

Bros. & Co. and citizens of Butler, Mo., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Papers to accompany House bill 5954, granting a pension to Alfred H. Rogers—to the Committee on Invalid Pensions.

By Mr. FEELY: Papers to accompany House bill relating to the correction of the military record of James Denney—to the Committee on Military Affairs.

By Mr. GORDON: Petitions of John Miller Post, No. 685, of Osgood, and G. W. Larimore Post, No. 445, of Versailles, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill 10426, to amend the military record of Isaac A. Kase—to the Committee on Military Affairs.

By Mr. JACK: Resolutions of John F. Croll Post, No. 156, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. KERN: Petitions of Pecan Grove Creamery Company and merchants of Okawville, Ill., favoring House bill 9206—to the Committee on Agriculture.

Also, resolutions of Glass Workers' Union No. 9509, of Belleville, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Papers to accompany House bill granting a pension to Adaline R. Ranney, widow of Zadoc Dexter—to the Committee on Pensions.

By Mr. KNOX: Petition of Association of Machinists of Lawrence, Mass., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MAHONEY: Petitions of two Polish societies of Chicago, Ill., favoring House bill 16, for the erection of an equestrian statue to the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. MANN: Resolutions of the Lake Carriers' Association of Buffalo, N. Y., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Zgoda Society, of South Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of Reid, Murdoch & Co., of Chicago, Ill., favoring the passage of Senate bill 3057, relating to irrigation—to the Committee on Irrigation of Arid Lands.

By Mr. MIERS of Indiana: Petition of citizens of Vincennes, Ind., against the construction of a Pacific cable by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Massachusetts: Resolutions of Bay State Lodge No. 73, Locomotive Firemen, of Worcester, Mass., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MOODY of Oregon: Petition of James Chatfield and other citizens of Baker City, Oreg., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. MORRELL: Resolutions of James Ashworth Post, No. 334, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MORRIS: Petition of Brotherhood of Locomotive Firemen of Staples, Minn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Locomotive Firemen, Lodge No. 443, Staples, Minn., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Polish society of Gniezno, Minn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. OTEY: Petition of Federal Labor Union No. 8337, of Roanoke, Va., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Pennsylvania: Resolutions of Mine Workers' Union No. 1640, of Minersville, Pa., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Resolutions of Typographical Union No. 78, of Fort Wayne, Ind., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RODEY: Resolutions of Mine Workers' Union No.

746, of Gallup, N. Mex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of the Philadelphia Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Resolutions of the directors of the Connecticut Temperance Union, relative to post exchanges—to the Committee on Military Affairs.

By Mr. WACHTER: Petition of John E. Ammel for increase of pension—to the Committee on Invalid Pensions.

By Mr. WARNER: Resolutions of Charles E. Hovey Post, No. 786, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, paper to accompany House bill relating to the correction of the military record of Jacob Miltenberger—to the Committee on Military Affairs.

By Mr. YOUNG: Protest of Woman's Board of Home Missions of the Presbyterian Church against the passage of House bill 12543, for the admission of the Territories of Arizona and New Mexico to statehood—to the Committee on the Territories.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Trades League of Philadelphia, relating to House bill 7645, to maintain the legal-tender silver dollar at a parity with gold and to increase the subsidiary silver coinage—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, April 22, 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. GALLINGER, and by unanimous consent, the further reading was dispensed with.

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

FRANCES L. ACKLEY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9290) granting a pension to Frances L. Ackley, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked by the House.

The motion was agreed to.

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

PETITIONS AND MEMORIALS.

Mr. WETMORE presented a petition of Newport Lodge, No. 119, International Association of Machinists, of Newport, R. I., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. FOSTER of Washington presented a petition of the Central Labor Union of Whatcom, Wash., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. TELLER presented a memorial of the Arikari Valley Live Stock Association, of Cope, Colo., remonstrating against the leasing of the public lands of the West; which was referred to the Committee on Public Lands.

He also presented a petition of Smeltermen's Local Union No. 94, American Federation of Labor, of Golden, Colo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a memorial of the German-American Central Verein, of Denver, Colo., remonstrating against the enactment of further legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Colorado State Board of Horticulture, praying for the enactment of legislation to protect the wild birds of the country; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Bryan Good Government Club, of New Castle, Colo., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of Cigar Makers' Local Union No. 129, of Denver, Colo., remonstrating against any reduction of the duty on Cuban cigars; which was referred to the Committee on Finance.

He also presented a petition of Rocky Mountain Division No. 77, Order of Railroad Telegraphers, of Denver, Colo., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions," in certain cases, and remonstrating against the passage of a substitute for the same; which was ordered to lie on the table.

He also presented petitions of Journeymen Barbers' Local Union No. 205, American Federation of Labor, of Denver; of Upholsterers' Local Union No. 22, American Federation of Labor, of Denver; and of Local Division No. 540, Brotherhood of Locomotive Fireman, of Denver, Colo., praying for the reenactment of the Chinese exclusion law; which were ordered to lie on the table.

Mr. HOAR presented a petition of North Shore Lodge No. 468, International Association of Machinists, of Salem, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. PROCTOR presented a petition of Stannard Post, No. 2, Department of Vermont, Grand Army of the Republic, of Burlington, Vt., praying for the enactment of legislation providing for the improvement and extension of the post exchange; which was referred to the Committee on Military Affairs.

He also presented petitions of Quarrymen's Amalgamated Union No. 9066, of Graniteville, and of Reed and Raitan Workers' Local Union No. 8693, of Brattleboro, in the State of Vermont, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. QUARLES presented a petition of sundry citizens of Merrill, Wis., praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Christian Temperance Union, of Brooklyn, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman Suffrage Association of Wisconsin, praying for the enactment of legislation to authorize the appointment of a commission to investigate woman suffrage in those States where the same has been tried; which was referred to the Committee on Woman Suffrage.

He also presented memorials of the Advancement Association, of Dorchester; of Cigar Makers' Local Union No. 182, of Madison; of Cigar Makers' Local Union No. 168, of Oshkosh; of Cigar Makers' Local Union No. 341, of Neenah; of Cigar Makers' Local Union No. 85, of Eau Claire, and of Cigar Makers' Local Union No. 61, of La Crosse, all in the State of Wisconsin, remonstrating against the enactment of legislation to reduce the tariff on imports from Cuba; which were referred to the Committee on Relations with Cuba.

Mr. PLATT of New York presented petitions of Laborers' Protective Union No. 9465, of Corinth; of the Central Federation of Labor, of Troy; of Steel Cabinet Workers' Union No. 7294, of Jamestown; of Mohican Lodge, No. 482, International Association of Machinists, of Palmer; of the Printing Press Assistants' Union, of Buffalo, and of Laborers' Protective Union No. 8856, of Middletown, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. COCKRELL presented a petition of Lodge No. 371, Brotherhood of Locomotive Firemen, of Nevada, Mo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Local Division No. 2, Order of Railroad Telegraphers, of St. Louis, Mo., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions," in certain cases, and remonstrating against the passage of a substitute for the same; which was ordered to lie on the table.

He also presented petitions of Bakers' Local Union No. 83, of St. Joseph; of Stereotypers and Electrotypers' Local Union No. 6, of Kansas City; of the American Federation of Labor; of Local Division No. 321, Order of Railway Conductors, of Springfield; of Local Division No. 51, Brotherhood of Locomotive Firemen, of Springfield; and of Local Division No. 290, Brotherhood of Locomotive Firemen, of Hannibal, all in the State of Missouri, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the board of directors of the Missouri, Kansas and Oklahoma Association of Lumber Dealers, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. HANSBROUGH presented a petition of sundry citizens of Sanborn, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Great Northern Division No. 178, American Federation of Labor, of Grand Forks, N. Dak., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

Mr. BLACKBURN presented a petition of sundry citizens of Louisville, Ky., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. BATE presented a petition of Mine Workers' Local Union No. 19, of Coalcreek, Tenn., praying for the passage of the so-called eight-hour bill, and also for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of 16 citizens of Williamson County, Tenn., and a petition of 80 citizens of Tennessee, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. FORAKER presented sundry papers to accompany the bill (S. 2206) for the relief of Robert W. Caldwell; which were referred to the Committee on Military Affairs.

He also presented petitions of 141 citizens of Sycamore, Ohio, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of Branch No. 55, United Brotherhood of Leather Workers on Horse Goods, of Marietta, Ohio, praying for the enactment of legislation to establish a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 66 citizens of Youngstown, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 91 citizens of Ohio, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of Barbers' Local Union No. 27, of Findlay; of Local Union No. 416, of Norwalk; of Flint Glass Workers' Local Union No. 31, of Fostoria; of Painters, Decorators, and Paper Hangers' Local Union No. 815, of Bowling Green; of Local Union No. 213, of Cincinnati, and of Miners' Local Union No. 1753, of Byesville, all of the American Federation of Labor; and of Lodge No. 175, Brotherhood of Locomotive Firemen, of Newark, all in the State of Ohio, praying for the enactment of legislation to exclude Chinese laborers from the United States and its insular possessions; which were ordered to lie on the table.

He also presented petitions of Local Union No. 225, of Toledo; of Labor Union No. 7320, of Cambridge; of Local Union No. 25, of Piqua; of Journeymen Bakers' Local Union No. 94, of Springfield; of Boot and Shoe Workers' Local Union No. 241, of Columbus; of the Painters, Decorators, and Paper Hangers' Local Union No. 315, of Bowling Green; of the Central Trades and Labor Council of Zanesville; of Press Assistants' Local Union No. 17, of Cincinnati; of Local Union No. 248, of Columbus; of the Central Labor Union of Canton; of the Central Trades and Labor Council of Coshocton; of the Trades and Labor Council of Chillicothe; of the Labor Council of Ironton; of Federal Labor Union No. 8989, of Bowling Green; of the Central Trades Council of Sidney; of Local Union No. 77, of Chillicothe; of the Central Labor Union of Ashtabula, and of Valley City Federal Union, No. 8649, all of the American Federation of Labor, in the State of Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of 79 citizens of Cincinnati, Ohio, praying for the enactment of legislation to promote the efficiency of the clerical service of the United States Navy by organizing a clerical corps therefor; which was referred to the Committee on Naval Affairs.

Mr. FRYE presented a petition of the Board of Trade of Wilmington, Del., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the petition of citizens of Ottumwa, Iowa, favoring the appointment of a committee of Congress to

investigate the equal suffrage question, asked to be discharged from its further consideration, and that it be referred to the Select Committee on Woman Suffrage; which was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi, to build and maintain a railway bridge across Pearl River, reported it without amendment.

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

A bill (S. 5294) granting an increase of pension to William F. Horn; and

A bill (H. R. 5150) granting a pension to Mary C. Trask.

Mr. KEARNS, from the Committee on Public Lands, to whom was referred the bill (H. R. 13025) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the State of Utah, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 1797) granting an increase of pension to Benjamin Russell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7678) granting a pension to Mary Holmes;

A bill (H. R. 10173) granting an increase of pension to Richard Trist;

A bill (H. R. 10179) granting an increase of pension to Theron R. Mack; and

A bill (H. R. 12370) granting a pension to Ida M. Briggs.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 10782) granting a pension to Ole Steensland, reported it with an amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 2084) granting an increase of pension to Samuel E. Ewing, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4759) granting an increase of pension to Martha Clark, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 3676) to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York, reported it with amendments, and submitted a report thereon.

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

A bill (S. 3341) granting an increase of pension to Robert H. Busted; and

A bill (H. R. 4994) granting a pension to Lydia Carr.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 5870) granting an increase of pension to Oscar W. Lowery, reported it with an amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 2336) granting a pension to Rebecca Coppinger, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1742) granting an increase of pension to Alonzo Lewis; and

A bill (H. R. 5170) granting an increase of pension to Frederick Wright.

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

A bill (H. R. 4945) granting a pension to Shadrack I. Corbett; and

A bill (H. R. 7149) granting an increase of pension to Ephraim D. Dorman.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 8349) granting a pension to John Watts, reported it with an amendment, and submitted a report thereon.

He also from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 12504) granting a pension to James B. Hashbar; and

A bill (H. R. 4927) granting a pension to George Tucker.

Mr. CARMACK, from the Committee on Pensions, to whom

were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9370) granting an increase of pension to John J. Wolfe;

A bill (H. R. 11168) granting an increase of pension to Isaac Phipps; and

A bill (H. R. 4008) granting a pension to Christopher Columbus Sheets.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4638) granting a pension to Mrs. Joseph M. Sudsberg; and

A bill (S. 4927) granting a pension to Hattie M. Whitney.

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

A bill (H. R. 5789) granting an increase of pension to Joseph Seithen; and

A bill (H. R. 13066) granting an increase of pension to Obed D. Jasper.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 5711) granting an increase of pension to James R. Brackett, reported it with an amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3661) granting an increase of pension to George W. Edmunds;

A bill (S. 3730) granting an increase of pension to Jonas Olmstead; and

A bill (H. R. 5111) granting an increase of pension to James G. Bowland.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5321) granting a pension to Rebecca H. Geyer;

A bill (S. 3331) granting a pension to Ada V. Park; and

A bill (S. 4706) granting a pension to William Harrington.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4732) granting an increase of pension to Charles H. Hazzard; and

A bill (H. R. 5254) granting an increase of pension to Enos G. Budd.

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

A bill (H. R. 282) granting an increase of pension to John O'Rourke;

A bill (H. R. 4426) granting an increase of pension to Daniel Sims;

A bill (H. R. 11895) granting a pension to Thomas Holloway; and

A bill (H. R. 12468) granting an increase of pension to Phineas Curran.

MISSOURI RIVER BRIDGE AT ST. CHARLES, MO.

Mr. BERRY. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 12498) extending the time for completing bridge across the Missouri River at St. Charles, Mo. A bill similar in character—that is, a bill meaning precisely the same thing, different in a few words—passed the Senate. Both bills mean precisely the same thing. The bill consists of only half a dozen lines, and I ask for its present consideration.

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

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

The PRESIDENT pro tempore. Has the Senate bill gone to the House?

Mr. BERRY. The Senate bill has gone to the House, and I move that it be recalled.

The PRESIDENT pro tempore. The Senator from Arkansas moves that the House be requested to return to the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

The motion was agreed to.

RED RIVER BRIDGE, AT SHREVEPORT, LA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and

maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport, to report it without amendment.

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

Mr. BERRY. A precisely similar bill has passed the Senate. I move that the House be requested to return to the Senate the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.

The motion was agreed to.

CENTRAL ARIZONA RAILWAY.

Mr. HANSBROUGH. I am authorized by the Committee on Public Lands to report back the bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve. This is a Senate bill, which passed both Houses, and while it was in the hands of the Executive, for some reason which is immaterial now, it was recalled by a concurrent resolution of the two Houses. On the return of the bill to the Senate it was referred to the Committee on Public Lands. That committee has had the bill under consideration this morning, and I am directed to report it back in the form in which it reached the committee and request that it be returned to the President for his action.

Mr. TILLMAN. I did not exactly catch the purport of the Senator's explanation. Does he mean that the President has conferred with his committee or that the committee has sent for this bill and has had it under consideration and is advising the President as to his signature of the bill, or what is it? Is it a law up to the signature of the President? In other words, has it passed both Houses?

Mr. HANSBROUGH. It has.

Mr. TILLMAN. Then what have we to do with it here?

Mr. HANSBROUGH. It was recalled from the Executive by a concurrent resolution of the two Houses, and came back to the Committee on Public Lands, whence it originated.

Mr. TILLMAN. What about the other House? Has the other House had it back and considered it?

Mr. HANSBROUGH. I do not know that the other House will need to take any action upon it.

Mr. TILLMAN. After the bill has been recalled from the President can we send it back to the President without a concurrent resolution or a reenactment, or something of that kind? I am merely inquiring for information.

Mr. HANSBROUGH. My opinion is that, this being a Senate bill, we have jurisdiction of it.

Mr. TILLMAN. When a bill has been recalled from the President by a concurrent resolution, can we do anything with it unless we reenact it in both Houses? In other words, the other House has not been consulted as to whether it should be returned to the President or not?

Mr. HANSBROUGH. I suppose the other House, if the contention of the Senator from South Carolina is correct—

Mr. TILLMAN. I am not making any contention. I am merely making an inquiry for information.

Mr. HANSBROUGH. Will the Senator allow me to finish my sentence? I was about to say that I suppose the other House, if the contention of the Senator is correct, will take due notice of the parliamentary situation and take the same action which I am now asking shall be taken here.

Mr. TILLMAN. I should like to ask the Chair to rule as to the legal status or the parliamentary status of the bill.

The PRESIDENT pro tempore. In the opinion of the Chair, the bill having been recalled by a concurrent resolution of the Senate, and having been before a committee of the Senate, that committee now reporting it with a request that it be returned to the President, it can be returned to him, and if he approve it he will send it back to the Senate and the notification of his approval will go to the House. The Chair thinks there is no difficulty about it. The bill has been reported back with the request that it be returned to the President.

Mr. HOAR. It seems to me that the ruling of the Chair is absolutely in accordance with parliamentary law. Both Houses have passed the bill, and the Senate, after having passed it, desired to reconsider it. The House has expressed no doubt of its original action at all. The House, however, was asked to concur in the request that the bill be returned to the Senate. Both Houses having passed it, the Senate asked the House to concur in desiring that it be returned to the Senate. That has been done; and on the reconsideration by the Senate, if there is no objection, it goes back to the President for his approval. I do not understand that the House has manifested any desire of its own to reconsider it there.

Mr. TILLMAN. I should like to ask the Senator, though, to explain how the House loses touch of the bill. For instance, it has joined the Senate in a concurrent resolution asking for its recall.

Mr. HOAR. But the House—

Mr. TILLMAN. Now, unless the House reenacts the bill or expresses its approval of its return to the President it seems to me we are ignoring the House.

Mr. HOAR. The request for its return does not wipe out the previous action of both Houses. It stands as a bill that both Houses have enacted. The Senate desired to reconsider the matter, and now no action is required, except that the Senate sends it back to the President, saying that it leaves its original action to stand, and it stands.

Now, the question is whether courtesy to the House, that we asked to join us in the request, requires us to submit the bill again to that body for reconsideration. But they have not expressed any desire to reconsider their action at all. They merely consented to the request of the Senate for the recall of the bill.

Mr. HANSBROUGH. So far as we know they may take the same action we are about to take here to-day; and with that, of course, we have nothing to do.

Mr. HOAR. It seems to me that the conclusion of the Chair is absolutely right.

The PRESIDENT pro tempore. Without objection, then, the bill will be returned to the President of the United States.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. HARRIS introduced a bill (S. 5359) granting an increase of pension to Hampton B. Farmer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 5360) granting an increase of pension to John Ritchart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 5361) granting an increase of pension to Martha A. Johnston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 5362) for the relief of Charles R. Biederman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

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

A bill (S. 5363) granting an increase of pension to Alfred R. Babb;

A bill (S. 5364) granting an increase of pension to Hiram F. Armstrong; and

A bill (S. 5365) granting an increase of pension to Sarah A. Creed (with accompanying papers).

Mr. PROCTOR introduced a bill (S. 5366) granting an increase of pension to Laura A. Allen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5367) for the relief of Charles Y. Squier; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5368) to authorize the appointment of district court commissioners and to delineate the duties thereof; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL introduced a bill (S. 5369) granting an increase of pension to Charles R. Allen; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Charles R. Allen for increase of pension, together with affidavits of Dr. J. Jay Boyd, John Chapman, and R. L. Hottel. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5370) granting a pension to William McNelis; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of William McNelis, Captain Elliott's company, Lawrence County, Mo., Home Guards, with Pension Office letter, and affidavits of Dr. Z. C. Denney, J. A. Barker, Porter Allen, R. P. Colley, and J. J. Spilman, and numerous signed petition of neighbors. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5371) granting an increase of pension Jonathan O. Thompson; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Jonathan O. Thompson for increase of pension, with affidavits of Dr. John T. White, E. E. Conklin, and G. H. Gilliland, and letters from the Pension Office and War Department. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5372) granting an increase of pension to Christine Lusk; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Christine Lusk, with affidavits of Dr. G. Etmueller, E. L. King, and Julius Wagner, and military record of William H. Lusk, major, Tenth Missouri Cavalry, etc. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5373) granting a pension to Michael Connor; which was read twice by its title.

Mr. COCKRELL. In the Fifty-sixth Congress, second session, Senate bill No. 551, for the relief of Michael Connor, was introduced, together with the affidavits of Michael Connor, the claimant, Andrew Condra, James Kinsley, and one other, and they are on file now. I move that the papers on file may be withdrawn and referred to the Committee on Pensions, with the bill now introduced.

The motion was agreed to.

Mr. FORAKER introduced a bill (S. 5374) to provide for the erection of a monument in the city of Washington, D. C., in memory of those who lost their lives on the steamer Sultana, April 27, 1865; which was read twice by its title and referred to the Committee on the Library.

He also introduced the following bills; which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5375) granting a pension to Benjamin F. Cory (with an accompanying paper);

A bill (S. 5376) granting an increase of pension to Edwin M. Bradford (with accompanying papers);

A bill (S. 5377) granting an increase of pension to John B. Eaton (with an accompanying paper);

A bill (S. 5378) granting an increase of pension to Abiah Richards (with accompanying papers); and

A bill (S. 5379) granting a pension to Catharine M. Heaton (with accompanying papers).

Mr. HAWLEY introduced a bill (S. 5380) to increase the efficiency of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PATTERSON introduced a bill (S. 5382) for the relief of Joshua T. Reynolds; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in September in each year; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5384) for the relief of the estate of Mrs. E. Ann Lowry, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 5385) granting an increase of pension to George Mann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5386) granting an increase of pension to James Fly; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5387) to change the terms of the circuit courts of the United States within the first circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL introduced a joint resolution (S. R. 83) directing the Secretary of War to investigate the feasibility of operating an ocean dredger on the bar at the mouth of the Columbia River, in the States of Oregon and Washington; which was read twice by its title, and referred to the Committee on Commerce.

THE PETRIFIED FOREST NATIONAL PARK.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. 8336) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park; which was referred to the Committee on Public Lands, and ordered to be printed.

ESTATE OF H. V. M. MILLER.

Mr. CLAY submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved. That the Secretary of the Senate be, and he is hereby, authorized to pay to Hooper Alexander, administrator of the estate of H. V. M. Miller,

deceased, late a Senator from the State of Georgia, \$6,602.74 due him as a Senator of the United States from March 4, 1867, to July 28, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

TRANSPORTATION AND SALE OF MEAT PRODUCTS.

Mr. HARRIS. In the Fifty-first Congress the Senate appointed a committee composed of Senator VEST, Senator Plumb, and Senator Coke, who made an exhaustive report on the so-called beef trust. The supply of this document has long ago been exhausted, and in view of the present situation it has become a matter of very great interest. I therefore offer a resolution and ask to have it read and referred to the Committee on Printing.

The concurrent resolution was read, and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 6,000 copies of Senate Report No. 829, Fifty-first Congress, first session, with testimony; 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

PROPOSED ADJOURNMENT.

Mr. HOAR. I submit a resolution, which I ask may be read.

The resolution was read, as follows:

Resolved. That when the Senate meets on Thursday, May 1, it shall be adjourned by the Presiding Officer until Monday, May 5, at 12 o'clock.

Mr. HOAR. I should like to be allowed to say one word about the resolution, and then to have it go over.

It was the custom of the Senate down to a very recent period to take at this season of the year an adjournment of half a week at least, or from Tuesday of one week to Monday of the next. I do not think it has ever been found that it delayed or postponed the final adjournment, and it is very convenient for various reasons. That time especially is always used to take up the carpets, with their accumulation of winter dust and dirt, and have a cleansing of the Chamber.

I will not ask to have the Senate act on the resolution now. I should like to have it go over, in order that gentlemen who have various important measures in charge may look at it and see whether it is going to interfere with their management of those measures.

The PRESIDENT pro tempore. The resolution will go over, under the rule.

Mr. PETTUS. I desire to call the attention of the Senate to the fact that important special business has been, by unanimous consent, set for next Thursday.

Mr. HOAR. What business is that?

Mr. BLACKBURN. Executive business.

Mr. PETTUS. It is executive business which has been appointed, by general consent, to be disposed of next Thursday.

Mr. HOAR. I thought that order was for Thursday of this week.

Mr. LODGE. It is.

Mr. BERRY. It is this week.

Mr. SCOTT. It is this week.

Mr. HOAR. My resolution applies to next week, not to this week.

The PRESIDENT pro tempore. The resolution has gone over under the rule.

Mr. HOAR. I should like simply to say that I wanted Senators to have full notice of it. I have spoken to several Senators who have a good deal of business to do, notably the chairman of the Committee on Appropriations, and they all favor it.

FOOD, ADULTERATION, ETC.

Mr. McCUMBER. I desire to give notice that on Friday, immediately after the routine morning business, I shall submit some remarks on the pure-food bill reported by the Senate Committee on Manufactures.

MESSAGE FROM THE HOUSE.

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

A bill (S. 2966) for the relief of George W. King;

A bill (S. 5046) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia; and

A joint resolution (S. R. 80) postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes.

The message also announced that the House had passed with amendments the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes;" in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boombower.

The message also announced that the House had passed a joint

resolution (H. J. Res. 180) authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. 1512) granting an increase of pension to Mary Jane Faulkner;

A bill (S. 2082) granting an increase of pension to Louis Ward;

A bill (S. 4072) granting an increase of pension to Samuel J. Lambden;

A bill (S. 4798) to authorize the Quincy Railroad Company, its successors and assigns, to rebuild the drawspan of its bridge across the Mississippi River at Quincy, Ill.;

A bill (H. R. 611) granting an increase of pension to Theodore F. Collins;

A bill (H. R. 1326) granting an increase of pension to Thomas Thatcher;

A bill (H. R. 1455) granting an increase of pension to Aaron S. Gatliff;

A bill (H. R. 1486) granting an increase of pension to Charles A. Perkins;

A bill (H. R. 1636) granting an increase of pension to James Austin;

A bill (H. R. 2113) granting an increase of pension to Mary J. Clark;

A bill (H. R. 2241) granting an increase of pension to Dorothy S. White;

A bill (H. R. 2600) granting an increase of pension to Richmond L. Booker;

A bill (H. R. 2919) granting a pension to Christina Steiger;

A bill (H. R. 2981) granting an increase of pension to Thomas Findley;

A bill (H. R. 2994) granting an increase of pension to Eliza J. Noble;

A bill (H. R. 3264) granting an increase of pension to William B. Matney;

A bill (H. R. 5102) granting a pension to Margaret Baker, formerly Maggie Ralston;

A bill (H. R. 5258) granting an increase of pension to William Eastin;

A bill (H. R. 5695) granting an increase of pension to John M. Seydel;

A bill (H. R. 5910) granting an increase of pension to Reuben Wellman;

A bill (H. R. 6080) granting an increase of pension to Mariah J. Anderson;

A bill (H. R. 6081) granting an increase of pension to Frances T. Anderson;

A bill (H. R. 6699) granting a pension to Esther A. C. Hardee;

A bill (H. R. 6805) granting an increase of pension to Robert E. Stephens;

A bill (H. R. 6895) granting an increase of pension to Richard P. Nichuals;

A bill (H. R. 7369) granting an increase of pension to Perry H. Alexander;

A bill (H. R. 8553) granting a pension to Joseph Tusinski;

A bill (H. R. 8782) granting an increase of pension to Myron C. Burnside;

A bill (H. R. 9018) granting a pension to Ida D. Greene;

A bill (H. R. 9415) granting an increase of pension to James Matthews;

A bill (H. R. 9847) granting an increase of pension to Zachariah R. Saunders;

A bill (H. R. 9986) granting an increase of pension to James Moore;

A bill (H. R. 9999) granting an increase of pension to George W. Guinn;

A bill (H. R. 10090) granting a pension to James F. P. Johnston;

A bill (H. R. 10091) granting a pension to Blanche Duffy;

A bill (H. R. 10230) granting an increase of pension to Harrison C. Vore;

A bill (H. R. 10841) granting an increase of pension to Margaret Hofer;

A bill (H. R. 11314) granting an increase of pension to Mary E. Pettit;

A bill (H. R. 11578) granting an increase of pension to John Gaston;

A bill (H. R. 11782) granting an increase of pension to Ellen Hockenbury;

A bill (H. R. 11924) granting an increase of pension to Lewis H. Delony;

A bill (H. R. 12101) granting a pension to William E. Gray;

A bill (H. R. 12136) granting an increase of pension to Stephen May;

A bill (H. R. 12697) granting a pension to M. C. Rogers; and

A bill (H. R. 13627) making appropriations to supply additional urgency deficiencies for the fiscal year ending June 30, 1902, and for other purposes.

UNION RAILROAD STATION.

Mr. McMILLAN. According to the notice I gave, I move to take up Senate bill 4825, to provide for a union railroad station.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

Mr. McMILLAN. The other day when the bill was up the Senator from Arkansas [Mr. JONES] objected and the bill went over on his objection. He is away to-day, but he authorized me to state that after examining the bill thoroughly he withdraws his objection and that he is in favor of the bill. I ask that the amendments which were offered the other day from the committee be considered in their order.

The PRESIDENT pro tempore. The first amendment of the committee will be stated.

The first amendment of the Committee on the District of Columbia was, in section 1, page 2, line 18, after the word "continuing," to strike out "along" and insert "under the west side of;" so as to read:

Thence curving to the northward, crossing over Canal street and South Capitol street, with a clearance of not less than 14 feet above the curbs thereof; thence passing under the intersection of D street with New Jersey avenue, C street SE., and B street SE. at the intersection with First street; thence continuing under the west side of First street to near E street NE.; thence curving to the eastward, crossing under the proposed circle at Massachusetts avenue to a connection with the tracks in the proposed terminal station to be built on the north side of Massachusetts avenue hereinafter provided for.

The amendment was agreed to.

The next amendment was, in section 4, page 9, line 23, after the word "upon," to strike out "square" and insert "squares," and in line 24, after the words "seven hundred and eleven," to insert "seven hundred and twelve, and seven hundred and thirteen;" so as to make the section read:

SEC. 4. That in order to provide terminal facilities for the freight traffic of the Baltimore and Ohio Railroad Company in lieu of those which said company is now authorized to have within the area to be occupied by the passenger station and terminal described, in the act relating to it, approved February 12, 1901, the said Baltimore and Ohio Railroad Company be, and it is hereby, authorized and empowered (in addition to the power and authority conferred upon it by the provisions of said act relating to it, approved February 12, 1901) to locate, construct, maintain, and operate tracks, switches, sheds, warehouses, other structures, and facilities necessary or proper for a freight-delivery yard and terminal in Eckington, in, over, and upon the bed of Quincy street and Third street between New York avenue and R street, and in and upon the property bounded by New York avenue, Florida avenue, Eckington place, and R street, outside the limits of the city of Washington; and also within the city of Washington in, over, and upon the bed of Second street between M and N streets and in and upon squares 711, 712, and 713, and said company is hereby authorized to acquire, by purchase or condemnation, as provided in this act, the lands and property necessary for the additional freight facilities above mentioned.

The amendment was agreed to.

The next amendment was, in section 5, page 12, line 8, after the words "Delaware avenue and," to strike out "the west 40 feet of Delaware avenue;" and in line 10, after the words "L street and," to insert "so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and 40 feet westerly therefrom;" so as to read:

In the city of Washington, Ivy street, between South Capitol street and a point 220 feet east thereof, Second street NE. between N street and Delaware avenue, and between the north side of M street and the south side of L street, and so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and 40 feet westerly therefrom; also all parts of streets included within the area of the terminal herein described, except H and K streets, etc.

The amendment was agreed to.

The next amendment was, in section 9, page 20, line 24, after the words "And provided further," to strike out "That the right to institute condemnation proceedings as authorized in this section shall cease and expire two years after the date of approval of this act," and in lieu thereof to insert:

That any property owner whose land is included within such location shall have the right, within two years, to begin proceedings to compel the appropriation of said land by said company and the payment of damages in the same manner as if the proceedings had been instituted by the company under the provisions of this act.

The amendment was agreed to.

Mr. CULBERSON. I desire to ask if there is a report of the committee accompanying the bill.

Mr. McMILLAN. There is a report, which has been printed for some time.

Mr. CULBERSON. I ask that the report of the committee be read.

Mr. McMILLAN. There is both a report of the committee and a report of the Commissioners of the District of Columbia.

The PRESIDENT pro tempore. Will the Senator withhold the request until action is had on the remaining amendment of the committee?

Mr. CULBERSON. Certainly.

The next amendment was, in section 12, page 25, line 7, after the word "thereto," to strike out "and to authorize the use of;" so as to make the section read:

SEC. 12. That the Commissioners of the District of Columbia are hereby authorized and directed to lay out on the plaza provided for in this act and on the streets extending thereto, such extensions of street-railway lines as may be necessary to accommodate public traffic to and from said union station.

The amendment was agreed to.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. McMILLAN on the 3d instant, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, having considered the same, make a favorable report thereon.

The bill proposes that the Baltimore and Potomac Railroad Company shall remove its tracks from the Mall and shall unite with the Baltimore and Ohio Railroad Company in the construction of a union passenger station on the north side of Massachusetts avenue at its intersection with Delaware avenue.

The Baltimore and Potomac Railroad Company occupies a portion of the Mall by virtue of a grant made by the common council and the board of aldermen of the city of Washington, made on March 20, 1871, which grant was confirmed by the act of Congress entitled "An act to confirm the action of the board of aldermen and common council of the city of Washington, designating a depot site for the Baltimore and Potomac Railroad Company, and for other purposes," approved May 21, 1872, the bill having been passed by a two-thirds vote in each the Senate and the House of Representatives. A station site south of the Mall had been granted to the road, but the people living in the neighborhood strenuously objected to a location near the schools and churches, and leading merchants petitioned Congress for a site convenient to business on Pennsylvania avenue.

During the Fifty-sixth Congress legislation was enacted enlarging the occupation of the railroad in the Mall. This action was taken only after years of effort to obtain the withdrawal of the road from public space, and because of the demand for the elimination of grade crossings and increased facilities for handling the rapidly growing traffic. In the adjustment then made, the railroad received land in the Mall in lieu of the usual cash payment of one-half the cost of track elevation.

The proposition now is that the United States shall buy, at a fair valuation, this land on which the railroad has been paying taxes for thirty years, and that the railroad shall use the money so received as a portion of the expense of building a tunnel and making connections with the proposed union station.

This proposition does not come from the railroads. They are satisfied with their present situation. When the question of improving the District of Columbia was taken up, the removal of the railroad tracks from the Mall was considered absolutely essential. The Mall was laid out to form the great approach to the Capitol, and it is impossible to conceive any adequate treatment of the capital park system without freeing the Mall from the railroad tracks and station. When this view of the situation was placed before the president of the Pennsylvania Railroad, he replied, after very careful consideration, that while he did not desire any change, yet he realized that if Washington is to have the development of a capital city in the true sense of that word, the railroad must leave the Mall; and he was willing to accept any adjustment that would be fair to the stockholders whose interests he represented.

From the standpoint of economical railroad management, the proposed union station has little to recommend it. The terminal charges are increased from about 40 cents to about \$1.20 per passenger car, and there will be no corresponding increase in passengers. The Baltimore and Ohio Company, which does a comparatively small passenger business, claims that it would be much better off by keeping to the C street site provided for in existing legislation, especially as contemplated change compels that road to give up its present extensive and well-located freight yards, and purchase city blocks in Eckington.

