys, of that investigation, and of those reports, to make contracts for the work covered by those surveys and those reports. It also, of course, provides for further investigations of the same subject.

It seems to me, Mr. Chairman, that the appropriations heretofore made have already inaugurated a public work, and that the appropriation here contemplated is a continuation of that public work.

The CHAIRMAN. This paragraph proposes the beginning of preliminary work for the construction of a reservoir on the Gila River in Arizona. It also authorizes the Secretary of the Interior—

To acquire and prepare the dam site, and do such detailed work as may be necessary for preparing specification for advertising for bids for the various classes of work connected with the construction of the dam and its appurtenances, and to prepare plans and estimates of cost of construction (with Indian labor, so far as the same can be profitably used), and designate the vacant public lands which can be irrigated from the stored water of said reservoir.

It also provides that this shall be done for the storing of the flood waters of the Gila River for the benefit of the Indians. And further, "the excess waters to be used for reclaiming vacant public lands and supplying present appropriated water rights." The Chair knows of no existing law which authorizes an appropriation for the purpose of reclaiming public lands or for the purpose of furnishing waters for the irrigation of lands in private ownership, as is undoubtedly contemplated by the provision. The chairman of the committee and the gentleman from Arizona have stated that this provision is, in their opinion, simply a continuation of a work heretofore authorized, an appropriation having heretofore been made for a survey of and report upon a dam at the point contemplated in this provision. It was held in a very notable case that the making of a survey to ascertain the feasibility of proposed public works was not such a beginning of work as would authorize an appropriation in an appropriation bill. That ruling was made February 14, 1899, and the Chair will ask the Clerk to read it.

The Clerk read as follows:

On February 14, 1899, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. WILLIAM P. HEPBURN, of Iowa, offered an amendment authorizing the President to purchase land necessary to construct the Nicaragua Canal; authorizing the President to direct the Secretary of War to construct the canal of a certain specified capacity; appropriating \$115,000,000 for the work, and specifying various details relating to the administration of the work.

Mr. JOSEPH G. CANNON made a point of order against this amendment, as follows:

First, the amendment is not germane; second, the amendment is obnoxious to Rule XXI, in this, that it proposes legislation; third, that it appropriates money not authorized by existing law; fourth, it appropriates money not in pursuance of a public work or object in progress.

Mr. HEPBURN thereupon cited the act of March 2, 1835, whereby Congress had appropriated for a board of engineer officers to inspect and report on the feasibility, permanence, and cost of construction and completion of the canal; and the act of 1898, whereby provision was made for continuing the surveys and examinations—

After debate, and on February 15, 1899, the Chairman ruled:

The committee will observe that the point raised by the gentleman in charge of the bill does not affect the merits of the bill relating to the construction of the Nicaragua Canal. The point raised is one purely of a parliamentary character, and simply relates to the construction of the rule that was invoked by the gentleman who has the appropriation bill in charge. The bill, as the committee will remember, is a general appropriation bill, and when we reached the point on page 74 indicated by the Clerk the gentleman from Iowa [Mr. HEPBURN] arose and presented an amendment, which has been read from the Clerk's desk, and the gentleman from Illinois [Mr. CANNON] raised the following points against it. He said:

"Mr. Chairman, I desire to make the point of order against this amendment. First, the amendment is not germane; second, the amendment is obnoxious to Rule XXI in this, that it proposes legislation; third, that it appropriates money not authorized by existing law; fourth, it appropriates money not in pursuance of a public work or object in progress."

The rule referred to by the gentleman reads as follows:

"2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuance of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

The gentleman from Iowa who offered the amendment, in answer, insisted that the amendment is permissible because it is in continuance of public works already in progress; and in support of that he cited to the Chair a law that was adopted by Congress in 1835 providing for surveys and a supplementary law of 1898 making additional appropriation. In regard to determining whether this law can be construed as having established the public works, namely, the construction of this canal, it is important to examine the language itself. The committee will note that it says "for the purpose

of ascertaining the feasibility and cost of the construction and completion of the Nicaraguan Canal, etc., \$20,000 dollars are appropriated." The language clearly indicates that it is for the purpose of ascertaining facts that will guide the action of Congress in the future, without committing it to any policy whatever.

Now, the amendment of 1898 does not enlarge the scope or purpose for which the original appropriation was made. It simply increases the amount, but limits it to these purposes, namely, to ascertaining a state of facts that can be used for the public hereafter. The wisdom of that will be noted on reflection, because of the wide divergence of opinion as to the manner in which this Nicaragua Canal should be constructed, whether by private enterprise or by the Government guaranteeing the bonds that should be issued, or whether the Government should take a copartnership with private individuals; or, as proposed by the gentleman from Iowa, take the construction upon itself and obtain the control and sovereignty over the territory through which the canal is to be constructed.

So that to the Chair it is entirely clear that the law cited by the gentleman from Iowa is not susceptible of the construction suggested by him, but is to ascertain the facts, leaving the Government of the United States entirely clear hereafter to determine whether it will embark in such an enterprise or not. Indeed, the Chair is fortified in this by the amendment sent to the Clerk's desk by the gentleman from Iowa [Mr. HERRBURN], which provides that the President shall be authorized in the first instance to purchase territory, and, in the second, to direct his Secretary of War to go on and take all the preliminary steps necessary for the construction of the canal itself. So that, as the Chair construes it, the very amendment offered by the gentleman is a refutation of the statement that the preliminary legislation appropriating in 1875 \$20,000, and in 1898 \$150,000, commits the Government to the construction of this canal.

Now, on this part of the rule the Chair is fortified by previous decisions on other questions. As has been stated by several gentlemen, this rule, invoked by the gentleman from Illinois, has been the rule in this House for more than a generation, and there have been repeated rulings on the identical point raised that the Chair is now considering. As late as the Forty-fifth Congress, Mr. Carlisle, of Kentucky, one of the ablest parliamentarians who has ever presided over this body, was called upon to pass upon this question. While the committee were considering an appropriation bill, Mr. Ryan, of Kansas, offered the following amendment, to be incorporated into the bill:

"Fifty thousand dollars for a building at Topeka, Kans., of the kind and for the uses provided in the act of Congress entitled 'An act to authorize the purchase of a site for a public building at Topeka, Kans.,' approved March 3, 1875, and such building shall not exceed in cost the sum of \$200,000."

Mr. Atkins, of Tennessee, raised the point of order that under this rule, invoked by the gentleman from Illinois, it was not a proper amendment, and Mr. Carlisle, after discussion, ruled that it was not. Mr. Ryan in his argument showed that Congress had already authorized the purchase of a site, and that \$10,000 had been appropriated for that purpose, and that the jurisdiction of the site had been given by the State of Kansas to the United States Government.

But Mr. Carlisle held that the purchase of a site did not authorize the construction of a building upon it, although the purpose for which the site was bought was the construction of a public building; and he held that the amendment was not in order. There was no appeal from that decision.

The CHAIRMAN. The Clerk has read enough of the decision to indicate on what grounds the decision was rendered, and as bearing directly on this point calls the attention of the committee to the legislation which provided for the survey on the Gila River in Arizona. The Chair will have read the former legislation.

The Clerk read as follows:

For ascertaining the depth of the bed rock at a place on the Gila River, in Gila County, Ariz., known as The Buttes, and particularly described in Senate Document No. 27, Fifty-fourth Congress, second session, and for ascertaining the feasibility and estimating in detail the cost of the construction of a dam across the river at that point for purpose of irrigating the Sacaton Reservation, and for ascertaining the average daily flow of water in the river at that point, \$20,000, or so much thereof as may be necessary, the same to be expended by the Director of the United States Geological Survey under the direction of the Secretary of the Interior: *Provided*, That nothing herein shall be construed as in any way committing the United States to the construction of said dam.

The CHAIRMAN. The committee will note that the proviso in this legislation is very similar to the proviso contained in the legislation on which the former ruling was made—that nothing therein contained should pledge the United States to the construction of a dam at that point.

Mr. SMITH of Arizona. I would suggest to the Chair just at that point that that was a proviso put in as an amendment by the Senate, after it passed the House entirely, and consequently the rule here would not apply to that part of it.

The CHAIRMAN. With regard to that, the Chair would say it is immaterial at what point in the history of that legislation the amendment was adopted. It is the law. It voiced the will of Congress. So that the question as to whether or not a former survey pledged the Government to a continuation of the work, it seems to the Chair, is clearly settled by the language of the legislation itself as well as by the decision already quoted.

Now, even though there were legislation providing for the reclamation of public lands, which there is not, even though there were legislation providing for expenditures for the purpose of providing waters for the irrigation of private land, it would be a grave question whether an appropriation for those purposes would be germane to an Indian appropriation bill. In view of all these facts the Chair believes that the provision is very clearly subject to a point of order, and the point of order is therefore sustained.

Mr. SMITH of Arizona. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Arizona. If an amendment were offered by me, putting in this paragraph, with the exception of the words

"and such others as may be allotted land there, the excess of waters to be used for reclaiming vacant public lands and supplying present appropriated water rights," leaving out that part of the paragraph that was referred to by the gentleman from Illinois, as I understand the Chair's ruling, that would not change it?

The CHAIRMAN. The Chair does not care to decide in advance upon any amendment that may be offered.

Mr. SMITH of Arizona. Then, Mr. Chairman, I move to amend the bill by inserting all of that paragraph which has just been read, from line 4 to the end of the page, excluding therefrom the words "and such others as may be allotted land there, the excess of waters to be used for reclaiming vacant public lands and supplying present appropriated water rights," so it will be the same as the original bill with those words excluded from it.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting on page 40, after the word "manner," in line 3, the following:

"To enable the Secretary of the Interior to begin the preliminary work in the construction of a reservoir on the Gila River in the Territory of Arizona, at a favorable point near the San Carlos Indian Agency, for storing the flood waters of said river, said water to be used for the benefit of the Indians on the Gila River; the Secretary of the Interior is also authorized to acquire and prepare the dam site, and do such detailed work as may be necessary for preparing specification for advertising for bids for the various classes of work connected with the construction of the dam and its appurtenances, and to prepare plans and estimates of cost of construction (with Indian labor, so far as the same can be profitably used), and designate the vacant public lands which can be irrigated from the stored water of said reservoir; the sum of \$50,000 is hereby appropriated, or so much thereof as may be necessary. The Secretary shall report fully at the next session of Congress as to the details herein enumerated as to the cost and benefits of said works and of bids received for the construction and completion of said reservoir."

Mr. CANNON. Mr. Chairman, I make the same point of order to this amendment that I made to the original paragraph, for the same reasons, and the additional reason that it is not germane and not authorized by law.

The CHAIRMAN. Does the gentleman from Arizona wish to be heard further on the point of order?

Mr. SMITH of Arizona. I want to say one word, Mr. Chairman. I could not hear very well the canal decision which was read by the Clerk. This is in the nature of a continuing work, and differs from the canal bill. The only purpose from the start, evidently, in that measure and in the subsequent one, as I understand it, at the last session of Congress, was an effort to ascertain data, and the work was done for the purpose of ascertaining data looking to the construction of a dam across the Gila River and to supply water to the Indians. Now, for three or four years this work of investigation has gone on for no purpose other, and the intent of Congress being nothing else, except the ultimate construction of the dam, and this is going no further than to say what the dam will cost. It is only continuing this work on the same river and for identically the same purpose.

The CHAIRMAN. The Chair endeavored to be as clear and explicit as possible on the point as to whether or not the former survey pledged the Government to a continuation of work at that point and, following former rulings and the plain provisions of the statute, held that it did not so pledge the Government. The language of the legislation itself clearly indicates that it was not intended that that legislation should pledge the Government to a continuation of the work. It says that "nothing herein shall be construed to in any way commit the United States to the construction of said dam."

So that it seems to the Chair that there can be no controversy on that point. Now, the question is as to whether the elimination of the words in the former paragraph, omitted in the gentleman's amendment, so changes the character of the proposed legislation as to bring it within the rule.

While legislation providing for general irrigation on Indian reservations, to be expended at the discretion of the Commissioner or the Secretary, might be held to be germane, it is very questionable whether a provision for a specific irrigation work is not subject to a point of order. In a ruling made a few days ago on the urgent deficiency bill it was held that a paragraph providing for the establishment of an Army post was subject to a point of order, but that an amendment providing in general for the shelter of troops was not. The Chair calls the gentleman's attention to the fact that there is in his amendment a provision authorizing and instructing the Secretary to "designate the vacant public lands which can be irrigated from the stored water of said reservoir," clearly indicating the purpose of the amendment to provide water for lands other than lands of the Indians; and as there is no law authorizing this class of expenditures, the Chair holds that the point of order is well taken, and the point of order is therefore sustained.

Mr. BURKE of South Dakota. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 41, after the word "dollars," line 5, insert:

"For survey of lands in the Pine Ridge and Standing Rock Indian reservations in South Dakota, and for examination in the field of surveys, the sum of \$22,000 to be immediately available, and for clerical work and stationery in the office of the Surveyor-General, required on surveys within the Pine Ridge and Standing Rock Indian reservations in South Dakota, the sum of \$3,200; in all, \$25,200."

The CHAIRMAN. Does the gentleman from South Dakota wish to be heard on the amendment?

Mr. BURKE of South Dakota. I do not, unless some question is raised in regard to it.

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, per capita, to the members of the Eastern Shawnee and Seneca tribes of Indians, in the Indian Territory, all moneys placed to the credit of said tribes upon the books of the Treasury, and all trust funds held for said tribes by the Government in lieu of investments.

Mr. BENTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after "that," in line 20, page 41, ending with the word "investment," in line 1, page 42, and insert in lieu thereof the following:

"That the following sums placed upon the books of the Treasury by the Indian appropriation act of March 3, 1901 (31 Stat., 1062, 1063), to the credit of the tribes named, being in full for permanent annuities guaranteed by treaties to said tribes, shall draw interest at the rate of 5 per cent per annum from July 1, 1902, namely: Seneca fund, \$73,800; Eastern Shawnee fund, \$20,600; and a sum sufficient to pay the interest on the same for the fiscal year 1903 is hereby appropriated. And the Secretary of the Interior is hereby authorized in his discretion to pay per capita to the managers of the Eastern Shawnee and Seneca tribes of Indians in the Indian Territory the principal of these sums placed to the credit of said tribes on the books of the Treasury."