Yet a station at C street would bring a great commercial structure in close proximity to the Capitol, the approaches would be narrow and indirect, and Massachusetts avenue would be permanently disfigured by being bridged by a train shed 800 feet in length. Those ugly features which lead to the removal of the railroad from the Mall would be repeated by the C street location.

Very careful figures have been made in regard to the height at which the station should stand above the present grade of Massachusetts avenue. The architect desired the lowest possible grade, but the Engineer Commissioner of the District has figured that the grade selected (+ 56) will result in the smallest amount of damages to property. At the same time the new grade will allow the grade of North Capitol street to be raised and other like improvements to be made, and the location of the station as proposed will greatly increase property values in what has long been practically dead territory. The Massachusetts avenue site also benefits the Government Printing Office by removing the car shifting and the consequent dust and smoke.

The new station will be the finest structure of its kind in the world. Its length will be 700 feet, which is 8 feet 8 inches longer than the Capitol itself. It will be built of white marble, with the interior of marble and stone. The classical style of architecture will be used, and the building will be so located and designed that while distinctly subordinate to the Capitol it will take rank among the great public structures in Washington. The minimum cost of the station has been placed at \$4,000,000, but the total cost will be nearer \$5,000,000.

The station as planned is arranged for 29 tracks, with room for 7 additional tracks, thus providing for an indefinite future. The public convenience has been studied, with the result that persons arriving or departing will be accommodated without loss of time; and a private entrance is provided for use of the President of the United States and for ceremonial occasions. All street-car lines receive and discharge passengers in close proximity to the station, and ample accommodations are provided for bodies of troops and great delegations arriving or departing at inaugural times or when other large gatherings occur at the capital. In a word, every provision has been made for a great, dignified, convenient, accessible gateway to the capital of the nation.

At the same time the occupation of public space set apart by Washington to give dignity and beauty to the Capitol will be restored to public uses; and that great thoroughfare, Massachusetts avenue, which under present legis-

lation would be disfigured by the construction of a railroad viaduct, will be left free and open. Every question relating to beauty, dignity, and convenience has received attention; and while the initial expense of a union station is large, at the same time the solution reached seems to the committee ideal in every respect.

It is proposed to pay to the Baltimore and Potomac Railroad Company \$1,500,000 for the ground in the Mall, this amount to be expended by the company as a portion of the cost of making the connection with the new union station. The tunnel under Capitol Hill alone will cost \$1,649,000. The ground given up by the railroad becomes available for two public buildings, as well as for park purposes.

It is further proposed that the District of Columbia shall make suitable approaches to the new station. This is a municipal improvement; it will not increase the revenues of the railroads, but it will conduce to the convenience of the people of the District, of Government officials, and of visitors to the national capital. It is provided that the railroads shall construct so much of the plaza as lies between the building line of Massachusetts avenue and the new station; and also that they shall provide for streets on the west side of the station. The cost of these street improvements will be \$620,000 for grading and paving, \$500,000 or less for land, and \$650,000 for damages to property due to changes of grade; in all, \$1,670,000, the payment of which amount will be spread over a number of years.

It is not proposed to disturb the present legislation in regard to the elimination of grade crossings in the District of Columbia. That legislation was the result of an agitation carried on in Congress and in the District for the past twenty years. Aside from the question of the occupation of the Mall, the present laws are well adapted to secure all the results necessary to give to the District of Columbia the best possible railroad terminals. The acquisition by the Pennsylvania Railroad Company of a controlling interest in the Baltimore and Ohio Railroad makes it possible at this time to secure such a modification of the project of last year as will, when carried out, give a complete, adequate, and monumental treatment of the railroad terminals in Washington.

The entire cost to the railroads of all the changes that are to be made in the District of Columbia for the elimination of grade crossings and the construction of improved terminals amount to \$8,761,651 for the Baltimore and Potomac Railroad Company, and for the Baltimore and Ohio, \$5,599,408, or a total of \$12,361,059.

In addition to this amount, the District and the United States is to expend on its own property in streets and avenues \$1,670,000, thus bringing the total sum of money to be spent in the District to more than \$14,000,000. Of this amount the United States and the District of Columbia contribute \$1,500,000 to the Baltimore and Ohio, as their share in the elimination of grade crossings along that line; and the United States pays \$1,500,000 toward the elimination of grade crossings along the line of the Baltimore and Potomac. The railroad relinquishes its occupation of the Mall. There are various smaller items in the account, such as the use of lands in Garfield Park and damages to property along the line of the Baltimore and Potomac, but these are comparatively small items and do not materially affect the above statement.

There is practical unanimity among the people of the District of Columbia in favor of a union depot on the Massachusetts avenue site. Indeed, the solution of the railroad problem proposed is what the District of Columbia has been striving for during the past quarter of a century.

Mr. GALLINGER. I ask that the report of the Commissioners of the District of Columbia may be likewise read, Mr. President.

The PRESIDENT pro tempore. The report will be read.

Mr. CULBERSON. I only asked for the reading of the report of the committee. I do not insist on the reading of the report of the District Commissioners, so far as I am concerned.

Mr. GALLINGER. Very well, then, let the report of the Commissioners be printed in connection with the report of the committee.

The PRESIDENT pro tempore. If there be no objection, the report referred to will be printed in the RECORD.

The report referred to is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 27, 1902.

SENATOR: The Commissioners have the honor to submit the following preliminary report upon Senate bill 2481, Fifty-seventh Congress, first session. "To effect the relinquishment and surrender by the Baltimore and Potomac Railroad Company of its right to use and occupy a portion of the Mall for a passenger station, and to provide for a passenger station and terminals in the city of Washington, D. C., to be used in common by the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company, and for other purposes."

A full report can not be submitted at this date on account of certain data as to cost of work to be done by the railroad, and of land owned by the railroad not having been obtained. All the main engineering features have been thoroughly considered and are included in this report. The full report will follow within a few days.

This bill is supplemental to the acts of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," and "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and enable it to relocate part of its railroad therein, and for other purposes," which acts still continue in force except as modified by this bill.

OBJECTS OF THE BILL.

The general provisions of the bill are:
First. The relinquishment by the Baltimore and Potomac Railroad Company of the public space occupied in accordance with existing legislation, on the Mall, on the streets north of Maryland avenue west of Eighth street, and north of Virginia avenue east of Eighth street.

Second. The construction of a union passenger station on the axis of Delaware avenue and near the north edge of Massachusetts avenue.

Third. The construction of a double-track line from the present tracks of the Baltimore and Potomac Railroad at Virginia avenue and Second street SW., passing under Capitol Hill by means of a tunnel to the new station.

Fourth. The relinquishment of the proposed Baltimore and Ohio passenger station and freight stations as authorized under existing law.

Fifth. The establishment of a Baltimore and Ohio freight station in Eckington on New York avenue and Eckington place, and a second station at M, N, and Second streets NE.

Sixth. The construction of a new line for the Baltimore and Potomac

Railroad from the new station to Magruder Junction, none but passenger trains coming south of Florida avenue.

Seventh. To increase and construct new yards at Eckington place and eastward.

DESCRIPTION OF CHANGES.

Taking up the changes in detail, they are as follows:

In South Washington the main line of the Baltimore and Potomac is generally not altered. The tracks are to be removed that branch out from the main line to the present passenger station on the Mall, except that at Sixth street a freight station, with overhead crossing over that street between Virginia avenue and C street, will be built. At a point near the crossing of Second street SW, a branch line of two tracks leave the main tracks, crossing Virginia avenue with a clearance of 15 feet; First street and Delaware avenue with a clearance of 16 feet; and South Capitol street with not less than 14 feet; thence entering a tunnel just before reaching New Jersey avenue, keeping in tunnel under First street until station is reached at Massachusetts avenue. This tunnel presents no difficulties. It is not known just what the material is through which it will pass, though probably it is clay, or clay mixed with sand, as the indications from sewers and old wells are of that nature. Whether it is earth or rock, there should be no difficulty in driving and protecting the tunnel. It will pass with the rails about 55 feet below surface at Capitol Hill and under the west side of First street E. There can be no danger anticipated to the Congressional Library, nor to any private buildings. At the south edge of the plaza in front of the station the double track branches into six tracks entering the station. The west end of Ivy street is closed and the street diverted into Canal street.

The station is built on the axis of Delaware avenue at the north edge of Massachusetts avenue. In front will be an elliptical plaza about 500 feet in width along the axis of Delaware avenue and about 1,000 feet at right angles thereto. From this plaza the existing streets and avenues, as well as certain projected ones, radiate in a symmetrical manner, making the frontage of this terminal a focus for the thoroughfares leading from all parts of the city.

The terminal structure, which has a frontage of 700 feet on the plaza, has a length of 1,500 feet without a reduction of width up to a point between H and I streets; it then begins to narrow until at the south side of L street, which is the end of the terminal structure proper, it has a width of 160 feet. From that point a viaduct extends to Florida avenue, where the tracks divide into three branches, the first connecting with the Metropolitan branch of the Baltimore and Ohio, as in existing legislation; the second connecting with the Washington branch of the Baltimore and Ohio near Montello station, and the third connecting with the main line of the Baltimore and Potomac near Magruder station.

F street and G street will be closed. It is not important in the former case as Massachusetts avenue is so near, and in the latter case it is impossible to keep the street open. H street will be kept open under the railroad. I street is closed. K street will be kept open under the railroad, and similarly L and M streets. N street is already closed under existing legislation. Florida avenue will be kept open under the tracks, and New York avenue it is planned to carry over the railroad.

The Washington Branch of the Baltimore and Ohio and the Baltimore and Potomac then run north of New York avenue extended to Montana avenue.

Ninth, Twelfth, and Fifteenth streets will be carried over the railroad and Montana avenue underneath.

From Montello Station the Baltimore and Ohio continues on its present line. The Baltimore and Potomac continues between U and V streets, crossing the Reform School grounds near the District line. The projected streets that are to be kept open are Twenty-second, Twenty-fourth, Twenty-sixth, Twenty-eighth, Thirty-first, Thirty-third, and Thirty-fifth. The plan of street extension will be so altered as to accommodate itself to the changed conditions, which can be done without difficulty, as the streets have not yet been opened.

CHANGES OF STREET GRADE.

The main changes of grade, according to this bill, will be at the terminal station. At that point there will be a maximum fill of 35 feet with changes of grade as far east as Second street and as far west as New Jersey avenue, with about 23 feet fill at North Capitol street and a maximum grade of 3 per cent on Massachusetts avenue. The exact figures are shown on the map transmitted herewith.

At H street there will be a tunnel 800 feet in length and a cut of 9 feet at the east end, and no change of street grade at the west end, with a grade of approach of 4 per cent. It is proposed to have openings for air and light, and further, to require any street-car company using this street to light the tunnel. At K street the tunnel will be 430 feet long, with a cut at the east end of 12 feet and at the west end of 5.6 feet, with a grade of approach of 3 per cent. At L street the tunnel will be 160 feet, with a cut at the east end of 11 feet and at the west end of 9 feet, and a grade approach of 3.7 per cent. At M street the cut at the east end will be 15 feet and at the west end 11 feet, with a grade approach of 3 per cent. In all these streets the grades are not difficult and there will be a continuous fall from east to west. At Florida avenue the tunnel will be 160 feet long; there will be a cut of 14 feet at the east end and 15 feet at the west end, giving a depression of 9 feet below the summit of the western approach.

At New York avenue an overhead bridge is recommended, principally because to the east of the railroad and south of New York avenue the ground is high and the avenue will better serve this property if a bridge is constructed over the railroad instead of a tunnel under. The crossings of the streets farther to the east are not difficult and can readily be arranged.

The elevation of the plaza and the arrangements of street crossings have been carefully studied, and assuming the location of the station as fixed the grades agreed on are as favorable as possible to the District. The difficulty of arriving at a thoroughly satisfactory arrangement of street crossings lies in the necessity of bringing the trains from the south under the plaza and then over H street. Any further raising of the plaza would increase the fill and grades, and besides, in the opinion of the Park Commission, be injurious to the appearance of the station building.

Any lowering of the plaza would injure all the street crossings to the north of the station, as the streets would have to dip under the tracks. If the plaza were lowered about 20 feet bridges could be built over the tracks instead of carrying the streets under, but this would cause great damage to the property on these streets, and besides the crossings would, in each case, be more difficult, as there would be an up and down grade in the streets instead of a continuous grade in one direction. It would also make the grades of the Baltimore and Ohio to the north very heavy.

The subways for the streets will be lined with light brick and will have air and light shafts. In order to have as little change of grade as possible the bridges will go over in four spans, with columns in the center and at curbs, allowing 50 feet width between the curbs and 12-foot sidewalks.

LIST OF STREETS VACATED AND OF THOSE RESTORED TO PUBLIC USE.

The streets vacated and abandoned to the Baltimore and Potomac Railroad Company under the act of February 12, 1901, are as follows:

Canal street, between South Capitol street and New Jersey avenue.
G and H streets SE., between South Capitol street and New Jersey avenue.
I street SE., between First street and South Capitol street.

South side of Virginia avenue, between Second and Four-and-a-half streets SW.

North side of Virginia avenue SW., between Four-and-a-half and Seventh streets.

South side of Maryland avenue SW., between Ninth and Tenth streets.

All of Maryland avenue SW., between Twelfth and Fourteenth streets.

Thirteenth and Thirteen-and-a-half streets SW., between D and Water streets.

E street SW., between Twelfth and Water streets.

E and F streets SW., where they cross the new railroad right of way.

D street SW., between Four-and-a-half and Sixth streets.

C street SW., between Sixth and Seventh streets.

That portion of Garfield Park lying south of the main tracks authorized by the act, as well as all the area of the Mall lying between Sixth street and a line 340 feet west thereof.

The streets vacated and abandoned to the Baltimore and Ohio Railroad Company under the act of February 12, 1901, are as follows:

N street NE., between Second and Third streets.

Delaware avenue, between M street and Florida avenue.

E street NE., between North Capitol and First streets.

D street NE., between North Capitol and First streets.

Delaware avenue NE., between C and F streets; and all streets embraced within the area of the terminal and viaduct described in the act.

In the subdivision of Eckington, east of the right of way of the Metropolitan Branch:

All streets between T street, Florida avenue, Brentwood road, and Sixth street; also Brentwood road, between S street and Florida avenue, and R street, between Third street and the Metropolitan Branch.

Under the provisions of the pending bill the following additional streets are vacated and abandoned for railroad use:

In the city of Washington: The west 220 feet of Ivy street; Second street NE., between N street and Delaware avenue; the west 40 feet of Delaware avenue NE., between the north side of M street and the south side of L street; and all parts of streets and avenues within the area of the terminal and viaduct described in the bill, except that H street, K street, L street, M street, and Florida avenue shall be carried under the railroad through these structures, and that New York avenue extended shall be carried over them.

In Eckington: T street between the right of way of the Metropolitan Branch and the west line of Seventh street; Thomas street from the west line of Seventh street westward; Seaton street from Sixth street eastward; S street from Sixth street to the Brentwood road; Brentwood road from the south side of S street to the west side of Seventh street; Third street from the south side of R street to Florida avenue; and Quincy street throughout its length; except that T street shall be carried over the railroad by a bridge.

The streets and reservations that are granted to the railroads by the acts of February 12, 1901, and which will revert to public use under this bill, are as follows:

Delaware avenue NE., from C street to Massachusetts avenue; Massachusetts avenue within the limits of the terminal specified in those acts; E street, from North Capitol street to First street east; D street, from North Capitol street to First street east; the portion of F street from Massachusetts avenue to the west line of the terminal structure authorized by the pending bill; the area of the Mall between Sixth street and a line 340 feet west thereof, and C street SW, between Sixth and Seventh streets.

To summarize the above, the value of public property in addition to present occupation, with deductions for such as is restored to the public use, is as follows (the prices per square foot being either those used in previous reports and estimates, or, where such are not found, being arrived at by careful analogous determination):

Under the act of February 12, 1901, in relation to the Baltimore and Potomac Railroad, \$1,374,000; in relation to the Baltimore and Ohio Railroad, \$1,138,610; total, \$2,512,610.

Under pending bill there is an occupation in common by both railroads of portions of public space, giving a total of \$1,454,521. The figures relate in each case to a comparison with conditions as they exist to-day.

PROVISION FOR DAMAGES.

The principal objections that have been raised to the bill by citizens and property owners are regarding the damage to property due to change of grade. This can not be avoided, but it is thought that by concentrating the changes at the station a less permanent amount of damage is done, as it is expected that the rise in value of the property around the station will in many cases counterbalance the damage. The damages at the other streets, where there would be less advantage due to the location, have been minimized. The Commissioners have introduced an amendment allowing damages to property owners injured. This provision would take into consideration in awarding damages any increase in value due to location near the new station.

SUGGESTED CHANGES.

Some citizens of South Washington have petitioned that instead of the railroad crossing at Ninth street at existing grade and at Sixth street about 20 feet above existing grade, as required by existing legislation, the railroad tracks should be lowered so as to have the street at Ninth street at about existing grade and the railroad at Sixth street at about grade, carrying the street over by a viaduct. The object of this would be to depress the tracks around the park at Virginia and Maryland avenues, and to carry Seventh street above the railroad instead of below, on account of the less damage to business and other property in that vicinity and to better save the park. It would also be of advantage in that the view down Maryland avenue from the Capitol will be less obstructed. The citizens claim that the grades authorized by existing legislation were assumed so as to allow the railroad to get readily into the Mall.

The Commissioners do not recommend the change for the reason that Sixth street is a through street from Pennsylvania avenue south to the wharves and will probably become an important thoroughfare, while Ninth street is a short street, not passing through the Mall. The arrangement proposed by existing legislation takes Seventh street under the railroad, and while the cut will be greater than the fill suggested by the citizens of South Washington, the dip would be about the same as the rise on a bridge, as there is a slight elevation at present at Seventh street and Virginia avenue. The damage to property in that vicinity is estimated, in the report on existing legislation, as not great.

The citizens who claim to be affected most disadvantageously by the proposed legislation are those living in and around Eckington. This suburb has the railroad to the east and south and a hill to the west, over which the streets are not yet improved, and even when improved will have heavy grades. Communication with the city is only to be had along R street, between Second and Eckington place. This short piece of street has double car tracks with curves at Eckington place and Second street, making it rather difficult passing. Existing legislation provides for the final opening of Third street, but the present bill closes this street. The widening of Eckington place will help the matter somewhat, but the exit will still be inconvenient, and S and T streets should be opened and improved as soon as possible. The Eckington Citizens' Association has expressed itself as interested in the project, and

while it states that the proposed legislation will damage property in Eckington, it only asks for the following concessions:

First. That the roundhouse and shops be located east of Seventh street. This is provided for in the plan submitted by the railroad companies.

Second. That the freight station be kept south of Q street, and, failing that, south of Quincy street. The former restriction does not seem practicable, as the station covers most of Q street east of Eckington place. The railroad plans do not indicate at present any extension north of Quincy street, but it is explained that the railroad may wish to extend over the whole space to the south side of R street within a short time.

The south side of R street between Third and Second streets is almost entirely built up with substantial houses; the north side of R is as yet unimproved. The north side of Quincy street, on the part opened, is built up with brick dwellings; the south side is unimproved.

Owing to the shut-in condition of Eckington it would be desirable, unless the railroad company has absolute need of this land for freight facilities in the near future, to require Quincy street to be kept open and continued to Eckington place.

Third. That there should be a stone wall 7 or 8 feet high built between Eckington and the freight yards and tracks as far north as T street. This is simply a question of expense. This fence would cost \$12 per foot, or a total cost of \$28,000. If the railroad extends its freight yard to the south side of R street such a fence should undoubtedly be built for the protection of dwellers on the north side of R street.

COST.

The cost will approximate as follows:

The bill provides that the Baltimore and Potomac Railroad shall receive \$1,500,000. This is approximately the assumed value of the property on the Mall occupied by the railroad under existing legislation and is intended to repay the company for its relinquishment. As the Mall is to become United States property this cost is, according to the bill, to be borne by the United States.

Existing legislation requires the Baltimore and Ohio Railroad to be paid the sum of \$1,500,000. As the final figures of the cost of the changes required by this bill have not yet been received, it is not possible to make exact comparisons. It is probable that the cost will be less than by existing legislation, due to the Baltimore and Potomac sharing many of the expenses and to less length and height of viaduct. Besides, the Baltimore and Ohio will have a southern connection, which is very valuable. On the other hand, the cost of operation as to terminal facilities, and more especially the change of location of the freight depot, will be a continuous source of expense to the railroad.

The railroad companies are required to construct the street crossings of existing streets within the right of way, the streets thereafter, including viaducts carrying the streets, to be cared for as other streets and bridges in the District.

In cases of streets not yet opened the bill directs that the railroad companies shall pay half the cost. This is the usual method in such cases.

The money to be expended by the Government in making the changes is as follows:

The estimated cost in South Washington, according to existing legislation, was \$250,000. This amount will be reduced to about \$170,000, on account of work around the Mall which will not be necessary, \$50,000 of which is due to damages on account of change of grade.

North of the Capitol the cost is estimated as follows:

238,943 cubic yards grading (cut to be used in fill), at 40 cents	\$93,577.20
547,283 cubic yards grading (barrow to be used in fill), at 15 cents	82,092.15
25,580 linear feet curb reset, at 30 cents	7,674.00
7,500 linear feet new curb set, at \$1.10	8,250.00
77,803 square yards asphalt (new and relaid), at \$2	155,606.00
4,599 square yards granite block relaid, at 75 cents	3,449.25
7,851 square yards macadam relaid, at 20 cents	1,570.20
7,610 square yards gravel relaid, at 25 cents	1,902.50
49,158 square yards sidewalk to be laid, at \$1	49,158.00

Changes in sewers and water pipes	403,279.30
	25,000.00

Add 15 per cent for contingencies	428,279.30
	64,241.89

Total cost of grading and paving	492,521.19
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Say \$500,000.

The railroad companies agree to supply earth for filling free of cost on cars at station, thus allowing this great fill to be estimated at 15 cents per cubic yard.

The asphalt pavements that are to be relaid are generally quite old, and the ones that will replace them will be a betterment to this extent. While difficult to estimate the value of this betterment, it can safely be placed at not less than \$20,000.

Of the above total of \$500,000 the following are directly attributable to change of grade of streets, due to elimination of grade crossings from H street, inclusive, northward:

238,943 cubic yards grading (cut to be used in fill), at 40 cents	\$93,577.00
9,789 square yards grading in fill, at 15 cents	1,468.35
11,020 linear feet curb reset, at 30 cents	3,306.00
2,040 linear feet new curb, at \$1.10	2,244.00
15,248 square yards asphalt, at \$2	30,496.00
3,668 square yards gravel relaid, at 25 cents	916.75
7,851 square yards macadam relaid, at 20 cents	1,570.20
19,103 square yards sidewalk to be laid, at \$1	19,103.00

Changes in sewers and water pipes	152,681.30
	25,000.00

Add 15 per cent for contingencies	177,681.30
	26,652.19

Total	204,333.49
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Say \$200,000.

The balance of the total of \$500,000, or \$300,000, is directly connected with the grading and paving of the plaza and streets leading thereto, itemized as follows:

537,494 cubic yards grading in fill, at 15 cents	\$80,624.10
14,560 linear feet curb reset, at 30 cents	4,368.00
5,460 linear feet new curb, at \$1.10	6,006.00
62,555 square yards asphalt (new and relaid), at \$2	125,110.00
4,599 square yards granite block relaid, at 75 cents	3,449.25
3,943 square yards gravel relaid, at 25 cents	985.75
80,055 square yards sidewalk (new and relaid), at \$1	30,055.00

	250,598.10
Add 15 per cent for contingencies	37,589.70

Total	288,187.80
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The real estate to be purchased can not be valued until further figures are obtained from the railroad. The president of the Baltimore and Ohio has promised that such land required as is owned by the railroad will be given at cost price. A preliminary estimate is made of \$500,000.

A map showing all property affected is submitted. The value of most of the unimproved property will probably be enhanced. While the work is going on around the plaza, and until the roads are paved, much of the improved property will be difficult of access. It will also be left below grade. In many cases it will be possible to raise the houses, but there will be considerable damage to private owners. It is impossible to estimate, even with reasonable accuracy, the amount of these damages. As far as can be estimated it will be at least \$500,000.

A summary of the preliminary estimated cost is at follows:

To be paid by the United States, \$1,500,000, to the Baltimore and Potomac Railroad for evacuation of the Mall.

To be paid half by the District and half by the United States, \$1,500,000 to the Baltimore and Ohio Railroad as per act of February 12, 1901: \$320,000, cost of grading and paving; \$500,000, real estate to be purchased; \$550,000, damage to property.

All of this will not be paid out at once. The sums to go to the railroad companies will be paid only when the work is completed, and the remainder only as the work is done.

Taking all questions into consideration, the Commissioners are of the opinion that the proposed arrangement is for the best interests of the District. The change is a great one and intended to be permanent. All grade crossings within the city limits and on all new construction are abolished. A union station is built, monumental in character and in keeping with the plans for beautifying the District. The location, while not as simple from an engineering point of view as the one on C street, has the great advantage of keeping Massachusetts avenue open, of locating the station where it will appear to the best advantage, and of being reached by direct line and wide streets from any part of the city. The cost to the District will be greater than the first-named location, but it is thought it will in the end be more satisfactory.

Provision should be made for the street cars to come to the station. The companies have submitted plans for this, but such can hardly be considered as final. As the tracks can not be put in until the grading is completed, there is no need of immediate legislation, but it may be advisable to authorize the Commissioners to make proper provision for the street-car companies to connect with the plaza.

The Commissioners return the bill with certain amendments inserted, most of which are minor and have practically all been agreed to by the railroad companies.

The following maps are submitted herewith:

- A. Map showing existing and proposed terminal systems within the District.
- B. Map showing public space vacated for railroad uses in the northeast section.
- C. Map showing changes in street grades and property affected thereby.

Very respectfully, yours,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners
of the District of Columbia.

HON. JAMES McMILLAN,
Chairman Committee on the District of Columbia, Senate.

Mr. PATTERSON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of section 9 it is proposed to insert:

And any railroad company whose tracks may or shall connect with or intersect the tracks of any of the companies hereinbefore named shall have the right to move its passenger traffic over the tracks so connected with or intersected and to use the main passenger station and terminals hereinbefore provided for upon such terms as may be agreed upon between such railroad company and the company or companies owning said tracks, station, or terminals; and in case of failure on the part of any of such companies to agree about such use, either as to terms, accommodations, schedules, or otherwise, the matters in dispute shall be submitted to the supreme court of the District of Columbia in equity term for its determination upon the petition of either party to the controversy, and jurisdiction to hear and consider such disputes and to finally adjudicate the same according to principles of equity and the very right of the matter and to enforce its orders or decrees in such respect is hereby conferred upon said supreme court.

Mr. PATTERSON. Mr. President, the way I became interested in this bill is as follows: Several of my constituents, with some capitalists of Pittsburg, Pa., invested several million dollars in the construction of a railroad from Washington City to the shores of the Chesapeake Bay. That railroad is some 40 miles in length. At the terminus on the bay the company expended hundreds of thousands of dollars in the purchase of land on the shore, the erection of hotels, baths, piers, walks, and the like.

The purpose of the construction of the railroad and the buildings on the beach was to afford to the people of the city of Washington a cheap and convenient seaside summer resort, which those who could not afford to go to the Atlantic coast, to Long Branch, Saratoga, and other great and expensive watering places might reach from the city of Washington at a minimum charge.

That road was constructed; its Washington terminus is some 3 or 4 or 5 miles out, and since its construction the company has found it impossible to enter the city of Washington. Passengers from Washington desiring to visit that resort must leave the city on electric cars and transfer at the terminus of the steam road. It is practically a railroad in the air, capable of immense good to the city of Washington and its people, but rendered almost valueless by reason of its being refused ingress into the city. I was conversing several weeks ago with the manager of the road and he told me of the difficulties in that connection and mentioned the pending bill. It caused me to examine the bill and to offer this amendment.

Ordinarily, Mr. President, I understand that Senators do not interfere with the management of the District of Columbia by the Senate committee having in charge its interests and business;

and were it not that I have constituents who are very deeply interested in this matter, I presume I should have followed the common practice. The examination of the bill, however, disclosed to me a measure which in most of its features is extraordinary and without a parallel in the dealing of municipalities with railroads or other corporations—a measure that grants to the Pennsylvania Railroad Company more money and more property than was ever before granted by any municipality within the limits of the United States, and, I will venture the assertion, more than was ever given to any corporation by any municipality in the world.

The result of this extreme prodigality upon the part of the Government in dealing with the Pennsylvania Railroad Company is to establish a monopoly in that company of all of the passenger traffic and practically of all of the freight coming into and going out of the District of Columbia. I mention this for the purpose of showing the necessity of some such amendment as that I have offered.

The amendment does no more than break the monopoly. The bill as it is makes the District of Columbia a mere annex to the Pennsylvania Railroad. It gives to the Pennsylvania Railroad Company practically a perpetual monopoly of all the passenger and freight business to and from the District of Columbia, and unless this Congress, in connection with the passage of this bill, puts some amendment upon the measure, it will be utterly impossible, in my judgment, ever in the future to break this monopoly.

I call the attention of the Senate to the grounds upon which these tremendous grants are proposed to be made: That the city of Washington is to be improved along certain artistic and extensive lines; that it is necessary for the harmony of the design that some such depot as this should be erected; that by the last Congress certain grants and concessions were made to the Baltimore and Ohio Railroad Company and to the Baltimore and Potomac Railroad Company, in consideration of which two depots, two terminals, were to be created in the District of Columbia, but that influences have been at work to induce the two railroad companies to coordinate and cooperate so that they will unite in the construction of a single large union depot, and in the construction of approaches thereto of a certain character. They seek to impress the inference upon the Senate that these two railway companies, as an act of grace, by way of concession to Congress, have agreed to consolidate their business in one union depot and their entrance to the city along one single approach.

The fact is, Mr. President, that by reason of the consolidation of these two great lines of railway it has become almost an imperative necessity that, instead of having two terminal depots, there should be but one union depot. It was admitted in the reports, which were printed for the information of Congress, that the Pennsylvania Railroad Company own and control both the Baltimore and Potomac and the Baltimore and Ohio railroads. That ownership did not exist when the two measures were passed in the last Congress; but in the interim the consolidation has occurred. So that, instead of being an act of grace and favor upon the part of these two corporations to unite for the construction of one union depot, it has become a necessity with those corporations that there should be but one depot.

You can not very well imagine any well-conducted railway entering any city upon two separate and distinct lines and transacting its business at two separate and distinct depots without any connecting railway tracks between them. But, under one ownership, reaching the same city, to compass the passenger and the freight traffic of the same locality and the same people, having two terminals, two sets of officers, and a duplication of all that is necessary to carry on their business, when a single system is all that is necessary, is absurd in the extreme.

So that, for one, Mr. President, I am inclined to believe that when the necessity for the consolidation of the interests of these railroads in the city of Washington occurred, instead of increasing the grant to the railway companies to secure the erection of a proper depot, a concession should have been demanded of the railway companies, and the benefit should have been received by the District of Columbia and the Government, and the grant should not have been increased to the consolidating lines.

I call the attention of the Senate to what this bill grants to the Pennsylvania Railroad Company. First, a cash payment of \$3,000,000, most extraordinary if that were all; second, real estate in the way of streets and other public property, which is estimated by the Commissioners of the District of Columbia, determining the value of these streets by the value per foot of private real estate adjoining—that, in all, amounts to \$4,167,131—a pure gift of real estate, and real estate that belongs to the taxpayers of the District of Columbia and to the United States.

In addition to that the Government has to expend in the purchase of land, in payment of damages to abutting real estate, and in the construction of fills an additional sum of \$1,800,000, making a total cost to the Government of \$8,967,131; practically a

gift to a single railway corporation, and for what? To erect a depot that will stand simply to the glory and the profit of this railroad corporation.

When Congress has heretofore appropriated money for the improvement of the District of Columbia, the improvements belonged to the Government and to the people; but here, in round figures, the sum of \$9,000,000 in money—cash gifts, real estate gifts, and money to be expended by the Government, of \$9,000,000—all given for the benefit of the Pennsylvania Railroad Company; and, except in the mere matter of ornamentation, the fact that in the city of Washington there will be a beautiful depot, a costly depot, and that these railways will enter that depot in a way that will make travel measurably safe, not an atom of benefit is to accrue to the Government by reason of this vast expenditure of money and property.

Mr. President, when you add to this vast sum of \$9,000,000 the value of a perpetual franchise, a franchise in perpetuity, and the value of the monopoly to the Pennsylvania Railroad Company, it means that you are giving to that company a sum of money and benefits and the value of benefits that will not fall short of \$50,000,000.

Mr. GALLINGER. Will the Senator please restate that proposition? The figures \$50,000,000 attracted my attention.

Mr. PATTERSON. I said that in cash gifts, in the value of real estate, in the expenditure of money by the Government to make ready the plaza, in the purchase of real estate to give to the company, and in the value of franchises, embracing, as they do, practically a perpetual monopoly, the value of the gift to the Pennsylvania Railroad Company does not fall short, if it can be estimated in money, of \$50,000,000.

Mr. GALLINGER. If the Senator will permit me, the company has that franchise now, has it not?

Mr. PATTERSON. The company has a franchise to enter the city of Washington on Pennsylvania avenue or near thereto, and the Baltimore and Ohio Railroad Company has a franchise to enter the city of Washington near the Capitol, but there is no legislation that creates in those franchises, or in connection therewith, a monopoly; and it is by reason of the right to extend their tracks through the city to a common terminus, and the exclusion of other railroad companies from entering the city of Washington, that this franchise and monopoly is of so vast a value.

Mr. GALLINGER. Will the Senator permit me there?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. Does the Senator think that it is to the detriment of the city of Washington to have a franchise that permits these railroad corporations to enter one station rather than two? Is the Senator not aware of the fact that this legislation will allow every railroad that enters the city to-day the use of this station?

Mr. PATTERSON. Mr. President, I do not think it is a disadvantage to grant a franchise that will consolidate two terminals into one. I also understand that all the railroads—I believe they are four in number—that now enter the city of Washington will have the use of this depot.

Mr. GALLINGER. Five or six.

Mr. PATTERSON. And these railroads, Mr. President, are all practically under the control of the one high beneficiary.

Mr. GALLINGER. Oh, no.

Mr. PATTERSON. But I would ask the honorable Senator from New Hampshire is the city of Washington completed? Has it its full growth? Is the city of Washington to be deprived of other railroads? Is Washington, the capital of the nation, in times of war or in times of peace to be perpetually at the mercy of one single railway corporation? No matter how other railway companies may look with longing eyes toward the capital, no matter how anxious they may be to enter the city of Washington, no matter what the benefits of such railway companies might be to the business and the residents of the city of Washington, no matter what the necessity for these railroads may be, the practical effect of this bill is to continue the monopoly in the Pennsylvania Railroad Company, and to exclude these incoming roads, if any there be, from the limits of the District.

I take it, Mr. President, that if the city of Washington is to remain a hamlet, if its size is now fixed and determined, if the lines of railway that other municipalities are seeking for, bidding for, and longing for, are to be excluded from the city of Washington, if it is to the benefit of the Government that such shall be the case, if it is justice to the taxpayers and the property owners and the residents of the District of Columbia that that condition shall exist, then, Mr. President, this is an eminently fit and proper bill no matter what its cost may be to the Government and to the people of the District of Columbia.

Is this a monopoly? Let us see, Mr. President. The Board of Commissioners of the District have agreed upon a general system for the ornamentation and the beautifying and the laying out of the city of Washington. The system forbids the erection of unsightly depots outside of this one great depot; it forbids the laying

of other lines of track along the streets or thoroughfares or across them or along or upon private property. To permit such things to be done would be to destroy the system of improvement which has been practically agreed upon; and it is by reason of that that this vast sum of money is to be expended by the District and by the Government for this new depot and the construction of the entrance for these two railways into that depot.

There is a provision in this bill for allowing other railways to enter the city of Washington. But what is the provision? They can only enter and use the tracks and use the depot, for which the Government in money and property will expend at least \$9,000,000, by a contract with the Pennsylvania Railroad Company. The Pennsylvania Railroad Company in possession, having the right to fix the terms upon which a new railway will enter the city of Washington, will make it easy for it if it suits the purpose of the Pennsylvania Railroad Company, but if it is opposed, it will make its demands so onerous and burdensome that it will be impossible for the new line to enter. Thus, pretending to provide for the entrance of new railways and cutting off the appearance of a monopoly, the provisions of the bill exclude all new railways and create a monopoly as binding and as grasping as any with which a community has ever before been afflicted.

Since it is the Government that is making this grant, since it is the Government that must legislate to permit the construction of these railway lines within the city and the depot, the Government has the right, and it is the duty of the Government, to protect the public, to make the grant only upon condition that the growth of the city shall not be retarded; that the city shall not be held in the grasp of this monopoly; that the taxpayers of the city of Washington shall have some benefit arising out of the vast sums of money which they will be compelled to pay by taxation. It is eminently wrong, Mr. President, for Congress, upon which the eyes of the country are centered, to set an example to all the municipalities of this country of absolute, complete, and abject surrender to any single corporation, and to place the great capital city of the nation fettered and under the control and at the mercy of this corporation.

I take it the time may come when the District of Columbia will need more railroad accommodations than the Pennsylvania Railroad may offer. There may come a time when troops must be hurried to the capital in great number. There may come a time when munitions of war of every kind—horses, artillery, provisions—must be hurried to the capital.

Mr. GALLINGER. Will the Senator from Colorado permit me?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. Does the Senator think a railroad will be built when the emergency arises for the purpose of bringing munitions of war here?

Mr. PATTERSON. I have no idea, Mr. President, that any company will build a railroad simply to have it in readiness to carry arms and armies to and from the capital, but I take it that the city of Washington as a focus, as a great and a growing community, offers advantages to railway companies to come here, so that in the no very distant future, if the necessity arose, we would have several more lines of railways to do the business of the country than we will have if this bill as it is now framed shall go into effect. That is what I mean, Mr. President.

See what other cities are doing with this very railway company. The Pennsylvania Railroad wants to enter the city of New York. Reading the New York papers, I discover that it is to construct a tunnel under the river, through which its trains will be hauled from the West and the South to the heart of the great metropolis, an improvement of vast advantage to the city of New York and of vast expense. Is the city of New York giving to the Pennsylvania Railroad Company a great bonus to induce it to construct that great work which it is on the verge of constructing?

Mr. GALLINGER. Will the Senator from Colorado permit me?

Mr. PATTERSON. Always.

Mr. GALLINGER. I suppose the Senator is familiar with the fact that New York now has a general grade-crossing act, which provides that the expense of abolishing grade crossings is to be borne 50 per cent by the railway company, 25 per cent by the municipality, and 25 per cent by the State, and New York has paid out millions of dollars to the railroads that enter that city at the present time for the abolition of grade crossings. The money appropriated in this bill is largely for that purpose in the city of Washington. Every other State, I will say to the Senator, if he will permit me, is doing the same thing.

Boston has spent a great many million dollars for that purpose. The Senator would insist that it was a gift to a railroad company. The city, desiring to improve the transportation facilities and to get rid of dangerous grade crossings, has spent fabulous sums of money for that purpose.

Mr. McMILLAN. I should like to ask the Senator from New

Hampshire if it is not true that the city of Boston and the State of Massachusetts—

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from Michigan is reminded that he must first address the Chair and secure the permission of the Senator entitled to the floor.

Mr. McMILLAN. Mr. President, will the Senator from Colorado allow me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. PATTERSON. Certainly.

Mr. McMILLAN. I wish to ask the Senator from New Hampshire if it is not true that in Massachusetts the division is 40 and 60 per cent, the State paying 40 and the railroad 60?

Mr. GALLINGER. That is absolutely correct.

Mr. McMILLAN. In Connecticut, I think, it is 50 per cent each.

Mr. LODGE. The city pays part.

Mr. McMILLAN. The city pays half and the State pays the other half.

Mr. GALLINGER. That is the rule, if I may be permitted, in every city and every State of the country, and what this bill proposes to do in the city of Washington is not so generous, so far as contributions for this great public improvement are concerned, as what has been done in Boston, in New York, in Chicago, and in all the other great cities of the country, as can be readily shown.

Mr. PATTERSON. I am not familiar with the figures and therefore must accept the statement of the Senator from New Hampshire and also the statements of the chairman of the Committee on the District of Columbia, but as I understand their claim—and the Senators may correct me if I am mistaken—the municipalities to which they have referred have borne a certain proportional share of the expense of constructing either overhead railway tracks or tunnels in order that the surface of the streets might be relieved from existing impediments.

Mr. McMILLAN. Will the Senator from Colorado allow me?

Mr. PATTERSON. Certainly. Take it for granted that consent is always given.

Mr. McMILLAN. That is exactly what we have done in the District of Columbia. The same principle has been acted upon here as in every State, or in the Eastern States anyway.

I will state, while I am on my feet, that the bill to which the Senator from Colorado is now addressing himself, calls for not one cent of money from the District of Columbia or the United States, except in connection with the Mall. All the improvements—the new depot, the site for the new depot, and the damages, and the stations outside for freight—are to be paid for by the railroad company, even the connections between the two railroads. So the railroad company pays under this bill \$4,500,000, nearly \$5,000,000 more than it would under the old bills which have been passed by Congress.

The United States and the District of Columbia pay not one dollar, but they simply improve the land in front of the station, do what is necessary in order to make a plaza, and for the fillings, which it is estimated will cost \$1,800,000, one-half to be paid by the United States and one-half by the District of Columbia. They pay nothing for stations or tracks or anything like that. It is all paid by the railroad company.

Mr. PATTERSON. I should like permission to ask the chairman of the Committee on the District of Columbia some questions. You do give the railroad company \$3,000,000 in money, do you not?

Mr. McMILLAN. The old acts which are now in existence—the legislation having passed a year ago—give the Baltimore and Potomac a million and a half dollars in land instead of money. It was to help it to do away with grade crossings. The Congress gave the Baltimore and Ohio a million and a half for the same purpose. Now, they have the legislation for that at the present time, but the new legislation does not call upon the United States or the District of Columbia to pay one cent except to improve the land in front of the station.

Mr. PATTERSON. It is a long way around Robin Hood's barn. The United States is to pay to the consolidated company for consolidating its lines and to help it to build this new depot, \$3,000,000. That is one thing which is settled. Does not the United States pay (to be paid one half by the Government and the balance to be levied on the taxpayers of the District of Columbia) \$1,800,000 for property, for construction, for fills, and for damages? Is not that the estimated cost to be paid for those items?

Mr. McMILLAN. In reply to the Senator from Colorado, I will say that it will cost \$1,800,000 for those improvements. That, however, has nothing to do with the operation of the railroad. It is simply to make the access by opening streets and paving streets and providing a grand plaza there suitable for such a

depot. In all cases of that kind, in all cities, in the East especially, you will find that the cities provide everything outside of the station, just as we are doing.

Mr. GALLINGER. Will the Senator from Colorado permit me?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The Senator must not lose sight of the fact that the two railroad corporations were given a grant of \$3,000,000, which, under existing law, they can now claim if they should continue their terminal facilities as they are at the present time; and the Senator should also keep in mind that the Baltimore and Potomac Railroad Company, under this bill, vacates its present location in the Mall, at the corner of Sixth street and Pennsylvania avenue, and surrenders that land to the Government, which in all probability, if it should be put on the market, would amount in value to more than \$3,000,000. Certainly if that property were sold at the same rate at which property in the immediate vicinity has been sold, it is not an overestimate to say that it would amount to as much as the Government is giving, so far as the elimination of grade crossings is concerned.

Mr. PATTERSON. Recurring to the last question I propounded to the chairman of the Committee on the District of Columbia, the United States and the District of Columbia are to expend \$1,800,000. That is the estimated expenditure for the filling in to secure the elevation upon which the great depot is to stand, for the purchase of real estate to turn in and make a part of this great plaza by which entrance into and exit from the depot can be reached and made. That much money is not paid to the railroad company, but that much money is paid for the benefit of the depot, to make it easy of access, to make it handsome in appearance; in other words, to add to the facilities for the depot to be constructed by the railroad company and in a certain measure to help in the adornment of the city in that particular locality.

Mr. McMILLAN. Does not the Senator from Colorado believe that if these great improvements, costing millions of dollars, are made on the north side of the Capitol, eventually the District of Columbia will gain great benefit in taxation? Property there has already gone up three or four times in value, and those streets would have to be improved in the next five years anyway. So, in reality, we are simply improving the District of Columbia, improving our own property, and the benefits will come hereafter, no doubt, to some extent anyway.

Mr. PATTERSON. I want to answer the questions in their order. To recur to the proposition of the Senator from New Hampshire, the land occupied by the Baltimore and Potomac Railroad, I understand, it holds practically as a tenant at will. It never paid a dollar for it. It was Government property, a part of that which is called the Mall. The company was given the right of entrance and the right to construct and build upon it. That is all, as I understand the fact and as it has been claimed by a number of excellent lawyers.

Mr. GALLINGER. I do not wonder that the Senator understands it in that way, because I so understood it until somewhat recently, but the fact is that that land went to the railroad company by a grant from the municipal government of the city of Washington, which act was confirmed by the Congress of the United States. So the railroad company owns the land absolutely. There is no doubt that the railroad received it for nothing; but if the Senator should make me a gift and I accepted it, there would be no legal reason certainly why I should return it to the Senator.

Mr. TELLER. I want to interrupt the Senator from New Hampshire to say that in twenty-five years' service here I have always understood that the railroad company held that land at the will of the Government of the United States. I believe that is the law of the case.

Mr. GALLINGER. The Senator is manifestly mistaken about the matter, and I will quietly guarantee to the Senator that I will persuade him he is mistaken.

Mr. PATTERSON. Let me ask the Senator from New Hampshire if the gift to which he refers was made by the last Congress?

Mr. GALLINGER. Not by the last Congress.

Mr. PATTERSON. How long ago was it made?

Mr. GALLINGER. A long time ago. I have forgotten when, but when the railroad took possession.

Mr. PATTERSON. I think I can make one statement—

Mr. GALLINGER. I will say to the Senator from Colorado that the chairman of the committee states it was in the year 1871.

Mr. PATTERSON. I think I can make a statement which will not be contradicted, and that is that so far as the city of Washington is concerned or the District of Columbia, it had no authority to make a grant of any portion of that real estate; that it belonged to the Government of the United States, being specially reserved to the Government.

Mr. McMILLAN. Will the Senator from Colorado allow me?

Mr. PATTERSON. Certainly.

Mr. McMILLAN. As I understand it, the grant was given by the municipal government and confirmed by act of Congress, two-thirds of both Houses voting therefor at the time, 1872.

Mr. PATTERSON. I have never seen the confirmation. I have never even seen the grant by the District of Columbia, but I have so much faith in the common sense and prudence of the Congresses of twenty-five or thirty years ago that I express the gravest doubt about the Congress ever having granted to any railway company, as a gift or otherwise or for money, a part of what was and is to be a great garden and a site for great buildings between the Capitol and the Potomac River; and I will be pleased to see and to examine the very terms of the act of Congress to which the Senators refer.

Mr. President, to recur to a question propounded by the Senator from Michigan as to the great benefits which are to be derived by property owners and the people of the District of Columbia generally from this enterprise, there never was a demand made by a railway or other corporation upon a municipality to secure which the same claims were not made. I take it there is not a private owner of real estate within the limits of the District of Columbia who desires to erect upon his lot a ten or twelve story building who may not come to Congress with the same plea for a donation of money, because he is going to erect a structure that will add to the beauty of the capital, to the value of property, and to the business of the city.

The great scandals of the last century in the United States, Mr. President, have been the scandals in which municipal corporations were parties, in the struggle of street railway companies and steam railway companies with municipal councils to get from the city grants of franchises and donations of money to help along improvements which they claimed they desired to make for the benefit of the people. Only the other day we read in Associated Press dispatches of the tremendous scandals in the city of St. Louis, where street railway companies and other corporations had paid to the members of the city council time and time again sums of money—\$100,000, \$50,000, \$25,000, and in one instance \$250,000—for what? For franchises along the streets of the city, to build up the city, to improve the city, to give facilities to the residents and visitors for locomotion throughout the city. That was their plea, Mr. President. The corporation always confers the benefits—

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. With pleasure.

Mr. TILLMAN. I would remind the Senator that a couple of years ago, I think it was, the Hon. John Wanamaker offered \$2,000,000 for franchises in the city of Philadelphia which had been granted by the municipal government free. He offered to buy them and pay the cash, and I think he put a certified check in bank.

Mr. PATTERSON. Anyone who has given attention to municipal transactions will realize the nature of the dealings between the corporations and municipal councils. I venture the assertion that if you will take the stocks and bonds, or the asking price, of street railways in the city of Washington, you will find that the demand is twice or thrice what it has cost the constructors. I know in my own city we have a street railroad system for which, as I am credibly informed, \$8,000,000 was refused. They never paid \$3,000,000 in construction and betterments. The franchises make up the difference between the actual cost to the company and the price demanded or the value of the property by reason of the dividends that the company are able to earn.

Mr. President, people, as a rule, do not seem to comprehend franchises. The right or the monopoly in a street of a city is the property of the city and the property of the taxpayers. Pennsylvania avenue, and F street, and G street, and H street, and Massachusetts avenue are the property of the people of the city of Washington, and when Congress, or any other body, grants a monopoly of those streets to any company, for street transportation or otherwise, or to lay therein water mains or gas mains, that body is simply taking from the people their property and giving it to corporations. As well might the corporation go to the owner of a large amount of real property and say, "I propose to erect a manufacturing establishment, and you must give me a part of your property, no matter how much its value, to erect my establishment upon, because it will improve the remainder of your property." No court of justice and no people would hearken to a demand of that kind. When you grant a franchise along the streets, you are simply giving a leasehold of the streets to a monopoly, and that leasehold is worth immense sums of money to the municipality. Still such leaseholds are given away, although if they were properly and honestly administered the use of those streets would yield immense revenues to the municipality.

Let me give one illustration close at home. Only 40 miles away, in the city of Baltimore, the street railway companies pay to the city 9 per cent of their gross receipts for the right to use

the streets of the city of Baltimore; and it is no more than a fair rental for those streets. Those vast sums, amounting each year to between three and four hundred thousand dollars, are used by the city of Baltimore to lessen the taxes of the people and to beautify their park system and to add to the park area. The people in different municipalities all over the country are awakening to the immense value of these franchises, which heretofore have been held as baubles to be given to the first comer who would promise to create some improvement upon the streets. The people in the different municipalities of the United States are commencing to realize that the streets belong to the people, that the streets are the property of the population, and that they are as much entitled to compensation for the use of those streets as the private property owner is entitled to compensation for the use of his town lot or his farm acres.

Now, then, what I object to in this measure is not so much the vast and magnificent gifts that are being thrown at the Pennsylvania Railroad Company, but that we give to the company a practical monopoly, the value of which must increase year by year, as the city of Washington and the business of Washington and the population of Washington constantly increase. The amendment I have offered is simply for the purpose of destroying that monopoly—to say to the railway companies of the country, "If you will construct a line to the city of Washington and you desire passenger facilities where the Government has made up its mind passenger facilities shall alone be afforded to railroad companies, you may negotiate with the owner of the depot and the tracks leading to it, and if you can not agree with the owner, then you may go to the supreme court of the District of Columbia, sitting in equity, and ask the judge of that court to determine the terms upon which you may be permitted to enter and use the privileges, what the rental shall be per year, what the rates of charges to passengers may be," and imposing upon the company which desires the benefit of the terminal facilities such terms as the supreme court of the District of Columbia may think just and proper.

Is that wrong? Is it not the very essence, the very spirit, of equity itself? Can the Congress afford to pass a bill which leaves it in the power of the Pennsylvania Railroad Company to deprive of its passenger traffic every other railway company which may desire to enter the city of Washington? For if, as is the case with the road which extends to the Chesapeake shores, new railroad companies are compelled to halt out on the boundary line of the city and to have their passengers transferred to the city over electric railway lines, what railway will build here? If this amendment shall be adopted, before long the Pennsylvania Company will be more than compensated in rentals for the expenditures that it is said it will make in constructing these approaches and this building.

I am reminded—and I want to refer to it before I close—to what is being done by other cities where they change surface trackage to elevated or underground trackage. I doubt if there is a case on record where a municipality has done more than to help bear the expense of the change, but here Congress transfers to this railway company, according to the estimate as I took it from the Saturday Evening Star, streets and other city property which aggregates in value nearly \$4,800,000. And for what? To build upon that property their freight yards, their freight sheds, their freight switches, and their freight lines. When did you ever hear of a municipality, however corrupt, to secure the elevation of trackage, the change of trackage from surface to some other method, not only helping to bear the burden of the change, but also giving millions of real estate to the railway company in order that it might construct its freight yards, its freight sheds, and its coal yards—real estate given to it by the city upon which to do its freight business?

Mr. President, monopolies and perpetuities are inimical to a spirit of free government. Jefferson and all of the great fathers of our country have so declared. There is hardly a municipality of 50,000 people or more in the United States in which the people are not engaged in struggling against the encroachments of these quasi-municipal corporations and the corruption of their city councils. There are efforts being made all over this country for municipal ownership of the great public utilities, street railways, water supplies, electric lights, gas, and privileges of that character. It is a struggle that is now only in its infancy. It is necessary that that system shall ultimately prevail or else the corruption that is the curse of municipal life will continue to increase until those who live in cities will be the serfs of the corporations who own and control the councils and who own and operate and control the franchises.

What should be done by Congress with reference to this depot and this line is for Congress to build it itself. Congress should own the depot, and Congress should construct the tunnel and should construct the overhead trackways. Then it should force every railway company within the District of Columbia to do its

business there and to pay to the city of Washington or to the Government fair rental and compensation for the privileges.

If it does not do that, then Congress should content itself with paying to these corporations a fair pro rata for the change of its existing tracks from surface tracks to those that will be over head or under ground. It will be impossible for members of the Committee on the District of Columbia to show wherein more than two or three million dollars will be required to make these changes. The construction of the tunnel, which is the most expensive part of the work, will cost less, as I am informed by a member of the committee, than a million and a half of dollars. Then, how about the elevated line of trackage? It certainly will cost no more. The length is limited, the height is not great, the kind of construction is not overexpensive.

But under the plea of helping to compensate the Pennsylvania Railroad for elevating its tracks in some localities and submerging the tracks in others it is proposed to give to this corporation, and at the same time enable it to establish a monopoly, \$3,000,000 in money, \$4,700,000 in land, and to expend \$1,800,000 in order to make the depot when it is completed approachable by the public.

Mr. TILLMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.
Mr. TILLMAN. I have here the act of May 1, 1872, which is entitled "An act to confirm the action of the board of aldermen and common council of the city of Washington designating a depot site for the Baltimore and Potomac Railroad Company, and for other purposes;" and there occurs in it toward the end, after making some specification as to what might be done under it, this clause:

And provided further, That the United States, by act of Congress, shall have the right to repeal or modify the provisions of this act.

It therefore can not be said that any title has ever vested in the Pennsylvania road or the Baltimore and Potomac Railroad for the present site on Sixth street. They do not own it. They are merely tenants at the will of Congress. Therefore in abandoning it for this other site they give us nothing.

Mr. PATTERSON. Senators who are not lawyers are often misled by a provision at the end of acts reserving to Congress or the legislative authority the right to repeal or amend the grant. In most instances it stands simply as a proviso, and with that clause in it courts have repeatedly held that it is not within the power of the legislature making the grant to repeal or in any wise interfere with what might be termed the "contractual" part of the statute. That was the reason I desired to see the act to which the chairman of the Committee on the District of Columbia referred. I am told by my colleague [Mr. TELLER] that it is not a grant of title, but simply a confirmation of the right given by the legislative council of the District of Columbia to the company to construct its depot and its tracks upon this Government property.

Now, Mr. President, I will do no more than urge upon the Senate the adoption of the amendment I have offered. I am not particular about the phraseology, but some amendment should be adopted that would put it out of the power of the Pennsylvania Company to keep all competitors from entering the limits of the city, and that would give access to this trackage and the depot to other lines upon fair and just and equitable terms, taking nothing from the Pennsylvania Railway, simply making it amenable to rules of equity and law and conscience, so that the growth of the city of Washington may not be dwarfed; that a monopoly shall not continue indefinitely, and that if the taxpayers of the city of Washington are compelled to pay a couple of million dollars added to their already great burden of taxation, the tax will not be used for the purpose of closing the gates of the city of Washington to all other railways and fastening upon the people of the city a monopoly in perpetuity.

Mr. TILLMAN rose.

PAN-AMERICAN RAILWAY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, with respect to the resolution concerning a Pan-American railway adopted by the delegates of the republics represented at the Second International Conference of the American States, recently held at the City of Mexico.

I recommend an appropriation by Congress of the sum of \$20,000, or so much thereof as may be necessary, to enable the President to appoint two commissioners to visit Central and South America to carry the purpose of the resolution into effect, and to investigate and report upon the means of extending the commerce of the United States with those regions.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, April 22, 1902.

The PRESIDENT pro tempore. The Chair suggests that only the message and accompanying typewritten matter be printed,

and that they be referred, with the report, to the Committee on Foreign Relations. Without objection, it will be so ordered.

STATUE OF ROCHAMBEAU.

Mr. ALDRICH. I ask that the President of the Senate lay before the Senate the joint resolution received from the House this morning.

The joint resolution (H. J. Res. 180) authorizing the entry, free of duty, of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same, was read the first time by its title.

Mr. ALDRICH. It is important that action should be had upon the joint resolution promptly, and I ask that it may be placed upon its passage.

The joint resolution was read the second time at length, as follows:

Whereas by act of Congress approved March 3, 1901, the Joint Committee on the Library was authorized to purchase a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same; and

Whereas a contract has been entered into between said committee and Jules Bœufvé, chancellor and attaché of the French embassy to the United States, dated April 30, 1901, for the purchase thereof, for the sum of \$7,500, delivered in Washington, D. C., but which contract provides that said Jules Bœufvé shall not be required to pay any customs duty for the admission of said statue and pedestal at any port of the United States; Now, therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to instruct the collector of customs at the port of importation to admit to entry free of customs duties the said statue and pedestal mentioned and described in said contract.

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

Mr. HOAR. Does it require an act of Congress to admit a statue of the Government?

Mr. ALDRICH. The importation was made in the name of the chancellor of the French legation, and I suppose that is the reason why the Secretary of the Treasury has decided that action by Congress is necessary to authorize the entry free of duty.

The PRESIDENT pro tempore. The unfinished business will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

The PRESIDENT pro tempore. Is there objection to temporarily laying aside the unfinished business and proceeding to the consideration of the joint resolution which has been read?

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

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

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. RAWLINS addressed the Senate. After having spoken for half an hour.

Mr. CARMACK. Mr. President, I make the point that there is no quorum present.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dubois,	Kearns,	Pettus,
Bacon,	Elkins,	Kittredg,	Platt, N. Y.
Bate,	Foraker,	Lodge,	Quarles,
Berry,	Foster, La.	McComas,	Rawlins,
Blackburn,	Frye,	McEnery,	Scott,
Burnham,	Gallinger,	McMillan,	Simon,
Carmack,	Gamble,	Mallory,	Stewart,
Clark, Mont.	Hawley,	Martin,	Teller,
Clark, Wyo.	Heitfeld,	Mitchell,	Vest,
Cullom,	Hoar,	Money,	Warren,
Cockrell,	Hoar,	Morgan,	Wellington.
Deboe,	Kean,	Patterson,	
Dolliver,		Perkins,	

The PRESIDENT pro tempore. Fifty Senators have responded to their names. There is a quorum present. The Senator from Utah will proceed.

Mr. RAWLINS resumed his speech. After having spoken for nearly an hour.

Mr. TELLER. Mr. President—
The PRESIDING OFFICER (Mr. DUBOIS in the chair). Will the Senator from Utah yield to the Senator from Colorado?

Mr. RAWLINS. With pleasure.

Mr. TELLER. I do not like to interrupt the Senator, but it hardly seems to me that any important question of this kind should be discussed in this way. I think we ought to have the attendance of Senators or we ought to adjourn, one or the other.

The PRESIDING OFFICER. Does the Senator ask for a quorum?

Mr. MONEY. I move that the Senate do now adjourn.
Mr. LODGE. On that motion I ask for the yeas and nays.

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

Mr. HOAR. I am paired with the Senator from Alabama [Mr. PETTUS]. I do not know how he would vote, if present.

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. FOSTER of Louisiana. I have a general pair with the Senator from North Dakota [Mr. McCUMBER] who is absent, and I refrain from voting.

Mr. CLARK of Montana. I am paired with the junior Senator from Indiana [Mr. BEVERIDGE]. I withhold my vote.

Mr. HOAR. I have a general pair with the Senator from Alabama [Mr. PETTUS]. I think he would desire me to vote on this question. So I shall vote. I vote "nay."

The result was announced—yeas 12, nays 22; as follows:

YEAS—12.			
Bate,	Culberson,	Money,	Simmons,
Berry,	Dubois,	Patterson,	Teller,
Carmack,	Heitfeld,	Rawlins,	Vest.
NAYS—22.			
Bacon,	Gallinger,	Kittredg,	Platt, N. Y.
Burnham,	Hansbrough,	Lodge,	Scott,
Cullom,	Hawley,	McComas,	Wellington,
Elkins,	Hoar,	McMillan,	Wetmore.
Foster, Wash.	Kean,	Morgan,	
Frye,	Kearns,	Perkins,	
NOT VOTING—54.			
Aldrich,	Deboe,	Jones, Ark.	Platt, Conn.
Allison,	Depew,	Jones, Nev.	Pritchard,
Bailey,	Dietrich,	McCumber,	Proctor,
Bard,	Dillingham,	McEnery,	Quarles,
Beveridge,	Dolliver,	McLaurin, Miss.	Quay,
Blackburn,	Dryden,	McLaurin, S. C.	Simon,
Burrows,	Fairbanks,	Mallory,	Spooner,
Burton,	Foraker,	Martin,	Stewart,
Clapp,	Foster, La.	Mason,	Taliaferro,
Clark, Mont.	Gamble,	Millard,	Tillman,
Clark, Wyo.	Gibson,	Mitchell,	Turner,
Clay,	Hale,	Nelson,	Warren.
Cockrell,	Hanna,	Penrose,	
Daniel,	Harris,	Pettus,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The call of the yeas and nays discloses that there is no quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dillingham,	Heitfeld,	Platt, N. Y.
Bacon,	Dubois,	Hoar,	Quarles,
Bate,	Elkins,	Kean,	Rawlins,
Berry,	Foster, La.	Kearns,	Scott,
Burnham,	Foster, Wash.	Kittredg,	Simmons,
Burrows,	Frye,	Lodge,	Simon,
Carmack,	Gallinger,	Mallory,	Teller,
Clark, Mont.	Gamble,	Mitchell,	Vest,
Clark, Wyo.	Hanna,	Money,	Warren,
Clay,	Hansbrough,	Morgan,	Wellington,
Culberson,	Harris,	Perkins,	Wetmore.
Deboe,	Hawley,	Platt, Conn.	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. MONEY. Mr. President, having made the motion to adjourn, I now ask to withdraw that motion, and I also ask permission to say that the motion to adjourn was not made by me to procrastinate or delay the consideration of this measure, but rather to expedite and facilitate it. It is impossible, with an empty Senate, to consider a bill of this vast importance, embracing as it does the rights, life, liberty, property, and well-being of the Filipinos generally, and also involving material and important changes in our manner of government at home. I want it understood now that the Senate must consider this bill before it is ever passed, and if a quorum is not present there will either be a call for a quorum or a motion to adjourn to bring Senators back to their places.

I want to say that I am not anxious to delay the bill by any means, but I am willing that we shall have a vote upon it whenever the Senate thinks it is ready to vote; but while the bill is before the Senate it ought to be considered by a quorum of the body.

Mr. SCOTT. Does the Senator from Mississippi think for a minute that the arguments of any Senator on the floor of this Chamber will change the vote of a single Senator upon this proposition?

Mr. RAWLINS. Mr. President, I never in my life have indulged in such an unreasonable assumption as that the judgment of the Senator who has last spoken could be affected by any argument. [Laughter.] If he or any other Senator upon that side

of the Chamber imagines for an instant that I am addressing an argument to them with any hope that they will be influenced by considerations of reason or justice which will be presented in behalf of ten millions of people who have no political voice in the destiny of this country, he is entirely mistaken. The argument which I address to the Senate is addressed to the country. There are 70,000,000 people who want to know the truth about this measure and the questions which are now pending before the Senate.

It is natural, Mr. President, and I am not surprised at it, that Senators upon the other side, knowing the infamy of the proposition which they propose to enact into law, skulk away and observe the consideration of it through the keyhole. An oligarchy as foul as ever disgraced the history of mankind is about to be established and continued in perpetuity by this measure. It is the most impudent despotism ever conceived for the purpose of greed, and not for humanity: its object is spoliation and plunder. Ten millions of silent, unheard, and suffering people are waiting upon its consideration; their fate hangs in the balance, and Senators, while this bill is thus under consideration, slink away and declare impudently to the American people that no argument in behalf of humanity or justice or reason will have the slightest influence upon their minds in their determination to commit this robbery and this crime. If the Senator wants to retire, he may go. I have no words to address to him or to any other Senator who assumes such an attitude upon a question so vital as the one which is now before us for consideration.

Mr. WELLINGTON. If the Senator will permit me, I should like to say a word.

Mr. RAWLINS. I will yield to the Senator.

Mr. WELLINGTON. I think the Senator is wrong to impute such motives as he has to many of the Senators who are here. He knows very well that at this time many of the Senators are compelled to be absent from the Chamber by reason of their committee work. I was absent from the Chamber on account of being in attendance upon the Committee on the District of Columbia, having under consideration a very important matter, and came into the Chamber when the call was made. I do not think the Senator is just in imputing such motives.

Mr. RAWLINS. Mr. President, that explanation was not necessary from the Senator from Maryland. I impute to no Senator any improper purpose, and I would not have made the remark I did except for the statement that was made from the other side, in a degree, I supposed, representing the purpose of the other side, although this bill was before us for discussion and consideration, that it was presumptuous on the part of Senators upon this side to suppose that anything which might be advanced by them would have the slightest influence upon the minds of Senators on the other side. I applied the remark to no Senator. I could not and would not impute any improper motive to Senators, many of whom I know are busily employed with other matters, and so far as I am personally concerned, I would not desire to interrupt their consideration of business which may demand their attention elsewhere.

Mr. HOAR. Will the Senator yield to me?

Mr. RAWLINS. With pleasure.

Mr. HOAR. I wish to ask the Senator, in all courtesy and kindness, if he will not withdraw the words he just used—"slink away."

Mr. RAWLINS. Did I use those words?

Mr. HOAR. It seems to me that they are hardly in accordance with the rule which the Senate has just laid down for itself.

Mr. RAWLINS. Mr. President, I do not recall the exact phraseology I employed. I meant only by it what was implied fairly, I think, by the statement made by the Senator who said that he went away because he could not be influenced. I may have used the words "slink away," but I will change them to "walk away," if that be more appropriate.

Mr. TELLER. Or "stay away."

Mr. RAWLINS. Or "stay away." It would be worse to say "ran away." [Laughter.] I will say "retired."

Mr. HOAR. If the Senator will allow me, I do not wish to assume the rôle of making suggestions to gentlemen about these matters of debate; and I beg the Senator's pardon if in any way I trench upon him. But I think the Senate mean, if they can, for the future to establish the rule of courtesy for the deliberations of this Chamber which would prevail in ordinary social intercourse, or certainly that which would prevail in the intercourse of diplomatic representatives of great nations, which we are in one view of our places here, the ambassadors of great States.

The phrase of the new rule is that we will not use any language imputing to any Senator conduct or motives unworthy of a Senator. While I know that in the warmth of political debate no man probably has been a greater transgressor than I have been in the past—and I have no right to lecture anybody—this is the first time that this thing has happened since that rule was adopted,

and I am quite sure I shall have the earnest approval of my honorable friend from Utah, who, so far as I know, has never transgressed any rule of the Senate—certainly not, so far as I have ever heard—in endeavoring to err on the safe side of that question if he err at all.

Mr. RAWLINS. Mr. President, I appreciate the high purpose of the Senator from Massachusetts. I agree with him fully that we ought to use proper diplomatic, inoffensive language, and I seek to do that. I do not recall the exact words I used, but the Senator says I used the word "slink," or "slunk." I am willing to withdraw any word that is objectionable, and substitute any appropriate equivalent which the Senator from Massachusetts may suggest. [Laughter.]

Mr. TELLER. Will the Senator from Utah yield to me for a moment?

Mr. RAWLINS. Certainly.

Mr. TELLER. I only want to say a word. I want to call the attention of the Senate to the fact that, according to the rule of the Senate, the committees of this body have not any business to be in session during the regular hours of the sessions of the Senate. It is no excuse for a Senator to come in here and say that he was in committee.

Mr. LODGE. Does the Senator apply that to conference committees? A conference committee has the right to meet at any time, and there is a conference meeting on the Chinese-exclusion bill in session which has kept three Senators away from the Chamber.

Mr. TELLER. All the absent Senators are not on conference committees.

Mr. LODGE. Three Senators are absent attending the session of the committee of conference on the Chinese-exclusion bill.

Mr. TELLER. They are still absent. Nobody complains of that; but the complaint is that Senators deliberately go out of the Chamber who have no business to do so, and sit in the cloak-rooms or sit in other places and do not attend the sessions of the Senate a good part of the time. Of course we expect Senators to go to lunch, but they rarely all go to lunch at the same time. When the roll was called some time ago a number of Senators were at lunch, and they came into the Chamber.

I made the suggestion that there ought to be a quorum in attendance here, but I did not make the motion for an adjournment. I said if we could not keep a quorum present, we ought to adjourn, and thereupon another Senator made the motion to adjourn. Nobody wants to adjourn now. If I recollect aright there were present but four Senators on the other side of the Chamber when I took the floor; and they were all who had been here for some little time.

The Senator from Massachusetts [Mr. HOAR] talks about courtesy, etc. It seems to me that nothing can be more discourteous in the Senate than for the entire body of one political organization to abandon the Chamber when a discussion is going on, and a discussion which has been conducted in a proper spirit and in a proper manner by a Senator who is a member of the committee reporting the bill.