Mr. SHERMAN. If I understand the amendment correctly, it is simply a change of phraseology?

Mr. BENTON. The object of the amendment is this: The Secretary of the Interior tells us that the amount of money named in this amendment to the bill will not draw interest after the 1st of July. By this amendment I propose that after the 1st of July the Secretary of the Interior be authorized to pay 5 per cent interest on the full sums to the Indians in lieu of what has been provided for in the act, also to authorize the Secretary to pay, in his discretion, the whole sum to these Indians in cash.

Mr. SHERMAN. Then you propose to put this money into the Treasury, as other Indian funds are placed there, except that you leave it to the discretion of the Secretary of the Interior to pay out the principal?

Mr. BENTON. Yes, sir.

Mr. SHERMAN. Can the gentleman tell me if there is any other Indian funds, the principal of which is left to be paid out solely in the discretion of the Secretary of Interior?

Mr. BENTON. No, sir.

Mr. SHERMAN. I think we ought not to single out this fund and leave its payment solely in the discretion of the Secretary. Let Congress say when the principal shall be paid.

Mr. BENTON. That is exactly what I wanted; but I had to make my peace in another quarter. [Laughter.]

Mr. SHERMAN. Well, the gentleman is "up against" making peace in this quarter. [Laughter.]

Mr. BENTON. So far as I am concerned, I would rather that the provision should be adopted as it is in the bill, namely, that—
The Secretary of the Interior be, and he is hereby, authorized and directed to pay per capita to the members of the Eastern Shawnee and Seneca tribes of Indians in the Indian Territory all moneys placed to the credit of said tribes upon the books of the Treasury.

Mr. FITZGERALD. It would appear that we shall oblige the gentlemen from Missouri [Mr. BENTON] by voting down his amendment. [Laughter.] He will then get what he wants.

Mr. SHERMAN. I do not care particularly about the matter. The question being taken on the amendment of Mr. BENTON, it was adopted, there being ayes 15, noes 1.

Mr. BENTON. I desire to call the attention of the chairman of the committee to another amendment which I think it proper should be inserted at this point. I ask the Clerk to read it.

The Clerk read as follows:

After the word "investments," in line 1, page 42, insert the following:

"And the act of the councils of the Eastern Shawnee and of the Seneca nations or tribes of the Indian Territory, providing for the allotment of lands to certain minor children, and for other purposes, passed, respectively, on the 2d day of December, 1901, and the 8th day of January, 1902, are hereby ratified and approved."

Mr. SHERMAN. I desire to reserve a point of order on this amendment. I would like to ask the gentleman from Missouri whether he did not offer this identical amendment in committee, and was it not voted down?

Mr. BENTON. No sir. The committee had not the necessary information on the subject, and I declined to press the amendment.

Mr. SHERMAN. Oh, yes; I remember now.

Mr. BENTON. I do not want to press this amendment until the gentleman from New York [Mr. SHERMAN] and the committee generally understand why it is presented.

In 1887 the Government allotted lands to these Indians in severalty. After each one had received his allotment of 160 acres there was left to the Eastern Shawnees about 2,000 acres, and to the Senecas about 14,000 acres. Since that time children have been born to these Indians.

The Government is now paying for a clerk, \$1,000; for an industrial farmer, \$500; for a patrolman or policeman, \$600, besides his rations and clothing; for a hostler, \$360, making a total of \$2,560. All the money that these people of both tribes get is \$4,720, being the interest on the money covered by the provision we have just voted upon. The \$2,560 expended for the care of these lands by the employment of a clerk, a patrolman, a hostler, and an industrial farmer comes out of the Government. The parents of the Indians that have been born since 1886 desire that allotments shall now be made to their children. To this end—

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

Mr. BENTON. Yes.

Mr. CURTIS. How much surplus land is there on the reservation?

Mr. BENTON. Fourteen thousand acres in the Seneca Reservation and 2,000 acres in the Shawnee.

Mr. CURTIS. Will there be any left after the allotments?

Mr. BENTON. There will be about 2,200 acres of land left in the Seneca Reservation and a few acres in the Shawnee Reservation. That is not land, however; it is rocks on the bluff over the Grand River.

Mr. CURTIS. What does the act of the council provide shall be done with that land?

Mr. BENTON. It provides that it shall be sold for the benefit of the tribe. I will ask, Mr. Chairman, that I may be permitted to insert the acts of these two councils in the RECORD, and for the information of the gentlemen I will read.

Mr. CURTIS. If the gentleman reads the act it will answer my question, but what I would like to know is whether the act provides for anything else—

Mr. BENTON. The act provides that the land shall be divided up, giving each Seneca Indian born since 1887, 120 acres of land, and to each Shawnee Indian minor 60 acres. I will insert these two acts. During the last three months the council of the Senecas and the council of the Eastern Shawnees—and I have the two acts here signed by the chiefs and secretaries—have passed such acts, and this amendment which I offer to the bill at this time is for the purpose of indorsing the acts of the councils, which will save the Government about \$6,000 or \$7,000 in sending surveyors and other officers down there to allot this land. That is all it does. It simply saves the Government that much money by adopting in this bill the act of the two councils, and allots their surplus lands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

Mr. BENTON. I desire, in connection with my remarks, to insert in the RECORD the two acts of these two councils.

The CHAIRMAN. The gentleman asks unanimous consent to insert certain papers in the RECORD. If there is no objection, it will be so ordered.

The papers are as follows:

An act providing for the allotment of lands to certain minor children, and for other purposes.

Be it enacted by the council of the Eastern Shawnees of the Indian Territory:

SECTION 1. That allotments of not less than 60 acres from the surplus or unallotted lands of the tribe be given to each minor child who has received no allotment of land and who shall be upon the roll of the tribe at the time of said new allotment of land, the remainder of the surplus land, if any, to be sold by deed signed by the chief and witnessed by the secretary, and the proceeds used in the liquidation of tribal indebtedness and in paying the expenses of the new allotment.

SEC. 2. The allotment so made shall be subject to all of the restrictions imposed by an act of Congress approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

SEC. 3. This act to take effect and be in force from and after its ratification by the Congress of the United States.

Passed the council December 2, 1901.

ANDREW DUSHANE, Chief.
JOHN L. PROPHET, Secretary.

An act providing for the allotment of lands to certain minor Senecas, and for other purposes.

Whereas the Seneca Nation of the Indian Territory is possessed of sufficient surplus land to provide allotments to all of their children who have not heretofore received allotments therefrom:

Be it enacted by the council of the Seneca Nation of the Indian Territory, That allotment of not more than 120 acres of land from the surplus or unallotted lands of the tribe be made to each minor child who may be upon the rolls of the tribe at the time of such allotment and to whom no allotment of lands has heretofore been made; said allotments shall be as nearly equal in value as the same can be made, and shall be made from the best agricultural lands obtainable along the valley of the Elk River and in such other places as shall not impair the value of the remaining surplus land; the same shall be made under the direction of the acting United States Indian agent for the

Quapaw Agency; and the lands so allotted shall be conveyed by deed signed and acknowledged by the principal chief, and shall be subject to all the restrictions provided in an act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887.

SEC. 2. After making of said allotments the remaining surplus lands may be leased or sold by the chief, with the approval of the council, on the best possible terms, the proceeds to be used in defraying the expenses incident to allotment and in the liquidation of indebtedness of the tribe which they are legally or in honor bound to pay; the surplus, if any, to be deposited with the acting United States Indian agent for the Quapaw Agency, to be by him paid per capita to all persons upon the roll of the tribe.

SEC. 3. That this act shall take effect and be in force from and after its approval by the Congress of the United States.
Passed the council January 8, 1902.

MITCHELL SPICER,
Principal Chief.
EDWD. MINGO,
Second Chief and Secretary.

The Clerk read as follows:

That the surplus or unallotted lands of the Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribe of Indians, and of the Western Miami tribe of Indians, in the northeastern part of the Indian Territory, may be sold on such terms and conditions as the President and the adult members of said tribe may mutually agree upon, the proceeds thereof to be divided according to ownership, as set forth in the act approved March 2, 1889, entitled "An act to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes."

Mr. MILLER. I offer the following amendment, which I ask the Clerk to read.

The Clerk read as follows:

On line 15, page 42, strike out the word "divided" and insert in lieu thereof the words "paid per capita"; so that it will read, "The proceeds thereof to be paid per capita according to ownership."

Mr. SHERMAN. If the gentleman will yield, I would like to ask a question.

Mr. MILLER. Yes.

Mr. SHERMAN. These Indians are self-supporting?

Mr. MILLER. Yes.

Mr. SHERMAN. They receive no gratuity from the Government?

Mr. MILLER. No.

Mr. SHERMAN. They have their allotments?

Mr. MILLER. Yes.

Mr. SHERMAN. And this is simply to permit them to sell land they do not require for their allotments, and that the money be paid to them?

Mr. MILLER. Yes.

Mr. SHERMAN. Very well; I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Kansas.

The amendment was agreed to.

The Clerk read as follows:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, \$10,000. *Provided*, That so much of the act of June 7, 1897, entitled "An act making appropriations for the current and contingent expenses and fulfilling treaty stipulations with the Indian tribes for the fiscal year ending June 30, 1898," as provides that the city of Omaha shall provide, equip, and furnish a building suitable for this purpose free of cost to the United States is hereby repealed.

Mr. SHERMAN. Mr. Chairman, the quotation in line 4 of page 43 should be after the word "United States" in line 6. That is a mistake of the printer, and I ask unanimous consent that the Clerk make the correction.

The CHAIRMAN. Without objection it will be so ordered.

There was no objection.

Mr. SHERMAN. Also, in line 10, on page 42, the fifth word should be "unallotted." It is "unlotted." I ask that this correction be made by the Clerk.

The CHAIRMAN. If there is no objection, the order will be so made.

There was no objection.

The Clerk read as follows:

That the \$10,000, or so much thereof as may be available, reserved by act of March 3, 1901, out of the amount appropriated for payment of the judgment in favor of the New York Indians, to pay expenses necessary to ascertain the beneficiaries of said judgment, may be used for the employment of the clerical force necessary therefor in the Office of Indian Affairs.

For the resurvey and marking of the southern and western boundaries of the Uintah Indian Reservation from the initial point on Green River to the intersection of said boundary line with the range line between ranges 6 and 7 east of Sac and Lake meridian, Utah, an estimated distance of 135 miles, at \$40 per mile, and for the field examination of said resurvey, \$6,000.

Mr. MARSHALL. I offer the following amendment, and ask the Clerk to read it.

The Clerk read as follows:

After the word "dollars," in line 22, page 43, add as follows:

For the resurvey of the outboundaries of the Devils Lake Indian Reservation and the resurvey of the interior, standard, meander, and section lines (including the survey and subdivision of the old Fort Totten Military Reservation) and for the office work and field examination of said surveys and resurveys, \$12,000.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from North Dakota [Mr. MARSHALL].

The amendment was agreed to.

The Clerk read as follows:

For pay of one special attorney for the Pueblo Indians of New Mexico, \$1,500, and for necessary traveling and incidental expenses of one special attorney for the Pueblo Indians of New Mexico, \$500. *Provided*, That of said amount the sum of \$200, or so much thereof as may be necessary, shall be available for expenses incurred by said attorney during the fiscal year ending June 30, 1903; in all, \$2,000.

Mr. RODEY. Mr. Chairman, I should like to ask the chairman of the committee why the salary of the Pueblo Indian agent for New Mexico is not provided for in the appropriation?

Mr. SHERMAN. I did not catch the question of the gentleman.

Mr. RODEY. Why is the pay for the Pueblo Indian agent for New Mexico left out?

Mr. SHERMAN. It was not estimated for. The Department saw no necessity for an agent. Whatever the duties are there, they are discharged by the superintendent of schools. The salary of the agent was not estimated for and not asked for by the Department.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to pay to the Otoe and Missouri tribe of Indians of Oklahoma, immediately upon the passage of this act, the sum of \$50,000, or so much thereof as may be necessary, out of any money to their credit in the Treasury of the United States, under such regulations as he may prescribe, in the settlement of their claim for lands sold for them in the State of Nebraska.

Mr. LACEY. I move to strike out the last word, for the purpose of asking the gentleman from Kansas if he knows the full amount realized out of the compromise, and whether it has been paid?

Mr. CURTIS. We are informed by the Commissioner that about \$111,000 has been derived from the compromise, and I understood that it had been paid, but I have not the information direct.

Mr. LACEY. Why, then, do you provide only for the payment of \$50,000?

Mr. CURTIS. Under the agreement about \$54,000 was to be paid—that is, the amount of accumulated interest, which was \$54,000, but the tribe will be satisfied with \$50,000. They want the remainder of the money to stay in the Treasury and draw interest, as their other funds do.

Mr. LACEY. At what rate of interest?

Mr. CURTIS. I think 5 per cent.

Mr. LACEY. I withdraw the pro forma amendment.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized, with the consent of the tribe, to distribute the cattle belonging to the Crow tribe, known as the "common herd" and held as such under the ninth article of the agreement with said tribe of December 8, 1890, ratified by the act of March 3, 1891 (23 Stat., 1041), among the members of said tribe, to be held by them as individuals in the same manner as their other individual stock is held, after which the common herd shall cease to exist. The Secretary of the Interior is also authorized to distribute among the tribe per capita all of the money due or to become due said Indians from sales from the common herd, known as the "Crow herd fund." *Provided*, That the distribution of the cattle and payment of the money shall be made at such time and under such regulations as the Secretary of the Interior in his discretion may prescribe. That the funds now in the Treasury of the United States to the credit of the Crow Indians in Montana, or any portion of it, may, with the consent of the tribe, be used by the Secretary of the Interior, in his discretion, in the purchase of stock cattle to be distributed among the members of the tribe under such regulations as he may prescribe.