I think, in order to do the business of the Senate in a decent, orderly, and respectable manner, it is the duty of somebody to keep a quorum here, or else to move to adjourn, and hereafter I am prepared to say that unless there is a reasonable attendance here some Senator will be found to make such a call or such a motion.

Mr. RAWLINS. Mr. President, we seem to have arrived at that point in our history when there are those who affect to believe that to think is sedition and to talk is treason. "For heaven's sake, let us keep silent until the war is over!" exclaimed one of the heroes and graduates from the Philippine Islands. He would make, if he could, free speech treason, treason odious, and cart us away to the gallows. He would perhaps allow the Senator from Massachusetts [Mr. HOAR] the benefit of clergy on account of his sympathy for a superheated conscience. All this, if we are to believe what he says, has the approval of the President of the United States. Congress no longer has to declare war. An Otis or a Chaffee will graciously undertake to do that and relieve us of the responsibility.

A few days ago a message came to us that Malvar, the last of the insurrectos, had surrendered. On the next day it was announced that General Chaffee had made a declaration of a new war, and had dispatched an army to wage it against 2,000,000 people in the island of Mindanao. But, Mr. President, mum is the word so long as there is any disturbance anywhere within our borders or in any one of the thousand islands of the sea. The temple of Janus will never be closed; the brazen gates of war will remain forever open; and there will be no peace if only the party in power can thereby put a padlock upon our mouths and coin political capital out of the blood of our soldiers and the slaughter of unoffending peoples.

So, Mr. President, if we are to speak at all we are compelled to

speak now, although the Senator in charge of this bill desires it to go through in silence, pursuant to the notion that so long as we have troubles upon our hands anywhere it is our patriotic duty to remain silent, even in respect to a measure of great importance and which is pending before the Congress for consideration.

Mr. President, there are facts which cry out for utterance. There are things which demand revelation. Across the water there are more than 10,000,000 of suffering people silent and unheard, but whose souls doubtless cry out against wrongs, cruel, unspeakable, beyond the ken of mortal language to describe. There are more than 70,000,000 people on this side of the water wanting to know the truth heretofore stifled and suppressed.

Mr. President, it seems to me that it is a time when it is a patriotic duty to give utterance to the truth, that the American people may be advised and that we may intelligently deal with the important questions which confront us.

Friends of justice, champions of liberty, have ever been jealous of the encroachment of the executive or kingly power, and those who, irrespective of consequences to themselves, have resisted its aggressions and refused to be seduced by its blandishments have passed into history with enduring and honorable fame, while those who have catered to it and sought to profit by the favors which it had to bestow have sunk into oblivion, or, if remembered, are only remembered to be despised.

What is this bill? The Senator who introduced it has not explained it; but upon its examination we will find that it continues, if it does not establish in perpetuity, a Presidential despotism—not a benevolent despotism, but a cruel, a remorseless, and a predatory despotism.

For this they have no warrant in our history or traditions. To do this they must trample under foot the precepts of our Constitution and axioms of our liberty. This bill reaches backward as well as forward. It strikes its roots into and derives its support from that excrement upon the Army appropriation bill of 1901 known as the "Spooner amendment." The qualification of the absolute power therein conferred, adopted at the instance of the Senator from Massachusetts, by this bill is eliminated. After this bill shall have passed, this absolute power will stand forth stripped of every qualification and limitation. In order to comprehend this bill, therefore, it is necessary to read into it as a part of it that grant of absolute authority. This bill appears in some respects in disguise. Its real purpose does not in all respects appear upon its face. It is another Trojan horse stalking into the citadel of the nation filled with the arms and soldiers of a despotic power, concealing the instrumentalities of tyranny and oppression and the means of spoliation and plunder.

That provision to which I have referred reads as follows:

UNLIMITED POWER OF COMMISSION.

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Until a permanent government shall have been established in said archipelago full reports shall be made to Congress on or before the first day of each regular session of all legislative acts and proceedings of the temporary government instituted under the provisions hereof, and full reports of the acts and doings of said government, and as to the condition of the archipelago and of its people, shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government: *Provided*, That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

I invite attention to the first section of the pending bill, which reads:

That the action of the President of the United States in creating the Philippine Commission and authorizing said Commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the instructions of the President to the Philippine Commission, dated April 7, 1900, and in creating the offices of civil governor and vice-governor of the Philippines, and authorizing said civil governor and vice-governor to exercise the powers of government to the extent and in the manner and form set forth in the Executive order dated June 21, 1901, and in establishing four executive departments of government in the Philippine Islands as set forth in the act of the Philippine Commission, entitled "An act providing an organization for the departments of the interior, of commerce and police, of finance and justice, and of public instruction," enacted September 6, 1901, is hereby approved, ratified, and confirmed, and until otherwise provided by law the said archipelago shall continue to be governed as thereby provided, and all laws passed hereafter by the Philippine Commission shall have an enacting clause as follows: "By authority of the United States be it enacted by the Philippine Commission."

Future appointments of civil governor, vice-governor, members of the

Commission, and heads of executive departments shall be made by the President, by and with the advice and consent of the Senate.

The Spooner amendment provides that all civil, military, and judicial power necessary to govern the Philippine Islands shall be vested in such person and persons and be exercised in such manner as the President may direct. The persons constituting the United States Philippine Commission are such person and persons as above referred to. The first section of the bill approves the instructions of the President to the Commission and directs the Commission to impose certain rules taken from the amendments of the Constitution upon their subordinates. These rules are not limitations either upon the power of the President, the Secretary of War, or the Commission, and their authority is therefore left without qualification.

The first section also approves the act of the Philippine Commission instituting certain bureaus. Why this was selected for approval out of more than 200 acts passed by the Commission is not explained.

Future members of the Commission are to be appointed by and with the advice and consent of the Senate. The present members, therefore, may hold their position during life without the concurrence of the Senate.

It is not necessary to read the whole of those instructions of April 7, 1900. They have been called to the attention of the Senate; they have been read here; and it has been claimed that they constitute limitations upon the authority of the Government which has been established under the provisions of the Spooner amendment and subsequent legislation.

Mr. President, a casual examination of these instructions will disclose that they constitute no limitation whatever upon the President of the United States who, in the first instance, is clothed with this absolute power; and the President could not circumscribe by his own act the authority which we conferred upon him in the Army appropriation bill of 1901. The President himself may violate every one of the cardinal principles which are here in these instructions named, and he may grant dispensations to those who do violate them. The Secretary of War may violate every one of these cardinal rules and grant dispensations to those beneath him who may violate them. The United States Philippine Commission, when we examine these instructions to them, may violate every one of these rules, and they also may grant dispensations and confer immunity to anyone beneath them, or subject to their control, who may see fit to violate any one of these principles.

Let us see if that be not true. Passing over the mere details of instructions as to these commissioners to travel, to meet, and to organize, the immaterial incidents relating to their authority, we have this language on page 8:

Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press or of the rights of the people to peaceably assemble and petition the government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

Mr. President, it is enjoined upon the United States Philippine Commission to impose upon every division and branch of the government of the Philippine Islands these inviolable rules; a direction to the person and persons who are the creatures acting under the direction of the President to impose upon their subordinates these inviolable rules. It is not necessary to argue the question that these rules, these axioms of human liberty, these limitations upon the exercise of arbitrary power, are in no degree restrictions upon the President, or upon the Secretary of War, or upon the oligarchy known as the United States Philippine Commission. Any one of those agencies of government in the Philippine Islands is left with a free hand to violate every one of those cardinal rules, which are declared, as to their subordinates, to be inviolable.

Mr. President, before I shall conclude the argument in the discussion of this bill it will be shown that every one of those rules has been time and again violated from the moment of their promulgation down to the present hour. In the Philippine Islands they have deprived the people of freedom of speech and of the right of petition. The people over there are being railroaded into prison on the charge of the offense of sedition, which consists in

nothing more than the publishing of the truth in relation to the administration of this very Commission, and when arraigned before the judge, who is in the exercise of this authority, and the plea is interposed that the publication is true, the judge answers that that is an aggravation of the offense. As well and clearly pointed out upon the floor of this Chamber by one of my colleagues, this treason and sedition law, which has been laid before the Senate and presented to it for its consideration, expressly denouncing as a crime punishable by fine and imprisonment publications relating to the administration of the oligarchy in the islands, nowhere makes it available to the defendant as a defense to prove that the statement in the publication is true.

Governor Taft certainly had not read this treason and sedition act; he was not present when it was passed; he did not look through it; for if he had he would not have made the statement that under the charge of crime for the violation of any one of these provisions it was open to the defendant to prove the truth of the publication.

"No person shall be compelled to be a witness against himself." It has been shown—and it is no longer controverted, because it can not with semblance of truth be controverted—that not only have the people been compelled to bear witness against themselves, but the most excruciating tortures which the invention of cruelty and tyranny in the past has been able to devise have been applied in order to extort statements to be employed for the conviction and punishment of the victim of the cruelty and to obtain information otherwise to be employed to the advantage of the oligarchy and the upholding of its authority.

"No person shall be deprived of life, liberty, or property without due process of law." Yet, under the declarations of a military dictator, unoffending citizens and, indeed, all inhabitants, without regard to age, sex, or condition, are presumed conclusively to be guilty of the highest crime known to the law, until in certain ways they establish their innocence, and upon such presumption their persons are thrown into prison and their property confiscated or destroyed. And when we come to an analysis of the only way pointed out for the poor wretch to escape the dire punishment, the drastic cruelty which is to follow in the wake, and as a result of the presumption it is developed that he must do things which to him might be and probably would be utterly impossible. He must go out and seize some of his former compatriots and drag them into the custody of the military power; he must disclose information which proves to be true and effective and valuable to the Army as to the whereabouts of persons who are being sought, or he must render active, affirmative, unequivocal service such as to demonstrate beyond all question that he was in all respects, in thought as well as in act, loyal to the government instituted under the provisions to which I have already made reference.

Mr. President, I do not intend at this juncture to go into details as to the extent to which these rules or these instructions have been violated and the extent to which they are now being violated; and violated not accidentally or in sporadic cases, but violated according to a well-established programme emanating from the highest authority in the islands, with the consent and by the direction of such person and persons as have been constituted to exercise the powers of government in those islands. Hence it is that these instructions, so ostentatiously referred to in the first section of this bill, as setting limitations upon the exercise of civil, military, and judicial power, have no vitality, no force whatsoever, and that no hand disposed to tyranny and oppression is in the slightest degree restrained by reason of any one of these instructions; that they have been and are being violated with perfect impunity; that the "person and persons" and those in control of the islands, if these things have not been done by their direction, are affording dispensation to those who have thus violated them.

Mr. President, the act of the Commission which, in addition to the instructions, is selected in the first section for approval provides:

The department of the interior shall embrace within its executive control the bureau of health, the quarantine service of the marine hospital corps, the bureau of forestry, the bureau of mining, a bureau of agriculture, a bureau of fisheries, the weather bureau, a bureau of pagan and Mohammedan tribes, the bureau of public lands, the bureau of government laboratories, and the bureau of patents and copyrights.

SEC. 2. The department of commerce and police shall have under its executive control a bureau of island and interisland transportation, the bureau of post-offices, the bureau of telegraphs, the bureau of coast and geodetic survey, a bureau of engineering and construction of public works other than public buildings, a bureau of insular constabulary, a bureau of prisons, a bureau of light-houses, a bureau of commercial and street railroad corporations and all corporations except banking.

SEC. 3. The department of finance and justice shall embrace within its executive control the bureau of the insular treasury, the bureau of the insular auditor, the bureau of customs and immigration, the bureau of internal revenue, the insular cold-storage and ice plant, a bureau of banks, banking, coinage, and currency, and the bureau of justice.

SEC. 4. The department of public instruction shall embrace under its executive control the bureau of public instruction, a bureau of public charities, public libraries, and museums, the bureau of statistics, a bureau of public records, a bureau of public printing, and a bureau of architecture and construction of public buildings.

Then this follows:

SEC. 5. The secretaries of the departments described in the foregoing sections shall exercise the executive control therein conferred, under the general supervision of the civil governor.

Those who support this bill deemed it necessary to select this one act out of more than two hundred for special approval by act of Congress, and in this bill it is provided that the heads of each of those departments shall be appointed in the future by and with the advice and consent of the Senate.

COURTS AND OFFICERS DEPENDENT.

You will see an outline here of wonderfully complicated machinery. These various departments and bureaus, covering every conceivable subject of administration, are to be supported by the taxes derived from the people of the Philippine Islands. The heads of these bureaus and all the subordinates and employees connected with them are dependent for the tenure of their office and the amount and payment of their salaries upon the United States Philippine Commission. They are subservient in all respects to the edicts and behests of that Commission. The persons now in office, so far as we are enabled to determine from an inspection of the law and from anything in the bill which we now have under consideration, are to continue to hold those offices during life; and that is true of the membership of the United States Philippine Commission. They are selected by the President, and now constitute the sole depository of power in the islands. They are to hold their positions during life, nothing being said about good behavior. The concurrence of the Senate is only required as to future appointments, and the bill is very careful to prevent the possibility of the Senate passing upon the fitness of the persons who are, during their lives it may be, to exercise these unusual and arbitrary powers to which I have already made reference.

When we come to consider the judiciary, which is provided for in the next section, we shall find that that, too, is absolutely dependent upon the will of the United States Philippine Commission and will be subservient to its purposes. When we proceed farther, to ascertain if there be any limitations circumscribing the authority mentioned in the Spooner amendment which I have read, we look in vain. They have control of the courts. They have control of the salaries and the tenure of judges. The extent of the jurisdiction which any one of them may exercise, if any, is dependent wholly upon the action of the Commission. All property and rights—rights in the generic sense, without qualification, as distinguished from property, embracing thereby, as it does, according to every reasonable implication, the sovereignty, if any, that we acquired from Spain by the peace treaty—are by one section of the bill turned over absolutely and unqualifiedly to this oligarch, the United States Philippine Commission. To what end? To be administered, distributed, disposed of.

POWER OVER LANDS.

Mr. President, the feet of the archipelago rest near the equator. Twelve hundred miles to the north its head is bathed by the waters of the Chinese Sea. It is said there are more than 600 islands; more than 76,000,000 acres of land, embracing mountains, volcanoes, valleys, lakes, rivers, and swamps, timber resources, whatever they may be—and all these things are turned over absolutely to the control and the disposition of the United States Philippine Commission. Of the 76,000,000 acres of land to-day, according to the reports, there are but 5,000,000 acres subject to private ownership, and this bill is not content to leave that inviolable in the hands of the people who have acquired it, because there is a provision in the bill authorizing the same United States Philippine Commission to appropriate it in the exercise of the power of eminent domain and to dispose of it, to sell it, or give it away, as they may deem proper. In order to acquire it they are given authority to issue bonds in payment therefor, mortgaging the future of the islands and their people.

All these lands, every acre and every foot of land within the archipelago, including all appurtenances, all rights of every description, under the provisions of this bill are to be disposed of absolutely without limitation, according to the rules and regulations which may be enacted or prescribed by the United States Philippine Commission. I said "without limitation." Practically so. This limitation is provided in one of the sections of the bill. When the rules of the United States Philippine Commission are passed, they are to be submitted to the President, and are not to take effect until approved by him. They are to be submitted to Congress, and if not disapproved by Congress before the expiration of the next session of Congress, then they become effective and go into operation.

The despotic power conferred upon the President of the United States and the United States Philippine Commission is therefore in no degree limited with respect to the rules and regulations providing for the disposition of the public lands in the islands, except to the extent that Congress may be able, after the rules are submitted for its consideration, to disapprove of those rules within

the time limited. Either House may prevent such disapproval, and delay may prevent such disapproval, although a majority of each House may so desire.

WHAT COMMISSION MAY DO.

In this cursory review of the general powers of the Commission it follows, it seems to me, without possibility of controversy, that the Commission, under the direction of the President, may declare war and make peace. The President and such person or persons as he may designate and under his direction possess all civil, judicial, and military power necessary to govern the islands. That covers and includes every conceivable power. They may declare war and make peace, because the Constitution does not restrict them. That reservation to Congress is of no potency when we step beyond the shores of the continental Republic. That is the theory of the friends and supporters of this bill.

The same oligarchy can raise armies and provide navies. It can regulate commerce among the islands and with foreign countries, with any sort of discrimination as to islands and ports. It may lay taxes to the extent of the destruction of the subjects of taxation, without justice and without uniformity, because there is no such limit circumscribing its authority. It may coin money and regulate the value thereof, and it has already set up a bureau relating to coinage and currency as well as banking. It may pass ex post facto laws and bills of attainder, working corruption of the blood to the remotest generation, with incidental confiscation and things evil to the victim of such legislation. It may take the property of one man and give it to another, and that express authority is given in the pending bill. It can destroy freedom of speech and of the press; make the thought as well as the word and the thought and word as well as the act punishable capitally.

Mr. President, I might go on and enumerate the various things that may be done under the authority which we have conferred and which will be conferred under this bill, but these are sufficient to illustrate it.

JUDICIARY.

Now, I invite attention specifically to the judiciary, because, as against encroachments of power and acts of tyranny, an independent judiciary in every country has usually been the main, the best safeguard. The second section provides:

SEC. 2. That the supreme court, courts of first instance, and municipal courts of said islands shall possess and exercise jurisdiction as heretofore provided by said Commission, subject in all matters to such alteration and amendment as may be hereafter enacted by the Commission or otherwise enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate. The judges of the court of first instance shall be appointed by the civil governor, by and with the advice and consent of the Philippine Commission: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress.

The judges of the supreme court are to be appointed with the concurrence of the Senate. They are, however, to have only such jurisdiction as may have been conferred upon them by the Philippine Commission, and that may be regulated, altered, and amended in any way in which the Commission may hereafter enact. While these judges are not dependent upon the Commission for the tenure of their office, they are for the amount and payment of their salaries, and they are wholly dependent upon the Commission as to the extent of the jurisdiction which they may exercise.

It will be noted that there is no appeal provided in any case in this statute from the decisions of the judges of first instance to the supreme court herein referred to. When we look to the judges of the courts of first instance, we find that they are to be appointed by the civil governor, by and with the advice and consent of the Philippine Commission. The same Commission fixes the compensation of the judges and their terms of office. The extent of their jurisdiction is to be defined by laws which the Commission is expressly authorized to enact. It is competent for the Commission to make final every decision of these judges, dependent in every way upon the Commission, allowing no appeal from their decision to the supreme court which is provided for in this act. Thus we see how absolutely dependent both these courts are upon the United States Philippine Commission.

We turn to the provision relating to appeals. There is no provision regulating appeals from the courts of first instance to the supreme court, but section 67 relates to appeals to the Supreme Court of the United States, and is as follows:

SEC. 67. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, privilege, or obligation of the United States is involved, or in causes in which the value in controversy exceeds \$5,000, or in which the title or possession of real estate exceeding in value the sum of \$5,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved, in the same manner, under

the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the circuit courts of the United States.

Mr. President, it will be noted that there is no jurisdiction given the Supreme Court of the United States except such as the Philippine Commission may see fit to allow to be exercised. Having absolute control of the jurisdiction of the supreme court of the islands, that Commission can cut off any case from reaching the Supreme Court of the United States which they do not wish to have come before that tribunal for determination. So we have the courts constructed upon such a plan as to be subject absolutely to the control of the United States Philippine Commission; and those courts are, therefore, no safeguard against the exercise of any power which that Commission may undertake to employ, and the victim of its oppression, if it shall practice oppression, can have no remedy except such remedy as the Commission may see fit to provide.

DISPOSAL OF LANDS.

If it is desired by the Commission to appropriate lands to subserve purposes which they may wish to subserve, and to employ the judiciary to that end, they have a subservient tool to carry out that wish. If they want to deprive of liberty any man who becomes obnoxious to them or dares to assert a policy which may be antagonistic to that which they desire, they have the courts as subservient tools for his suppression. Section 10 reads as follows:

SEC. 10. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, 1898, are hereby placed under the control of the government of the Philippine Islands to be administered for the benefit of the inhabitants of the islands, except as hereinafter provided.

The purpose of that is self-evident. I have already made sufficient comment upon it. The next section is as follows:

SEC. 11. That the government of the Philippines, subject to the provisions of this act and except as hereinafter provided, shall make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, by and through the Secretary of War, and they shall also be submitted to Congress, and unless disapproved or amended by Congress at the next ensuing session after their submission they shall at the close of such session have the force and effect of law in the Philippine Islands, when they shall have received the approval of the President, as hereinafter provided.

Those two sections put together place lands of every description within the islands subject to these rules and regulations for lease, sale, or other disposition. The power which this section confers upon the President and the Commission may be employed to any conceivable iniquitous end, depending wholly upon the honor, the disposition, or the integrity of the men who may happen to constitute the government.

We already know the ends really to which these powers are to be employed. They have been pointed out to us by the civil governor of the islands. It is designed that leases may be made to cover a period in the neighborhood of a hundred years. The nature or terms of those leases of course may be prescribed by the Commission. The tenure under which those lands may be held may be of a feudal nature. The right to hold the lands, the privilege of holding the lands, may be made dependent upon the rendition of service to the government, upon whom is conferred this authority to make leases.

In other words, the Philippine Commission is made the lord paramount of all the lands and property in the islands, and they may be leased or they may be sold or they may be otherwise disposed of without any reference to the quantity and without any reference to the purposes for which they may be used. They may be turned over to syndicates or to corporations, or it is possible they may be confined to those who may be seeking homes. But we know that the main purpose of the Commission, which seeks to have conferred upon it this power, is to dispose of those lands in large quantities, as large as 20,000 acres, if not more, to syndicates and corporations, with a view to their exploitation.

Section 12 provides:

SEC. 12. That the government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands not exceeding 160 acres.

The following section provides:

SEC. 13. That pending the preparation and until the adoption of rules and regulations as provided in section 8 the government of the Philippines is hereby authorized and empowered, on such terms as it may prescribe, to lease, let, and demise to actual occupants and settlers and others, for a term of not more than five years, such parts and portions of the public domain other than timber and mineral lands of the United States in the Philippine Islands as it may deem wise, not exceeding 160 acres, or its equivalent in hectares, to any one person, nor more than 5,000 acres to any corporation or association of persons.

This is a temporary authority, to be exercised by the commission, without the necessity of any approval by the President, until the general rules and regulations which are prescribed in section 11 have gone into effect.

Mr. CARMACK. Mr. President—
The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Utah yield to the Senator from Tennessee?

Mr. RAWLINS. Certainly.

Mr. CARMACK. As I understand the Senator, it is his understanding that as soon as the rules and regulations provided for in section 11 have been made the provisions of this entire section will become dead?

Mr. RAWLINS. That is my understanding of the meaning of this bill. The provision to which I have made reference last is simply a temporary provision.

Mr. CULBERSON. What section?

Mr. RAWLINS. Section 13 is a temporary provision to be employed by the government of the Philippines only until the rules and regulations provided for in section 11 go into effect. Of course the limitations contained in section 13 do not apply to the rules and regulations which are referred to in section 11 of this bill.

I have offered an amendment striking out the sections to which I have now made reference, and in lieu thereof I propose to extend over the islands the public-land laws of the United States, giving to the Commission or to the legislature of the islands, whatever it may be, authority to prescribe rules and regulations, not inconsistent with the provisions of the public-land laws of the United States, for the purpose of carrying them into effect. That amendment, if adopted, will preserve the lands in the islands to actual home seekers. No one could acquire title thereto to a greater extent than 160 acres, and he could only acquire it under the provisions of our homestead laws. Natives who are in actual possession of lands, occupying them as homes, under the provisions of those laws would without expense to themselves be able to acquire title. No government could thus use the lands for the purpose of speculation or spoliation or to bestow them upon syndicates or to put them in dead hands.

Mr. President, those islands belong to the people who now inhabit them and who seek to maintain their homes there. They are the legitimate heritage of them and them alone.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Texas?

Mr. RAWLINS. With pleasure.

Mr. CULBERSON. I should like to ask the Senator from Utah if it was not the testimony of General MacArthur that, speaking in general terms, with the exception of railway franchises, every other consideration looking to the improvement of the Philippine Islands ought to be postponed to such time as the Filipinos themselves should take charge of the government of the archipelago; that is to say, the Government of the United States ought not to attempt or permit anything like an exploitation of the islands, but that with the exception of granting railway franchises all matters looking to an improvement of the islands should be postponed until the Filipinos themselves could take charge of the government?

Mr. RAWLINS. That was certainly the purport of the testimony of General MacArthur, but it is of course antagonistic to the recommendations of the United States Philippine Commission. It is also in harmony, in a measure at least, with the testimony of General Otis so far as he testified upon that subject. The military commanders of the islands have disapproved of the policy of retaining them for the purposes of exploitation or spoliation. They (and it seems to me every reasonable man must concur with them in that regard) consider that it would be disastrous to the peace and to the welfare of the islands to have the lands there disposed of in large tracts to syndicates and corporations. Indeed, we have a most apt illustration of that in the condition of affairs which has heretofore prevailed there in regard to the friars' lands. There are, in round numbers, about 30 religious haciendas or tracts of land, amounting to the neighborhood of 60,000 acres each, belonging to the different orders of friars. Of course those orders are in reality nothing but corporations, and just like any other corporation possessing a similar tract of land they hold it for mercenary ends, just as any corporation seeking to exploit lands would hold them.

Mr. MONEY. With the permission of the Senator from Utah, I should like to interrupt him for information.

Mr. RAWLINS. With pleasure.

Mr. MONEY. Before he passes from the subject of grants by the Philippine Commission to companies or corporations, to use his very expressive language, to exploit these lands, do I understand him to mean that those lands are granted forever, irrevocably, in fee, or that they are limited for a term of years? What is the nature of the grant of lands made to corporations or companies?

Mr. RAWLINS. By the Philippine government?

Mr. MONEY. By the Philippine Commission.

Mr. RAWLINS. The present bill, as I have pointed out, authorizes the Commission to make rules and regulations for the lease, sale, or other disposition of the lands. As we may infer, the purpose of those who will exercise this power, as manifested in the testimony of Governor Taft, is to grant the lands in

large tracts, at least as large as 20,000 acres if not larger, to corporations, to hold in perpetuity.

Mr. MONEY. Is this power to grant on the part of the Commission without any review from any other power?

Mr. RAWLINS. Of course the authority conferred is primarily to the Commission to make the rules, and they may make them just as they desire. Those rules, before they go into effect, must have the approval of the President, but with the concurrence of the President it is in the power of the Commission to do just what Governor Taft in his testimony said the Commission desire to do, and that is to bring about the development of the islands by granting the lands in large tracts to corporations who would employ large capital for their improvement and development; and as the Executive authority has approved that policy and has in every act upheld the recommendation, we have every reason to believe that as soon as this bill becomes a law the United States Philippine Commission will enact rules for the disposition of the lands in large tracts of 5,000, 10,000, 20,000, or 50,000 acres, for aught we know, to be held in perpetuity for the end which I have described.

Mr. MONEY. I will make a still further inquiry, if the Senator will permit me. I understand, then, from what the Senator says, that the Philippine Commission have the power to dispose of the public lands of the United States in the Philippine Archipelago, which power is denied to any other except the political power of the Government, the Congress of the United States, within the continental limits of the United States; in other words, that that Commission enjoys in the Philippine Islands a power which is enjoyed alone by the Congress of the United States within the continental borders of the United States. Is that the understanding of the Senator?

Mr. RAWLINS. Yes. Mr. President, in answer to the pertinent inquiry of the Senator, the authority of the Philippine Commission under the provisions of this bill is far in excess of that which has ever been exercised, at least by Congress, and, in fact, is coextensive with any power that Congress might by possibility exercise in regard to the disposal of the public lands in the Philippine Islands.

Mr. MONEY. I should like to ask again, if I am not trespassing too much upon the Senator's usual good nature—

Mr. RAWLINS. Not at all.

Mr. MONEY. I am asking for information now, because I do not understand the bill. I should like to ask the Senator if there is any doubt in his mind as to the character of the proprietorship of the United States in the public lands within the Philippine Archipelago, whether we are not subrogated, I might say, to the rights of Spain in sovereignty there, and if the public lands in the archipelago are not as much the public lands of the United States as are the public lands in the State of Utah?

Mr. RAWLINS. Mr. President, if we acquired, under the Paris treaty, the Philippine Islands we acquired there such title to the public lands as Spain then possessed, which included practically all the lands in the archipelago—about 76,000,000 acres, with the exception of about 5,000,000 acres which were at the time the subject of private ownership. It was for these lands that we paid the \$20,000,000. That is practically what we obtained, with the incidental benefits of war.

Mr. MONEY. Then, Mr. President, I understand from the Senator that we confirm to the Philippine Commission a power granted to the President to dispose of the public lands of the United States, which power alone belongs to the Congress of the United States, and if so it can not be delegated to the Commission, nor conferred by the President upon that Commission, constitutionally.

Mr. RAWLINS. That is undoubtedly true. The limitation of the Spooner amendment, adopted at the instance of the Senator from Massachusetts, forbade the Commission making disposals of these public lands, but that limitation will be abrogated if this bill passes in its present form. The bill purports to confer on the Philippine Commission, with the approval of the President, subject to the disapproval of Congress at the next session—assuming that Congress can not disapprove this legislation unless they do it at an ensuing session—the power to make rules and regulations for the lease, sale, or other disposal of all lands not subject to private ownership which we acquired under the treaty with Spain.

Not only may they dispose of the lands; they may grant them according to any tenure they please—for life, in fee, or in perpetuity. They may exact what consideration they please. They may compel those who become their tenants, they being lords paramount, to render feudal service in return for the privilege of possessing and cultivating the soil. There is the possibility of the power which is hereby conferred to make them villeins, an incident of and attached to the soil of the lands. They can require the people who occupy those lands and derive their sustenance from them to obey any behest or edict which that Commission shall issue. Any money or any consideration which may be derived upon the lease, sale, or other disposal of these lands does

not go into the Treasury of the United States, I would advise the Senator from Mississippi. They are not to be the subject of an appropriation of the Congress for the benefit of the people of the United States. They are not to be the subject of the appropriation of the people of the Philippine Islands. They are to be subject to the absolute disposal of the oligarchy known as the President and the United States Philippine Commission.

Mr. President, the Senator from Mississippi [Mr. MONEY] made inquiry as to the purpose of the Commission in regard to the disposition of the public lands in the Philippines. I can not answer that any better than to read briefly from the testimony of Governor Taft, on page 184 of the hearings. Governor Taft said:

I am not at all sure that 5,000 acres is large enough. We did not form any definite view. There is a company represented by Mr. King, I think it is, of San Francisco—I call it a company; he said he had a number of very wealthy men interested with him—which sent him to Mindanao to look over the field. He went there, and he stated to me that the company which he expected to form intended to establish headquarters at Parangparang, in Mindanao, and to establish direct steam communication between this part of Mindanao and San Francisco, and that in order to carry out the plan they had it would be necessary that they acquire quite large tracts of land. I do not think he mentioned the amount, but I think he had in his plan somewhere between 5,000 and 10,000 acres.

Mr. President, a further review of the testimony of Governor Taft will indicate a purpose on the part of the Commission, at least, to dispose of these lands, if authority be given, in very large quantities, and, I think, in one place Governor Taft says that 20,000 acres might not be excessive.

One of the evils in the islands is the large holdings of land by what are known as the friars. These holdings each amount on the average to about 60,000 acres of land, held by corporations; and authority is given in this bill to appropriate those lands in exercise of the power of eminent domain. The effect of the transaction will be, if it is consummated, to take lands now held in large quantities from one corporation in order to sell them in equal quantities to another corporation.

The mischief which now exists in the islands does not consist particularly in the character of the individuals who compose those organizations, but in the fact that they are corporations or syndicates holding large tracts of land and excluding all the people from proprietorship in those lands. They are a constant source of irritation. The persons holding them desire to exploit them to the greatest possible advantage, and they naturally desire to obtain the cheapest labor which will yield to them the largest amount of product with the lowest amount of outlay. That same mischief—

Mr. HOAR. How many acres did the Senator say was the amount of these lands?

Mr. RAWLINS. Held by the friars?

Mr. HOAR. The Senator stated the number of acres as 60,000, as I understood him, and I thought he had made a mistake.

Mr. RAWLINS. Those lands are held in tracts of about 60,000 acres each, and there are about 30 such tracts. There are 30 religious centers, and the aggregate of the land is something in the neighborhood of half a million acres.

TAKING FROM ONE TO GIVE TO ANOTHER.

Mr. President, it is an unusual authority, as the Senator from Massachusetts [Mr. HOAR], who is a distinguished lawyer, will, I think, at once recognize, to undertake to appropriate in the exercise of the power of eminent domain the lands or property belonging to one corporation in order to transfer the same lands to another corporation. In this case the power is to be exercised by the application of a sort of religious test. If these lands are held by a corporation composed of Catholics of a certain order, they are to be the subject of condemnation, to be turned over by the process of eminent domain into the hands of another corporation, composed perhaps of Protestants, or people of mixed religion, or no religion.

It is scarcely a public purpose, within the usual rule established at least by the courts of this country, to condemn one man's land in order to sell it or dispose of it to another. That is not a public purpose. This provision in relation to the friars' land, this attempted exercise of the power of eminent domain to appropriate the property of one individual in order to give it to another, is fundamentally vicious. It is in effect taking the property of one individual without his consent, not for a public use, but in order to bestow it upon another individual in order to devote it to a private use. Under our Constitution that could not be done. If there is no Constitution in the Philippine Islands perhaps there is no constitutional difficulty in the way of thus appropriating property of one individual in order to give it to another.

Mr. BACON. Will the Senator pardon me a moment?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. RAWLINS. I yield to the Senator.

Mr. BACON. The Senator is more familiar with this matter than I am, but I want to ask him if he is exactly correct in stating that the purpose is to bestow these lands, or give the use of them, to some other corporation? Is not the sole purpose to take

the title of the lands out of one corporation regardless of the question as to who will get the benefit of them? In proceedings of condemnation the object in view is to give a certain privilege or interest in land to some party who is to make a certain use of it—under our system a public use—but in this case, as I understand it, the motive is not to give the advantage of the lands to some other particular person, but to see that they are gotten away from a certain corporation, which is distasteful to some people. Is not that true? In other words, there is no particular object that is in view in the change of ownership; it is not for the purpose of benefiting somebody else who is going to make a certain use of them—build a railroad, for instance, or engage in any other work—but the purpose, as I understand it, is to get the title of the lands out of the friars. Is not that the main and controlling motive?

Mr. RAWLINS. Well, Mr. President, I am unable to give to the Senator the motive otherwise than appears from the provisions of the bill, and the effect of the bill, if it shall become a law, will be that if the lands of these religious orders are condemned and appropriated in the exercise of the power of eminent domain, the title will vest in the government of the Philippine Islands, in which government the titles to all other public lands in the islands are vested under the provisions of this bill. I mean the title in the sense of having the power of absolute control and disposition.

Mr. BACON. Mr. President—

Mr. RAWLINS. Now, if the Senator will permit me, these lands when thus condemned, these religious orders thus being deprived of them, will become a part of the public lands of the islands. Then the Philippine Commission, if it carries into effect the purpose as expressed by Governor Taft, and which is embodied in the report of the Commission, in the exercise of the authority which this bill is designed to confer, will grant those lands by sale to syndicates or corporations in large tracts for purposes of exploitation, Governor Taft saying that 5,000 acres was too limited a quantity, and mentioned one concern which desired at least 10,000 acres, and in another place indicating that 20,000 acres would not be excessive. So that the practical effect, if this policy be carried out, will be to issue bonds, to incur this indebtedness, and to appropriate, against the will of these religious orders, in the exercise of the power of eminent domain, this more than half a million acres of land and immediately, under rules to be prescribed by the Philippine Commission, dispose of it in tracts ranging from 5,000 to 20,000 acres to syndicates or corporations in perpetuity.