Mr. BURKE of South Dakota. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 47, after the word "prescribed," in line 6, insert "to enable the Secretary of the Treasury to pay the claim of Josef Stainer for labor and material used in making repairs to school buildings Nos. 1, 2, and 3, at Cheyenne River Indian Agency, S. Dak., damaged by wind storm and cyclone on the night of July 19, 1892, approved by the Secretary of the Interior, \$278.37, to be paid from unexpended balance of appropriation 'Education Sioux Nation.'"

Mr. SHERMAN. I reserve the point of order upon that amendment. I should like to hear what the gentleman has to say.

Mr. BURKE of South Dakota. I hope the gentleman will not insist on his point of order upon this amendment. It simply provides an appropriation to enable the Secretary of the Treasury to pay a bill that has been allowed by the Interior Department, but owing to a technicality the Treasury Department think they have no authority to pay it. I would like to have read two communications bearing upon the subject, which explain very fully the nature of the claim.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1902.

THE COMMISSIONER OF INDIAN AFFAIRS.

SIR: I am in receipt of your report of the 15th instant, on the application of Hon. CHARLES H. BURKE, of the 16th ultimo, for review of the Department's action of May 13, 1901, on the claim of Josef Stainer for material and labor furnished in the repair of certain school buildings at the Cheyenne River Agency, S. Dak., in July and August, 1892.

The facts and a full statement of the case were set out in your letter of May 9, 1901, but the same were not deemed sufficient to justify an allowance of the claim by the Department, notwithstanding your favorable recommendation for its payment, and the same was returned to your office without approval.

On a review of the facts then submitted and further examination of the case, and of the statement of Mr. BURKE, from all of which it appears that the Government received full value of the claim, and that the same was not at the time allowed on the technicality that the buildings were damaged by a cyclone "during the erection of the buildings and before their completion and receipt by the Government;" and that the claim was not a proper one for the consideration of your office, but was a matter for Congressional action.

The facts are that the buildings were originally erected by Mr. Stainer under a contract with your office, and were completed and ready for delivery to the Government within the period specified in the contract, and notice thereon given to the Indian agent in charge, the keys being turned over to him on the date of completion; but that owing to some delay in the appointment of an inspector to examine the buildings preparatory to their transfer to the Government the same were not formally turned over.

During this period of delay the buildings were damaged by a cyclone, and Mr. Stainer was called upon to repair the damage, which he did at an expense of \$278.57, for which he now asks reimbursement.

It appears that the buildings were constructed and completed and ready for delivery, in accordance with the terms of the contract, eight days before the cyclone by which they sustained the damage referred to. I am, therefore, of the opinion that Mr. Stainer is entitled to compensation for the repairs thus required of and made by him, and authority is granted for the settlement of his claim, payable from the appropriation "Education, Sioux Nation."

The papers submitted are returned herewith.

Very respectfully,

THOS. RYAN, *Acting Secretary.*

Mr. BURKE of South Dakota. The letter just read very fully sets forth the facts in the case. I ask that the other letter may be printed in the RECORD. I ask unanimous consent that that may be done.

The CHAIRMAN. Without objection, the paper presented by the gentleman from South Dakota will be printed in the RECORD, as desired.

There was no objection.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE INTERIOR DEPARTMENT,
Washington, D. C., February 15, 1902.

SIR: Replying to your oral request for information concerning a claim of Josef Stainer, I have the honor to advise you that there is now pending in this office for examination and settlement a claim of said Josef Stainer for labor and material used for making repairs to school buildings Nos. 1, 2, and 3, at Cheyenne River Agency, S. Dak., damaged by windstorm and cyclone on the night of July 19, 1892. This work was done by Mr. Stainer from July 25 to August 12, 1892. The claim has been approved by the Secretary of the Interior in the sum of \$278.57, as will appear from letter of the Secretary of the Interior addressed to the Commissioner of Indian Affairs, dated January 29, 1902, copy of which is inclosed herewith.

If this claim is examined and settled in this office at the present time, and it is found that it can be allowed, it will have to be reported to Congress under section 2 of the deficiency appropriation act of July 7, 1884 (23 Stat., 254), and can then be paid only after an appropriation shall have been made therefor.

Respectfully,

R. S. PERSON, *Auditor.*

Hon. CHARLES H. BURKE,
House of Representatives.

Mr. SHERMAN. Mr. Chairman, I believe that ought to have gone, as a separate bill, to the Committee on Claims. It seems to me it is a claim pure and simple; but the justice of it is so apparent that I shall not insist on the point of order, and I withdraw it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

The Clerk read as follows:

For support of 150 pupils at the training school at Cherokee, N. C., \$25,050; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$2,000; for heating plant, \$2,500; for erection of girls' dormitory, \$10,000, to be immediately available; in all, \$40,350.

Mr. SHERMAN. I desire to offer an amendment to correct a mistake in the computation.

The Clerk read as follows:

On page 48, in line 14, strike out "forty thousand three hundred" and insert "forty-one thousand."

The amendment was agreed to.

The Clerk read as follows:

For support of Indian industrial school at Carlisle, Pa., for transportation of pupils to and from said school, and for general repairs and improvements, \$149,000; for additional salary of any military officer of Carlisle Indian School while acting as superintendent of said school, \$1,000; in all, \$150,000.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. SMITH of Arizona. Mr. Chairman, I have been so opposed to the education of Indians under this provision that I would like to move to strike out the paragraph.

I do not want to detain the committee, but it is a motion which I have made ever since I have been here, particularly as to the Carlisle and the Hampton schools. I would like to raise the point of order against the "transportation of pupils to and from said school" and for "additional salary of any military officer of Carlisle Indian School." Is not that new legislation? It is certainly as new as the legislation touching the Gila River dam.

Mr. SHERMAN. Well, it is the same as for several years.

Mr. SMITH of Arizona. There is no law for it.

Mr. SHERMAN. There is no change in any particular from the law of last year, neither in phraseology nor amount.

Mr. SMITH of Arizona. Just a word, and I will not detain the committee. I move to strike out the section. I have always

been opposed to this policy of educating an Indian at a distance from his native place, removing him from his regular environment, and bringing him up within an atmosphere that can never possibly aid him in his future struggle for bread.

I think the experience of all men with the actual Indian returned to his former surroundings will bear me out in the assertion that this foreign education has done the Indian boy or girl no earthly good, nor has their return aided or honored their tribe or benefited the community.

Isolate them in their youth, educate and clothe them, return them to the reservation, and their subsequent history is known to all men who know poor human nature, whether they ever saw an Indian in their life or not. What is the result? He learns cleanliness and returns to his Indian home with its dirt, its squalor, and its vermin. What is left to him or her? The suggestion is enough. The boy has learned to read and write, to cipher, and sing a song and smoke cigarettes, as suggested to me by my friend here; and we are spending these hundreds and thousands of dollars, and I hear no protest from my friend from Illinois.

Mr. CANNON. Will my friend allow me to interrupt him?

Mr. SMITH of Arizona. Certainly.

Mr. CANNON. Commencing in 1886, by a report I made, in connection with other members of a special committee, after full examination, no Congress has passed—and I have been in from that time to this—but what I have protested, and I now protest, that I think it is the highest character of cruelty to take people—

Mr. SMITH of Arizona. I am glad to hear the gentleman say so.

Mr. CANNON (continuing). And give them a finished education that do not know how to work, and send them back to the tribes, where it is a matter of pride that the young men there put on the blanket, and in many instances the young woman shall be prostituted.

Mr. SMITH of Arizona. I am glad to see that the gentleman feels in this exactly as I do. I wish in all that time, with his great, and justly great, influence in this House, he had long ago persuaded it to quit this sort of business.

Now, gentlemen, this sort of education does no earthly good. These children are taken away from their native place, without consent of their friends, and against the natural and often expressed opposition of the parents. They may obtain some sort of consent, but never the free, voluntary will of any one of them. They are brought here by force; they are educated by force; they are made a show of by force, and humane and misguided people take great delight in showing him with his cut-off hair and new clothes as evidence conclusive of his ultimate betterment in life.

Look at them, Mr. Chairman, when they go back from these schools. The gentleman from Illinois [Mr. CANNON] has stated with great power and force what their condition is sure to be. I protest here in the name of the Indian himself, in the name of the boy and the girl, for the Lord's sake and humanity's sake educate them in the environment where they have to live; quit this business of taking them off to the East and teaching them songs and the multiplication table and algebra, and even higher education.

What good does such education do them either East or West? They can do the East no good by it. They can do no good in the East with it. It destroys their ability to live in happiness or peace among their own. What good does it do his tribe? But where you have a school, where he can see it close to the white man's home, where he sees the work going on, where there is the church, the plow, the anvil, and the schoolhouse, it does him good or may do him good.

Let him see how education is obtained, let him see every day what civilization means, and then he himself will in time probably want to learn to read. I would not give one good working Indian for the sweetest songster among them all. He will do more to elevate his tribe than all the philosophy, all the mathematics and geometry you may teach him in a thousand years. The best Indian that I ever saw on the San Carlos Reservation—and he had the best schooling for what lay before him in life, and that was four years in the penitentiary [laughter], where he learned discipline—learned to work and obtained something to live upon.

This school at Carlisle and every one like it is the outgrowth of sentimentalism. The motives and principles actuating these people are of the very highest, but their knowledge of the question is of the very narrowest. Now, Mr. Chairman, this appropriation ought to be stricken from the bill. The Government ought not to pay one cent for this Carlisle school. The children ought to be kept and educated near the reservation.

Mr. LACEY. Will the gentleman allow me a question?

Mr. SMITH of Arizona. Certainly.

Mr. LACEY. Did the gentleman ever visit the Carlisle school?

Mr. SMITH of Arizona. I never have.

Mr. LACEY. I advise the gentleman to go there.

Mr. SMITH of Arizona. Did the gentleman from Iowa ever visit the San Carlos Reservation?

Mr. LACEY. I never have.

Mr. SMITH of Arizona. Then I advise the gentleman to go there [laughter] and learn something about an Indian.

Mr. LACEY. I made the suggestion to the gentleman in good faith, for I have heard him make this same speech, or one like it, a number of times.

Mr. SHERMAN. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Arizona. The report of the Commissioner of Indian Affairs for this year is the strongest argument in favor of the continuance of the present Indian-school policy. The Commissioner, in his report, says the object of education is civilization, the object of civilization is to make the Indian self-reliant, self-supporting, and independent of further bounty on the part of the General Government. The present system of industrial schools is for this purpose, and the result seems to indicate that it is successful.

In reference particularly to nonreservation schools he says:

The class of largest Government Indian schools is located off the reservations and usually near large cities and centers of wealth and culture. These schools are supported by transfers from the reservation day and boarding schools, although many children are taken directly from the camps. They correspond more nearly with the great industrial and reform schools of the States. Military discipline is maintained and thorough obedience to civil authorities inculcated. Literary training is subordinated to that for the industries. The majority is equipped with shops for shoe and harness making, carpentry, blacksmithing, wagon making, and the teaching of other useful trades. Several have large domestic buildings adapted for the teaching of elementary and scientific cooking to the girls. These establishments are modeled after the most approved method.

Connected with the largest of these institutions is the "outing system" of placing boys and girls for stated periods with families throughout the surrounding country. Here they are taught the duties of farm hands and domestics. In these good homes they are in constant touch with the highest type of the American farmer. The sturdy integrity of this class is impressed by every-day example. They receive a certain compensation for their work, which is deposited to their credit with the school, and the value of labor and money is taught them. Many, at the same time, attend the white public schools. When the "outing system" can be adopted, through the cooperation of the white people, it forms a happy medium of imparting the lesson of Americanism.

Mr. Chairman, the Commissioner argues that the environment of the reservation is not productive of the advancement of the Indian, but the reverse. He says:

The industrial feature of Indian schools does not appeal to him, as the savage rarely earns his living by the sweat of his brow. The women of the tribe are generally the breadwinners when manual labor is required.

Now, Mr. Chairman, during the last year, less than twelve months ago, the various superintendents of schools have been called upon to make investigation and report the result of a school system, both as to reservation and nonreservation, day and boarding school. They were asked to classify the students under three heads, "Excellent," "Fair," and "Poor;" and here is the result:

On April 15, 1901, a circular was addressed to all "Indian agents and bonded superintendents of reservations," stating:

"In order that this office may form a just estimate of the relative merits of the different methods of educating Indian children and the value of those methods in their relation to after effects upon the character and life of those who have attended the reservation and nonreservation schools, you are directed, immediately upon receipt of this circular, to make a careful canvass of all returned pupils from nonreservation schools now living upon the reservations under your charge, and upon the within blank give their names and the information as indicated on same.

"You will be careful to give briefly your estimate of their character and conduct with reference to the results of their educational course at the school attended, using the following terms in their arbitrary sense, as follows: 'Poor,' that the returned pupil has not been, so far as his life and actions are concerned, in any manner benefited by the education which the Government has given him; 'fair,' that while the results of his education have not been good, they have yet raised him somewhat above the level of Indians in the same environment; 'good,' that the returned student has made such average use of the advantages and facilities given him at the schools attended that he may be said to compare favorably with white boys and girls under similar circumstances; that his course of life and actions since his return to the reservation indicate that his career is that of the average white man; 'excellent,' that the results of the educational methods in his particular case have demonstrated that he has taken full advantage of them and he stands out above the average of returned students, and would be classed, if in a white neighborhood, as a man elevated somewhat above those with whom he is brought in contact."

From the data thus obtained statistics relating to returned Indian pupils were collated, from which it appears that the Government officials, who are thrown in immediate contact with this class of Indians, rate 10 per cent as "excellent," the results of the educational methods demonstrating that they have taken full advantage of them, standing out above the average returned pupils, and would be classed, if in a white neighborhood, as men and women elevated somewhat above those with whom they are brought in contact; 76 per cent compare favorably with white boys and girls under similar circumstances, and indicate by their actions, since their return to the reservations, a career similar to that of the average white man; 13 per cent have raised themselves somewhat above the level of the Indians in the same environment, but the results of whose education can not be said to be good; 1 per cent have not been, so far as their lives and actions are concerned, in any way benefited by the education which has been given them.

The plan of the Indian Department relative to the civilization of these people is predicated upon the theory outlined. This plan was practically begun about twenty-one years ago, when there were not 5,000 children in all the Indian schools. Taking this into consideration, the results of one generation are conclusive that the time is not far distant when the Indian will have so advanced that his education may safely be turned over to the States, with whose population the adults will be rapidly assimilating.