I do not believe in the policy of keeping lands tied up in mortmain, or in dead hands, under the control of syndicates or corporations. The policy of the English law has ever been in contravention of that. Evil and mischief necessarily grow out of such a policy; but yet, if the mischief is limited to the fact that the lands are held in large quantities by religious corporations or organizations, no more mischief will follow than if they be held by a secular corporation.

This bill proposes to take the lands away from the friars and vest the title to them in alien landowners, operating in the form of syndicates, equally desirous of exploitation, and gaining the largest realization of the production of the lands with the cheapest possible labor. As a result of this you will find in a little while that the disturbance and trouble in the islands, growing out of such large holdings of land, will be as prevalent when the lands are held by one corporation as by another.

Mr. President, this proposition to exercise the power of eminent domain is not to condemn those lands to any specific public purpose. There is no pretense that any such purpose is in view. It is not for a highway. It is not for a public common. It is only to the end that title may be acquired, to be retransferred to private interests. Thus we establish, if this is to be carried into effect, the vicious principle of exercising this power to take property from one individual and give it to another individual.

THE PROPER REMEDY.

But we ought to reach this mischief, and some of the Filipinos who have been questioned have suggested a method to solve this trouble, which, in my opinion, is entirely worthy of the consideration of the Senate. It is founded upon well-established precedents and can be exercised without any violation of the fundamental principles of justice and right.

These religious orders are corporations, deriving their charters under the laws of Spain, and it is provided in those laws that whenever these organizations are in such a position that they are unable to devote the lands to the ends to which they are consecrated, it is competent for the civil authorities to dissolve the corporation and provide for a reappropriation of the land in accordance with the old doctrine of *cy pres*; that is, where lands are dedicated to a charitable use, to a particular use, and it becomes unlawful, or it becomes contrary to the public policy, it is then competent for the civil authorities to enact a law authorizing a court, some judicial tribunal, to make application of the charity to some lawful and legitimate end nearest akin to that

to which it was originally dedicated. These religious orders, as the facts develop, are no longer able to devote their lands to the charitable and religious purposes to which they were originally consecrated, and it is perfectly competent for them to be reapropriated.

That has been done in my own State, where a religious organization was claimed to hold real estate in contravention of public policy. Proceedings were instituted declaring its escheat, and for its new application under this doctrine to ends which were legitimate and lawful, and not in contravention of public policy. That proceeding was sustained by the Supreme Court of the United States. It is competent for us to institute a proceeding to terminate the right of these religious orders in the Philippine Islands to hold property in large tracts, upon the ground that it is a menace to the welfare and peace of the islands. But we ought not to exercise that power for the purpose of taking lands from one hand in order to bestow it upon another hand no more meritorious. It ought to be our confirmed and resolute purpose in those islands to prevent the acquisition and holding of lands in large bodies, in order that they may be reserved to the people for homes, in order that there may be built up there, if it be possible to build up in that climate, a race of independent native owners, who shall exercise freely and with propriety the powers of government which they ought to employ for their own welfare and advantage.

TENDS TO DEGRADE PEOPLE.

But if the policy which is recommended by the Commission and which this bill it designed to subvert is carried into effect the evils which now prevail there, and which prevailed there during the dominance of Spain, will be multiplied in extent and in their difficulties as we proceed to create new orders, new syndicates, new corporations for purposes of spoliation or exploitation and to place the control of lands in large quantities into their hands.

We know now absolutely with certainty that syndicates of this character are not interested in the public weal. Their primary and, in fact, their only purpose is to derive the largest degree of profit possible.

There will be ten or twenty thousand acres of land in a tract, and a few such large tracts will cover all the available land in the islands, that is, land which can be reclaimed. These syndicates will be controlled by alien proprietors who have no personal interest in the islands or in their welfare or in the welfare and happiness of their people. It will be a system of pernicious landlordism, which has led to disquiet on the part of the people of Ireland.

Mr. President, these syndicates, organized with stockholders in New York and Chicago and San Francisco or Great Britain, with their agents in the islands to execute their policy of greed (using that word in no offensive sense, but only to the end for which the corporation itself is organized), the land being thus held and thus managed, how are you ever to have a citizenship in the islands upon whom could safely be devolved the exercise of the powers of government? How do you ever expect by such a policy to uplift the people of the islands and make them fit for self-government? This policy does not tend to insure an independent and self-reliant and intelligent citizenship. It tends to degradation, to turpitude, and slavery. It tends to unfit the people, and if they are now unfit to be intrusted with the employment of any power of government, they will be doubly unfit after they receive a schooling under the training and despotism of alien syndicates holding possession of all their lands.

So, Mr. President, this part of the bill relating to the friars, while apparently justified on account of the difficulties which have grown out of the situation in the islands, it seems to me will result in no cure of the mischief, unless we shall alter the bill so as to make an entirely different disposition of the lands that may be acquired from these religious orders.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. RAWLINS. I do.

Mr. CARMACK. I ask the Senator from Utah to yield to me for the purpose of making a motion to adjourn, if the Senator would prefer to go on to-morrow. The hour is growing late, and if it is satisfactory to him I will make that motion.

Mr. LODGE. If the Senator from Utah prefers to go on to-morrow, as it is now nearly half past 4, it will be entirely agreeable to me.

Mr. RAWLINS. I would prefer to do so, and probably I can conclude my remarks more satisfactorily than than to undertake to proceed further to-night. There are a few more topics to which I wish to refer.

Mr. LODGE and Mr. CARMACK. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 23, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 22, 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.

BRIDGE ACROSS THE OHIO RIVER.

The SPEAKER laid before the House, with amendments of the Senate, the bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River.

The amendments were read.

Mr. GRAHAM. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

MONUMENT TO BENJAMIN F. STEPHENSON.

The SPEAKER also laid before the House, with amendments of the Senate, the joint resolution (H. J. Res. 61) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic.

The amendments were read.

Mr. McCLEARY. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

REFUND OF DUTIES ON IMPORTS INTO PORTO RICO.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 11096) to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900.

The amendments of the Senate were read.

Mr. RAY of New York. I move that the House concur in these amendments.

Mr. UNDERWOOD. If I may be allowed a moment, I would like to ask whether this bill confers on the Court of Claims authority to draw the money upon these claims out of the Treasury without warrant from Congress. I tried to understand, as they were read, the amendments put on by the Senate.

Mr. RAY of New York. This bill would be the warrant by Congress to pay these judgments. I consulted with the chairman of the Committee on Ways and Means [Mr. PAYNE] on this subject, and he thinks that we should concur in the amendments. The quicker these judgments are paid the better.

Mr. PAYNE. Allow me a moment. The judgments, when obtained in the Court of Claims, will draw interest from the date the judgments are rendered. The United States having this money to pay, I thought it would be best, instead of letting it run along at 6 per cent interest—for that is what the proposition amounts to—to pay the judgments at once. The bill applies, of course, only to this class of claims.

Mr. UNDERWOOD. There may have been a precedent for such a procedure in the past, but there has been none to my knowledge. It has always been the custom of Congress to require that when a judgment was found against the Government, it should be brought to Congress, certified to the Appropriations Committee, and Congress allowed to pass on the expenditure; in other words, that Congress should exercise the authority conferred on it by the Constitution to hold the reins on payments from the United States. Although I think it proper to pay these claims—when judgment has been rendered they ought to be paid, and I am in favor of paying them—I am not in favor of surrendering to the Court of Claims the power of Congress to appropriate from the Treasury the amount of the judgment. Even if the Government does lose a few thousand dollars in the form of interest, I think the bill ought to provide that the judgment of the Court of Claims, after being rendered, should be certified to the Appropriations Committee as is done with other claims, and then have Congress provide by appropriation for the payment. In this way we still hold our hand on the Treasury.

The SPEAKER (having put the question on the motion of Mr. RAY of New York, to concur in the amendments). The ayes appear to have it.

Mr. UNDERWOOD. I call for a division.

The House divided, and there were—ayes 67, noes 21.

So the motion of Mr. RAY of New York was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, Mr. LACEY obtained leave of absence for one week, on account of a death in his family.

CHANGES OF REFERENCE.

By unanimous consent, changes of reference were made in the following cases:

A bill (H. R. 11803) for the purchase, for a national park, of a

tract of land upon which the Natural Bridge in Virginia is situated—from the Committee on Military Affairs to the Committee on Agriculture.

A bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe—from the Committee on Invalid Pensions to the Committee on Pensions.

ALLOWANCE FOR CERTAIN CLAIMS FOR STORES, ETC.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to disagree to the amendments of 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 approved March 3, 1893, and commonly known as the "Bowman Act," and ask for a conference.

The SPEAKER. Under the order of the House this bill was set apart for war claims, and the gentleman from Pennsylvania, from the Committee on War Claims, asks unanimous consent that the House disagree to the amendment of the Senate to the bill H. R. 8587, the omnibus war claims bill (so called), and ask for a conference. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say this: That there are a certain class of claims in this omnibus bill that I do not believe ought to be passed. I think they should receive the careful consideration of every member of this House. The bill originally left this House carrying about \$200,000 worth of claims. It comes back here with over \$3,000,000 worth of claims. They have not been considered by this House in the Committee of the Whole, as they would have to be if they had been originally reported by the War Claims Committee. Now, I do not want to obstruct legislation; I do not wish to assume that because I am opposed to a claim it must be absolutely wrong, but I do assume and I do assert that it is the right of every member of this House to have claims considered in the legitimate way—under the rules, where they can be discussed under the five-minute rule and the fair consideration of the House obtained.

Now, to-day is set apart for the consideration of these claims. It is true an appropriation bill has come in here, but nothing can be harmed by delaying that appropriation bill till to-morrow. It can not injure anything. There are very many legitimate claims on this omnibus bill, but there are other claims that Congress for forty years has repudiated and turned out. Now, I think it is the duty of this House to-day, instead of asking unanimous consent to send this matter to a conference committee, where the members of the House lose control of the individual items in the bill, to vote down a motion to go into the Committee of the Whole House on the state of the Union to consider the bill for the Military Academy, and to give the gentleman from Pennsylvania the right of way to-day. Let these claims be heard by the House. Let them be heard individually on their own merits, and let the House pass on each bill and dispose of it, and I will say this, although I intend to object to any unanimous consent to this going to a conference: I will vote, and I believe I can speak for the members on this side of the House, that they will vote with the gentleman from Pennsylvania to give him this day for the consideration of these claims.

The SPEAKER. The gentleman from Alabama objects.

Mr. MAHON. Mr. Speaker, I rise to a parliamentary inquiry. Would it be proper now for me to move to nonconcur in the Senate amendment?

The SPEAKER. That is objected to by the gentleman from Alabama.

Mr. MAHON. Then I move that the House resolve itself into the Committee of the Whole to consider bills on the Private Calendar, and pending that I want to ask unanimous consent that the omnibus bill be considered under the five-minute rule, without general debate.

Mr. UNDERWOOD. Mr. Speaker, I think that is a fair proposition, and I suppose if there is any one item that extends beyond five minutes that the gentleman from Pennsylvania will allow some latitude.

Mr. MAHON. Oh, certainly; the usual courtesies will be extended.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House for the purpose of considering the bill H. R. 8587, the omnibus war claims bill, and pending that motion asks unanimous consent that the consideration of the bill be under the five-minute rule. It is the duty of the Chair also to state that it will require unanimous consent to name the particular bill.

Mr. MAHON. It is the bill H. R. 8587, and I ask unanimous consent that that bill be considered when the House goes into Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill H. R. 8587, the omnibus war claims bill, so called, may be considered when the House goes into Committee of the Whole, and under the five-minute rule.

Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole for the consideration of the bill H. R. 8587, the omnibus war claims bill, so called.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House for the consideration of the Senate amendment to the bill H. R. 8587, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will read the bill by paragraphs.

Mr. MAHON. Mr. Chairman, there is but one amendment to the Senate bill. I suppose it will all have to be read first, and then it will be open to discussion and amendment. I ask unanimous consent that the first reading of the bill and amendment be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill and amendment. Is there objection?

Mr. CANNON. Mr. Chairman, I propose to dispense with the first reading of the bill and then that it be read by paragraphs. That would be the convenient way.

Mr. MAHON. Yes.

Mr. CANNON. I will add that to it. Let it be read by paragraphs.

Mr. MAHON. I wish to explain to the gentleman from Illinois that this is but one amendment. When that amendment is read the bill will be open to amendment, the greater part of it. There is a great deal of the bill that probably nobody wants to amend.

Mr. CANNON. Well, after all, it seems to me the orderly way would be for the gentleman to ask unanimous consent to read it by paragraphs. Of course, if there is no challenge, it seems to me you would make better headway.

Mr. MAHON. All right; go ahead without any motion. I will agree to that.

Mr. CANNON. All right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLAIMS ALLOWED UNDER THE BOWMAN AND TUCKER ACTS BY THE COURT OF CLAIMS.

ALABAMA.

To Francis B. Appling, of Tuscaloosa County, \$130.

To Hugh P. Bone, executor of Martha H. Bone, deceased, of Madison County, \$2,544.

To Hugh H. Kirby, administrator of James Bundren, of Dekalb County, \$980.

Mr. CANNON. Mr. Chairman, where is the clerk reading?

The CHAIRMAN. The Chair will state that the Clerk was reading from page 1 of the official Senate amendment, which is the same matter as appears on page 21 of the House bill.

Mr. CANNON. It is page 21 of the House bill as printed.

The CHAIRMAN. Yes.

Mr. MADDOX. I should like to ask the chairman of the committee, the gentleman from Pennsylvania [Mr. MAHON], a question. As I understand it, these first claims down here—a number of them—are the same claims that were passed by this House when we sent the bill over to the Senate, the Bowman Act claims?

Mr. MAHON. The Senate committee struck out some of the Bowman Act cases by mistake, and when we get to conference those will go back.

Mr. MADDOX. I was going to suggest that in so far as they were the same claims we had passed on before, we might waive them and go on to some of the others.

Mr. CLARK. I should like to suggest that the chairman of the committee come over here in the center of the House, where everybody can hear him, and that everybody else take his seat and keep it.

The CHAIRMAN. Gentlemen will please be seated, so that the business of the House may proceed in order.

Mr. BREAZEALE. Will the gentleman from Pennsylvania yield for a question?

Mr. MAHON. I want to answer the question of the gentleman from Georgia [Mr. MADDOX]. The Senate sent a great many claims under the Bowman and Tucker acts to the Court of Claims. The War Claims Committee in the House has no jurisdiction over them. The Senate has added all the findings of the Court of Claims under the Bowman and Tucker acts that were returned to the President of the Senate. All the claims that went over from the House, with the exception of twelve, are in this bill. Twelve were struck out by the Senate. That is the only difference.

Mr. MADDOX. It occurs to me that those claims that we had passed on might be passed over.

Mr. BREAZEALE. Will the gentleman yield now for a question?

Mr. MAHON. Yes.

Mr. BREAZEALE. I find on page 7 of this bill, under the head of Louisiana claims, an appropriation to Charles M. Flower, Frank

S. Flower, William Flower, and D. Sprigg Flower, children of Charles H. Flower, deceased, of Rapides Parish, \$23,357, has been stricken out by the Senate.

Mr. MAHON. That passed the Claims Committee of the Senate as we sent it over; but, by a page being left out of the report the committee made to the Senate, on which were 12 claims that the House had passed, that claim and the 11 others did not get into the Senate bill.

Mr. BREAZEALE. Will that claim go back into the bill when the bill goes to conference?

Mr. MAHON. It will.

Mr. BREAZEALE. What I want to call attention to is the fact that the Court of Claims has found in favor of this claim.

Mr. MAHON. Oh, I am familiar with it.

Mr. BREAZEALE. And there is not a fairer claim anywhere in the bill.

Mr. MAHON. They were findings of the court that were left out by an error, and they will be put back in conference.

Mr. BREAZEALE. With that assurance, Mr. Chairman, I am satisfied.

The Clerk read as follows:

MASSACHUSETTS.

To Charles Foster, receiver of the Union Steamship Company, of Boston, \$18,000.

Mr. MAHON. Mr. Chairman, I would like to have the attention of the committee. All the matter in this bill up to page 95 where the heading occurs, "Selfridge board," are claims that have been sent to the Court of Claims, and it looks like a waste of time to read them all.

Mr. UNDERWOOD. I agree with the gentleman. They have all been passed upon by the Court of Claims.

Mr. MAHON. I therefore ask unanimous consent to dispense with the reading of all that part of the bill up to page 95 up to the heading "Selfridge board findings."

Mr. SMITH of Kentucky. I would like to ask the gentleman from Alabama what is the necessity of reading all this bill through? The Senate has put a whole lot of amendments on here that I do not suppose anybody wants to concur in any of them. Why not concur in all of them?

Mr. UNDERWOOD. I will state to my friend why I will object to unanimous consent to passing them all to conference. I agree that there are a lot of legitimate claims on this bill, and to send it over to the Senate concurred in there is nothing to trade on, nothing to force anybody's hand. If the House will vote to concur in the legitimate claims and nonconcur in the illegitimate claims, then it goes to the Senate, where they can accept the good claims, and the bad ones will be turned down. But if we nonconcur in everything, gentlemen who have good claims will be put in the attitude, if this thing goes to conference and comes back again, that they may have to take claims that they do not want to get the claims they do want. I am unwilling for that situation to arise.

Mr. MADDOX. Now, we have got Bowman Act claims that have been read up to this time.

Mr. UNDERWOOD. Yes.

Mr. MADDOX. Why not concur in those and nonconcur in the balance? The Senators put on a lot of Bowman Act claims that seem just as legitimate as any of these.

Mr. UNDERWOOD. I am perfectly willing to agree to the proposition of the gentleman from Pennsylvania.

The CHAIRMAN. The Chair states that the question now before the committee is the request of the gentleman from Pennsylvania, asking unanimous consent to dispense with the reading of the bill from the end of line 19, page 31, to which point the Clerk has already read, to the line before the heading "Selfridge board findings," on page 95.

Mr. MAHON. All of which have been passed upon by the court.

The CHAIRMAN. This question is not a debatable question. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ROBB. For the present I enter an objection, Mr. Chairman. I have here an amendment which I desire to offer on page 35, adding an additional claim there. It was certified in 1892 to this House. The claim has been passed upon by the Court of Claims. I introduced a bill to that effect, which went to the Committee on War Claims. I can not see why it was not reported. The claim of Isaac G. Whitworth was put on this bill, and the other claim was precisely of the same character, and was not put in the bill.

The CHAIRMAN. The Chair will state for the information of the gentleman that we are now reading one long Senate amendment. When that amendment has been finally read, or with the omission of such parts as it may be agreed shall be omitted in reading, it will then be in order to offer an amendment to any part of the Senate amendment.

Mr. ROBB. Then I will simply ask unanimous consent to return to page 36 for the purpose of offering my amendment.

The CHAIRMAN. It is not necessary to ask unanimous consent. The gentleman will have the opportunity to present an amendment to any part of the Senate amendment after the entire amendment has been read.

Mr. ROBB. I withdraw the objection.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the reading of the Senate amendment from the end of line 19, page 31, to the head "Selfridge board findings," on page 95. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, I desire to rise to an inquiry. I understand the Chair to hold that this is one Senate amendment. Then will it be in order to move to strike out and nonconcur in item after item as reached and read now, or will it be necessary to wait until the whole bill is read through before a motion is in order to strike out and nonconcur?

The CHAIRMAN. The Chair is of opinion that this will be treated like any other Senate amendment and that the motion to strike out, or concur, or to amend will have precedence, as usual in ordinary cases.

Mr. UNDERWOOD. When the item is reached.

The CHAIRMAN. The motion to amend would have precedence of the motion to concur.

Mr. UNDERWOOD. I would ask the Chair if the ruling is whether it is proper to move to nonconcur and strike out when the item is reached, if read now, or after the entire reading of the Senate amendment is ended?

The CHAIRMAN. The Chair will state that the consideration of Senate amendments in Committee of the Whole House, as we are now doing, is of very rare occurrence. But, considering the rules and precedents so far as applicable, the Chair is inclined to hold that the entire Senate amendment must first be read, and then the Chair is of the opinion that amendments may be offered to any clause, paragraph, or line precisely as if the amendment covered but one page or one line.

This is probably the longest Senate amendment that has ever come over to the House. It covers many pages and embraces many paragraphs to clauses, and yet it is only one amendment. The inquiry is quite pertinent, whether an amendment to this amendment must be offered when, in reading, the Clerk has reached the paragraph to which it is applicable, or withheld until the entire Senate amendment has been read.

The rule as adopted April 17, 1789, provided that—

Upon bills committed to a Committee of the Whole House the bill shall be first read throughout by the Clerk and then again read and debated by clauses, leaving the preamble to be last considered. * * * After the report (to the House) the bill shall again be subject to be debated and amended by clauses before a motion to engross it be taken.

In the revision of 1880 this rule was omitted, possibly because the practice of reading a bill by paragraphs for amendment had become such a matter of course in the practice of committees of the whole that its repetition was considered unnecessary, or possibly because it was entirely overlooked, but the present Rule XXIII, section 6, provides that—

The committee may by the vote of a majority of the members present at any time after the five-minute debate has begun upon proposed amendments to any section or paragraph of a bill close all debate upon such section or paragraph.

This is a recognition of the practice of reading and amending the bill itself by clauses or paragraphs, but the Chair is unable to find any rule or evidence of any practice or any precedent for the reading of an amendment by paragraphs for amendments to the amendment. Certainly an amendment offered originally in Committee of the Whole would not be so read. Although it might be a very long amendment, embracing many paragraphs, it would be read as an entirety, and then an amendment or successive amendments might be offered to any part of it. Now, this is not a Senate bill. It is simply a Senate amendment to a House bill and, in the opinion of the Chair, to be treated as any other amendment—that is to say, first read as an entirety, and then considered as subject to such amendments as may be offered to any part thereof, precisely the same as if, instead of coming from the Senate, it had been offered to-day for the first time by a member of this Committee of the Whole House.

Mr. UNDERWOOD. If that is the ruling of the Chair, I ask unanimous consent—we all have the bill before us, and we know the portions we desire to object to—that the further reading of the bill be now dispensed with and that gentlemen be recognized to strike out or amend this section as they may wish under the five-minute rule.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the further reading of the Senate amendment be dispensed with, the whole amendment be considered as open to amendment as having been read. Is there objection?

Mr. WM. ALDEN SMITH. Mr. Chairman, to what line on page 95 was unanimous consent given?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to dispense with the reading down to the heading "Selfridge board findings."

Mr. SWANSON. Mr. Chairman, I want to know the effect of that unanimous consent. It was coupled with the statement that everybody should offer amendments to concur or nonconcur, as he might see proper. If that is allowed and unanimous consent is given that everybody shall do that, this bill could be held up here in that shape all this session. I am willing to consent that the further reading of the bill be dispensed with, and then leave the bill in its parliamentary situation.

Mr. UNDERWOOD. I am willing to do that because the Chair has ruled that it is open to amendment.

Mr. SWANSON. I have no objection to the unanimous consent being given that the further reading of the Senate amendment to be dispensed with, but I want the bill then left in its parliamentary status.

The CHAIRMAN. The question is on the the motion of the gentleman from Alabama that the further reading of the Senate amendment be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, Mr. Chairman, I move to strike out and nonconcur in that portion of the Senate amendment headed "The Selfridge board findings," commencing on page 95, line 18, down to and including line 25 on page 100.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 95, beginning on line 18, strike out the remainder of said page, all of page 96, page 97, page 98, page 99, and page 100 down to and including line 25.

Mr. CANNON. Mr. Chairman, reserving the right to make the point of order on that amendment, I want to know its effect. I am quite in sympathy with what the gentleman from Alabama desires to get at, but if his motion to nonconcur in a part of the amendment is adopted, does that mean concurrence in the balance of it?

Mr. UNDERWOOD. I do not so understand it.

The CHAIRMAN. The Chair understands the motion of the gentleman from Alabama to be simply a motion to amend the Senate amendment, and after that amendment and all other amendments have been passed upon, the motion to concur will be in order.

Mr. CANNON. Or to nonconcur?

The CHAIRMAN. Or to nonconcur.

Mr. UNDERWOOD. My motion is to strike out that portion of the Senate amendment, and upon that I wish to be heard.

Mr. MAHON. Mr. Chairman, what is the gentleman's motion?

The CHAIRMAN. The motion is to strike out that portion of the Senate amendment which has been indicated beginning at "The Selfridge board findings," on page 95, down to and including line 25 on page 100.

Mr. MAHON. That is a motion to nonconcur in the balance?

The CHAIRMAN. The Chair will state that the motion to nonconcur is not in order at this time. As the Chair has stated, it is simply a motion to amend by striking out.

Mr. UNDERWOOD. That is the motion, Mr. Chairman.

Mr. MAHON. A parliamentary inquiry, Mr. Chairman. Would it be in order for me to move to concur?

The CHAIRMAN. The Chair is of the opinion that it would not be in order to move to concur until the Senate amendment has been perfected by the committee by making such amendments as it is desired to make.

Mr. UNDERWOOD. Mr. Chairman, I desire to state my objections to that part of the Senate amendments to the bill under consideration known as the Selfridge board claims. It is a claim arising out of contracts made by the Government during the civil war.

Among the many and varied amendments made by the Senate to House bill 8587, for the allowance of stores and supplies reported by the Court of Claims under the Bowman Act of March 3, 1883—making 110 additional pages, with nearly three millions of direct appropriations—is one appropriating nearly \$1,000,000 to certain contractors, their heirs or assigns, administrators or administratrices, or personal representatives, in payment of their claims for additional allowances over the contract price and in addition to the extra allowances made and paid them at the time and since by the Navy Department or by Congress.

The bill was reported from the Committee on War Claims, with amendments, and taken up in the House on February 12. (RECORD, p. 1688.) Mr. MAHON, chairman of the committee, stated that it was the same bill that was passed by the House in the last Congress and failed in the Senate, and included 172 claims and embraced only cases found due by the Court of Claims. A few amendments were submitted and adopted, and the bill passed

unanimously, the total amount appropriated being about \$198,000 in round numbers.

The Senate Committee on Claims reported the bill with a great many amendments, aggregating specifically nearly \$2,900,000, covering a great variety of subjects, the most important being what is designated the "Selfridge board findings" and the "French spoliation claims," converting it from a strictly "Bowman Act bill" to a general "omnibus claim bill."

The Senate committee struck out the entire text of the House bill, in order to throw it into conference, and then restored it with a few amendments, including cases reported under the Tucker Act, which were not included in the House bill, the accompanying report summarizing the new claims added, as follows:

1. Tucker Act cases.
2. Bowman Act court findings since the House made its list.
3. French spoliation court findings.
4. Selfridge board and Marchand board ship cases.
5. Certain approved claims which have repeatedly passed the Senate or House heretofore.
6. A few items for reference to the Court of Claims, court of admiralty, and Treasury Department.

The Senate report is inaccurate in its statements of detail and fact in many respects, but it would require more time than is now possible to dissect these Senate amendments, involving millions of dollars, most of which have never been investigated by any committee of the House of Representatives in recent years, and many of which—notably the so-called "Selfridge board findings"—have never been approved or passed by the House of Representatives, and but once by the Senate.

The paragraph appropriating nearly \$1,000,000 for the claims of contractors, their heirs, assigns, administrators, representatives, etc., for the construction of certain war vessels and machinery in the years 1862-63 should receive the closest scrutiny of each member of the Committee on War Claims, as well as by every other member of the House of Representatives. These alleged "findings" have not only never received the full approval of the Senate, as stated in the report, but they have been repeatedly rejected by Senate committees, and in 1866-67 by the Senate itself, and always by the House of Representatives. Congress created a board, known as the Marchand board, by act of March 2, 1867, to go over the entire ground and make report to Congress thereon.

The Senate report ignores wholly the history and report of the Marchand board—only makes a mere reference to it—and suppresses important facts necessary to a proper understanding of the history and merits of these claims, which have been discredited as a whole by the House of Representatives from the very start. Two or three cases passed Congress on their merits, greatly reduced in amounts, while the few others which became laws were put through Congress after going through the Court of Claims under prescribed conditions which left the court nothing to do but see that the clerical computations made in each case were correct.

No mention whatever is made in the Senate report of the fact that in the first session of the Thirty-eighth Congress (1863) Congress passed a joint resolution (S. R. 50) for the relief of the contractors for the machinery of the side-wheel gunboats known as "double-enders," the Senate passing it after a long debate by a bare majority and the House promptly referring it to the Committee on Naval Affairs without an opposing vote, where it was unanimously pigeonholed.

The debate in the Senate commenced on May 11, 1864, and ended on June 23 following, the Senate adopting by a majority of 2 votes the following amendment submitted by Senator Grimes, of Iowa, viz:

All claims based upon or arising from the contracts with persons who contracted with the Government of the United States for the machinery and engines of the side-wheel gunboats commonly known as "double-enders" be, and the same are hereby, referred to the Court of Claims for examination and adjudication; and said court is hereby authorized to examine and report to Congress what amount of work said contractors have done and what amount of materials they have furnished in addition to their contract, and what is the fair value of the same.

Senator Grimes again stated—

That the joint resolution was a matter of more magnitude than Senators might at the first blush suppose, for whenever this bill passes there is to be another one following it immediately for every class of vessels that have been built for the Navy. These contractors enter into a contract agreeing to finish a vessel by a certain time, but none of them do it.

He then made a motion to postpone the consideration of the joint resolution until information could be procured from the Navy Department concerning the matter. A proposition to make it a special order was resisted by Senator Sherman, who stated—

That if the joint resolution passes it will only be but the beginning of 500 similar bills. We shall have similar appeals from contractors who agreed to furnish flour or supplies to the Government, and they will have precisely the same claim. Every person who, by the rise of prices, has lost money by his contract will have the same claim. This principle would apply to all the

various departments of the Government, and would produce disorder and confusion.

On June 2 a motion was made to take up the joint resolution, which was opposed by Senator Hendricks, who in a subsequent Congress favored the reference of all these claims to the Court of Claims under the general law. Senator Grimes stated—

That this joint resolution was only the opening or entering wedge to further claims on the part of other contractors. This is to be followed by the contractors for the hulls of vessels, for the hulls and machinery of other classes of vessels; and if this shall be successful, as perhaps it may be, we shall have some rule applying not alone to the Navy, but to the Army and to every branch of the public service.

After the debate a motion to postpone a special order and continue the consideration of the joint resolution was defeated. The joint resolution was again taken up on June 23 and debated at length. Senators Clark, of New Hampshire; Hendricks, of Indiana; Grimes and Harlan, of Iowa; Reverdy Johnson, of Maryland; Cowan, of Pennsylvania, and Sherman, of Ohio, opposed the joint resolution, which was supported only by Senators Hale, of New Hampshire, and Anthony, of Rhode Island. Senator Grimes stated—

That there was not the slightest claim on the part of these contractors that there had been the slightest deviation from their contracts. They have not been required to do anything in connection with their machinery that they did not stipulate to do in their contract. They admit it, the Secretary of the Navy says it, and it is true as he has said that this is merely an appeal to the liberality, generosity, and beneficence of Congress. It is also true that if we grant it in this case we shall have appeals made to us day after day and day after day, upon the authority of this precedent, just as we have had appeals made to us because we have already this evening decided in favor of the Ericsson claim.

Senator Sherman stated—

That there was a letter on the Secretary's desk from the Secretary of the Navy in which he denied explicitly and positively that there were any changes made since these contracts were entered into.

And the Secretary's letter was read by Senator Grimes (Globe, p. 3174.) The joint resolution as amended was then passed.

A few days before a joint resolution similar to the one reported in the Senate was introduced in the House and referred to the Committee on Naval Affairs, but not reported. On June 30 (Globe, p. 3428) the Senate bill was reached in its order on the Speaker's table and referred to the Committee on Naval Affairs on motion of Mr. Rice, of Massachusetts, chairman of that committee, and was unanimously ordered reported adversely, but the report was withheld.

THE SELFRIDGE BOARD.

At a special session of the Senate convened by President Lincoln on March 4, 1865, that body adopted on March 9, just as it was about to adjourn, with no quorum present, without debate, and without even the knowledge of most of the few Senators present, the following resolution submitted by Senator Nye, of Nevada, viz:

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price, and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered.

Senator Nye had been a member of the Senate thirty-seven days when he took up the claims of these contractors, less than a half a dozen of whom were in Washington, and at a special session of the Senate, when legislative business, under the unbroken precedents of the Senate (save in emergencies), was never transacted, "slipped" through the Senate covertly a resolution for which, according to the papers of the day, he alone voted for, and which the House of Representatives by an overwhelming vote treated, in the succeeding Congress, as a nullity, and has uniformly since rejected as a whole.

The President was aware, as was Congress, that the Secretary had convened several boards—notably the Boggs, the Gregory, and the Ringgold boards—all composed of able men, with full facilities and information to protect the interests of the Government, and that after the most complete and thorough and searching inquiry, with every disposition on the part of President Lincoln and Secretary Welles to be as liberal as possible with these contractors on account of the peculiar situation of affairs, Congress and the public press of the day criticised the extra allowances of the Navy Department of over \$5,000,000 and said the contractors should have no more, the House Committee on Naval Affairs being practically unanimous against the contractors.

On January 30, 1866 (first session Thirty-ninth Congress), the Secretary of the Navy transmitted the report of the Selfridge board to the Senate without any recommendation. It was referred to the Committee on Naval Affairs, of which Senator Grimes, of Iowa, was chairman and Senator Nye the "tail-end" Republican member. On March 23, 1866, Senator Nye reported a bill (S. 220) for the relief of certain contractors for the construc-

tion of vessels of war and steam machinery. Up to the time of the presentation and adoption of Senator Nye's resolution not a petition or bill or paper of any kind had been presented in the Senate of the Thirty-eighth Congress on behalf of these contractors for relief, save for the machinery for the "double-enders."

On April 11 the bill was called up, and Senator Grimes of Iowa, spoke in opposition to the bill. He first called attention to the fact that the resolution was adopted solely by the Senate; was not approved by the House of Representatives; was not an act of legislative authority, and that no board organized under it had any authority to bind, either legally or morally, the action of Congress. He then stated that if the bill were passed the principle involved would require payment of more than \$12,000,000 to these contractors and at least \$60,000,000 to other contractors for war supplies where they had lost on their contracts.

On April 27 (Globe, p. 2222) the amendment of Senator Grimes, providing that the Secretary of the Navy should pay to the several parties the amounts awarded by said board, not to exceed the sum of 12 per cent of the contract price, except in the case of the *Comanche*, which should be paid in full, was adopted. An amendment for the steamer *Ashuelot* and machinery, and for the *Tippecanoe*, which had been completed to the satisfaction of the Department, was adopted, as was an amendment by Senator Clark of New Hampshire, providing that the sums authorized should be in full for all work done on vessels and machinery for which said sums were respectively paid, and, if accepted, should be on that condition, and no contractor should be entitled to payment until he had executed a receipt in full for said claim.

The bill was then passed by yeas 22, nays 11, the negative vote being Senators Clark of New Hampshire, Conness of California, Davis and Guthrie of Kentucky, Doolittle and Howe of Wisconsin, Henderson of Missouri, Kirkwood of Iowa, Sherman and Wade of Ohio, and Trumbull of Illinois. The bill was referred to the House Committee on Claims and no further action thereon taken during that session.

On February 15, 1867 (second session), Mr. Sloan, of Wisconsin, reported the bill with a substitute (Globe, p. 1265) which authorized and directed the Secretary of the Navy to investigate the claims of certain contractors therein named, 19 in all, and fix the basis on which such investigation should be made. The substitute was read, and while the report was being read the morning hour expired. Notice of substitutes intended to be offered (Globe, p. 1265) was given.

On February 16 the bill was taken up, and Mr. Delano, of Ohio, chairman of the committee, made a statement to the House (p. 1281), saying that the aggregate carried by the bill under the Grimes amendment was \$1,267,000. He also stated that the report of the committee was not in print, but a bill and pamphlet in the interest of the contractors was, and he moved to postpone the bill until the following Friday, which motion prevailed by yeas 77, nays 67.

On February 22 (p. 1472) the bill was taken up and Mr. Sloan stated the case and situation, from which it appears that there were over 40 contractors interested in the bill; that the contract price, together with allowances for extra work, had been paid; and then he gave a full and critical analysis of existing conditions (pp. 1471-1472).

The committee were not satisfied with the Senate bill. As the case stood, Congress is asked to legislate upon these cases blindly, and to appropriate more than a million dollars from the Treasury with no knowledge whether a single dollar ought to be paid or not.

Messrs. Delano, of Ohio; Grinnell, of Iowa; Washburn, of Massachusetts, and others spoke in favor of the substitute and Mr. Woodbridge, of Vermont, in favor of the Senate bill.

The question was put on the amendment (more favorable to the contractors) to the committee's substitute and it was rejected, yeas 36, nays 79. The committee's substitute, as slightly modified, was then agreed to, yeas 88, nays 44, and the bill as amended was then passed, yeas 105, nays 42. The Senate disagreed to the House substitute and asked a conference, which was granted. The conference report was agreed to, the Senate agreeing to the House amendment with an amendment, changing the period of time so as to make it under contracts between May 1, 1861, and prior to January 1, 1864. The report also included one more vessel, the *Dunderberg*. The bill was approved and became the act of March 2, 1867 (vol. 14, p. 424).

On December 4, 1867 (second session Fortieth Congress), the Secretary of the Navy transmitted to the Senate the report of the board of naval officers composed of Commodore Marchand, Chief Engineer King, and Paymaster Foster under the act of March 2, 1867, which was referred to the Committee on Naval Affairs and ordered printed (Globe, p. 19). On January 31, 1868, Mr. Grimes reported from said committee a bill, S. 307, for the relief of certain Government contractors. On February 13 the bill was called

up and discussed (p. 1143-1144). The bill made the following appropriations to several contractors, viz:

Secor & Co. and Perrine, Secor & Co.....	\$115,539
Harrison Loring.....	88,513
Atlantic Iron Works, Boston.....	4,852
Aquilla Adams.....	4,852
M. F. Merritt.....	4,852
Tomlinson, Hartepee & Co.....	15,171
Poole & Hunt.....	3,694
Total.....	187,473

Senator Grimes offered an amendment including the firm of Harlan & Hollingsworth for \$38,513, which was omitted by mistake. In reply to a question from Senator Sherman why so large an amount was allowed, Senator Grimes stated the facts and said (Globe, pp. 1143-1144) that in place of recommending the appropriation of one million and a half dollars involved in the Senate bill of the previous Congress, the Marchand board recommended the payment of about \$200,000 as against nearly \$2,000,000 by the Selfridge board. The reason for the discrepancy was that the Selfridge board "took the statements of the contractors as submitted without going into the subject thoroughly, while the Marchand board have taken the statements made by the contractors, as well as statements made by the Navy Department, and have thoroughly analyzed the whole thing, sifted it down and furnished a tabular statement showing all pertinent details," etc. The bill then went over.

On June 8 (Globe, 2922) the Senate resumed its consideration, and in reply to a question Senator Hendricks explained that the bill was based on the report of the Marchand board, "which was satisfactory to the Secretary of the Navy and satisfactory to the Senate Committee on Naval Affairs" (p. 2924, 2925). A special order intervened and the bill went over until the following day. When resumed, Senator Hendricks offered an amendment by adding at the end of the bill the following words:

Which shall be in full discharge of all claims against the United States on account of vessels upon which the board made the allowance as per their report made under the act of March 2, 1867.

Senators Frelinghuysen, of New Jersey, and Howe, of Wisconsin, stated that the contractors had been paid over \$5,000,000 in addition to the contract price by the Navy Department (p. 2959). Senator Cameron, of Pennsylvania, "objected to these large claims going through in such a way."

Senator Howe submitted a substitute for the amendment of Senator Hendricks to the same effect.

After lengthy debate the bill went over until June 10. (Globe, p. 3051.) After further debate the amendment submitted by Senator Howe to the amendment of Senator Hendricks was rejected and the original amendment adopted, and as thus amended the bill was passed. (Globe, p. 3052.)

The bill was reported without amendment from the House Committee on Claims, and referred to the Private Calendar.

On June 10, 1868 (Globe, p. 3940), the bill was reached and debated. Mr. ALLISON, of Iowa, tried to submit the following amendment, but was not permitted to do so:

Provided, That the several sums hereby appropriated shall be accepted by the several parties in full satisfaction of all claims against the United States arising out of the construction of vessels by the several parties herein named.

Mr. ALLISON stated that he thought the last clause of the bill—Senator Hendricks's amendment—did not cover the case fully, his own idea being "that if the contractors receive this amount it is to be a final settlement." (Globe, p. 3940.)

Mr. Spalding, of New York, was opposed to the bill, and referred to the combination of contractors to get \$7,000,000 more out of the Government, when it was not bound either legally or morally to pay them a dollar. An amendment to strike out the allowance of \$115,539 to Secor & Co. and Perrine, Secor & Co., and to M. F. Merritt for \$4,852, was rejected and the bill passed without amendment (Globe, p. 3942).

The bill was approved July 13, 1868 (Stat. L., vol. 15, p. 379).

Not satisfied with the action and allowances of the Marchand board, created by Congress at the instance and request of these contractors, they sought still further legislation, and procured in the Forty-first Congress the report of a joint resolution (No. 92) from the Committee on Naval Affairs of the Senate, which was called up on January 24, 1870 (Globe, p. 697), and after brief discussion was objected to by Senators Howe, of Wisconsin, and Sherman, of Ohio, and on January 25 was recommitted to the Committee on Naval Affairs, and on May 12 was reported back with an amendment drawn by Senator Edmunds.

On July 8, in the closing hours of the session (Globe, p. 5368), the joint resolution was called up and the substitute reported agreed to and the same passed. On July 14 (Globe, p. 5597) it was reached on the Speaker's table and objected to by Mr. ALLISON, of Iowa, and subsequently by Mr. Randall, of Pennsylvania. On July 15 a motion was made to suspend the rules and pass the

joint resolution, which failed by yeas 98 and nays 77. It went over until the next session. On January 30, 1871, the joint resolution was passed from the Speaker's table, and on February 7 following was vetoed by President Grant, whose message concluded as follows, viz:

The present joint resolution transfers the investigation to the Court of Claims, and repeals "so much of said act as provides against considering any allowance in favor of any such parties for any advance in the price of labor or material, unless such advance could have been avoided by the exercise of ordinary diligence and prudence on the part of the contractor." It seems to me that the provision thus repealed is a very reasonable one. It prevents the contractor from receiving any allowance for an advance in the price of labor and material, when we could have avoided that advance by the exercise of ordinary prudence and diligence. The effect of the repeal will be to relieve contractors from the consequences of their own imprudence and negligence. I see no good reason for thus relieving contractors who have not exercised ordinary prudence and diligence in their business transactions.

These claims have been discussed in the Congress time and again during the last forty years. Let me read again what Senator Grimes of Iowa said at that time. Senator Grimes was speaking upon the following resolution then pending:

That all claims based upon or arising from contracts with persons who contracted with the Government of the United States for machinery and engines of side-wheel gunboats, commonly known as double-enders, be, and the same are hereby, referred to the Court of Claims; and said court is hereby authorized to examine and report to Congress.

Listen to what Senator Grimes stated:

That there was not the slightest claim on the part of these contractors that there had been the slightest deviation in the contracts.

Mark you, gentlemen, it is claimed in the Senate report and in the reports before the House that the Government changed the terms of the contracts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWIE. I ask unanimous consent that the time of the gentleman be extended fifteen minutes. This is a very important matter.

Mr. SWANSON. How much time does the gentleman want?

Mr. UNDERWOOD. Fifteen minutes.

Mr. SWANSON. I have no objection.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of his colleague be extended fifteen minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mark you, the claim is made that these claims must be paid because they say the Government deviated from the contracts, that it changed the contracts, and the contractors had to work on new plans and were delayed thereby. I ask you, Does the statement of the Senator from Iowa, made at a time when he must have been conversant with all the facts, sustain such a contention?

Mr. GAINES of Tennessee rose.

Mr. UNDERWOOD. I will ask my friend not to interrupt me, because I have only fifteen minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. UNDERWOOD. Again, listen to what Senator Grimes, who was on the committee that had charge of the investigation of these matters, after investigating it, further said in reference to the justice of paying these claims:

That there was not the slightest claim on the part of these contractors that there had been the slightest deviation from their contracts. They had not been required to do anything in connection with the machinery that they did not stipulate to do in their contracts. They admitted, the Secretary of the Navy says, and it is true, as he has said, that this is merely an appeal to the liberality, generosity, and beneficence of Congress. It is also true that if we grant it in this case we shall have appeals made to us day after day and day after day upon the authority of this precedent just as we have had appeals made to us because we have already this evening decided in favor of the Ericsson claim.

The Ericsson claim was one of the claims that they paid. Now, I have read what Senator Grimes, of Iowa, said. He was in the Senate at the time. He was then chairman of the Senate Committee on Claims, which had refused to allow these claims, and he knew the facts, not forty years afterwards, but knew the facts then, and he said that the only ground on which they had a right to make any appeal to Congress was to the liberality, generosity, and beneficence of Congress.

Mr. GAINES of Tennessee. Were all the claims alike?

Mr. UNDERWOOD. I am talking about the Selfridge board claims, all of which were turned down by the Marchand board, that are in this bill.

Mr. GAINES of Tennessee. All turned down for the same reason?

Mr. UNDERWOOD. Yes; because they said that Congress did not owe anything to the contractor, that it was only to the liberality and generosity of Congress that they were appealing. That is what Senator Grimes, of Iowa, the then chairman of the Committee on Claims, stated.

Mr. POWERS of Massachusetts. Mr. Chairman—

The CHAIRMAN. Will the gentleman yield to the gentleman from Massachusetts?

Mr. UNDERWOOD. Yes; for a question.

Mr. POWERS of Massachusetts. I understood the gentleman from Alabama to state that all these claims had been heard by the Marchand board and rejected. Am I correct?

Mr. UNDERWOOD. The gentleman is correct. I so understand it.

Mr. POWERS of Massachusetts. Has the gentleman ever understood that any of these claims were ever heard by the Marchand board and passed on by that board?

Mr. UNDERWOOD. My understanding, from what I gather from the record, is that all these claims that are now in this bill were laid before the Marchand board and were rejected, except a certain number of specified claims amounting to \$187,000 that were paid at the time. Now, I want to read again what Senator Sherman said in reference to these claims when they were paid. He stated that there was a letter on the desk of the Secretary of the Senate from the Secretary of the Navy in which he denied explicitly and positively that there were any changes made since these contracts were entered into.

Senator Sherman of Ohio is in the record stating that there was lying on the desk of the Secretary of the Senate at that time a statement from the Secretary of the Navy saying that no changes had been made in these contracts, and therefore if you believe what Senator Sherman says, if you believe what the records of Congress say, you are asked to pay these contractors about a million and a half dollars because the Government changed their contracts. It is not sustained by the record, and their contention has gone up in smoke, in vapor, and is a myth; there is nothing in the argument.

Mr. Chairman, I might say a great deal more in reference to the facts in this matter. As I have stated all the time, I do not desire to filibuster this bill, or to delay its legitimate passage; but in investigating the facts I am satisfied in my own mind that these claims were fairly and justly considered by the members of Congress forty years ago and justly rejected by the executive department and the legislative department of the Government at that time.

I say that the statements contained in the present Senate and House reports are not sustained by the record. The claim that we must pay these men because the Government had changed their contracts is denied by the record. It is shown that the then Secretary of the Navy denied it. It is shown that the chairman of the Committee on Claims of the Senate denied it. It is shown that there is no record here to sustain anything of the kind and that the only appeal that was then made was to the liberality and the generosity of Congress.

I contend you should pay a man what is due him, but the money in the Treasury of the United States does not belong to you. You may be liberal and generous with what is your own, but the money you are voting to-day is not your own. It belongs to the people of the United States, and these men have got no right to come here under an appeal to the liberality and the generosity of Congress and ask you to vote a million and a half dollars out of the public Treasury of the United States because they made contracts that turned out disastrous, and I contend that these claims ought to be stricken out and nonconcurring in before this bill passes.

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

Mr. UNDERWOOD. Certainly.

Mr. CALDWELL. Have you footed up and found the amount of the Selfridge-board findings in this bill?

Mr. UNDERWOOD. No, I have not. I take the statement of the board. I have moved to strike out all of those claims.

Mr. CALDWELL. I think it would be a matter for the information of the House if you would state approximately the amount of the findings, which I do not know.

Mr. UNDERWOOD. The amount is stated to be a million and a half, I understand, but I do not mean to say that my figures are accurate to a dollar. It is stated in the report, and any gentleman can find the exact figures there.

Mr. GAINES of Tennessee. What other testimony have you besides that of Senator Grimes?

Mr. UNDERWOOD. If the gentleman will look in the Congressional Globe and CONGRESSIONAL RECORD he will find that this matter has been discussed for forty years.

Mr. GAINES of Tennessee. I take it for granted that the gentleman from Alabama has looked through the RECORD.

Mr. UNDERWOOD. I have endeavored to search the records, and there is no doubt that the leading men at that time in Congress did believe these claims should not be paid, and refused to pay them; and they have simply been hanging around here, kicked about like a football, ever since, with no legitimate ground to stand on. I say it is not only absurd, but it would be outrageous for Congress at this late day to take up claims of this kind and pay \$1,500,000 out of the Treasury without anything more to stand on than these claims come to this House with.

In conclusion, let me say that this bill contains many just and legitimate claims against the Government—in many cases judgments rendered by the courts in favor of the claimants—and it is an outrage on these claimants to add as amendments to the bill claims of doubtful propriety and attempt to make those who are in favor of the Government paying its honest debts vote to pay claims that otherwise would have no chance of being allowed in order to secure the payment of a few just and deserving judgments that the Government owes to its citizens.

Mr. LINDSAY. Does the gentleman say that he believes these claims are fraudulent?

Mr. UNDERWOOD. I do not say that they are fraudulent, but I say they ought not to be paid; that they are not legitimate.

Mr. LINDSAY. I wish to say that I know one of these claimants, Mr. Thomas Stack, who is now 82 years of age, and has been a shipbuilder since 1844, and I know that he is asking only the payment of a legitimate debt—the repayment of money which he spent on behalf of the Government. I am personally acquainted with this man; he resides in my district. He built a monitor there. Like other claimants of the same class, he built the vessel at a time when it was wanted by the Government, during the civil war, and because this service was rendered long ago that is no reason why its payment should now be refused or the claim pronounced fraudulent or illegitimate. I do not believe any such charge is true. I believe that in these cases the contractors paid out thousands and thousands of dollars for the purpose of carrying out their contracts with the Government, and now after all this delay they ought to be repaid. These expenditures outside of the contract price of the vessels were, as gentlemen understand, incurred by reason of changes made in the vessels by order of the Government, and it is admitted that if there was any fault it was occasioned by the change of the plans by the officer of the Government at that time.

In compliance with a resolution of the Senate of March, 1865, a board of Navy officers was appointed to inquire into and determine how much of the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowances for extra work.

The resolution adopted in the United States Senate March 9, 1865, was as follows:

That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work and report the same to the Senate next session; none but those that have given satisfaction to the Department to be considered.

Under an order from the Hon. Gideon Welles, then Secretary of the Navy, the following officers of the Navy were appointed: Thomas O. Selfridge, commandant and president of the board; Montgomery Fletcher, chief engineer, and Charles H. Eldridge, paymaster. This board held the first meeting June 6, 1865, and considered the claims contained in this bill until December 23, 1865. On July 12, 1865, the claimant, Mr. Thomas Stack, in this bill, made the following statement under oath before this naval board: That the contract for this vessel was signed by the Navy Department September 9, 1863, in which he was allowed one hundred and twenty-six days, or until January 13, 1863, to launch the vessel and deliver her to the engine builders; but she was not launched until March 7, 1863, the delay being caused by the difficulty of obtaining the composition stems; that the total cost of the vessel, including bill for extra work, was \$96,405.45; that the contract price was \$75,000, and that he received from the Bureau in the bill for extra work \$3,048.64; total amount received from the Government, \$78,048.64. That the excess of cost of vessel to him over and above the contract price and amount paid for extra work was \$18,356.41. The vessel was delivered to the engine builders March 7, 1863, who were allowed fifty days, or until April 26, 1863, to erect the machinery on board; but this work was not completed by them until November 5, 1863, by which delay on their part he was unable to complete the vessel, and he was at great loss by being compelled to pay larger prices for material and labor. There is no charge in the bill annexed to this record (marked No. 14) for any condemned material or faulty workmanship.

S. M. Pook, naval constructor, in his testimony for the Government before the Selfridge board on September 30, 1865, as printed in Senate Document No. 18, Thirty-ninth Congress, first session, page 30, says:

Having examined the bill of cost and extra work for the gunboat *Metacomet*, built by Thomas Stack & Co., I find the charges to be correct, fair, and reasonable, and consider that the extra bills should be paid in full.

The board recommended \$16,351.36, the amount the present bill appropriates.

Mr. MAHON. Mr. Chairman, if I can get the attention of the House for a moment, I simply want to state the facts in relation

to these Selfridge board claims. My ultimate effort is to get this matter into conference, to settle this whole bill. The story of the building up of the Navy at the beginning of the civil war is a long story. I am not going to read it, but I have an official document in my hand in which a high officer of the Navy Department states that the employment of a man by the name of Stimers, who was employed to draft these monitors, was the cause of all this trouble; that he was a man who knew absolutely nothing about it. He drafted the plans and specifications of these monitors, and they were taken by contract to be constructed by these boat builders. They were to be finished in six months, some 18 or 20 of them, because the war was pressing and we were without a Navy.

These contractors went to work speedily, under a threat of the Navy Department that if they did not complete these boats under those contracts and specifications at a certain price the Government would seize their shipyards and build the monitors themselves. Now, I want to say to the House that if the Government had acted in good faith toward these men this claim never would have been here. They would have completed their contract. What was the result? One shipbuilder did build his monitor within about five months and a half. They floated that monitor out in deep water, after they had put her guns on her, and she went down in 20 feet of water. That is what happened under the specifications of this man who drew the plans. Immediately the Navy Department issued an arbitrary order stopping all work upon these boats. New specifications had to be drawn, new plans had to be made, and again they were put to work. For a second time the boats failed to carry out their purpose, because they would not float. Again the Navy Department were compelled to stop work and to build the decks up 22 inches above the second design, because when the boats were completed a second time only 6 inches appeared above the surface of the water.

Now, I know these boats were all put under contract by the Government officers.

Mr. LITTLEFIELD. Were the failures of these boats for the purposes for which they were constructed on account of the failure of the contractors or the failure of the designers?

Mr. MAHON. It was the fault of the designers of the Navy Department. These parties went on with their contracts. Some of them were not completed until 1864. The Government paid these men the contracts for the change made in these boats; but then the Navy Department refused to pay these men for the advance in labor and material that they were put to by their delay.

Iron could be bought for \$30 a ton when the boats were contracted, and before they were completed it had run up to \$115 a ton. The men working in the shipyards at the time these contracts should have been completed were paid \$2.50 a day for labor, and before these boats were completed labor had risen to \$4.50, \$5, and \$6 a day in these shipyards. Now, these men simply ask that this Government pay them the difference between the increase in the price of labor and material from the time that the contracts were to have been finished until they were finished. Now let me read you a little to show why these contracts had to be changed. I read from the letter of Commodore Benjamin Isherwood, a man who knew all about this matter.

WASHINGTON, D. C., January 26, 1887.

DEAR SIR: I have the pleasure of acknowledging the receipt of your communication of the 22d instant, asking me to inform you of the causes of the alterations and changes in the plans of the light-draft monitors constructed during the war for the Navy Department, and the causes of the delays in their construction, and whether these delays caused extra expense to the contractors.

In reply I would refer to the report on this subject made by the Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, United States Senate, volume 3. From this report you will find that although I was, as you state in your note above referred to, the Chief of the Bureau of Steam Engineering in the Navy Department during the war, I had nothing to do whatever with either the designing or the execution of the work for these monitors.

The Navy Department had established what was in effect a bureau for this purpose in New York City and had placed Mr. Alban C. Stimers at its head, with a large corps of assistant engineers, draftsmen, etc. The whole work, hulls and machinery, was entirely in his hands. He was absolutely untrammelled, being allowed carte blanche by the Department, and his acts and plans were never submitted to any other person.

The selection of Mr. Stimers by the Navy Department for this duty was most unfortunate. The selection was wholly the act of Mr. G. V. Fox, then the Assistant Secretary of the Navy, who had unbounded but misplaced confidence in Mr. Stimers's abilities. In making the appointment Mr. Fox did not consult either of the mechanical bureaus of the Navy Department, nor was Mr. Stimers's plans ever submitted to them. The result, as is well known, was a most disastrous failure, due to the absolute and astonishing incapacity of Mr. Stimers and to the fact of his selection by Mr. Fox without inquiry of the mechanical bureaus as to Mr. Stimers's qualifications. In a professional matter of which Mr. Fox had no knowledge, such a selection without careful investigation of Mr. Stimers's abilities was an act of temerity which in a measure made the Navy Department a party to the cause of failure.

At the commencement, then, Mr. Fox was responsible for a most injudicious selection for a most important position, and Mr. Stimers was responsible for the absurd blunders he committed, and as both represented the Government, the latter was to that extent justly responsible for their acts. Under this system 20 vessels were built, all of which (they were exact duplicates) proved absolute failures, their only value being their worth as old material. The cost to the Government was about \$8,000,000, and there was, in

my opinion, a considerable loss borne by the contractors chargeable to the action of the Government and not yet compensated.

The contracts were taken at a round sum for a certain amount of work to be done in a certain time, conformably to drawings and specifications to be furnished by Mr. Stimers. The responsibilities of the contractors were limited to the quality of the materials and workmanship and to the completion of the vessels in the specified time. They were not at all concerned in the final success or failure of the vessels.

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and materials and requiring longer time for execution. This increased length of time involved greatly increased cost of the work of the contractors, owing to the daily and rapidly increasing rise, at that date, in the cost of materials and labor. The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and as a result the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of price. The loss due to this cause was of necessity borne by the contractors, and has never in any of the settlements made been taken into consideration. Had the plans and specifications been delivered to the contractors at the date of the contract, so that they could have then made their purchases of materials, and had there been no changes in these plans and specifications, so that the work could have been prosecuted uninterruptedly to completion without the great delays unavoidable to such changes and alterations, it could have been executed in the contract time, and the contractors would have saved to themselves the rise in the price of materials and labor which took place during the extended time.

There must be here recalled that for the great extension of time in the completion of these contracts the Government alone was responsible by the changes, alterations, and additions it made to the work after the contracts were executed. This extension of time reacted upon the cost of the work as a whole, and though the Government paid a certain sum for additional work, that sum was inadequate to cover the losses of the contractors by the rise in the cost of materials and labor used in the construction of the work done according to the original contract, and which was prolonged in consequence of the alterations and additions.

All that the Government paid for was the price of additional work at current rates, but the work as a whole could only progress together; that which was in accordance with the original contract had to wait until the additions and alterations could be completed, and in the meantime the cost of materials and labor was rising rapidly and enormously. These delays, which no efforts of the contractors could prevent, and which were caused exclusively by the action of the Government, were ruinous to the contractors by reason of the continual rise of prices; materials and labor became every day scarcer and scarcer; the shops and plant of the contractors were occupied by the vessels that they could neither abandon or complete. They could not therefore take other and remunerative work, and they had to keep a full force of workmen, for if they once lost them they could not at that time be recovered, so great was the demand.

Some approximation may be furnished of the losses sustained by the contractors from the action of the Government in departing from the original plans and specifications by additions and alterations involving great increase of time by estimating the cost to the contractors of the original work, had it been done in contract time, which would have been the case but for the interference of the Government, and the cost of the same work done in the extended time caused by the action of the Government, taking as the basis the average price of materials and labor in the two cases.

The additions and alterations referred to were due to the incapacity of Mr. Stimers to properly design such vessels. Without knowledge of how to proceed, he was constantly vacillating, doing and undoing; completed work was destroyed and other work substituted; time was lost between the notification to the contractors that other plans would be prepared in place of those already furnished and the reception of such plans. In fact, the character of the vessels was essentially changed during their construction from the original programme; great delays were consequently necessarily experienced, and as the price of materials and labor was continually increasing, due to the continually increasing demand for the same caused by the war, the cost of executing the work, which was done according to the original contract, was much increased at the expense of the contractors.

Respectfully,

HON. BENJAMIN BUTTERWORTH.

B. F. ISHERWOOD.

I might also read this long report in the same line.

Congress has paid over one-half of the Selfridge board claims. This matter has been before Congress for a number of years. The Senate passed a resolution authorizing the Navy Department to appoint a board, and they appointed Commodore Selfridge at the head of the board, and a number of other officers, and their examinations covered a period of sixteen long months. This board went to the shipyards, examined the books of those concerns, put these men to their proof, and after a long and careful examination as to the increase of labor and the increased price of material they ascertained the amount due these men. Now, then, the Fifty-fifth Congress and the Congress before that has paid one-half of these men. One-half of the Selfridge board findings has been paid by the Congress of the United States. This is the last of them put in by the Senate.

Now, the gentleman from Alabama quoted from Senator Sumner. I want to read what Senator Sumner said in the Senate in 1866:

The Senator from Kentucky said that they took the war into their calculations. Perhaps they did; but who among these contractors could take that war adequately into his calculations? Who among those sitting here or at the other end of the avenue properly appreciated the character of the great contest that was then going on?

Sir, we had passed half a century in peace; we knew nothing of war or of war preparations, when all at once we were called to efforts on this gigantic scale. Are you astonished that these contractors did not know more about the war than your statesmen? Be to these contractors as gentle in judgment and as considerate as you have been to others in public life who have erred in their calculations with regard to it. (Cong. Globe, p. 1987.)

The building of that invulnerable Navy was one of the great victories of the war, not to be commemorated on any special field, but to be seen in these mighty results which we all now enjoy.

And now, again I ask, Are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed, nor the national creditor who has taken your stock; will you allow the mechanic to be sacrificed? * * * My friend on my right [Mr. Nye] asked

you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by. The Senator from Nevada also very fitly reminded you of the experience of other countries. He told you that England, at the close of the Crimean war, when her mechanics had suffered precisely as your mechanics have suffered, did not allow them to be sacrificed, but every pound and shilling of their liabilities under their contracts was promptly met by that Government. Will you be less just to your mechanics than England? It is an old saying that "Republics are ungrateful." I hope that this Republic may certainly vie with any monarchy in gratitude to those who have served it. (Cong. Globe, page 1987.)

Now, let me read what a distinguished Democrat said, the man that we all had a great admiration for. Senator Hendricks, who was elected Vice-President of the United States, in the same debate, said this:

I am of the opinion that these sums ought to be paid, as a matter of justice and right, by the Government to these contractors. Each case, of course, has its special merits or demerits. But, sir, I believe in the doctrine that where a man contracts to do a great and very important work for the Government he ought not to be allowed to be a large loser, and in some cases, as will be the result here, to be broken up by the contract that he may have made, and especially in the case of contracts made at such a time as these were made and for such work as they were made. * * * We had to have these ships; the Government could not progress in war without them, and great numbers had to be manufactured or contracted for about the same time. What was the effect of that?

The Government made a contract with one man, then with another, then with another, and started her own shipyards with all the force it was possible to command. What was the effect of that? Of course, to increase the price of labor; of course, to increase the price of material required in the construction of the ships. There are some general views about the equity of these claims, without reference to the particular merit of each case. (Cong. Globe, p. 1890, 1866.)

The point is that these contracts being made in 1862 and 1863, the prices continued to advance during all the time that these parties were building the vessels and constructing the machinery for them, so that they were overtaken by this enormously high rate of prices and destroyed. (Cong. Globe, p. 1892.)

These contracts were made by some below their own propositions and at barely fair prices at the then current rates. Is there any Senator here who wishes to see these men broken up merely because they entered into a contract with the Government? Is there any Senator here who wishes to say to these men, "We have your bond and we will hold you to your bond; we will take the blood out of your business; we will have the pound of flesh?" (Cong. Globe, p. 1864.)

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. I would like to have three minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chairs hears none.

Mr. MAHON. Mr. Chairman, I quoted from Senator Sumner, who was a Republican, a distinguished gentleman, and from Mr. Hendricks, who was on the opposite side. I could waste hours of this House reading from what some of the most distinguished men in both branches have said in advocating the payment of these claims. I could quote from men who were in the Senate and afterwards became judges in our courts.

Mr. HENRY C. SMITH. Will the gentleman allow me to ask him a question?

Mr. MAHON. Certainly.

Mr. HENRY C. SMITH. Have these Selfridge board claims ever been before the Court of Claims; and if they have not, can the gentleman give us any reason why they should not go there?

Mr. MAHON. This class of claims do not go to that court.

Mr. HENRY C. SMITH. Is there any reason why they should not go to that court for adjudication?

Mr. MAHON. There is every reason. You should not be asked to try your case before one court for eighteen months, and then be refused for thirty-five years to have the findings of that court confirmed. They would have to go to that court by special legislation.

Mr. UNDERWOOD. Is it not a fact that some of these claims have been sent to the Court of Claims before?

Mr. MAHON. No.

Mr. UNDERWOOD. Well, my understanding is there have been a few of them sent there.

Mr. MAHON. In the Fifty-fifth Congress \$700,000 of these claims were paid.

Mr. UNDERWOOD. Some of them, I believe, were sent to the Court of Claims.

Mr. MAHON. There may have been some, but they were mere isolated cases.

Now, Mr. Chairman, the Marchand board has no authority to pass on these claims of the Selfridge board. They were carefully examined by the Selfridge board. I might state something about that Marchand board that I do not want to state. That board was raised for a specific purpose. It was raised to pass upon the claims of certain boat builders, and when they had completed that work their duties ended. I will not name these men, but every member of Congress knows that these firms are in bad odor around this Congress. They excluded these men, and all men should have had a hearing.

Mr. CANNON. My recollection is that the Marchand board was a creature of law. The House, Senate, and President constituted it; that its findings as to the Selfridge board were born—

Mr. MAHON. In the Senate?

Mr. CANNON. By a Senate resolution, and that that very Congress that constituted the Selfridge board spat upon its findings. The Senate passed a bill true to their resolution, but the House refused to concur, and it was acquiesced in and the Marchand board was created, which was a board under the law, begotten of the law.

Mr. MAHON. Well, Congress has created many a child that Congress has turned out, and we had better let them sleep.

Mr. CANNON. I would rather have a legitimate child born under the Constitution than a bastard born by Senate resolution. [Laughter.]

Mr. MAHON. If the bastard become a good, sober, intelligent citizen, I would take him before I would a drunkard that has wallowed in the gutter. [Laughter.]

Mr. ROBERTS. Mr. Chairman, I judge from the remarks of the gentleman from Alabama that there is considerable confusion in his mind as to what was done by the so-called Selfridge board and the so-called Marchand board. I understood the gentleman to say that all of the cases passed on by the Selfridge board were afterwards retried, so to speak, before the Marchand board.

Mr. UNDERWOOD. If the gentleman will pardon me, I did not state that every one in detail, but that the Marchand board was appointed to reconsider the claims passed on by the Selfridge board, and that they reconsidered those claims, but not that every single contractor was heard.

Mr. ROBERTS. The gentleman is totally wrong. The Marchand board was not convened, was not organized to retry the Selfridge board claims. The Marchand board was organized to try an entirely new class of claims that had presented themselves after the institution of the Selfridge board. If the gentleman had made any study of this question he would know that the resolution establishing the Selfridge board limited the class of claims that could be brought before it; and it limited it to those claims in which the work performed had given satisfaction to the Navy Department, and only those could be considered.

This was held by the Selfridge board to include only such vessels and such engines as had been completed and accepted by the Government. When the Selfridge board was established there were many of these vessels that had not been completed, many of them that had not been accepted by the Government, and the same condition of affairs applied to them as to the others. Under the ruling of the Selfridge board these others could not be considered by that board. Hence, the necessity of a new tribunal to consider the new class of claims which had arisen.

Mr. THOMAS of Iowa. Will the gentleman yield for a question?

Mr. ROBERTS. Certainly.

Mr. THOMAS of Iowa. Is it not a fact that the Marchand board was organized under an act of Congress immediately after Congress had refused to carry out the findings of the Selfridge board, and that the same claims that were examined by the Selfridge board were afterwards presented to the Marchand board and findings had upon them?

Mr. ROBERTS. The gentleman is partly right and partly wrong.

Mr. THOMAS of Iowa. I am entirely right.

Mr. ROBERTS. I can not understand for the life of me why gentlemen on the floor cavil about one board being the board of the Government, and the other not being the board of the Government. The Selfridge board was created by an act of a coordinate branch of this Government, and appointed by the Secretary of the Navy, and they sat and discharged their duties, and the other, the Marchand board, was created by the joint action, but they were both boards representing the interests of the Government, and nothing else.

Mr. SIMS. Mr. Chairman—

Mr. ROBERTS. One moment. I want to say further that both boards, both the Selfridge board and the Marchand board, were appointed by the Secretary of the Navy. Why make a distinction between the legality, jurisdiction, and weight of the findings between these two boards? I want to refer to the weight of the findings later. Now, I will yield to the gentleman from Tennessee.

Mr. SIMS. I want to ask this question: Is it not a fact that under the Selfridge investigation the Government was not represented by any agent or attorney or anybody to take that side of it?

Mr. ROBERTS. Why, Mr. Chairman, the Government was represented by the naval officers, and they had the testimony of of the naval officers. The following witnesses were examined by the Government before the Selfridge board: United States Naval Constructors Pook, Delano; Chief Engineers Purse, Albert, King, Brooks, and Lawton; Government Inspectors Childs, Lowry, Betts, Hughes, and Drake, each of whom was examined fully, under oath. They were all examined under oath before the Selfridge board. They were called in there to protect the interests of the Government. Further, this board was in correspondence

with Rear-Admiral Gregory, who had charge of the gunboat contracts, with the Secretary of the Navy, with Chief Engineer Denby, with John Renthol, Chief of the Bureau of Construction, and B. F. Isherwood, Chief of the Bureau of Engineering, and Chief Engineer Fletcher, who from time to time they made personal investigation as testimony was offered to the board.