Now, Mr. Chairman, the gentleman from Arizona inveighs

against theory and sentimentalism. Mr. Chairman, the statistics taken from the returns of the superintendents of every grade of school in this country bear out the assertion that the education so far provided for the Indian is far above their expectations, and if continued will bring about the result most desired, the ultimate welfare of the Indians themselves. I trust the amendment of the gentleman from Arizona will be voted down.

Mr. LACEY. Mr. Chairman, I believe debate on the amendment is exhausted. I therefore move to strike out the last word.

My friend from Arizona [Mr. SMITH] has been side by side with the Indian problem in its worst form—the Apache form. He has seen the Indian in his worst capacity, in his most cruel and wicked state. He measures the entire Indian race by the lowest of all standards. And yet the very Apache himself, when "caught young" and taken to Carlisle, has shown a development that is remarkable.

Mr. SMITH of Arizona. What does he show after he gets back?

Mr. LACEY. I first went to Carlisle with some prejudice—a prejudice generated by the gentleman from Arizona—for I knew his usual fairness, and I had heard him describe these Indians in his graphic way. Therefore the first persons I saw at Carlisle were the Apaches. I asked Captain Pratt to show me one of the "Gila monsters" from Arizona—the Apaches. He took me round and introduced me to an Apache boy, and then to some others of the same tribe, and after that to some Apache girls. And I was astonished, Mr. Chairman, to find that the kindest, the best, the most agreeable faces I saw in that school were upon Apache shoulders. This was an entire surprise to me.

Since then I have visited that school repeatedly; and to say to me or to you, Mr. Chairman, or to the American people generally, that to withdraw a savage from his unwholesome environment and place him for four years in such surroundings as those at Carlisle—to give the girls summer outings among the Quaker families of that country—is injurious to them, is to fly in the very face of our civilization. Those girls are sent out in the summer. They go into Quaker families; that is, they generally prefer the Quaker families. They learn to churn; they learn to sew; they learn to knit; they learn to keep house. When the fall comes they go back to school. They are thus thrown into surroundings that they have never seen before.

It is true that the attempt is perhaps made to elevate them too fast. Therefore my friend says that the best school for the Indian is four years in the penitentiary.

Mr. SMITH of Arizona. I beg the gentleman's pardon. I never made such a statement.

Mr. LACEY. Did not the gentleman say that the best education for the Indian was the education in the penitentiary?

Mr. SMITH of Arizona. I said that the best Apache I ever saw—the best natured and the best educated—was one who had spent four years in the penitentiary.

Mr. LACEY. And does not the gentleman hold that there is a still better than the educated Apache—the dead Apache?

Mr. SMITH of Arizona. I will not dispute the gentleman's word on that point.

Mr. LACEY. My friend's solution of the Indian problem is the penitentiary on the one hand, or the grave on the other.

Mr. SMITH of Arizona. Or raising them in a hothouse.

Mr. LACEY. That is the very cheerful view that the gentleman takes of the situation. We owe an obligation to this race. We are occupying soil that belonged to them. We have treated with them; we have endeavored to elevate them in times past. The blood of some of the best men who ever sat in the House of Representatives has been mingled with the blood of the Indian. A gentleman from Virginia, a leader on one side of this House, not very long ago traced his ancestry to Pocahontas, and he did it proudly.

I say, then, that there is no natural hostility to the Indian tribes among the white people except that which is generated by being brought side by side with them in their savage state. Does it follow, because of the characteristics that the Indian exhibits in the savage condition, that an Indian who has spent four years in the penitentiary is better educated than one trained at such a school as Carlisle?

I have advised the gentleman from Arizona to visit Carlisle. I would be glad to have him go there, because he is a gentleman of ability and culture; and I believe that the cloud of prejudice which has obscured his vision in the past would fade away if he should spend a few days in the wholesome surroundings of that splendid school, which is a credit to the people of the nation.

Mr. SMITH of Arizona. But what becomes of those children after they leave the school?

Mr. LACEY. When the Apache children go back to Arizona of course they encounter difficulties; and some other people encounter difficulties when they go to Arizona and other parts of the Far West.

Mr. SMITH of Arizona. What becomes of these children, now that they are educated at Carlisle? That, I grant, is all right if it helps them. But what becomes of those that are educated and are done with the school?

Mr. LACEY. The gentleman says if you take them back to Arizona—

Mr. SMITH of Arizona. I am not talking about Arizona; I am talking about these children.

Mr. LACEY. Well, then, North Dakota or any other country. When you take them back, he says, they descend once more to their old level, or even worse, and therefore what is his remedy? His remedy is to educate them in the very environments which drag them down after they come back from Carlisle. He proposes that they shall never rise lest they may fall.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, while I have advocated the abandonment of these nonreservation schools, I do not believe that we should refuse to appropriate for those that exist, unless some provision is made for the Indians being educated at them. Anybody who reads the report of the Commissioner of Indian Affairs for the present year will find himself in a state of considerable confusion.

Those parts which have been quoted by my colleague from New York [Mr. SHERMAN] are undoubtedly there; but, Mr. Chairman, the opening part of that report is directly contradictory to the portions my colleague has read. Nobody believes that the Commissioner of Indian Affairs ever prepared that entire report himself. It would be impossible for the head of any great bureau of the Government to do that, so the only method of finding out what the Commissioner himself believes is to determine what portion of the report he wrote. I hold in my hand the proceedings of the nineteenth annual meeting of the Lake Mohonk Conference of Friends of the Indians, held in October, 1901.

The Commissioner of Indian Affairs made an address at that meeting. So did the chairman of the Committee on Indian Affairs, and as the result of a taunt made by the chairman at that meeting the Commissioner has put verbatim into his report the speech which he made on that occasion. I assume that the Commissioner wrote that speech, anyway, although he did not write all the rest of his recommendations in his report. Let us look at what he says, and anybody who has the report of the Commissioner for this year before him can follow, and he will find out that I am reading exactly from the Commissioner's report, although I do not hold it in my hand:

Further observation and reflection leads to the unwelcome conviction that another obstacle may be added to those already named, and that is education. It is to be distinctly understood that it is not meant by this to condemn education in the abstract—far from it; its advantages are too many and too apparent to need any demonstration here. Neither is it meant as a criticism upon the conduct or management of any particular school or schools now in operation. What is meant is that the present Indian educational system, taken as a whole, is not calculated to produce the results so earnestly claimed for it and so hopefully anticipated when it was begun.

No doubt this idea will be received with some surprise, and expressions of dissent will doubtless spring at once to the lips of many of those engaged or interested in Indian work. Nevertheless, a brief view of the plan in vogue will, it is believed, convince the most skeptical that the idea is correct.

There are in operation at the present time 113 boarding schools, with an average attendance of something over 16,000 pupils, ranging from 5 to 21 years old. These pupils are gathered from the cabin, the wickiup, and the tepee.

Partly by cajolery and partly by threats; partly by bribery and partly by fraud; partly by persuasion and partly by force, they are induced to leave their homes and their kindred to enter these schools and take upon themselves the outward semblance of civilized life. They are chosen not on account of any particular merit of their own, not by reason of mental fitness, but solely because they have Indian blood in their veins. Without regard to their worldly condition; without any previous training; without any preparation whatever, they are transported to the schools—sometimes thousands of miles away—without the slightest expense or trouble to themselves or their people.

The Indian youth finds himself at once, as if by magic, translated from a state of poverty to one of affluence. He is well fed and clothed and lodged. Books and all the accessories of learning are given him and teachers provided to instruct him. He is educated in the industrial arts on the one hand, and not only in the rudiments but in the liberal arts on the other. Beyond "the three r's" he is instructed in geography, grammar, and history; he is taught drawing, algebra and geometry, music, and astronomy, and receives lessons in physiology, botany, and entomology.

Mr. SMITH of Arizona. No wonder they look so pretty to my friend Mr. LACEY.

Mr. FITZGERALD. What a picture of the noble red man!

Matrons wait on him while he is well and physicians and nurses attend him when he is sick. A steam laundry does his washing and the latest modern appliances do his cooking. A library affords him relaxation for his leisure hours, athletic sports and the gymnasium furnish him exercise and recreation, while music entertains him in the evening.

He has hot and cold baths, and steam heat and electric light, and all the modern conveniences. All of the necessities of life are given him and many of the luxuries. All of this without money and without price, or the contribution of a single effort of his own or of his people. His wants are all supplied almost for the wish. The child of the wigwam becomes a modern Aladdin who has only to rub the Government lamp to gratify his desires.

Early in the day I read the following portion from the Commissioner's report, but I think it fits in here very nicely.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that my time be extended. I think this contribution should come in at this time.

The CHAIRMAN. How much time does the gentleman desire?

Mr. FITZGERALD. I will be content with five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended for five minutes. [After a pause.] There being no objection, the gentleman may proceed.

Mr. FITZGERALD—

Here he remains until his education is finished, when he is returned to his home—which by contrast must seem squalid indeed—to the parents whom his education must make it difficult to honor, and left to make his way against the ignorance and bigotry of his tribe. Is it any wonder he fails? Is it surprising if he lapses into barbarism?

Not having earned his education, it is not appreciated; having made no sacrifice to obtain it, it is not valued. It is looked upon as a right and not as a privilege; it is accepted as a favor to the Government and not to the recipient, and the almost inevitable tendency is to encourage dependence, foster pride, and create a spirit of arrogance and selfishness. The testimony on this point of those closely connected with the Indian employees of the service would, it is believed, be interesting.

It is not denied that some good flows from this system. It would be singular if there did not after all the effort that has been made and the money that has been lavished. In the last twenty years fully \$45,000,000 have been spent by the Government alone for the education of Indian pupils, and it is a liberal estimate to put the number of those so educated at not over 20,000.

Mr. SHERMAN. Will the gentleman yield there for a question?

Mr. FITZGERALD. Yes.

Mr. SHERMAN. Does he not know that the Commissioner's report which he has before him places the number of pupils in the schools last year alone at 27,500?

Mr. FITZGERALD. I suppose this means those who have completed education in these nonreservation schools—so-called returned pupils.

If the present rate is continued for another twenty years, it will take over \$70,000,000 more.

I commend that to the chairman of the Committee on Appropriations, although neither of us may be here at the end of that time.

But while it is not denied that the system has produced some good results, it is seriously questioned whether it is calculated to accomplish the great end in view, which is not so much the education of the individual as the lifting up of the race.

It is contended, and with some reason, that with the same effort and much less expenditure applied locally or to the family circle far greater and much more beneficent results could have been obtained, and the tribes would have been in a much more advanced stage of civilization than at present.

On the other hand, it is said that the stream of returning pupils carries with it the refining influence of the schools and operates to elevate the people. Doubtless this is true of individual cases, and it may have some faint influence on the tribes, but will it ever sufficiently leaven the entire mass? It is doubtful. It may be possible in time to purify a fountain by cleansing its turbid waters as they pour forth and then returning them to their original source, but experience is against it. For centuries pure fresh-water streams have poured their floods into the great Salt Lake, and its waters are still salt.

Now, Mr. Chairman, this is the part of the report of the Commissioner, which is of his own creation. These are his opinions, not the opinions of a lot of subordinates who have made a fad of Indian education, and think they know more about it than all the men who ever lived, and all the men who ever will live.

Mr. SMITH of Arizona. And who all of them make their living out of it.

Mr. FITZGERALD. I have stated earlier to-day, and I stated yesterday, that in my opinion the time has come to stop—to begin to prepare to abolish these schools. This school, unfortunately in my opinion, has a capacity for some 1,700 pupils, including those placed under the outing system. Those pupils must be provided for. They should not be left unprovided for; but I should be glad to vote now to spend money to erect schools on the reservations or adjacent to the reservations, schools that would take care of the pupils in this and every other nonreservation school at a distance, and to give that and all similar schools away. I believe if that were done the Indian would be benefited more than we can at all estimate. [Applause.]

Mr. MORRELL. Mr. Chairman, in support of what has just been said by the gentleman from Arizona, I should like to say that practically the same conditions exist, and the result has been the same, in the Standing Rock Reservation, in North Dakota, in regard to pupils returned from the Eastern schools. I have visited different reservations at various times, and at the last visit that I paid to the Standing Rock Reservation an Indian dance took place. These dances are only allowed on particular occasions, when the agent gives special permission. At these dances the Indians wear their tribal costumes, and at this particular dance at which I was present the Indian who went to the greatest extreme in the dance, who wore the least clothing, and who was to all intents and purposes the most ferocious of any of those engaging in the dance, was a high-honor man from one of the Eastern universities. That is just an example.

In conversation with the Indian agent and in conversation with the military authorities, it was their universal opinion that the

Indians who returned from the Eastern schools relapsed in a very short time, after they had become disgusted with their coming back to their home surroundings, into a worse state of barbarism than those who were living on the reservation. At this particular reservation, at Standing Rock, there were 253 self-supporting Indians—Indians who did not cost the Government one cent for their support. As far as I could learn, there were none of those who had returned from Eastern schools. They were all those who had been brought up in the schools on the reservations.

Now, I understand it is the policy of the Government, as soon as possible, to divide these lands in severalty. If they are divided in severalty, that means that the Indian will have to engage in farming or stock raising. To what extent does the education that these Indians receive at the Eastern universities fit them for taking up this farm life? Very little. The education that they get in these universities gives them the skill to operate intricate machinery and possess a knowledge of the different sciences, and, as has just been explained by the gentleman from New York [Mr. FITZGERALD], they are made so dependent upon the luxuries of the twentieth century that they are practically unfitted to go back and engage in farming. Therefore I should like to say that, from my own personal observation and from what I have learned from questioning those who have had great experience in these matters, I am heartily in accord with the gentleman from Arizona [Mr. SMITH].

Mr. LITTLE. I move to strike out the last word.

Mr. Chairman, I feel that I ought at this time to say something, not so much in justification of this bill, but to indorse the purpose as announced by a number of gentlemen on this floor, to inaugurate a policy, in so far as it can be done practically, to force the education of the Indians upon the reservations, or, if upon allotted lands, then in the communities in which they live.