Mr. SIMS. Were they not limited in the scope of their inquiry to the increased cost of labor and material only?

Mr. ROBERTS. No; I do not know that there was such a limitation. I understand that they were there to find out generally the increased expense to these people.

Mr. SIMS. One other question: Is it not a fact that the equities growing out of the case in favor of the Government, and the payments made by the Government were not considered by the Selfridge board?

Mr. ROBERTS. I do not so understand. I infer that they took into consideration all the circumstances attending these cases.

Now, I want to refer to some of those circumstances attending the giving of these contracts, which were considered by the Selfridge board, particularly the machinery contracts; and I want to refer to some of the testimony before the Court of Claims in the case of the Washington Iron Works. This same B. F. Isherwood, Chief of the Bureau of Engineering, was a witness, and he testified under oath that he had been an engineer about thirty years; this was in 1873—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. I ask for five minutes more.

There was no objection.

Mr. ROBERTS. He testified that he had been in the service of the United States as an engineer for twenty-eight or twenty-nine years. He was asked—

State, if you please, what you had to do with the making of the contracts for said machinery.

Then he goes on to say that by direction of the Department he advertised for bids for different engines (these are the class of claims relating to engines); that he got bids running all the way from \$80,000 to \$125,000 for engines, the two lowest bids being \$80,000 and \$82,000. The Department decided they would not pay more than \$82,000, and they let two contracts, one for \$80,000 and one for \$82,000. They were to let as many at \$82,000 as they could get men to take. They could not get the engine builders of this country to take those contracts at those figures. Then what did the Navy Department do? It sent its Chief Engineer around to all the shops of the United States that were available and instructed him to urge upon these engine builders as a patriotic duty that they take these contracts at the price the Government was willing to give.

Now, here is a question of which I wish the House to note the answer, because it involves a vital point:

State, if you please, what arguments you used to induce the parties who took this contract to construct the machinery to so take it.

Then Chief Engineer Isherwood, of the Navy, tells what he did under the instructions of the Secretary of the Navy:

Answer. The general scope of the arguments was that the Government was very greatly in need of this work, and that, as loyal supporters of the Government, they were bound to meet its needs; that a refusal to do so would place them in the category of those not entitled to the patronage of the Department hereafter.

Note that if they did not come in and take these contracts at the price the Government saw fit to pay they were to be blacklisted, and could expect thereafter no more Government work. But that was not all:

I also stated that unless the shops responded to the best of their ability to the exigencies of the Department I would recommend what I had before suggested to the Department, to take possession of the shops and have them operated exclusively for the Government work.

Those were the conditions under which these loyal citizens of the North were induced to take these contracts, for which they now seek adequate compensation. First they were threatened with being blacklisted, so that they would receive no more Government work, and when that threat did not operate they were confronted with the threat that the Government would step in and take their shops and run them for the benefit of the Government, thus shutting them out of all the other remunerative work that they were getting.

Then on top of that they were asked to take the contract for these engines without having before them the plans of the machinery that they were to bid on. They were told, in the case of Buckmaster, that the engines would not be more than twice as expensive as the engines on certain ferryboats; they were told that would be the limit of expense for those engines. Yet when the plans came the engines to be constructed were vastly more expensive than twice the expense of ferryboat engines.

These are the class of claims that were brought before this Selfridge board.

Now, a word or two more in regard to the Selfridge and

Marchand boards. The Selfridge board sat for months with open doors, inviting these different claimants to come before them with their testimony. The claimants appeared; their witnesses were put under oath. Every bit of testimony which appears in the report of the Selfridge board, which I have here somewhere, this thick document which I exhibit to the House, the original report, represented months of careful search and inquiry, with Government witnesses before it, and all testimony under oath.

Now, how about the Marchand board, this much vaunted Marchand board that sat about four months, a little less, behind closed doors? All the opportunity the claimants had before that board was to send in a written statement of what they claimed. There was no testimony taken under oath. The claimant was not allowed to appear with his witnesses and state his case, and after four months of star-chamber proceedings this much vaunted Marchand board makes this report, which is contained on less than two pages of paper, and yet that is the board we are supposed to follow. We do not know how the Marchand board arrived at its findings. They locked themselves in; they did not want anybody to know how they were getting at it, and yet we are asked to abide by the finding of that board as against the findings of the Selfridge board, which operated in the broad daylight, and was casting about everywhere to get all the information it could get in the interests of the Government, not in the interests of the claimants.

Mr. Chairman, in view of the careful, patient, accurate work of the Selfridge board; in view of the fact that subsequent Congresses, notwithstanding the statement of the gentleman from Illinois [Mr. CANNON] that Congress repudiated that board and spat upon it immediately it filed its report; in view of the action of subsequent Congresses which have adopted the findings of that Selfridge board to the extent of over \$1,200,000, and in view of the fact that we have only about \$700,000 worth of these claims left to clean up all those findings, I submit that we, sitting here in the Fifty-seventh Congress, should abide by the findings of the Selfridge board, and not by those of the star-chamber proceedings. I want to read right here in this connection the following:

Two high officers of the United States Navy, Admiral Hichborn and Commander Webster, testified as witnesses for the United States in the Snowden case (Court of Claims, No. 16829) that the conclusions of that board "both of law and fact were contrary to the right and justice of the matter," and that "it did not accord to claimants an opportunity to present their claims."

What board? The Selfridge board? Oh, no; the Marchand board, to which so many members on the other side of the Chamber particularly wish to bow down and submit. Those are the facts, and those are the two boards, and those were the jurisdictions of the two boards, and I have given you the findings of the two boards.

Now, I say in all fairness, Why should not we accept the findings of that board, which sat in broad daylight? Why, the gentleman from Illinois [Mr. CANNON] says that the Congress which appointed the Selfridge board spat upon it. Now, let us see who spat upon it. Immediately after their report a bill passed through the Senate, paying the claim on the *Comanche*, the amount of which had been found by the Selfridge board. Here are some of the men who did not spit on the findings of the Selfridge board: Nathaniel Banks, James G. Blaine, Boutwell, Butler, Hays. Those were some of the men who were in Congress at the time the Selfridge board was in session, who were here when they made their findings, and who are supposed to know something about the trustworthiness of the report of that board.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. CROOK, one of his secretaries.

ALLOWANCE FOR CERTAIN CLAIMS FOR STORES, ETC.

The committee resumed its session.

Mr. CANNON. Mr. Chairman, I would like the attention of the committee for about five minutes, and I trust not to ask for more than that. I think I can state in substance this transaction from the beginning. I will not take much time. In former Congresses, dating back twenty-eight years, from time to time I have made a study of these claims. They have been rejected from time to time, but after being turned down time and again, like hope, they spring eternal. Now, what is the fact? During the war the Government had need of certain boats. Specifications were made, advertisements, and contracts. That contract or those contracts gave the Government the right to change the specifications and provided that any changes that might be made should be paid for.

The Government had the right under the contract made, not under duress, to make the changes, and did make changes from time to time, and the Government paid every cent for extra work under the contract, amounting to many millions of dollars in the

aggregate, and there was a full settlement, a final payment in settlement of the contract as it was originally made, and for all changes. The transaction was closed. Now, then, shortly after the close of the war, the people all living that helped make those appropriations, the Senate of the United States passed a resolution creating what was called the Selfridge board to pass on these claims, and this appropriates the findings of the Selfridge board, which shall be in full discharge of same. Now, that board was an ex parte board.

Mr. ALEXANDER. Will the gentleman from Illinois allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. I have but five minutes, but I will yield to a question.

Mr. ALEXANDER. On what are the claims based?

Mr. CANNON. Oh, on anything necessary to get something out of the Treasury that does not belong to them. [Laughter.] Claim! Why, the vilest sinner on earth, without having his sins forgiven, can claim to pass St. Peter's gate. Claims are the easiest things on earth. I have stated that there was a full settlement and payment for extras, and that these amounted to multiplied millions of dollars.

Now, this ex parte board sat and made its report. It came to the Senate. The Senate created it. The Senate considered the claim and passed a bill appropriating according to the recommendations of the Selfridge board. I speak respectfully of a subordinate branch, or of a body that sits elsewhere, but I apprehend that then as now matters passed more readily there than in a larger body, and naturally so. I do not speak in derogation of the Senate, but I speak of it parliamentarily. It came to the House, and the House of Representatives, coming from the people, rose up and said, "We will not have it," and refused to concur and pass the Senate bill. What was the result? In conference it was provided that a new board should be created, and then the legitimate board was created by law. That board met and made its report, and every finding of that board was promptly appropriated for by Congress.

Mr. MAHON. Will the gentleman allow me to ask him a question? Is it not a fact that these very men, who sat less than three or four months, absolutely sat down on the men who are now asking for consideration; that they took a few favorites of the chief of that board and paid them and refused to do anything for the others?

Mr. CANNON. The members of the Marchand board are dead and gone. Nearly everybody is dead and gone who was in that Congress, just at the close of the war, and I am speaking historically.

Mr. MAHON. The gentleman has not answered my question, whether they did not exclude these men.

Mr. CANNON. I do not know whether they did or not, but I am informed from the statement of the gentleman from Alabama [Mr. UNDERWOOD] that these men or most of them presented their claims before the Marchand board, and all the while, signed, sealed, and delivered, was the final receipt in full from every one of these men for all claims and demands under contract and for extras now in the records of the Government.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. That Congress that was contemporary and familiar with all the facts refused this relief. In the fullness of time that Congress passed away. I doubt if there is a man living to-day who was a member of it in either House or Senate. I began to come here about 1873, and along in the late seventies and then in the eighties we heard these flowery speeches about the poor claimants, and up jumped the Selfridge board claims, and on Friday, frequently without a quorum, with our hands full of our business with the living matters of the day, we being new men then, first one claim slipped through and then another, and then they said, "You have paid one. Why treat one differently from the other?" Well, that is a pretty good argument sometimes, but if a man steals your horse, shall another man come and steal the whole livery stable? [Laughter.] There is not much in that.

Mr. ROBERTS. You might give him the halter.

Mr. CANNON. Yes; you might give him the halter, says my friend. But giving is one thing, if the halter belongs to you; but if you and I stand for the time being as the custodians of the Treasury we ought not to give away the money that comes from the multiplied millions of men who live in the sweat of their faces and of the women who wash that they may live.

A MEMBER. What about the unwashed?

Mr. CANNON. Well, as for the unwashed, worse still. Gen-

tleman may laugh and find it funny, but somebody somewhere ought to voice the 70,000,000 of people who have got to pay this bill. That is what I claim.

Now, there ought to be a statute of limitation. I suppose if this is turned down to-day, in the next Congress on an omnibus claims bill it will come back. I think it likely, if we do not pay it, that fifty years from now it will come, the attorney, perhaps, having his contingent fee, somebody having bought the claim perhaps for a song. Here it will come, and what assurance have you, after you give this, that they will not come for more? Why, claims constantly come where Congress has granted relief, and they come back and say Congress did not give enough. With a change in the membership of Congress, and a claim persistently prosecuted, there you are! I think it would be fortunate if we had a constitutional amendment covering a statute of limitations to send everybody that has a legal claim to the court and let him abide by the decision, and take from us the power to pass upon these claims.

Now, that is about all I want to say. So far as I am concerned I have always heretofore, after full investigation, time and again voted against these claims. They have no legal standing; and, measuring my words, from the best investigation I have been able to give them from time to time in God's chancery, they have no claim upon the American people. [Loud applause.]

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate upon this amendment be limited to ten minutes, giving five to the gentleman from New York [Mr. SHERMAN] and five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I want to discuss this matter, and I do not think I could debate it in five minutes.

Mr. DE ARMOND. I should like to have a little time on the amendment too.

Mr. CANNON. It seems to me—

Mr. MAHON. Make it fifteen or make it twenty, and give ten on each side.

Mr. DE ARMOND. I would like to have a few minutes on this matter.

Mr. UNDERWOOD. Let the debate run for a little while, as I think you would get through quicker.

Mr. MAHON. I do not want to be discourteous. This is the only day this committee has in Congress, and it has been waiting a long time. I want to be courteous to the gentleman from Missouri, the gentleman from Tennessee, and the gentleman from New York, and if the gentlemen will indicate what time they will need I will endeavor to accommodate them. How much time does the gentleman from Missouri want?

Mr. DE ARMOND. About ten minutes.

Mr. MAHON. How much time does the gentleman from Tennessee want?

Mr. SIMS. I can not tell. If questions are not asked, I think I can get through in about ten minutes; but if questions are asked, I may not.

Mr. MAHON. I move that the gentleman from Missouri may have ten minutes, the gentleman from Tennessee ten minutes, and the gentleman from New York five minutes, and then the debate shall be closed on this amendment.

The CHAIRMAN. Twenty-five minutes.

Mr. LINDSAY. I would like to have five minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves that debate upon the motion offered by the gentleman from Alabama be closed in twenty-five minutes, the time to be allotted as stated by the gentleman.

Mr. CANNON. I do not think that motion ought to be adopted.

The CHAIRMAN. The question is on the adoption of the motion to close debate in twenty-five minutes.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Several MEMBERS. Division!

The committee divided, and there were—ayes 40, noes 35.

So the motion was agreed to.

Mr. SIMS. Mr. Chairman, I have no feeling in this case due to any malice or to any dislike for the claimants, for I do not know who they are. But I want to say, Mr. Chairman and gentlemen of the House, that we reported a bill here from the Committee on War Claims of the House, and we came in and stated to the House we have a bill here, an omnibus bill, with nothing on earth except claims that have been passed on by the Court of Claims and determined in favor of the claimant. We would not let any other class of claims, or anything come in except claims that had been passed upon by the Court of Claims, where the Government had been represented.

That is what we did, and the House passed a bill with \$198,000 of this class of claims. The bill went from the House to the Senate without a claim that had not been referred to and determined by a court of competent jurisdiction. It has come back from the other end of the Capitol, and to it, a bill which had claims for \$198,000, has been added \$3,000,000, or nearly so. I state that there

is not a gentleman in this House that knows all about these 600 items or knows anything about them. It is utterly impossible. And what does the Senate do? The Senate, instead of amending our bill, strikes out every item in our bill and then brings in a bill with our items named first in it, and then we are asked to nonconcur in the very items this House has voted in favor of.

Now, their claims may be just, but I think I can see through the philosophy of it. They find that these claims that have been passed upon by the Court of Claims have been favorably considered, are distributed over such a large territory of the country, they demand such a support, as will enable these other claims to be pulled through by them. They could not have been put on here for any other reason. The committee put on no claims in this bill that had not been referred to the Court of Claims and passed upon, and they were passed upon in Committee of the Whole and reported and passed in the House.

Mr. MAHON. I would like to ask the gentleman a question.

Mr. SIMS. Certainly.

Mr. MAHON. The gentleman certainly knows that in the Senate they have no Committee on War Claims. Their committee is the Committee on Claims. Every claim under the Bowman Act or the Tucker Act which goes to the Senate would go in, and we can not put in any miscellaneous claims. We have no jurisdiction there, and in two-thirds of the claims put in by the Senate they have jurisdiction where we have none. That is the way bills are often passed; and why not agree to that?

Mr. SIMS. Oh, yes; they do as you say.

Mr. MAHON. They want it added.

Mr. SIMS. I want to say to the House that I shall move to concur in the claims that were on the bill as it passed the House, and I have no objection to a conference on the rest of them. This House having passed on \$198,000 of them, I wanted those to be on the bill.

Mr. MAHON. You would stick the knife in the other fellow, but put it in the sheaf when it came to yourself.

Mr. SIMS. There is no use sending to a conference committee that which the House has already considered. I shall move to nonconcur in what the House has not considered, and to concur in all those from the Court of Claims that we have already passed on.

Why, suppose I am on a conference committee and I take up the House claims passed by the House after a long and tedious debate, and I am instructed by the very same House to fight against them as a Senate amendment by a motion to nonconcur. Now, why not concur in the items we have already passed favorably, and nonconcur in the Senate amendments purely and properly? That part of the bill which the House has passed upon ought not to be in here as a Senate amendment; the Senate could have added their items to our bill, but they did not do it. I do not want to make any improper charges, and I will not do it, for I do not know; but I can give no other reason for striking out the whole House bill and putting the whole in as a Senate amendment and letting it all go together but the fact that they wanted it all to go together or fail together.

Now, Mr. Chairman, some of these claims are from my district; many are from my State; but I shall not, as a member of that committee, stand up here and favor the payment of claims I do not believe are just; that as a member of the committee and a member of the House I can not sanction, simply to get justice to those, which has been long delayed, who live in my own State. I could not do it conscientiously and I do not want to do it in any other way.

I have no feeling against the Selfridge board claims. The particular vessels that were built, the total amount of contract price for all of them was \$14,201,000; that was the contract by the Government. The total additional amount claimed by the contractors on account of the advance in material and labor, caused by the change in specifications, as they claim, was \$10,184,592.50. Now, the Government has paid upon the amount claimed \$5,302,847.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended five minutes. Is there objection?

Mr. MAHON. I object.

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

The CHAIRMAN. The amendment is not in order at this time.

Mr. SHERMAN. I will yield the gentleman two minutes of my five.

Mr. SIMS. Two minutes is not sufficient at this time. I thank the gentleman.

Mr. CANNON. Mr. Chairman, I ask unanimous consent, as the gentleman is on this committee, that his time be extended ten minutes, not to be taken out of the time of any other person.

Mr. MAHON. We have limited debate to thirty-five minutes.

Mr. CANNON. Well, I ask unanimous consent that he have ten minutes, not to be taken out of that time.

Mr. MAHON. I do not object to that.

The CHAIRMAN. Let the Chair understand. The time for debate on this paragraph has been limited. Does the Chair understand that this ten minutes is to extend that time?

Mr. CANNON. Yes; to extend it ten minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Tennessee be extended ten minutes, which time is not to be taken out of the time originally determined upon when debate should be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. I thank the committee. I have no desire, Mr. Chairman, to occupy the time of the House only to give the facts as they have been given to me. I just stated that the Government considered every item of cost due to Government delay—advance in material and labor—and they paid \$5,302,847.91 above contract price. As I have always understood it, and now understand it, the Selfridge board was limited to the investigation of the increase of cost to the contractor due to advance of material and labor caused by the delay of the Government, and they did not consider anything else, and reported upon evidence which was furnished by the contractor and nobody else. There were no witnesses on the part of the Government; they had no right to appear, and the board so limited it.

The Marchand board, afterwards formed, went over the same items, or nearly all of them, and found only one hundred and fifty-seven thousand and some odd dollars due, all of which has been paid.

I have no feeling against these findings more than any other claims, but if you are going to pay additional amounts to contractors for the Government every time they lose and take nothing back from them when they make a profit, you might as well have no contract at all. There is no use of going through the farce of publishing or advertising for bids if contractors can show that they lost money and come to Congress and be paid for it. Does anybody believe if the price of labor and materials had gone down so that these gentlemen would have reaped a large profit—larger than was contemplated by them—that they would come to the Government and hand over the excess of profit? What sort of a precedent is this? We have vessels built recently, and these contractors may come and say that they lost money, and it was due to advance in material on account of trusts and combines, drought and distress, and that we ought to pay these losses. Why talk about being held up by the Government? I tell you there is very little holding up by the Government that is not for the benefit of the held up.

I here insert in full the table, which I have not time to read in detail, showing the amount claimed by contractors over contract price, and the amounts that have been paid by the Government:

Tabular statement showing the result of the action of the board appointed July 6, 1867, by the honorable Secretary of the Navy to "examine the claims of certain contractors for the construction of vessels of war and steam machinery," under act of Congress approved March 2, 1867.

Name of contractor.	Description of work.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the bureaus.)
Secor & Co. and Perine, Secor & Co.	River and harbor monitors Manhattan, Tecumseh, and Mahopac.	\$1,380,000.00	\$1,236,101.22	\$115,530.01	\$521,195.58
Alexander Swift & Co.	River and harbor monitors Oneota and Catawba.	920,000.00	685,757.22	None.	322,849.08
Snowden & Mason	River and harbor monitor Manayunk.	460,000.00	339,025.00	None.	166,582.24
Miles Greenwood	River and harbor monitor Tippecanoe.	460,000.00	349,455.33	None.	173,827.84
Harrison Loring	River and harbor monitor Canonicus.	460,000.00	267,709.40	38,513.00	162,063.22
J. B. & W. W. Cornell	Turrets, etc., Miantonomoh and Tonawanda.	282,050.00	461,777.72	None.	292,057.93
Atlantic Works, Boston	Turrets, etc., Monadnock and Agamenticus.	265,000.00	427,323.64	None.	280,322.18
Charles W. Whitney	Ironclad Keokuk.				
Snowden & Mason	Light-draft monitor Umpqua.	395,000.00	346,457.46	None.	166,582.24
Merrick & Sons	Light-draft monitor Yazoo.	395,000.00	234,676.14	None.	175,725.19
Wilcox & Whiting	Light-draft monitor Koka.	386,000.00	305,425.21	None.	165,638.53
Donald McKay	Light-draft monitor Nauset.	386,000.00	314,768.93	None.	192,110.98

Tabular statement showing the result of the action of the board appointed July 6, 1867, etc.—Continued.

Name of contractor.	Description of work.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the bureaus.)
William Perine	Light-draft monitor Naubac	\$395,000.00	\$287,470.93	None.	\$127,440.00
A. & W. Denmead & Sons	Light-draft monitor Waxsaw	395,000.00	321,360.91	None.	198,587.33
George C. Bestor	Light-draft monitor Shiloh	386,000.00	364,073.55	None.	207,311.00
Atlantic Works, Boston	Light-draft monitor Casco	395,000.00	234,067.78	\$4,852.58	132,701.57
Curtis & Tilden	Light-draft monitor Shawnee	386,000.00	393,138.20	None.	196,319.70
C. W. McCord	Light-draft monitor Etlah	386,000.00	364,073.55	None.	207,311.00
McKay & Aldus	Light-draft monitor Squando	395,000.00	337,329.46	None.	194,535.70
George W. Lawrence	Light-draft monitor Wassuc	386,000.00	210,069.62	None.	169,815.37
Aquilla Adams	Light-draft monitor Chimo	395,000.00	377,243.20	4,852.58	225,445.52
Alexander Swift & Co	Light-draft monitors Klamuth and Ruma	780,000.00	678,446.34	None.	415,970.68
M. F. Merritt	Light-draft monitor Cohoes	395,000.00	318,735.99	4,852.58	201,968.28
J. O. Underhill	Light-draft monitor Modoc	395,000.00	214,435.72	None.	127,669.35
Tomlinson, Hartupee & Co	River monitors Sandusky and Marietta	376,000.00	314,850.36	15,171.00	94,079.14
Donald McKay	Iron double-ender Ashuelot	275,000.00	81,447.50	None.	22,415.92
T. F. Rowland	Iron double-ender Muscoota	275,000.00	71,565.21	None.	21,642.83
Zeno Secor	Iron double-ender Mohongo	275,000.00	84,144.13	None.	32,882.23
Harrison Loring	Iron double-ender Winnepec	275,000.00	70,443.16	None.	23,132.24
Paul Curtis	Wooden double-ender Chicopee	75,000.00	20,292.96	None.	5,739.85
George W. Lawrence	Wooden double-enders Agawam and Pontoosuc	150,000.00	50,987.95	None.	10,377.00
Larrabee & Allen	Wooden double-ender Iosco	75,000.00	25,914.90	None.	7,268.68
Edward Lupton	Wooden double-ender Lenapes	75,000.00	70,493.94	None.	5,923.48
Daniel S. Mereshon, jr	Wooden double-ender Mingo	75,000.00	31,583.34	None.	None.
J. J. Abrahams	Wooden double-ender Eutaw	75,000.00	17,412.66	None.	200.00
Curtis & Tilden	Wooden double-ender Massasoit	75,000.00	17,388.82	None.	4,918.41
Daniel S. Mereshon, jr	Wooden double-ender Cimarron *				
Thomas Stack	Wooden double-ender Port Royal	100,000.00	20,758.79	None.	57.00
A. & G. T. Sampson	Wooden double-ender Mattabesett	75,000.00	20,377.49	None.	3,723.30
Curtis & Tilden	Wooden double-ender Osceola	75,000.00	16,225.63	None.	4,485.41
F. Z. Tucker	Wooden double-ender Mendota	75,000.00	25,388.71	None.	4,631.53
Thomas Stack	Wooden double-ender Metacomet	75,000.00	27,769.80	None.	4,081.27
S. Simonson	Wooden double-ender Chenango	75,000.00	19,969.98	None.	3,528.17
Globe Works, Boston	Steam machinery of ship Guerrière	400,000.00	30,508.02	None.	14,149.27
William Perine	Iron tug Triana	128,000.00	47,773.22	None.	5,142.22
Do	Iron tug Maria	80,000.00	31,049.88	None.	
Poole & Hunt	Machinery of wooden double-ender Mackinaw	82,000.00	11,844.96	3,694.81	943.89
J. P. Morris, Towne & Co	Machinery of wooden double-ender Tacony	82,000.00	27,518.57	None.	8,494.57
Total		14,201,000.00	10,184,592.50	157,475.55	5,302,847.91

* Not considered as within the province of the board.

J. B. MARCHAND, Commodore, and President of Board.
 J. W. KING, Chief Engineer, and Member of Board.
 EDWARD FOSTER, Paymaster, and Member of Board.

NAVY DEPARTMENT, Washington, D. C., November 26, 1867.

Mr. Chairman, I think the proper way to treat this bill is to concur in so much of it as was included in the original House bill—and that part is easily separable—and let us go to conference on the rest. There is no use in going over these items, amounting to \$198,000, that the Committee on War Claims has gone over, that the Committee of the Whole of this House has gone over, and that the House has solemnly voted for. There is no use of taking those matters again into consideration because the Senate has struck them all out and has inserted one entire amendment. There is no use loading down the conferees with extra work of that kind. If the purpose was not to force through the rest of this bill—French spoliation claims, Selfridge board claims, and miscellaneous matters of various kinds—I can see no reason why we should not concur in that much of the Senate amendment as it now comes to us.

The House was so kind as to give me extra time, but I have no wish to occupy the floor further. I have no feeling whatever in regard to this matter, but I am not willing to vote for what I think wrong simply because some of the money appropriated may go to my district.

Mr. DE ARMOND. Mr. Chairman, if the items in dispute now were small, and if the persons preferring them were poor and weak, and if there were a design to beat them, the task would be very easy and the result would be very sure. But the items being large and the influence behind them being powerful, the prospect of defeating them is by no means good.

It seems somewhat strange that there should be this great quantity of "good" claims, with the mold of thirty or thirty-five years upon them. It seems very strange that the people who dealt with them in the days when they were fresh—when the facts were known, when the evidence against them as well as the evidence for them was obtainable—did not see their merit, but with their eyes open rejected them; and that now, when the evidence upon the one side has gone and the evidence upon the other side seems not even to be necessary, they may be rushed through wholesale and without consideration. It would seem, if we wished to do what is right by the taxpayers, if we wished to treat the small claimant and the large claimant with equal justice, then the most that could be offered by anybody, preferring any of these stale old claims, would be a request for a hearing upon the merits, taking in all the case, before some tribunal where, leisurely and according to the processes known to the courts, the whole matter could be examined and justice done.

It is totally impossible, in a body like this, to consider in a few hours of hasty debate, grudgingly allowed, a dozen, or fifty, or a hundred, or five hundred claims, such as are pending now in this amendment. There may be some of them with merit, or a modicum of merit. That a large share of them are totally without merit, trumped up, totally unworthy of consideration in any tribunal, designing to do justice, seems to me to be clear beyond the possibility of a doubt.

It is not for us here—and it would be useless if we should indulge in that pastime—to speculate as to how these claims came upon this bill in the Senate. Glancing over the CONGRESSIONAL RECORD, we do not find any lengthy debate; we do not find any evidence of careful examination. We find abundant evidence of a complaisant disposition and a ready acquiescence, rather than anything indicating that there has been careful examination or any painstaking desire to get at the truth and the merits, and to act according to the truth and the merits.

I have but little hope that the House will do what it seems to me it ought to do, reject these claims, both because they are without merit and because it is totally impossible for the House to consider them and ascertain what, if anything, of merit may be in any one of them. We have so often here the spectacle of the small claimant, interested to the extent of one hundred, two hundred, five hundred, or a thousand dollars in a claim against the Government, growing weary with waiting with prosecuting his claim, growing old as the years go by and justice is denied, and finally dropping out of life, with the claim unsettled, unconsidered, and still pending, while a combination of holders of large claims, trumped up, having nothing of merit in them, lacking everything of merit, can somehow push the big, bad claims through both Houses of Congress and get at the Treasury.

It is not possible here—it is absolutely impossible—to investigate and reach a conclusion understandingly upon a single one of these items. Yet here they are by hundreds, and men are hungry to push them through; hungry to raid the Treasury for the benefit of their friends; hungry, it may be, to raid the Treasury merely as a pastime; indifferent to the rights of the public; coldly and stolidly indifferent to the rights of the small claimant; reckless and profligate in dealing with the large ones. If the good people of the country could know how the rights of the poor, humble citizen are postponed, know the little chance he has for fair or prompt consideration, know how the claims of the millionaire lobbyist, the claims of the combination and trust in the

jobbery of claims may be rushed through, it certainly would be a piece of information very edifying to them, but one which they would by no means relish. I do hope, even against hope, that the House will reject this batch of bogus claims, aggregating no one knows just how many millions of dollars.

Mr. POWERS of Massachusetts. Mr. Chairman, I do not understand that there are any facts in controversy regarding the claims presented. The facts are these: At the breaking out of the civil war the United States had no Navy. They commenced at once the construction of vessels and also the construction of machinery to be placed in those vessels. The Government at that time had little or no knowledge about the making of ships, and the shipyards at that time had very little knowledge of the making of war vessels. Now, in 1862 and in 1863 the Government entered into certain contracts for the building of ships and for the equipping of those ships with machinery.

In those times, Mr. Chairman, conditions changed every minute. Material commenced to go up, labor commenced to go up. The Government found that it had made mistakes in its designs and specifications, and it commenced at once to make changes, and from time to time in making those changes it increased the cost of those vessels. At the close of the war these parties who had made these vessels found that they had cost them about twice the contract price, and they made a claim upon the Government, and the Senate by resolution constituted what is known as the Selfridge Board, a board made up of a commodore, a chief engineer, and another officer of the United States Navy. Acting under that resolution they proceeded at once to make an examination and found the actual cost which each of the claimants had been put to in the construction of these vessels.

Now, I do not undertake to say that if these claimants had sued the Government at the time and the Government had been permitted to set up every technical defense that it might not have defeated those claims. On the other hand, no one can say that the technical defense which the Government could have set up would have defeated those claims, because the Government, as I understand it, had broken its contract with these contractors. Now, what are these parties asking for to-day? They are asking that they shall be paid the actual cost of those vessels, as found by a board constituted by the United States Government. Is that unfair? Is there any gentleman in this House who, after nearly forty years, desires to say that these men who, in the time of their country's peril, came to their country's aid, and under conditions which made it impossible to make a wise contract, shall not have back the money which they expended in performing a contract under which they entered into with the Government?

Mr. SCOTT. Will the gentleman permit an inquiry? I understood the gentleman from Illinois [Mr. CANNON] to say that all these claimants had received the full amount of their due, and the Government held their receipt in full.

Mr. MAHON. Receipts for the contract price only.

Mr. POWERS of Massachusetts. They undoubtedly received the contract price, but I do not understand the Government holds their receipts in full, neither do I understand that they have ever received anything in compensation for the extra expense that they were put to by reason of the increased price of labor and the increased price of material.

Mr. SCOTT. May I ask how long it is since the award of the Selfridge board was made?

Mr. POWERS of Massachusetts. The award was made in 1867, and from 1867 down to the present time these claimants have come before Congress, and if I am not mistaken the Senate at different times has favored their payment, and the House at different times has also favored their payment. Now, the present year, as I understand it, the committee favors the payment of these claims. Nearly one-half of them have already been paid, and what earthly reason is there why the other half should not be paid? If it is an equitable claim it ought to be paid, and this great Republic, with all its wealth, with all its reputation for fair dealing, can not to-day in conscience say to these men who performed this work forty years ago, and who have waited all this time for their money, that they shall not have the face of what they expended in performing the contract loyally and honestly for the Government. You must bear in mind, also, Mr. Chairman, that during this time there were delays caused by enlistment, and by draft, and the conditions were such that no contractor ought to be held to conditions as they existed during the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Mr. Chairman, I do not propose to detain the committee for my full five minutes, nor to enter into a discussion of the merits of this case. I just want to say a word. The gentleman from Illinois [Mr. CANNON] intimates that the Selfridge board is or was the creature of the Senate of the United States. The Senate of the United States, it is true, provided for the board, but the board was named by the Secretary of the Navy. Now, Mr. Chairman, this is this case: The Secretary of the Navy named

the board that considered this case. Every claimant was dependent, substantially, entirely upon Government witnesses to make his case. And yet that board finds in favor of every claimant. Now, when I as a plaintiff can choose my own judge, can select my own jury, when my opponent is dependent entirely upon my testimony and the testimony of those in my employ, and the verdict of that jury is against me, I shall take no appeal, and that is all there is in this amendment, and it ought to be voted down.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to print my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD] to strike out that portion of the Senate amendment which the Clerk will state.

The Clerk read as follows:

Strike out, beginning with line 18, page 95, all the remainder of page 95 and all of pages 96, 97, 98, 99, and 100.

The question being taken, on a division (demanded by Mr. SHERMAN) there were—ayes 67, noes 59.

Mr. MAHON demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. MAHON and Mr. UNDERWOOD.

The committee again divided; and the tellers reported—ayes 75, noes 72.

Accordingly the motion was agreed to.

Mr. MAHON. Mr. Chairman, I move that the House non-concur in the Senate amendment and ask for a conference, and that the bill be reported to the House with that recommendation.

The CHAIRMAN. The Chair will state, in order that there may be no misunderstanding about the parliamentary situation, that the Chair stated some time ago to the gentleman from Missouri [Mr. ROBB] that if he desired to offer an amendment it would be in order at this time.

Mr. ROBB. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amend the bill by inserting after the word "dollars," in line 17, page 85, the following:

"To the heirs and legal representatives of John W. Hancock, deceased, of Iron County, Mo., the sum of \$1,160."

Mr. ROBB. Mr. Chairman, I desire to make a brief statement in regard to this amendment. I introduced a bill on this subject, which was referred to the committee, and I supposed that it had been incorporated in this bill. The claim embraced in the amendment was referred to the Court of Claims by the Committee on War Claims on March 3, 1883, was considered by the Court of Claims and reported back June 17, 1892. The claim is for supplies, which consisted of horses furnished the Army during the war. The findings of the court are brief. First, the court finds that the claimant was loyal to the Government of the United States throughout the war. That is the preliminary finding.

The court then finds that in September, 1864, Capt. Pinckney L. Powers, of Company H, Forty-seventh Missouri Volunteers, was instructed by General Rosecrans, then commanding the Department of Missouri, to purchase horses and mount his company so that it might be used as mounted infantry. The instructions were not in writing, but appear to have been confirmed by the facts that General Rosecrans sent inspectors to inspect the horses purchased by Captain Powers, and that horses so inspected were purchased and paid for, and that the company was mounted.