I realize, evidently as the House realizes, that we can not at this time with one blow strike down these schools mentioned in the bill. I had the honor, and was pleased that it was adopted, to offer an amendment to this bill directing the Commissioner of Indian Affairs to give to Congress a detailed report at its next session of the conditions upon the various reservations in the country where it is feasible and practical to carry out a system of schools upon the reservations. There are two extremes, both of which are wrong in this discussion. The schools we have are doing much good. Conditions are different in nearly every reservation. Conditions that suit one do not meet the necessities of the other.

But I believe it to be the true policy, as indicated by the Commissioner of Indian Affairs, that where it can be done the school ought to be carried to the Indian rather than the Indian to the school. The common schools throughout the country seem to meet the demands of the great population of our white people, and where it can be done, why not inaugurate a system of day schools, or industrial schools, on the reservations, in the midst of the Indian settlements, where the contrast will not be so great between the child, as now when he returns from school, and the parent, and enable the one who is being educated to uplift the entire tribe? I think that to be the best policy, and I think it can be done and produce much greater and more desirable results with half the expenditure that we are now making under the present system.

I have no hesitancy in saying that when I feel I have sufficient information that we can go along fairly and justly and properly in this direction with the Indians, so far as what little effort I can make to put it in that direction, I will use it to force the local education of the Indians. When we do that we will begin putting around them the environments of citizens in the midst of the tribe, where the parent is not embittered by taking the children away from them for years, so that they may not be seen by them, and where they can themselves visit the little schoolhouse, see the advancement of their children, where they can go to and fro if necessary, and if necessary have compulsory attendance in certain instances. If we do that, we will begin to build up a spirit of advancement in the tribe that will after a few years control.

I indorse most heartily the sentiment that is expressed about the boy on the return to his tribe—he can bring the tribe up to his standard, and not go to theirs. But a system can be inaugurated in connection with these schools to have industrial or day schools, and when a boy exhibits special or requisite qualities he could be educated in some advanced school, and return to his reservation as a teacher and uplifter of his people. That is done under the present system in many instances, and I believe if we could break down the environment that stands behind these big schools and adopt a practical, earnest policy it would elevate the entire tribes of Indians.

I believe when that can be done it will result, in a few years, in very great good to the Indians and a great reduction in expenses. When we have full details and we can have full knowledge of conditions in the various tribes we can proceed with safety. That

is the view of the Commissioner, and I believe it is the sentiment of the House, and when we can get a recommendation we ought, rather than pull down, to add to the reservation schools, both industrial and day schools, and I believe that when we have done that we will save the country half the expense carried in this bill and do double the amount of good that we do under the present system. [Loud applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For support of 600 Indian pupils at the Indian school at Chillico, Okla., \$100,200; for pay of superintendent at said school, \$2,300; for general repairs and improvements, \$3,000; for addition to boys' dormitory, \$4,500; for additional building, \$40,000; improving steam plant, \$7,500; machine shop, \$2,000; in all, \$140,400.

Mr. SHERMAN. I offer an amendment simply to correct the computation.

The Clerk read as follows:

On page 49, line 12, strike out "one hundred and forty" and insert in lieu thereof "one hundred and fifty-nine."

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

The Clerk read as follows:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., \$50,100; for general repairs and improvements, \$5,000; for pay of superintendent of said school, \$1,700; for boiler house and boilers, \$10,000; in all, \$66,800.

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

The Clerk read as follows:

Add as a separate paragraph, between lines 21 and 22, on page 50, the following:

"For support and education of 175 Indian pupils at the Indian school at Grand Junction, Colo., \$23,225; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$3,500; for laundry, \$2,500; for improvement of water system, \$8,000; for improving the sewerage system, including purchase of land, or rights of way, if necessary, \$10,000, or so much thereof as may be required: *Provided*, The Secretary of the Interior shall thoroughly investigate sewer conditions at this school, and if deemed advisable maintain the present arrangements, with such improvements as may be deemed essential; in all, \$54,725."

Mr. BELL. Mr. Chairman, this provision belonged in the bill originally, but because of some dispute about the conditions of the sewer system it was left out of the bill until information could be obtained. Since the bill was formulated the necessary information has been gotten, and this amendment has been drawn and is recommended by the Commissioner of Indian Affairs with the approval of the Committee on Indian Affairs, as I understand it.

Mr. SHERMAN. That is correct.

Mr. BELL. There is no objection to it from the Committee on Indian Affairs, and it is the wish of the Indian Department that it be passed in this way. It is one of the standard schools, with 175 pupils, well equipped, and it was simply left out, as I say, awaiting information which the committee wanted.

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

The Clerk read as follows:

For the support and education of 120 Indian pupils at the school at Hampton, Va., \$20,040.

Mr. LITTLE. Mr. Chairman, I move to strike out this provision. This is a motion that I have had the honor to make for about three years. It is not a Government school and not under the supervision of the Government, but is a contract school, and, in my opinion, in opposition to the existing law, and ought to be stricken out.

Mr. SHERMAN. Mr. Chairman, I differ in the conclusion of the gentleman from Arkansas, although not in his statement of facts. It is a contract school; it is a school in which are educated four times as many colored boys and girls as there are Indians; but, Mr. Chairman, it is one of the best manual training schools in this country. Many members of the committee have been there on more than one occasion.

I have been there two or three times myself, and the conclusion I reached after being there, Mr. Chairman, was that the education of Indians there in connection with the colored children was to the advantage of the Indians, and, as a matter of fact, we appropriate much less for the support of the same number of Indians than we appropriate in any other Government school. It costs us less to educate the Indians at Hampton than in any of our own schools, for the reason that the school is largely supported by charity and that charity is extended frequently to a large extent by reason of the fact that there are Indians there as well as colored children.

I think the school is doing a splendid work, and many of the pupils are from the Southern States, where the climate differs from that where most of the other schools are situated; and it is better for the health of the pupils that they should be located there than to be sent to the Carlisle school or any other school north of Mason and Dixon's line.

Mr. LITTLE. May I interrupt the gentleman?

Mr. SHERMAN. Certainly.

Mr. LITTLE. I would like to ask if this provision is not in direct contradiction to the announced policy of Congress against contract schools?

Mr. SHERMAN. No; the Government has never made any declaration against contract schools. It has made a declaration against sectarian schools.

Mr. LITTLE. That is the same thing by a different name.

Mr. SHERMAN. I think this is in no sense a sectarian school.

Mr. LITTLE. The purpose of the Government by that declaration was simply to put the school in the hands of the Government officers who would handle and dispose of the money appropriated for the school.

Mr. SHERMAN. The distinct declaration was that the Government should not hereafter appropriate for sectarian schools.

Mr. LITTLE. That is true.

Mr. SHERMAN. I hope the amendment will not prevail.

Mr. LITTLE. I think this comes very near, if not quite, being a sectarian school.

The CHAIRMAN. Does the gentleman from Arkansas withdraw his amendment?

Mr. LITTLE. Oh, no.

The CHAIRMAN. What is the gentleman's amendment?

Mr. LITTLE. To strike out lines 22, 23, and 24 on page 50 of the bill.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 50 strike out the last three lines.

The question was taken, and the amendment was not agreed to.

The Clerk read as follows:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., for transportation of pupils to and from said school, \$130,250; for pay of superintendent at said school, \$2,000; for tile draining farm, \$5,000; for construction of cisterns, \$3,000; for boring deep wells, \$3,000; for general repairs and improvements, \$10,000; in all, \$153,250.

Mr. BOWERSOCK. Mr. Chairman, I offer the following amendment:

In line 22, after the words "ten thousand dollars," insert "for the purchase of 328 acres of improved land, more or less, adjoining land now belonging to the United States, \$30,000, to be immediately available."
And change total to read "in all, \$183,250."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on that—

Mr. CURTIS. This is not subject to a point of order, Mr. Chairman; this is the same amendment that was agreed to in the committee, but the item was not inserted in the bill because we wanted to get an option on the land.

Mr. FITZGERALD. I withdraw the point of order.

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

Mr. SMITH of Arizona. Mr. Chairman, I move to strike out the last word. The speech of my friend from Iowa [Mr. LACEY] has probably impressed on the mind of the House a false idea of my attitude in regard to the question of Indian education. I shall not detain this committee long with an explanation. I have always been a very ardent advocate for what I considered the sensible education of the Indian.

I have been a determined enemy of what I call his sentimental and foolish education. I have not lived only among the Apache Indians or in their neighborhood, for around me everywhere are Indians whose just boast is that they have never seen the color of a white man's blood. They represent the pastoral, peaceful, kindly, humane Indian. That is the one I was speaking for this morning. It is the one for whose sensible education I was trying to provide; but I found the rule of this House prevailed against me. It has not been invoked, however, in opposition to this beautiful warm-bath education, this hothouse education, of which my friend from Iowa is so ardent an advocate.

My idea has always been and is now to educate the Indian at home, to educate him in the environment in which he is to make his living; to raise the tribe in this way at once, if we can ever raise it; to keep the Indian associated with those who have done something toward his education, and not let him drift back to mendacity and dirt and filth and beggarly degradation.

I have pressed the question on my friend from Iowa, What becomes of the young Indian educated according to his system? He has never answered that question. The answer which the chairman of the committee has undertaken to give comes altogether from men and women who are making their living out of this system of education. I have sought to bring out the results of the education gentlemen talk about, after these Indian youths have left school.

That is the system which I inveigh against. Indian youths so educated can do no good in white communities; they can do no good at home. By such education you make of Indians unhappy men and women Indians. You place them in a position where they can not make their living. You condemn them to everlasting degradation when they get back among their people at home.

I am as much a friend of Indian education as my friend from Iowa is. We proceed on very different lines.

Mr. LACEY. In reply to my friend from Arizona [Mr. SMITH] I wish to say we do not proceed on entirely different lines. I am as heartily in favor of the local education of the Indian as he is. I believe it is essential that we should bring education to the home of the Indian. But because we want to continue to educate the Indians at home, on the reservations, it does not follow that the plan of selecting young Indians and giving them the opportunities they have had at our general training schools should be abandoned. If the Indian boy or the Indian girl attend school near their homes, then, at night or on Sundays, they are back with their families, so that indirectly the entire family shares the benefit of the education that the children are receiving.

I do not wish this committee to understand for one moment, as my friend assumes, that those who are in favor of the Carlisle school are opposed to the local education of the Indian. Not at all. Such schools as that at Carlisle are really an adjunct to the local education of the Indian. The local education is the important thing after all. You must bring to the Indian children in their home communities the opportunity for education if you would elevate the entire race.

The boys who are educated in the home school have, during the evenings or on holidays, the opportunity to do something else than study their books. They have the opportunity to continue that family relation which will be elevated and benefited by the education that the Indian boy or the Indian girl receives in the local school. So that it does not at all follow that if you are in favor of the local schools you should desire to break down these central schools; nor does it follow that because you are in favor of the central schools the local schools should be abandoned. These two classes of schools should move hand in hand.

Mr. MAHON. Mr. Chairman, I do not know anything about the Indians on the reservations. I live within a few miles of a school in which there are 1,100 Indian youth—the Carlisle School; and I think if the gentleman from Arizona would visit that school several times he would change his opinion. The young Indians are brought there with the blankets on them. Some of such youths graduated last year in the senior class of Dickinson College. They go away from that institution well educated. While there they come into contact with our civilization. They get an education outside of that which they would get on the reservations—education by observation. During the summer months—the vacation months—the demand from the farmers and business men of that vicinity for these Indian boys and girls is so great that Colonel Pratt can not supply it. They are taken out of the institution and placed in the homes of the white people of the neighborhood.

Thus they go into the homes of the farmers—some of the best in the Cumberland Valley. They go into our banks, our mercantile houses. They see how the white people live. At the end of four years these Indian boys and girls have been thoroughly educated, not only in book knowledge, but in the industrial arts. They become fine mechanics, wagon makers, harness makers; they become adepts in all the trades that are carried on in that great institution. Colonel Pratt, an officer of the Regular Army, who is in charge of the institution, says in his report that 92 per cent of all the boys and girls educated there become useful citizens. Not many of them (there may be a few) go back and take up the tribal relation.

Now, Mr. Chairman, after that careful education, after they have lived like our people, educated by observation and by teachers in that school, if that will not civilize and make citizens out of these Indians, what in the name of God will do it? The gentleman has tried the schools in the reservations of the tribes. I make no opposition to them, but just so long as these people are kept in these schools on the reservation they will hold fast to their tribal traditions. Take 1,000 white boys and girls from the civilized part of the country and put them on a reservation of 100,000 acres and fence them in, and by the time they reach the age of 20 or 25 they will have lost all the good they would have received if they had been raised and educated at the home they came from.

Now, with the gentleman from Iowa [Mr. LACEY], I have always voted and will vote to support these schools on the reservations. They can go so far, but no further; but do not take away these higher schools, which means an education for the Indians which you can never give them in the schools on the reservations. Does he tell me that the schools on the reservations could educate the Indian boy so that he could pass through the Dickinson College at Carlisle and graduate with high honors? That is not an uncommon thing for him to do to-day, and if I had time to furnish statistics, I could show you that the Indian boys all through our country and in other parts of this country are in banking institutions, they are carrying on trades, and I am one of the men who believe, and always have, if you are going to break up these tribal relations and lift these Indians out of the place they have

been in for a hundred years, that the way to do it is to take their children who want to go and educate them to a higher life and higher civilization.

I would refer the gentleman to the report of Colonel Pratt on the Indian schools. If the gentleman will read that, he will find that a tab is kept on every boy and girl in that school, and if you will refer to Colonel Pratt, he will tell you where they are and what they are doing. Now, I visit that school frequently. I have seen Indian boys come in there right from the Pawnee Indians, without any knowledge hardly of the life that we lead, and I say that when they retire from there in four or five years they are citizens fully equipped for the battle of life. I hope the gentleman will not try to break up these schools. This school that I refer to is not in my district, but it is right next to me and I have seen enough of it from observation of what is done there and by visits paid to the school, to know that the work they are doing there can not be done for the Indians in the schools on the reservations.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., \$50,100; for pay of superintendent of said school, \$1,700; for general repairs and improvements, \$2,000; for enlarging school buildings, \$8,000; in all, \$61,800.

Mr. FITZGERALD. I offer the following amendment, which I will ask the Clerk to read:

The Clerk read as follows:

In line 23, page 52, after the word "dollars," add:

"Provided, That no part of the sum herewith appropriated for pay of superintendents shall be paid to the present occupant of that office."

Mr. SHERMAN. I raise a point of order against that provision.

The CHAIRMAN. Does the gentleman wish to discuss the point of order?

Mr. FITZGERALD. I ask the gentleman to reserve his point.

Mr. SHERMAN. Very well; I will reserve my point of order.

The CHAIRMAN. Does the gentleman wish to discuss the point of order?

Mr. FITZGERALD. I will first discuss the fact, and then if anyone insists on the point of order, I will do so at that time. I think that the facts when disclosed will convince the gentleman that he should not insist upon his point of order.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. SHERMAN. I reserve my point of order and make no objection to the gentleman speaking.

The CHAIRMAN. The gentleman may proceed.

Mr. FITZGERALD. Mr. Chairman, this is an unusual amendment, but it is really justified by extraordinary circumstances. It would not have been offered by me if I knew of any other way in which the superintendent of this school could be deprived of his office. He is the man who, according to the official reports on file in the Indian Office, is unfit for any position in the service. He is a man who, while the superintendent of an Indian school, has been responsible for and has permitted, through incompetency and neglect, the debauchery of the pupils under his control.

In the face of an official report sent to the Indian Bureau by one of its inspectors, showing without question this man's responsibility, he was not only not removed from the service, but he was transferred to this, a better, school and his salary raised. Had I known these facts in time, I would have gone to the Commissioner of Indian Affairs and insisted upon this man's immediate dismissal. I doubt if it would have done any good, since these facts have been in his possession since June, 1900. And I will say now, Mr. Chairman, that I have only become acquainted with these facts since the session began to-day.

In 1899 the present superintendent of the Mount Pleasant Indian school, located at Mount Pleasant, Mich., was the superintendent of the Shoshone Indian boarding school. He received a salary of \$1,400 a year. An Indian inspector visited that reservation and reported upon certain abuses existing in that school. He made another visit, some time in May or June, 1900. He found at that time that this superintendent had been transferred from the Shoshone school to the Mount Pleasant Indian school.

In a report which he made to the Department, dated June 4, 1900, contained in Senate Document 201, entitled "Reports and sundry letters and statements of physicians and Indian inspectors relative to the conduct and management of Indian schools, the prevention of tuberculosis and other contagious diseases therein, lack of segregation of healthy children, and the appalling mortality from such and other causes, to accompany Senate resolution No. 125," of the first session of the Fifty-seventh Congress, printed on the 17th of the present month, he calls the attention of the Commissioner of Indian Affairs to the condition that existed at the Shoshone school under this man, in order that he might not be in the dark as to his character and ability. He also refers to one C. W. Snyder, an industrial teacher at the Shoshone school.

In the volume of the annual reports of the Department of the Interior for 1900, including the report of the Commissioner of Indian Affairs, with the indices, it appears that this Snyder was upon the rolls as an employee of the Department on the 30th day of June, 1900, some twenty-six days after this report was made. To-day I telephoned to the Indian Office to ascertain whether this man E. C. Nardin was at present in charge of the Mount Pleasant Training School, and from the office I received the information that he was.

It is with a good deal of delicacy that I approach this subject. There are matters contained in this report that are not only not fit to be mentioned in this House, but are not fit to be printed in any report save under exceptional circumstances.

Mr. SHERMAN. Mr. Chairman, if the report of that agent has any reasonable proof at all to depend upon I agree with the gentleman that the person not only ought not to be superintendent of a school, but he ought not to be in the Indian service or in the Government service; and if there is no other way to get rid of him than the one you propose I am for that plan, and I withdraw my point of order. [Applause.]

Mr. FITZGERALD. I just wish to say that although the Commissioner of Indian Affairs said, in his report in 1899, that none but strong Christian characters were placed in charge of the children in these schools, he has known of these infamous practices for almost two years, and the reward for this man's action has been his advancement and increase of salary. It is a disgrace not only to this Government but to civilization, and I hope to God such men will soon be turned out of office.

Mr. GROSVENOR. I should like to ask the gentleman a question. I have not followed his statement exactly, but is that department of the Government under the civil-service law? [Laughter.]

Mr. FITZGERALD. Mr. Chairman, I know of no law, civil service or other, that will justify the retention in office of a man responsible for this.

Mr. GROSVENOR. I wanted to know how he got there, and how he got promoted; that is all.

Mr. FITZGERALD. My impression is that he is not under the civil-service law.

Mr. GROSVENOR. How did he get out from under it?

Mr. FITZGERALD. He is probably protected either by the Commissioner or by some one whose influence with the Commissioner is so great that he dare not remove him, and the only way to get rid of him is by giving publicity to the facts.

Mr. GROSVENOR. I quite agree with the gentleman, but you will find out that this individual is carefully covered by the civil-service law.

Mr. FITZGERALD. Let me call your attention to the fact that the President of the United States removed a so-called historian from the naval service because he had cast some reflections upon a naval officer. I refer to Maclay.

Mr. GROSVENOR. Yes.

Mr. FITZGERALD. A report on file in the Indian Office for almost two years says:

The Indian police were sent out on this reservation and parents compelled to deliver up their daughters to the guardianship of Superintendent Nardin, who, through incompetency and neglect, permitted them to be debauched.

Mr. GROSVENOR. That is all right. I quite agree with the gentleman, and he need not argue with me about that. What I want is to get the history of this gentleman, where he came from, what he gets, and how he came to be promoted.

Mr. FITZGERALD. I have no way of finding out how he came to be promoted, but if this limitation is put upon this appropriation he will have to get out.

Mr. GROSVENOR. I think you will find you will have to take him out from under the civil service then.

Mr. FITZGERALD. I say this: In my opinion no member of the Indian Affairs Committee is responsible for this. It is information which is embalmed deep in the records of the Department. The Commissioner had this knowledge. The report was made in June, 1900. If the President could remove a laborer, a so-called historian, for an alleged reflection on some naval officer, why not, in the name of God, put out such an official as this?

Mr. GROSVENOR. It could only be done by a repeal of the civil service.

Mr. FITZGERALD. Then it ought to be repealed, if it is necessary, to stop a thing of this kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LACEY. I ask that the gentleman's time be extended.

The CHAIRMAN. For how long does the gentleman ask that the time of the gentleman from New York be extended?

Mr. LACEY. For ten minutes.

Mr. LITTLE. Until he concludes his remarks.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman may be continued until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I have ascertained further that this man Snyder is evidently still in the Government employ. He was the industrial teacher at the Shoshone Indian school. The report of the Commissioner itself shows that twenty days after this report was made he was still in the service. This report says that after seducing an Indian girl he married her, and was then in the service.

This man Nardin, too, is now in office. When the first report was made to the Commissioner he was removed from the school. He was receiving there a salary of \$1,400. He was transferred to the Mount Pleasant school, where he receives a salary of \$1,700. Evidently a price was put upon him for permitting, through incompetency and neglect, the debauching these girls.

Mr. BURKE of South Dakota. Will the gentleman state the name of the inspector who made that report?

Mr. FITZGERALD. I do not know.

Mr. BURKE of South Dakota. I would also like to know if a subsequent report was not made by another inspector of this man's character and standing?

Mr. FITZGERALD. I do not know.

Mr. LACEY. This paper is not signed by anybody.

Mr. FITZGERALD. If the man had signed that report he might be involved in a number of libel suits.

Mr. LACEY. Does he not wind up with the statement that this gentleman is a high-toned Christian gentleman?

Mr. FITZGERALD. That was just what I wanted. Now I will read from this report. It is headed "United States Indian Service, Shoshone Agency, Wyo., June 4, 1900:"

I think the Commissioner is to be congratulated for the fortunate changes he has made in the school employees. Everything about the place has taken on a new appearance. Life and vigor have been injected into each department.

The new superintendent seems to be a man of energy and tact, and his management up to present writing promises success.

There is another change, however, which I think should be made.

C. W. Snyder, industrial teacher, should be deposed.

He was there twenty days after this report was made.

He married Viola Hereford, an Indian employee, last October, after seducing her, and they now have a promising child nearly or quite 4 months old.

As will no doubt be remembered, while I was here last October I reported that this school was badly managed; that boys were in the habit of visiting the girls' dormitories during the night, and that the then superintendent and his wife, who was the matron, did not seem to have control of the situation.

I did not enter into details, wishing to avoid as much as possible a scandal on the school; but since coming here this time I learn that the then superintendent, Mr. Nardin, has been promoted and placed in charge of Mount Pleasant Industrial School, Michigan. Thinking that you should know the condition which existed here under Mr. Nardin, I transmit herewith the statements taken at an investigation recently made at the school by United States Indian Agent Nickerson, together with the affidavits of the employees who assisted him.

These findings corroborate my report made last October, and show that this school has educated more girls to harlotry than any similar school in the service.

The Indian police were sent out on this reservation and parents compelled to deliver up their daughters to the guardianship of Superintendent Nardin, who, through incompetency and neglect, permitted them to be debauched. This is plain language, but duty compels me to make it so.

I have no personal enmity against Mr. Nardin; we both came from the same State. He is a scholar, and, I believe, a Christian gentleman—

[Laughter]—

but in the economy of Providence he was not designed to be superintendent of this or any other Indian school.

Now I yield to the gentleman.

Mr. LACEY. Read the balance of it to show that it is purely and absolutely a blank charge that is here.

Mr. FITZGERALD. It is in Senate Document 201.

Mr. LACEY—

Respectfully submitted.

United States Indian Inspector.

Mr. FITZGERALD. Oh, well, if the gentleman will go to the Indian Office he will get the name of the inspector.

Mr. LACEY. But we want to get the name from the gentleman on the floor.

Mr. FITZGERALD. I have not got it. This is contained in an official document of the Senate, and if that man had signed that himself he would—

Mr. SHERMAN. If the gentleman from New York will permit me, I will state that I have just telephoned to the Indian Commissioner, and he has never heard of this transaction; there has been no such report made to him, and these facts have been developed before the Senate committee. The inspector is not now in the service.

Mr. FITZGERALD. Oh—

Mr. SHERMAN. He was not in the service when he made such report to the Commissioner of Indian Affairs, and the Commissioner further tells me that there is not one line in his office charging immorality upon this superintendent or reflecting upon his character in any way.

Mr. FITZGERALD. This report is addressed, I should have said, in justice to the Commissioner of Indian Affairs, to his superior, the Secretary of the Interior.

Mr. LACEY. It is not signed. It is a blank charge, signed by no one.

Mr. FITZGERALD. I will say to the gentleman from Iowa that if this were in an anonymous report it would justify an investigation. Read the sworn statements of the Indian girls in there, that I would not dare to put in the RECORD.

Mr. LACEY. Sworn before whom? This blank inspector?

Mr. FITZGERALD. No, sir; taken before Indian Agent Nickerson. It refers to this matter in terms. If it is withheld by the Secretary of the Interior, it must be because of his consideration. Here in this same document is proof of another case much worse than this; but the man personally guilty was not prosecuted because he resigned under pressure. It was at the Indian school of the Hualapai Reservation in Arizona.

Mr. HENRY C. SMITH. When?

Mr. FITZGERALD. September 27, 1900, the affidavit is dated.

Mr. MAHON. Mr. Chairman, the gentleman has referred to the removal of a man by the name of Maclay, which everybody justifies the President in doing. I sympathize with the gentleman, and if he will prefer charges against this man the President will remove him. That is the way to get him out of the civil service.

Mr. LACEY. Mr. Chairman, this is a very important matter. No one wants to defend any such transaction as is charged here against Mr. Narvin.

Mr. FITZGERALD. I do not charge anybody.

Mr. LACEY. My friend is mistaken when he says that this document shows that this evidence was taken before the Indian agent. It is a blank charge, and the affidavits are not sworn to. He ought to be able, in making a charge of this kind against Superintendent Narvin, of whom I never heard—but he ought to be able to name the party from whom he gets the information. I suggest that by unanimous consent this paragraph be passed over until we dispose of the rest of the bill. We do not want to do any injustice to Superintendent Narvin or anybody else. The gentleman from New York says he never heard of this document until he found it on his desk.

Mr. FITZGERALD. No; I found the document on my desk with a memorandum on it.

Mr. LACEY. Who made the memorandum?

Mr. FITZGERALD. I do not know.

Mr. LACEY. The gentleman doesn't know who fired the document onto his desk?

Mr. FITZGERALD. I have no objection to the suggestion of the gentleman from Iowa that the amendment be passed over for the present.

The CHAIRMAN. Unanimous consent is asked that this paragraph be passed over until the bill is completed. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. I wish to state that what I have read is from a Senate document printed at this session of Congress, and this was referred to the Indian Committee of the Senate on the 17th of the present month. I think that when information of that character is contained in such a document it is justification enough for anybody on the floor of this House to bring it to the attention of the House.

Mr. SHERMAN. Mr. Chairman, I simply want to say two or three words. In my judgment, there is nothing in the civil-service law or in any other statute of this country that will protect any man in any public place under the Government in doing the acts that the gentleman from New York, my colleague, charges were done in this case. I do not believe that a man can be protected under the civil-service law for the fraction of a second, nor do I believe that any man anywhere in the Indian Service could stay in that service for one single day, under any reasonable evidence before the Commissioner of Indian Affairs that he had conducted himself in the manner my colleague indicates this superintendent has.

Mr. Chairman, in my judgment the present Commissioner of Indian Affairs is a clean, capable, upright, careful, painstaking, Christian gentleman. [Applause.] A man than whom no other has ever discharged the duties of that place better; a man who in private and public life is clean, whose record courts scrutiny beneath the rays of the midday sun. [Applause.]

Mr. Chairman, I believe that any person who will present to him a single particle of undisputed evidence or well-sustained evidence that any man under him has conducted himself, either in reference to morality or in reference to finance or in reference to personal deportment, in a manner to bring discredit on the service of the Government, would be instantly discharged.

Now, Mr. Chairman, I think the proper way to dispose of this matter is for the gentleman from New York to withdraw his amendment. I will go with him in the morning to the Indian Office, and I will do anything in my power to see that all these charges are probed to the bottom at the earliest possible moment. If there is anybody in the Indian service who winks at such

conduct, I guarantee that he will leave the service before to-morrow night. [Applause.]

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MONDELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11353, the Indian appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3518. An act granting a pension to Nadine A. Turchin.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 9312. An act granting an increase of pension to Kate Virginia Dewey Cushing;

H. R. 6459. An act granting an increase of pension to Mary F. Hooper;

H. R. 5002. An act granting an increase of pension to Thomas H. McConnaughey;

H. R. 815. An act granting an increase of pension to Henry S. Comer;

H. R. 5259. An act granting an increase of pension to Gustav Schwartz;

H. R. 2628. An act granting an increase of pension to Andrew Mulholland;

H. R. 286. An act granting an increase of pension to Lawrentus Lane;

H. R. 6684. An act granting an increase of pension to Marshall Bachelder;

H. R. 5162. An act granting an increase of pension to Andrew H. Gifford;

H. R. 2240. An act granting an increase of pension to Joseph Church;

H. R. 2429. An act granting an increase of pension to John C. Morrison;

H. R. 2617. An act granting an increase of pension to John Rapple;

H. R. 1728. An act granting an increase of pension to George W. Thompson;

H. R. 5753. An act granting an increase of pension to Emil Frank;

H. R. 4268. An act granting an increase of pension to James D. Woodward;

H. R. 4128. An act granting an increase of pension to David Cupps;

H. R. 2455. An act granting an increase of pension to George W. McClure;

H. R. 3184. An act granting an increase of pension to David Petee;

H. R. 5149. An act granting an increase of pension to Charles E. Bachelder;

H. R. 3413. An act granting an increase of pension to Jedediah S. Vallet;

H. R. 5108. An act granting an increase of pension to Elisha B. Taylor, alias Elisha F. Bisbee;

H. R. 287. An act granting an increase of pension to Leighton J. Folsom;

H. R. 2484. An act granting an increase of pension to Jeremiah Evans;

H. R. 3300. An act granting an increase of pension to George B. Boyd;

H. R. 1374. An act granting an increase of pension to James Willard;

H. R. 2265. An act granting an increase of pension to Martin V. Hathaway;

H. R. 6720. An act granting an increase of pension to George Patterson;

H. R. 3024. An act granting an increase of pension to Thomas V. Straw;

H. R. 3511. An act granting an increase of pension to Mary C. Newcomb;

H. R. 5860. An act granting an increase of pension to Edward B. Scott;

H. R. 5147. An act granting an increase of pension to Theodore Lane;

H. R. 2416. An act granting an increase of pension to John B. Wilcox;

H. R. 1285. An act granting an increase of pension to Cyrus Odell;

H. R. 6465. An act granting an increase of pension to Samuel Briscoe;

H. R. 6926. An act granting a pension to Mabel H. Lazear;

H. R. 2983. An act to amend an act entitled "An act granting an increase of pension to Frances M. Thompson, approved March 3, 1901;

H. R. 10780. An act to transfer the county of Carroll from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts, and for other purposes;

H. R. 2528. An act granting a pension to Helen M. Evans;

H. R. 1017. An act granting a pension to Mary Tripp;

H. R. 4037. An act granting a pension to Julia Maher;

H. R. 3230. An act granting a pension to Catherine Pflueger;

H. R. 2412. An act granting a pension to Helen L. Pepper;

H. R. 2321. An act granting an increase of pension to Joseph R. Martin;

H. R. 2607. An act granting an increase of pension to Uriah S. Karmany;

H. R. 7408. An act granting an increase of pension to Levi Cross;

H. R. 2193. An act granting an increase of pension to David A. Ireland;

H. R. 2502. An act granting an increase of pension to Ambrose Burton;

H. R. 4208. An act granting an increase of pension to Susan M. Pardee; and

H. R. 5169. An act granting an increase of pension to Hiram S. Kingsley.

IMPROVING FORT STREET, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following change of reference, which was made without objection:

The bill (H. R. 11477) for improving Fort street between Twelfth and Fourteenth streets northeast, and for other purposes, from the Committee on the District of Columbia to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, Mr. LESTER obtained leave of absence for three days, on account of important business.

And then, on motion of Mr. PAYNE (at 4 o'clock and 43 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Glascow*, M. Alcorn, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers submitting a draft of proposed legislation relating to bridges over the Illinois and Mississippi Canal—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting documents relating to the claim of William S. Beauchamp—to the Committee on Appropriations, and ordered to be printed.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1073) granting an honorable discharge to St. J. Gardner, and correcting the date of his muster out from the service, reported the same adversely, accompanied by a report (No. 571); which said bill and report were laid on the table.

Mr. SULZER (by request), from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 139) an act for the relief of Edward Byrne, reported February 18, 1902, adversely, accompanied by a report (No. 564); said bill and report were referred to the Private Calendar, pursuant to clause 2 of Rule XIII.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDWELL, from the Committee on War Claims, to

which was referred the bill of the House (H. R. 10763) for the relief of R. T. Priddy, executor of John D. Priddy, deceased, reported the same without amendment, accompanied by a report (No. 572); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 18) for the relief of the legal representatives of Napoleon B. Giddings, reported the same without amendment, accompanied by a report (No. 573); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5720), reported in lieu thereof a resolution (H. Res. 138) referring to the Court of Claims the papers in the case of Fannie Pemberton, accompanied by a report (No. 574); which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9948) granting a pension to Sarah Francis Taft, widow of Charles Sabin Taft—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11590) granting a pension to Nancy E. Hardy—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RODEY: A bill (H. R. 11603) for the erection of a public building at Albuquerque, N. Mex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11604) to validate certain bonds of the Territory of New Mexico—to the Committee on the Territories.

Also, a bill (H. R. 11605) to validate certain bonds of the Territory of New Mexico—to the Committee on the Territories.

Also, a bill (H. R. 11606) to validate certain bonds of the Territory of New Mexico—to the Committee on the Territories.

By Mr. BLACKBURN: A bill (H. R. 11607) making an appropriation for a public building at Wilkesboro, N. C., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. PEARRE: A bill (H. R. 11608) authorizing the extension of Kalorama avenue—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11609) for the construction of a waterway and barge canal connecting the waters of the Mississippi River with those of the St. Marys River, in the State of Georgia, along the landlocked waters of the coast of Louisiana, Mississippi, Alabama, and Florida, and a canal from St. Georges Sound, in Florida, to the St. Marys River, in Georgia—to the Committee on Rivers and Harbors.

By Mr. SOUTHWICK: A bill (H. R. 11610) to prevent the brewing of impure beer—to the Committee on Interstate and Foreign Commerce.

By Mr. BALL of Texas: A bill (H. R. 11611) to divide the State of Texas into four judicial districts—to the Committee on the Judiciary.

By Mr. SCOTT: A bill (H. R. 11612) amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows as amended by an act approved March 3, 1901—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 11613) to establish a fish-hatching and fish station in Yakima County, in the State of Washington—to the Committee on the Merchant Marine and Fisheries.

By Mr. BABCOCK: A bill (H. R. 11614) to prevent vicious and evilly disposed persons from resorting to the District of Columbia for the purpose of committing crime—to the Committee on the District of Columbia.

By Mr. MOODY of Massachusetts: Memorial relative to an amendment of the Constitution of the United States enabling Congress to enact laws regulating hours of labor—to the Committee on the Judiciary.

By Mr. BELLAMY: A joint resolution (H. J. Res. 155) granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city—to the Committee on the Library.

By Mr. HOWARD: A concurrent resolution (H. C. Res. 33) that the Secretary of War be directed to cause an examination and survey of Oconee River, in Georgia—to the Committee on Rivers and Harbors.

By Mr. BARTLETT: A concurrent resolution (H. C. Res. 34) for a survey of the Oconee River—to the Committee on Rivers and Harbors.

By Mr. NAPHEN: Memorial relating to an amendment of the Constitution of the United States enabling Congress to enact laws regulating hours of labor—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 11615) to remove the charge of desertion from the military record of Wesley Stilwell—to the Committee on Military Affairs.

Also, a bill (H. R. 11616) granting an increase of pension to Isaac Harris—to the Committee on Pensions.

Also, a bill (H. R. 11617) for the relief of Nathan Van Beil, of Philadelphia, and others—to the Committee on Claims.

By Mr. BULL (by request): A bill (H. R. 11618) for the relief of Oliva J. Baker, widow of Julian G. Baker, deceased, late an employee in the navy-yard factory, Washington, D. C.—to the Committee on Claims.

By Mr. DAVIS of Florida: A bill (H. R. 11619) granting an increase of pension to David A. Frier—to the Committee on Pensions.

By Mr. DAYTON: A bill (H. R. 11620) for the relief of William J. Knott, executor of estate of Samuel Knott, deceased—to the Committee on War Claims.

By Mr. EMERSON: A bill (H. R. 11621) to correct the military record of H. J. Rowell—to the Committee on Military Affairs.

By Mr. FINLEY: A bill (H. R. 11622) to remove the charge of desertion against Frederick Schulte, or Schuldt—to the Committee on Naval Affairs.

By Mr. FOSS: A bill (H. R. 11623) granting an increase of pension to John Blackler—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 11624) granting an increase of pension to George M. Palmer—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 11625) granting an increase of pension to Alexander H. Taylor, late of Company E, of the Twelfth Connecticut Volunteer Infantry, now a resident of Norwalk, Conn.—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 11626) to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York—to the Committee on Military Affairs.

By Mr. MCANDREWS: A bill (H. R. 11627) granting a pension to L. M. Ferrier—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 11628) to remove the charge of desertion standing against the military record of Michael Clifford, alias Michael Kelleher—to the Committee on Military Affairs.

By Mr. POWERS of Maine: A bill (H. R. 11629) granting an increase of pension to Sophronia Q. Head—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11630) to remove the charge of desertion from the military record of David Hulbert—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11631) for the relief of the heirs of Robert Bynum—to the Committee on War Claims.

Also, a bill (H. R. 11632) for the relief of the heirs of John Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11633) for the relief of the heirs of Horatio Anderson—to the Committee on War Claims.

Also, a bill (H. R. 11634) for the relief of James R. Nance, of Newmarket, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 11635) for the relief of the heirs of John Meals, deceased—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 11636) providing for the transfer of the title of the military reservation of Baton Rouge, La., to the Louisiana State University and Agricultural College—to the Committee on Military Affairs.

By Mr. RODEY: A bill (H. R. 11637) for the relief of Anastocio de Baca, administrator of Francisco de Baca, deceased—to the Committee on War Claims.

By Mr. SCHIRM: A bill (H. R. 11638) granting an increase of pension to Samuel Hyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11639) to remove the charge of desertion from the military record of Thomas Hewing—to the Committee on Military Affairs.

Also, a bill (H. R. 11640) granting a pension to John Tufts—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 11641) granting an increase of pension to Samuel B. Loewenstine, late first lieutenant Company

K, First Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 11642) granting an increase of pension to Margaret Fitzpatrick, Hudson, Mich.—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 11643) for the relief of heirs of Mrs. Susan L. Bailey, deceased, of Marshall County, Miss.—to the Committee on War Claims.

By Mr. STEWART of New Jersey: A bill (H. R. 11644) granting a pension to Edgar A. Hamilton—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of Ohio: A bill (H. R. 11645) granting an increase of pension to Joseph Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11646) granting a pension to James H. Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11647) to remove charge of "absent without leave" against military record of James W. Byrd and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 11648) for the relief of Robert W. Caldwell—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 11649) for the relief of R. H. Starks—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 11650) to restore and retire, as a captain of cavalry, Thomas J. Spencer, late a captain, Tenth United States Cavalry—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: Resolution of Major Gaston Post, No. 544, Grand Army of the Republic, of Gastonville, Pa., and Tube Workers' Union No. 8077, Washington, Pa., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Coopers' International Union No. 102, Brownsville, Pa.; Tube Workers' Union No. 8077, Washington, Pa.; Mine Workers' Union No. 1315, of Roscoe, Pa., and Tin-Plate Workers' Union No. 30, of Washington, Pa., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of the Engineers' Club of Philadelphia, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

By Mr. BARTLETT: Resolutions of Simpson Division, No. 210, Brotherhood of Locomotive Engineers, Macon, Ga., in favor of laws restricting immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the council of the city of Savannah, Ga., for the establishment of a subtreasury of the United States at Savannah, Ga.—to the Committee on Ways and Means.

By Mr. BULL: Resolution of Journeymen Barbers' Union No. 361, Pawtucket, R. I., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Petition of Colonel L. H. Kendall Command, No. 106, Spanish War Veterans, Biddeford, Me., for recognition by Congress of the services of Clara Barton in the late war—to the Committee on Military Affairs.

Also, resolutions of Nathan F. Blunt Post, No. 109, of Bingham, Me., and Bath Union, No. 466, of Bath, Me., favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

By Mr. BURK of Pennsylvania: Resolutions of the Merchants' Exchange of San Francisco, Cal., favoring the enacting of a law permitting the mercantile classes of China to enter the United States—to the Committee on Foreign Affairs.

Also, petition of the board of supervisors of Mohave County, Ariz., protesting against any legislation exempting the Santa Fe Pacific Railway Company from taxation in Arizona Territory—to the Committee on Pacific Railroads.

Also, resolution of the Engineers' Club, of Philadelphia, for a national forest reserve—to the Committee on the Public Lands.

By Mr. BURKETT: Paper to accompany House bill for the relief of William H. Spradling—to the Committee on Military Affairs.

By Mr. CANDLER: Papers to accompany House bill No. 11551—to the Committee on War Claims.

By Mr. CASSEL: Resolution of Central Labor Union of Lancaster, Pa., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CASSINGHAM: Resolution of Central Trades and Labor Council of Coshoccon, Ohio, praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CURRIER: Petitions of the Woman's Christian Temperance Union of Water Village, Nottingham, Tilton, Sanbornville, Wilton, Meredith, Center Sandwich, Plymouth, Wolfboro, Northwood, and Manchester, N. H., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. DEEMER: Resolutions of Post 66, of Muncy, Pa., Post 258, of Westfield, Pa., and Post 476, of Millerton, Pa., Grand Army of the Republic, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. EDWARDS: Resolution of Federal Labor Union No. 175, of Kalispell, Mont., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Federal Labor Union No. 175, of Kalispell, Mont., favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. EMERSON: Protest of Boston (Mass.) Belting Company, against the enactment into law of House bill 3076—to the Committee on Labor.

By Mr. ESCH: Resolution of Machinists' Union No. 173, Eau Clair, Wis., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the Merchants' Exchange of San Francisco, Cal., for the admission of the mercantile class of Chinese—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolution of the board of supervisors of Mohave County, Ariz., urging Congress to fix an equitable tax valuation upon the property of the Santa Fe Pacific Railway Company's property in Arizona—to the Committee on Pacific Railroads.

Also, resolution of Merchants' Exchange of San Francisco, Cal., urging Congress to permit the unrestricted immigration of all Chinese merchants and barring every class of coolie labor—to the Committee on Foreign Affairs.

By Mr. FOSS: Resolution of Carpenters and Joiners' Union No. 448, of Waukegan, Ill., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, papers to accompany bill 11623 for the relief of John Blackler—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition of Holston Division 239, Brotherhood of Locomotive Engineers, Knoxville, Tenn., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GILL: Petitions of United Mine Workers of Yorkville, citizens of Jefferson County, Ohio Valley Lodge, No. 12, Martins Ferry Branch, No. 73, Bellaire Mine Workers, No. 652, of Klee, Belmont Central Trades and Labor Union, of Bellaire, all in the State of Ohio, favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of Keystone Division, No. 293, Brotherhood of Locomotive Engineers, of Allegheny, Pa., for the restriction of illiterate immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of the Merchants' Exchange of San Francisco, Cal., favoring the admission of the mercantile class of Chinese in the United States—to the Committee on Foreign Affairs.

Also, petition of Mrs. James A. Wilson and others of Allegheny, Pa., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petition of Hiram Williamson Post, No. 465, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolution of Carriage and Wagon Makers' Union No. 71, of Lawrenceburg, Ind., urging legislation to exclude the Chinese from this country—to the Committee on Foreign Affairs.

Also, resolution of Carriage and Wagon Makers' Union No. 71, of Lawrenceburg, Ind., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HEMENWAY: Resolution of Potters' Union No. 5, Evansville, Ind., and Post No. 520, Grand Army of the Republic, of Oakland City, Ind., favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Leather Workers' Union No. 59 and Leather Workers of Horse Goods, of Evansville, Ind., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Samuel Brown Post, No. 56, Grand Army of the Republic, Department of Connecticut, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of citizens of Hartford, Conn., in behalf of statistical information relative to marriage and divorce—to the Committee on the Judiciary.

By Mr. HILL: Papers to accompany House bill 11625, for the relief of Alexander H. Taylor—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Resolution of the Industrial Council of Pittsburg, Kans., favoring the exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. KAHN: Resolution of Coal Yard Teamsters' Union No. 285, of San Francisco, Cal., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Marine Cooks and Stewards' Association of the Pacific Coast, and Sailors' Union of the Pacific; Metal Workers' Union No. 27; Coal Yard Teamsters' Union No. 285; Butcher Workman's Protective Union No. 115; Cigar Makers' Union 469; Leather Workers' Union No. 9; San Francisco Lodge, No. 68, Association of Machinists, urging the passage of House bill No. 9330, favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of the Sailors' Union of the Pacific, protesting against the passage of House bill No. 9685—to the Committee on the Merchant Marine and Fisheries.

By Mr. KETCHAM: Petition of the United Garment Workers of America No. 84, of Wappingers Falls, N. Y., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Cigar Makers' Union No. 84, of Saugerties, N. Y., and Queen City Lodge, No. 2, Amalgamated Iron, Steel, and Tin Workers, Poughkeepsie, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. LACEY: Petition of John Gilman, of Oskaloosa, Iowa, praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

Also, resolutions of the Merchants' Exchange of San Francisco, Cal., favoring the admission of certain classes of Chinese—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolutions of the New York division of the American Wire Weavers' Protective Association, for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the American Wire Weavers' Protective Association of New York, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. LONG: Papers to accompany House bill 6105, for the relief of E. J. Essex—to the Committee on Invalid Pensions.

Also, resolutions of Thomas W. Sweeney Post, No. 361, Grand Army of the Republic, Department of Kansas, for the building of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. MANN: Resolutions of Cigar Makers' Union No. 247, Blue Island; Carpenters and Joiners' Union 199, South Chicago; Glass Workers' Union No. 4, Chicago Heights, Ill., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MAYNARD: Petitions of Typographical Union No. 353 and Cigar Makers' Union No. 412, of Newport News; Machinists' Union No. 441, of Portsmouth; Seamen's Union of Norfolk; Shipbuilders' Union of Portsmouth, State of Virginia, and report of the Chamber of Commerce of New York, relating to Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers and Masons' International Unions of Newport News and Norfolk, Va., urging the employment of union men in the construction of the naval dry dock at New Orleans, La.—to the Committee on Naval Affairs.

Also, resolutions of Cigar Makers' Unions of Norfolk and Newport News, Va., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of General W. T. Sherman Post, No. 44, Grand Army of the Republic, Department of Virginia, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolutions of Cigar Makers' Union and Cailloux Post, No. 2, Grand Army of the Republic, of Norfolk, Va., relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. McDERMOTT: Petition of Twelfth Ward Democratic Club of Jersey City, N. J., asking mediation by the United States in favor of the patriots of the South African republics—to the Committee on Foreign Affairs.

By Mr. McRAE: Resolution of Division 182, Brotherhood of Locomotive Engineers, of Little Rock, Ark., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. MOODY of Massachusetts: Resolution of Cigar Makers' Union No. 324, of Gloucester, Mass., advocating the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of the Cigar Makers' Union No. 324, of Gloucester, Mass., favoring Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of the New England Shoe and Leather Association, favoring amendments to the interstate-commerce laws—to the Committee on Interstate and Foreign Commerce.

By Mr. MORRELL: Resolution of the Engineers' Club of Philadelphia, Pa., in favor of the Appalachian National Park Association—to the Committee on the Public Lands.

Also, petition of Merchants' Exchange of California, relating to the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. PALMER: Petition of the Medical Society of Luzerne County, Pa., favoring the passage of House bill 7189, to increase the efficiency of the Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cigar Makers' Union 459 and Central Labor Union of Hazleton; Carpenters' and Joiners' Union No. 102, of Wilkesbarre, Pa.; Powder Workers' Union No. 8974, of Wapwallopen, Pa., favoring the passage of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Cigar Makers' Union No. 459, of Hazleton, Pa., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PARKER: Resolution of Essex Trades Council, of Newark, N. J., for exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. PEARRE: Petition of Adam Ault, of Washington County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. POWERS of Maine: Papers to accompany House bill to remove the charge of desertion against the record of David Hurlbut—to the Committee on Military Affairs.

Also, papers to accompany House bill 11629, for the relief of Sophronia Q. Head—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: Petition of citizens of Peekskill, N. Y., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolutions of the Trades and Labor Council of Peekskill and Union No. 111, of Tarrytown, N. Y., Allied Metal Mechanics, concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Taxpayers' Alliance, borough of Bronx, urging appropriation for the continuance of the improvement to the Harlem River and ship canal—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Pamphlet to accompany House bill 11609, for the construction of a waterway connecting the Mississippi River by land-locked navigation with the land-locked channels of the Atlantic coast—to the Committee on Rivers and Harbors.

Also, papers in support of House bill 9844, providing for the erection of a public building in the city of Florence, Ala.—to the Committee on Public Buildings and Grounds.

Also, petition of John Pettipole, of Lauderdale County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIXEY: Petition of citizens of Manassas, Va., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RODEY: Resolution of Cigar Makers' Union No. 443, of Albuquerque, N. Mex., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Resolution of Horseshoers' Union No. 88, of Norwich, Conn., and Post 68, Grand Army of the Republic, of Tomaston, Conn., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Central Labor Union of Norwich, Conn., favoring the passage of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolution of board of supervisors of Mohave County, Ariz., in opposition to the measure exempting the Santa Fe Pacific Railway Company from taxation in the Territory of Arizona—to the Committee on Pacific Railroads.

Also, petition of Buffalo Switchmen's Union, No. 4, Buffalo, N. Y., for the reclassification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Merchants' Association of New York, favoring commercial reciprocity with Cuba—to the Committee on Ways and Means.

Also, resolution of N. C. Newerf, of Buffalo, N. Y., for the Government to build, own, and maintain a passenger and merchant marine, and to build 1,000 vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. SCOTT: Resolution of the Topeka (Kans.) Commercial Club, condemning the proposed Bowersock land-grazing bill—to the Committee on the Public Lands.

By Mr. SELBY: Petition of Retail Merchants' Association of Jacksonville, Ill., in support of Senate bill 2987 and House bill 9352, for the protection of the public against impure food—to the Committee on Agriculture.

By Mr. SHAFROTH: Resolution of the State board of horticulture of the State of Colorado, against the destruction of useful birds—to the Committee on Agriculture.

Also, petition of W. W. Hocking and other citizens of Boulder, Colo., for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolutions of Colorado State Grange, Patrons of Husbandry, favoring the irrigation of the arid lands of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. SHATTUC: Petition of Sign Writers' Union No. 224, Cincinnati, Ohio, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SHALLENBERGER: Petition of Beckmark & Norlin and 37 other merchants of Axtell, Nebr., and Charles Perry & Co. and 33 other merchants of Harvard, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill 11218, granting an increase of pension to Reuben W. Bartram—to the Committee on Invalid Pensions.

Also, petition of Post No. 155, of Kenesaw, Nebr., Grand Army of the Republic, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. HENRY C. SMITH: Petition of Woodbury Post, No. 45, Grand Army of the Republic, Department of Michigan, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. SNOOK: Petition of L. S. Holmes Post, No. 87, Grand Army of the Republic, Department of Ohio, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, papers to accompany House bill 4217, for the removal of the charge of desertion from the military record of David F. Fortney—to the Committee on Military Affairs.

By Mr. SOUTHARD: Resolution of oil and gas-well workers, of Hammansburg and North Baltimore, Ohio, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Cigar Makers' Union No. 48; Locomotive Firemen's Union No. 2; Photo Engravers' Union No. 15; Coopers' Union No. 6, Iron Molders' Union No. 172, and Laundry Workers' Union No. 1, all of Toledo, Ohio, in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolution of Union No. 612, of Waterbury, Conn., Amalgamated Society of Engineers, favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SPIGHT: Papers to accompany House bill 11643, for the relief of the heirs of Mrs. Susan L. Bailey—to the Committee on War Claims.

By Mr. STEELE: Resolution of Iron Molders' Union No. 357, of Montpelier, Ind., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Glass Bottle Blowers' Association No. 61, of Gas City, Ind., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

By Mr. SULLOWAY: Petitions of Woman's Christian Temperance Union of Epping, North Charlestown, North Weare, Plymouth, Meredith, Wolfboro, Center Sandwich, Wilton, and Peterboro, N. H., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, resolution of Manchester, N. H., Board of Trade, favoring the appointment of a commission to study and report upon the industrial conditions of China and the establishment of a permanent exposition of American products at Shanghai, China—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of International Brotherhood of Electrical Workers No. 3, urging the defeat of Senate bills 2054 and 1466, to regulate wiring in the District of Columbia—to the Committee on the District of Columbia.

By Mr. THAYER: Resolution of Brewery Workers' Union No. 135, Worcester, Mass., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Carpenters and Joiners' Union No. 877, of Pennsylvania, favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. VREELAND: Petition of citizens of Jamestown, N. Y., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolution of Hardwood Finishers' Union No. 94, of Jamestown, N. Y., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Hardwood Finishers' Union No. 94, for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, resolution of Post No. 502, of Angelica, N. Y., Grand Army of the Republic, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. WADSWORTH: Resolutions of Coopers' Union No. 48, Niagara Falls, N. Y.; Iron Molders' Union No. 238, Lockport, N. Y., and George Pierce Post, No. 448, of Castile, N. Y., Grand Army of the Republic, favoring the construction of naval vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Coopers' Union No. 48, of Niagara Falls, N. Y., and Carpenters' Union No. 289, of Lockport, N. Y., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Lock City Central Labor Union, Industrial Fiber Workers' Union of Lockport, N. Y., and Coopers' Union No. 48, of Niagara Falls, N. Y., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. WANGER: Petition of Dr. Louis Jean, M. Lussan, and other citizens of Ardmore, Pa., for the creation of game preserves in Alaska—to the Committee on the Public Lands.

Also, resolutions of George Post Post, No. 79, of Conshohocken, Pa., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. WEEKS: Petition of W. A. Dudley and other citizens of Armada, Mich., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. WILSON: Petition of G. K. Warren Post, No. 286, Grand Army of the Republic, of Brooklyn, N. Y., in regard to employees in navy-yards—to the Committee on Naval Affairs.

By Mr. WOODS: Petition of the Chamber of Commerce of San Francisco, Cal., urging the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WRIGHT: Resolution of Mallory Post, No. 285, Grand Army of the Republic, of Sayre, Pa., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. ZENOR: Petition of William Johnson Post, No. 430, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolution of Coopers' International Union, of Jeffersonville, Ind., for the enforcement of the postal laws relating to second-class mail matter, and that no repeal or modification of such laws be made—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, February 21, 1902.

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

Prayer by Rev. HENRY N. COUDEN, D. D., Chaplain of the House of Representatives.

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

CATALOGUE OF ZONE OF STARS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting an estimate of appropriation for the preparation of the Astronomische Gesellschaft Catalogue of the Zone of Stars observed at the Naval Observatory principally in 1894 and 1895, \$4,000; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (S. 2802) granting a pension to Martha R. Osbourn.