The court further finds that pursuant to the instructions referred to, Captain Powers purchased from the claimant eight horses, at prices ranging from \$140 to \$150, subject to inspection. The legal title to the property was not to pass to the United States until inspected, but the horses were immediately turned over to Captain Powers, and were held by him with Government horses in the claimant's stable at Pilot Knob. While so awaiting inspection they, with other horses, some of which belonged to the Government, were captured by the enemy on the 27th of September, 1864. No vouchers were issued to the claimant for these horses, and he has never been paid therefor, nor had the horses been branded. The total amount to be paid for these horses, if they passed inspection, was \$1,160. It appears that the horses were sound and serviceable, and that they probably would have passed inspection.

The court also find that the sale of the horses took place on the 23d of September, the capture on the 27th. The inspectors were delayed in coming by the advance of the Confederate forces, popularly known as "Price's raid." At the time of the sale it was expected that the inspection would take place immediately; that is, that inspectors would be sent from St. Louis within two or three days. It does not appear that there was negligence or delay on the part of the Quartermaster's Department in sending inspectors.

Now, there is the finding of the Court of Claims ten years ago, finding the loyalty of the claimant, finding the value of the property sold, finding that the horses were sold and delivered to the officer of the Army and were in his possession at the time they were captured by the enemy. Why this claim has not been paid before this time I am unable to understand. I am satisfied that it is as just and legal a claim against the Government as any one embraced in this bill. Just preceding this amendment is an allowance to Mr. Isaac G. Whitworth, of a claim of precisely the same character, on a finding by the Court of Claims. I introduced the bills about the same time. I am disposed to believe that the committee from some cause or other simply overlooked this claim. I think that if the committee had considered the claim it would have been embraced in the bill, and I hope there will be no objection to the adoption of the amendment.

It is a finding by the Court of Claims; it is for supplies. There is no question about the justice or legality of the claim. As to the question of loyalty, some one asks. I stated a while ago that the court found that the claimant was loyal throughout the war. I can not conceive of any objection to the adoption of this amendment, and hope it will be adopted. I move the adoption of the amendment.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Missouri.

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

Mr. MAHON. Mr. Chairman, the bill is being read for amendment. I move that the committee rise and report this bill to the House with the recommendation to nonconcur in the Senate amendment, and ask for a conference.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee agree to report this bill to the House with the recommendation that it nonconcur in the Senate amendment, and that a committee of conference be appointed.

The motion was agreed to.

Mr. CANNON. Mr. Chairman, I want to ask the parliamentary status before we go out of the committee. The gentleman from Missouri moved an amendment. I suppose that is equivalent to a nonconcurrence with an amendment.

The CHAIRMAN. In the opinion of the Chair the situation is the same as if in Committee of the Whole an amendment had been offered and carried to the bill, and then the bill itself had been negatively reported.

Mr. CANNON. Therefore it has no—

The CHAIRMAN. Therefore it has no particular significance at this time.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the Senate amendment to the bill H. R. 8587, and, having made two amendments thereto, had instructed him to report the bill back to the House with the recommendation that the House do nonconcur in the Senate amendment and ask for a conference.

Mr. MAHON. Mr. Speaker, I now move that the House nonconcur and ask for a conference.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Pennsylvania that the House nonconcur in the Senate amendment and ask for a conference.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. The Chair did not state the question so that we could know what we are called to vote upon.

The SPEAKER pro tempore. The question is on disagreeing to the Senate amendment to the omnibus claim bill and to ask for a conference.

Mr. RICHARDSON of Tennessee. What I would like to ask, Mr. Speaker, is, What is the effect as to the adoption in the Committee of the Whole, and the recommendation of the Chairman of that committee, as to nonconcurrence in the balance of the amendment? In other words, if we nonconcur now in the Senate amendment, then we attempt to amend. Very much of it is not attempted to be amended, and that goes to the conference nonconcurring in as well as to the other portion of the amendment. What is the effect, in other words, of the vote of the Committee of the Whole to nonconcur in a portion of the Senate amendment? The Senate amendment was amended in Committee of the Whole and then nonconcurring in. Well, then, is not the effect of that, Mr. Speaker—and I ask it because it is a new proposition, because it is a new question—the entire Senate amendment is nonconcurring in on this proposition?

The SPEAKER pro tempore. That is right.

Mr. RICHARDSON of Tennessee. What more has been done in Committee of the Whole, which is simply a committee of the House, except to nonconcur in the Selfridge board amendment? I submit that the Selfridge board amendment or any portion of

the Senate amendment would go into conference, it seems to me, whether we desire to or not. But I desire to ask the ruling of the Chair as to whether it goes to conference or not. I confess it is a novel and new question, and I am not advocating the Selfridge board claims. I simply want to know the parliamentary status when it goes into conference.

Mr. UNDERWOOD. I made the motion to strike out the items. My object in doing so was to instruct the conferees. Of course, I think these other portions of the bill could have been concurred in and this nonconcurring in; but as gentlemen interested in the bill, who had claims, desired to send the bill to conference, I have made no attempt to move to concur, because the gentlemen interested in the claims did not want to concur. But my object in making the fight in the committee was not to affect its parliamentary status, because that can not be done without we nonconcur, but it amounted to a vote of this House to instruct, not in so many words, but practically instruct the conferees not to concur in these Selfridge-board claims without they violated the wishes of the House. I think that is all there is in the parliamentary situation.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to nonconcur in the Senate amendment.

Mr. ROBB. Mr. Speaker, before that vote is put I would like to know the parliamentary situation in respect to the amendment offered by me in Committee of the Whole, which was adopted unanimously.

The SPEAKER pro tempore. The gentleman's motion is not in because there is a motion to nonconcur. If there had been a concurrence the gentleman's amendment would be in. The question is on the motion of the gentleman from Pennsylvania to nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to.

Mr. MAHON. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. OLMSTED in the chair.

A. W. CAMPBELL AND OTHERS.

The first business on the Private Calendar was the bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, upon the requisition of the Secretary of War, without further audit, allowance, or restatement of the claims by the accounting officers, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, or to their legal representatives in case of their death since the allowance of their claims by the accounting officers, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers, under the provisions of the act of July 4, 1864, since February 2, 1867, namely:

OHIO.

To John C. and Lushion I. H. Goings, sons of John A. Goings, deceased, late of Greene County, \$80.

TENNESSEE.

To Robert Stewart, administrator of Thomas Stewart, deceased, late of Shelby County, \$270.

NEBRASKA.

To A. W. Campbell, of Boxelder, formerly of Roane County, Tenn., \$100.

Mr. GIBSON. Mr. Speaker, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

J. V. WORLEY.

The next business on the Private Calendar was the bill (H. R. 2974) for the relief of J. V. Worley.

The Clerk read the bill as follows:

Be it enacted, etc., That the sum of \$40 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and that the same be paid to J. V. Worley, of Hardin County, Tenn., to reimburse him for a like sum wrongfully collected from him by the United States marshal for the eastern division of the western district of Tennessee, in the sixth judicial circuit thereof.

The bill was laid aside to be reported to the House with a favorable recommendation.

FLORA A. DARLING.

Mr. OTJEN. Mr. Chairman, I ask unanimous consent to take up the bill S. 1902, Calendar number 681.

Mr. SIMS. What is the bill?

Mr. OTJEN. It is for the relief of Flora A. Darling. It has been reported ten different times to the House.

Mr. SIMS. Is that the bill dealing with the asphalt pavement?

Mr. OTJEN. Oh, no; it is to recompense Mrs. Darling for the goods taken while she was under a flag of truce.

Mr. BROMWELL. Mr. Chairman, I would like to ask whether it is too late to object to the taking up of this bill. I think the Calendar ought to be taken up in its order so that those industrious members who get their work in early and the bills on to the Calendar shall not be debarred in getting their bills through by taking up later ones on the Calendar.

The CHAIRMAN. It is in order to object.

Mr. BROMWELL. Then I object to taking up the bills out of order.

BENJAMIN F. FOX.

The next business on the Private Calendar was the House resolution 56.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 3317) for the relief of Benjamin F. Fox, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the terms of the act of March 3, 1887, and commonly known as the Tucker Act.

The resolution was laid aside to be reported to the House with a favorable recommendation.

WILLIAM P. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 647) for the relief of William P. Marshall.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, the sum of \$200 to William P. Marshall, late a private in Company H, One hundredth Pennsylvania Volunteer Infantry, being the amount due him for bounty.

Mr. LOUD. Mr. Chairman, I think it is fair to the committee to know what this bounty is.

Mr. MAHON. Let the report be read.

The CHAIRMAN. If there is no objection, the report will be read.

The Clerk read the report (by Mr. MAHON), as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 647) entitled "A bill for the relief of William P. Marshall," beg leave to submit the following report, and recommend that said bill do pass without amendment:

A favorable report on this case was made by this committee in the Fifty-sixth Congress. The facts involved are set forth in that report, which is adopted and made part of this report, a copy being hereto appended.

Your committee recommend the passage of the bill.

[House Report No. 1414, Fifty-sixth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 7038) for the relief of William P. Marshall, beg leave to submit the following report, and recommend that said bill pass without amendment:

A favorable report on this case was made by this committee in the Fifty-sixth Congress. The facts involved are set forth in that report, which is adopted and made part of this report, a copy being hereto appended.

Your committee recommend the passage of the bill.

[House Report No. 330, Fifty-fifth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1844) for the relief of W. P. Marshall, submit the following report:

Your committee report that they concur in the conclusions embodied in the report from the Committee on War Claims of the Fifty-fourth Congress, a copy thereof being hereto attached as part of this report.

Your committee recommend the passage of the bill.

[House Report No. 1246, Fifty-fourth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5501) for the relief of W. P. Marshall, submit the following report:

This is a claim for bounty alleged to be due William P. Marshall, late a private in Company H, One hundredth Pennsylvania Volunteer Infantry. The records of the War Department show that William P. Marshall was enrolled December 12, 1861, and mustered into service January 6, 1862, as a private in Company H, One hundredth Pennsylvania Volunteer Infantry, to serve during the war; that he was discharged the service August 27, 1862, on surgeon's certificate of disability, in which it is stated that he was suffering from hydrothorax and that he had been "off duty six months and still unfit."

Claimant alleges hernia (left inguinal) received by heavy lifting June 16, 1862, and also by a fall from collision of steamers August 18, 1862. The claimant is sustained in both statements by witnesses personally cognizant of the facts. He gets a pension for "left inguinal hernia."

Your committee is of the opinion that the disease for which he was discharged was the result of the injuries at one or both places above mentioned, and that he is entitled to a bounty of \$100 under the terms of the act of July 22, 1861, and a bounty of \$100 under the terms of the act of July 23, 1866.

The following are the acts above mentioned:

[12 Stat. L., p. 269.]

[Extract from an act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property.]

SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, and privates organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army: *Provided*, That the allowances of noncommissioned officers and privates for clothing, when not furnished in kind, shall be \$3.50 per month, and that each company officer, noncommissioned officer, private, musician, and artificer of cavalry shall furnish his own horse and horse equipments and shall receive 40 cents per day for their use and risk, except that in case the horse shall become disabled or shall die the allowance shall cease until the disability be removed or another horse supplied. Every volunteer noncommissioned officer, private, musician, and artificer who enters the service of the United States under this act shall be paid at the rate of 50 cents in lieu of subsistence,

and if a cavalry volunteer, 25 cents additional in lieu of forage, for every 20 miles of travel from his place of enrollment to the place of muster, the distance to be measured by the shortest usually traveled route, and when honorably discharged an allowance at the same rate from the place of his discharge to his place of enrollment, and in addition thereto, if he shall have served for a period of two years, or during the war, if sooner ended, the sum of \$100: *Provided*, That such of the companies of cavalry herein provided for as may require it may be furnished with horses and horse equipments in the same manner as in the United States Army.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service, and the widow, if there be one, and if not, the legal heirs of such as die, or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of \$100.

Approved July 22, 1861.

[14 Stat. L., p. 322.]

[Extract from an act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes.]

SEC. 12. *And be it further enacted*, That each and every soldier who enlisted into the Army of the United States after the 19th day of April, 1861, for a period of not less than three years, and having served the time of his enlistment has been honorably discharged, and who has received or who is entitled to receive from the United States under existing laws a bounty of \$100 and no more, and any such soldier enlisted for not less than three years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service and in the line of duty, shall be paid the additional bounty of \$100 hereby authorized.

SEC. 13. *And be it further enacted*, That each and every soldier who enlisted into the Army of the United States after the 14th day of April, 1861, for a period of not less than two years and who is not included in the foregoing section and has been honorably discharged after serving two years, and who has received or is entitled to receive from the United States, under existing laws, a bounty of \$100 and no more, shall be paid an additional bounty of \$50, and any such soldier enlisted for not less than two years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service and in the line of duty, shall be paid the additional bounty of \$50 hereby authorized.

SEC. 14. *And be it further enacted*, That any soldier who shall have bartered, sold, assigned, transferred, loaned, exchanged, or given away his final discharge papers, or any interest in the bounty provided by this or any other act of Congress, shall not be entitled to receive any additional bounty whatever; and when application is made by any soldier for said bounty he shall be required, under the pains and penalties of perjury, to make oath or affirmation of his identity, and that he has not so bartered, sold, assigned, transferred, exchanged, loaned, or given away either his discharge papers or any interest in any bounty as aforesaid. And no claim for such bounty shall be entertained by the Paymaster-General or other accounting or disbursing officer except upon receipt of the claimant's discharge papers, accompanied by the statement under oath, as by this section provided.

SEC. 15. *And be it further enacted*, That in the payment of the additional bounty herein provided for, it shall be the duty of the Paymaster-General, under such rules and regulations as may be prescribed by the Secretary of War, to cause to be examined the accounts of each and every soldier who makes application therefor, and if found entitled thereto shall pay said bounties.

SEC. 16. *And be it further enacted*, That in the reception, examination, settlement, and payment of claims for said additional bounty due the widows or heirs of deceased soldiers the accounting officers of the Treasury shall be governed by the restrictions prescribed for the Paymaster-General by the Secretary of War, and the payment shall be made in like manner under the direction of the Secretary of the Treasury.

Approved July 28, 1866.

Your committee attach hereto a letter from W. P. Marshall, and ask that it be printed as a part of this report:

CLAIM FOR BOUNTY.

DEAR SIR: There being no law or ruling by Department of the Interior covering my claim for bounty, and having been informed by Department of the Interior that, notwithstanding the fact that I proved and made my claim for pension to the satisfaction of the Pension Department (on account of hernia of left side received while in line of duty at James Island, South Carolina, July 16, 1862, for which pension certificate No. 188526 was granted me in March, 1881), cuts no figure whatever in bounty claims. The law in regard to bounty reads, as I understand it, that all soldiers enlisting for three years after August 1, 1861, and have served two years of their time of enlistment, shall receive bounty money to the extent of \$200.

All soldiers discharged for injuries received while in the line of duty, and are discharged from the service before the expiration of two years on account of said injuries, shall receive \$200 bounty. This law was in force, I think, from August, 1861, to August, 1863. After 1863 all soldiers enlisted received the bounty, as the two-year restriction was done away with. (See bounty laws.)

I first enlisted in the Ninth Indiana Infantry in April, 1861—first call for troops for three months' service. I again enlisted December 11, 1861, for three years, in Company H, One hundredth Pennsylvania Volunteer Infantry; was discharged from the service August 27, 1862, on account of being unfit for active duty. Now I come to the point upon which I base my claim for the bounty, which I claim I am entitled to under existing laws, but have never received, owing to an oversight on the part of my regimental surgeon, Dr. Horace Ludington, and ruling of Department of the Interior in my case.

During an engagement with the enemy June 16, 1862, on James Island, South Carolina, I was detailed from my command to assist in placing heavy artillery in position. While doing this duty I received inguinal hernia of left lower part of abdomen; was taken to hospital and treated for same by regimental surgeon, Dr. Ludington, whose affidavit is on file with Pension Department to that effect. In a few days after the above occurrence my command was ordered to Port Royal, S. C. From this point we were ordered to Newport News, Va. (I being on the sick list all this time). From Newport News my command was ordered to join General Pope near Bull Run. I was left in hospital at Newport News. On or about August 13, 1862, I, with others, was ordered to embark on board the steamship *West Point*, bound for Aquia Creek, Virginia, there to be landed for some purpose which I am not cognizant of.

About 7 p. m., as we were proceeding up the river, we collided with the steamship *Geo. Peabody*. The *West Point* had her bow stove in, and sank in a few minutes in 8 fathoms of water. All on board were drowned except some 16 persons. After the collision I found that I was fast in the wreckage,

and was rapidly sinking with our vessel. In my struggle to get loose, or in my struggle in the water to save my life after I did get loose, I ruptured myself in same place for which I had been treated on James Island and in hospital. I, with others, was picked up by the gunboat *Thunderer* and taken on board of a large steamship of General Burnside's command, and by it taken to Alexandria, Va. At Alexandria I was placed in Fairfax Seminary Hospital for treatment, from which hospital I was discharged from the service August 27, 1862.

There are affidavits on file with Pension Department in regard to all the above from Dr. Horace Ludington, regimental surgeon; Col. Daniel Leasure, colonel of regiment; Capt. R. J. Ross, captain of Company H; Robert Watson, private, Company H, all of my regiment, the One hundredth Pennsylvania Infantry. All of the above named made affidavit as to my injuries, etc. I have been and am shut off from bounty under existing laws for this reason. Although I received inguinal hernia at James Island and was treated for such injury, the surgeon, either through neglect, lack of time, or incompetency, failed to make his report show for what cause I was in the hospital, and simply has me marked as being sick at that time.

When taken to Fairfax Hospital I was bleeding at mouth considerably on account of internal injury received in or during the wreck spoken of. The surgeons, under Daniel P. Smith in charge, did not examine me or treat me for the rupture, as it had not fully developed while under their charge, but did treat me for the internal injury, which afterwards caused or proved to be a rupture in the former place mentioned. I was eventually discharged by the surgeons for hydrothorax (dropsy of the chest), a disease I never had; if so, I would have been dead long time ago.

I find that the only way I can get that which is justly due me, owing to present laws, is by special act of Congress. The fact that I have made my claim clear in Pension Office, backed by the affidavits of officers above named, ought, in my mind, be sufficient evidence that I did receive the injury as stated, and that members of Congress will recognize the fact and grant me the bounty.

Should you need assistance in this matter, or proof as to my hernia, I will refer you to Dr. Jethro A. Hatch, Congressman-elect from Tenth Indiana district. He was the first surgeon to examine me (per order of Government) when I made application for pension.

There should be a law passed or rule made covering such cases as mine; there are quite a number of them. The law or rule should be something after this order:

Where an ex-soldier has proven beyond a doubt and to the satisfaction of the Pension Department that certain injuries were received while in line of duty, to the extent that pension will be granted him, ought to be prima facie evidence with the Department of the Interior in cases of bounty claim. Like my case, there are many ex-soldiers barred from bounty on account of carelessness on the part of regimental surgeons to properly report their cases. Many surgeons drank much whisky during the war.

Respectfully, yours,

W. P. MARSHALL,

90 East Twenty-second Street, Chicago, Ill.

Hon. H. R. BELKNAP, M. C.,
Washington, D. C.

Your committee report back the bill and recommend its passage with the following amendment:

In line 7 strike out "the bounty due him under the bounty laws" and insert in lieu thereof "the sum of two hundred dollars for bounty due him."

Mr. LOUD (interrupting the reading). Mr. Chairman, enough of the report has been read to show the character of this claim. I want to say to the gentleman that if this man has a claim for a bounty there is no doubt in the world but what he can get it by going to the War Department at as late a date as this and secure that bounty.

Mr. MAHON. They say they can not pay it; that there is no money to pay it.

Mr. LOUD. That is a mistake. It is a little bill; it is only \$200.

Mr. MAHON. All I know about it is that it is Judge CRUMPACKER's bill, and he said that this was the only way that the man could get his money.

Mr. LOUD. If this man has a claim he can go to the Auditor of the War Department and get it audited, and then he will get his money. You are proposing to give the money by a round-about way. You are proposing to give him \$125 or \$130 more than he could ever get any other way. If he has a claim for a bounty it would not exceed \$8.33 $\frac{1}{2}$ a month for his term of service. Here you are attempting to lump the act of 1861 and the act of 1867 together. The gentleman knows that after all the bounty acts were passed they were finally equalized, and each man was given \$8.33 $\frac{1}{2}$ a month. This man's term of service was less than one year, and so if he has a claim he can not secure \$100 at the War Department, therefore he comes here, probably without any claim whatever, and attempts to get out of Congress additional bounty. Mr. Chairman, this claim ought not to pass.

Mr. MAHON. This bill was presented by Judge CRUMPACKER, of Indiana. It is a small claim and I have confidence in the gentleman from Indiana. I told him to examine the law properly as to the proof and report, and this report was made. I am satisfied that the gentleman from Indiana would not have reported anything that was not correct.

Mr. LOUD. I do not think the gentleman would report anything he did not believe to be correct, but even as good men as the gentleman from Indiana are sometimes mistaken.

Mr. MAHON. I have no special interest in this bill whatever, except that I have faith in the gentleman from Indiana, and I know that he believes the bill ought to pass.

Mr. LOUD. I am not going to take part in passing any bill upon the mere report of any member here, because the best men in the House are sometimes mistaken. Now, the gentleman from Pennsylvania [Mr. MAHON] knows something about bounty and something about the service of soldiers. He knows that the Audi-

tor of the War Department is to-day passing upon claims of this kind—

Mr. MAHON. I suggest that we let this bill be passed over without prejudice. The next time it comes up the gentleman from Indiana will no doubt be here.

Mr. LOUD. I have no objection to that suggestion, although I think the bill ought to be defeated. It has no business before this House. There is nothing that can be said in its favor. The gentleman from Pennsylvania well knows that any man who has an equitable and just claim of this kind can go before the Auditor of the War Department and have his claim passed upon.

Mr. MAHON. I would like that the gentleman from Indiana should have his day in court. I move that the bill be passed over without prejudice.

The motion was agreed to.

BILLS PASSED OVER.

Mr. MAHON. I ask that the next three bills on the Calendar—House bill 1591, House bill 1010, and House bill 5896—be passed over without prejudice.

The motion was agreed to.

Mr. MAHON. I ask also that House bill No. 5070, in which the gentleman from Indiana [Mr. LANDIS] is interested, and House bill 1937, in which the gentleman from Pennsylvania [Mr. WANGER] is interested, be passed over without prejudice, both of those gentlemen being absent.

The motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 9290) granting a pension to Frances L. Ackley disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 12346. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. R. 13246. An act to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 12498. An act extending the time for completing bridge across the Missouri River at St. Charles, Mo.; and

H. J. Res. 180. Joint resolution authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4693) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.

S. J. BAYARD SCHINDEL.

The committee resumed its session.

The next business was the bill (H. R. 8769) for the relief of S. J. Bayard Schindel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be credited the accounts of Lieut. S. J. Bayard Schindel, commissary Sixth Regiment United States Infantry, with the sum of \$77.13, being for subsistence funds stolen from the commissary storehouse by unknown parties, and for which he was responsible.

Mr. BROMWELL. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

JOSIAH B. ORBISON.

The next business was the bill (H. R. 2782) authorizing and directing the repayment to Josiah B. Orbison, of Donegal Township, Butler County, Pa., the sum of \$300 that he paid to avoid the draft in 1863.

The bill was read, as follows:

Be it enacted, etc., That the honorable Secretary of the Treasury of the United States is hereby authorized and directed to pay, or cause to be paid, out of any money now or hereafter to be appropriated for the payment of

claims, to Josiah B. Orbison, a colored man and a descendant of the African race, the sum of \$900; same when paid to be in full for all claims that said Josiah B. Orbison has against the United States of America by reason of his being compelled to pay said sum of \$300 to avoid the performance of military duty as a conscript from Donegal Township, Butler County, Pa., on the 31st day of August, 1863, at a time when he was not subject to military duty, not being a citizen, not entitled to vote, and not entitled to hold office.

Mr. MAHON. This is the case of a colored man who was drafted into the military service and compelled to pay \$300 as computation, when, as claimed, he was not subject to military duty.

Mr. CANNON. Let us have the report read. I suppose we do not want to go into the business of making reimbursement in cases of this class. It would take us a long time before we got through.

The CHAIRMAN. Shall this bill be laid aside to be reported favorably to the House?

Mr. LOUD. I hope not.

Mr. PAYNE. I ask for the reading of the report.

Mr. LOUD. I should like to be heard, if I am recognized.

Mr. PAYNE. Let us have the report read.

Mr. LOUD. That can be done later on.

The CHAIRMAN. The gentleman from California [Mr. LOUD] is entitled to the floor.

Mr. LOUD. Mr. Chairman, the House evidently recognizes this claim. I do not see why some industrious advocate of the claim did not have it put into the "omnibus bill." That is where it will ultimately go.

Mr. MAHON. Oh, never; it could never get my vote to go there.

Mr. LOUD. Well, there are very few claims ever presented before Congress, having sought every possible avenue to secure favorable consideration, that do not ultimately bring up in what is denominated an "omnibus bill."

Mr. MAHON. Why does not the gentleman make some motion to dispose of the bill?

Mr. HAUGEN. I move that the bill be passed over without prejudice.

The CHAIRMAN. The gentleman from California [Mr. LOUD] has the floor. Does he yield for that motion?

Mr. LOUD. No; I think we might as well dispose of this bill now as some other time. This is simply an old claim—a proposition to refund—

Mr. MAHON. I desire to move that the Committee of the Whole rise, in order that the Military Committee may take up their bill.

Mr. LOUD. Well, let us adopt a motion that this bill be reported to the House with the recommendation that it lie on the table. I make that motion, and when it is acted on the gentleman from Pennsylvania can move that the committee rise.

The question being taken, the motion of Mr. LOUD was agreed to.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report these bills to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills upon the Private Calendar, and had instructed him to report the bills H. R. 2494, 4974, 8769, and House resolution No. 56 with the recommendation that they do pass, and also report back the bill H. R. 2782 with a recommendation that the same do lie on the table.

CLAIMS REPORTED BY THE TREASURY DEPARTMENT.

The bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported favorably from the Committee of the Whole, was considered, was ordered to be engrossed and read a third time; and it was read the third time, and passed.

J. V. WORLEY.

The bill (H. R. 2974) for the relief of J. V. Worley, reported favorably from the Committee of the Whole, was considered, was ordered to be engrossed and read a third time; and it was read the third time, and passed.

BENJAMIN F. FOX.

House resolution 56 for the relief of Benjamin F. Fox, reported favorably from the Committee of the Whole, was considered, and agreed to.

S. J. BAYARD SCHINDEL.

The bill (H. R. 8769) for the relief of S. J. Bayard Schindel, reported favorably from the Committee of the Whole, was considered, was ordered to be engrossed and read a third time; and it was read the third time, and passed.

JOSIAH B. ORBISON.

The bill (H. R. 2782) authorizing and directing the repayment to Josiah B. Orbison, of Donegal County, Pa., the sum of \$300

that he paid to avoid the draft in 1863, reported from the Committee of the Whole with a recommendation that the bill lie upon the table, was considered, and the recommendation agreed to.

On motion of Mr. GIBSON, a motion to reconsider the votes by which the several bills were passed was laid on the table.

PAN-AMERICAN RAILWAY.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, with respect to the resolution concerning a Pan-American railway, adopted by the Second International Conference of the American States, recently held at the City of Mexico.

I recommend an appropriation by Congress of the sum of \$20,000, or so much thereof as may be necessary, to enable the President to appoint two commissioners to visit Central and South America to carry the purpose of the resolution into effect, and to investigate and report upon the means of extending the commerce of the United States with those regions.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, April 22, 1902.

The message and accompanying documents were ordered to be printed and referred to the Committee on Foreign Affairs.

MILITARY ACADEMY.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13670) making appropriations for the Military Academy.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13670) making appropriations for the Military Academy, and the Clerk will read.

The Clerk read as follows:

For purchase of Welsbach burner or other suitable incandescent lights, drop lights, tubing, mantles, etc., \$20.

Mr. FEELY. Mr. Chairman, I move to strike out the last word. I for one am glad that there is inserted into this bill a provision for the purchase of Welsbach lights. I think that those lights will be needed in the Military Academy to throw some glamour over the interpretation of the treaty of Washington made yesterday by the gentleman from Massachusetts. The Washington Post to-day contains a dispatch which contains a commentary upon us by a British officer, which I commend to the House as a sweet opinion entertained concerning us by one of our Anglo-Saxon cousins:

BRITISH OFFICER DEFIANT—SAYS ALMIGHTY DOLLAR RULES AND MULE SHIPMENTS WILL CONTINUE.

CHICAGO, April 21.

"Mules will continue to be shipped to South Africa as long as the 'almighty dollar' rules America," declared Gen. Sir Robert Stewart, an officer of high rank in the artillery branch of the British army, who arrived at Chicago to-day.

"England is not at all alarmed over the investigation at New Orleans," continued General Stewart. "There is no denying that mules and horses are shipped to South Africa by our Government, and it is nonsense to talk of stopping it. We probably will begin shipping your American mustangs to South Africa also."

When General Stewart returns to London he will report favorably on the adaptability of the mustang for use in the British army. While here he has arranged for the purchase of hundreds of the wiry little animals should his Government act favorably on his report.

The interpretation placed upon the treaty of Washington is truly remarkable. He seems to confine that interpretation purely to naval operations, and to believe that these words contained in the treaty have reference to nothing else but naval warfare:

A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Now, Mr. Chairman, a new light will come into the field of international law if the nations are bound to accept the interpretations of the gentleman from Massachusetts [Mr. GILLET] on that point. He shows an incredulity which is truly remarkable and true Yankee characteristics when he says that there is not sufficient truth adduced here that there are maintained in this country military camps for the purchase, under the supervision of British officers, of horses and mules to be used by the British army for the war in South Africa. Will he be satisfied with the statement of a member of this House who has personal knowledge of the maintenance of these camps in his district?

Mr. Chairman, there are maintained to-day—outside of the one in Louisiana, outside of the one referred to by the gentleman from Missouri in his district—two camps in the county of St. Clair, in the State of Illinois, near the cities of Belleville and East St. Louis, which are operated for this purpose. Members may demur to this and say that the individual citizen of the United States has a right under the law to sell stock to be used for this

purpose; but, gentlemen, if we had a statesman in the office of Secretary of State of the character and of the Americanism of Richard Olney, of Massachusetts, a way would be found to stop the loading and shipping from the port of New Orleans of these horses and mules to be sent to South Africa to take part in this war.

Mr. Chairman, it is a poor diplomacy, it is a poor exhibition of American statesmanship to deny the existence of these camps, and it is certainly an encroachment on the very outside boundaries of the rules of international law, when an interpretative law is relied upon to prevent any interference with the shipping of horses and mules to South Africa. It is well known that this is not the only infraction of the laws of neutrality which has been committed without let or hindrance by the executive department of the Government. As has appeared in the public prints, as appeared in the report of those sent officially to investigate, men are taken from our ports to South Africa and there inveigled to enter the service of the British army. Can it be said, by reason of the fact that nobody has sufficiently pointed out enough official evidence to warrant Executive interference, that this condition does not really exist?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FEELY. Mr. Chairman, I ask unanimous consent to be permitted to proceed for five minutes.

Mr. CAPRON. Mr. Chairman, I object, and I ask unanimous consent that the gentleman be allowed to extend his remarks in the RECORD.

Mr. FEELY. I do not desire that. I will get time hereafter. The Clerk read as follows:

To increase the efficiency of the United States Military Academy at West Point, N. Y., and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, made necessary by the increased number of cadets now authorized by law, immediately available and to remain so until expended, \$3,000,000: *Provided*, That before any part of this amount is expended, except so much as may be necessary to provide an immediate increased water supply and to complete the improvements begun on the cadet mess building, complete plans shall be prepared and approved by the Secretary of War, covering all necessary buildings and improvements at West Point, and for each and every purpose connected therewith, which plans shall involve a total expenditure of not more than \$3,500,000: *Provided further*, That after the preparation and approval of the plans herein provided, the Secretary of War is authorized to enter into a contract or contracts for any part or all of the improvements herein authorized within the said limit of cost, to be paid for from the appropriations annually made for this purpose: *Provided further*, That no money shall be expended or obligation incurred for supervising architects after the plans for improvements above provided for have been approved by the Secretary of War.

Mr. HULL. Mr. Chairman, by direction of the Committee on Military Affairs I move to amend by striking out the word "three," in line 12, page 29, and inserting the word "two," so that it will appropriate at once for these improvements \$2,000,000 instead of \$3,000,000.

The Clerk read as follows:

In line 12, page 29, strike out "three" and insert "two."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I am further instructed to move to amend the bill in line 21, page 29, by striking out the word "six" and inserting the word "five," so as to limit the cost to \$5,500,000 instead of \$6,500,000.

The Clerk read as follows:

On page 29, in line 21, strike out "six" and insert "five."

Mr. CANNON. Mr. Chairman, I quite agree with this amendment, and am very glad indeed that the Committee on Military Affairs have recommended it. I am not here to say that they ought to have recommended a still further reduction, because I have very great respect for the personnel of that committee. They have investigated the matter and, I understand, have visited West Point and have given the subject that kindergarten observation, besides what they get from documents. I am inclined to think, with all due respect to the committee, that these cadets might have been provided for and that the present plan could have been utilized, with an extension that would have been much less expensive than the authorization of this bill.

I do not speak positively touching that matter, because I have not given it that investigation that the committee has given it. I want to say enough, however, to put myself upon record, and, I trust, the committee as well. I say it for that object. As I take up the estimate that I have here—perhaps not an estimate so much as a printed plan and a drawing showing the proposed improvements, and a description of what they are and what they will cost, and from an examination of the plans by Mr. Larned, who, I believe, is an officer or a professor at West Point, I am inclined to believe that everything contemplated from the standpoint of utility as well as of proper architectural effect and permanency of construction can be made for five million and a half of dollars, as the committee propose to limit it.

That includes roads, grading, and water, and heat and light—the whole thing. The object of my making this statement—and

I trust if I am correct about it I will receive the assent of the Committee on Military Affairs—is that whoever expends this money may be placed upon notice that the plans and specifications and contracts shall be made so as to complete this work entirely from the beginning to end, and that next year, or two years from now, or five years hereafter, we will not have additional estimates for construction at West Point. I do this because sometimes zealous officials in expending public money use it as far as it will go, and then come to the succeeding Congress for additional appropriation. There is an amendment I want to offer a little later, unless the gentleman will offer it himself.

Mr. PARKER. Mr. Chairman, I do not desire to delay the committee by extended remarks at the present time, but rather to avail myself of their permission to submit some considerations with reference to the enlargement of the Military Academy at West Point.

Necessities speak for themselves. The accommodations of the post are entirely insufficient for the number of cadets now provided by law. Of the 452 cadets now at the Point 192 are now actually living 3 in a room and 24 are living 4 in a room. Sixty-eight additional rooms are required in order to allow 1 room to 2 cadets for the maximum corps of 511 now provided for by law. Forty-eight additional rooms are required in the same barracks to provide orderly rooms, storerooms, and quarters for tactical officers, so that 116 more rooms are absolutely needed at the present time in the cadet barracks to provide for the force of cadets who may be at the post under the present law.

The heating and lighting plant of the post is grossly insufficient. There are not quarters for the expanded corps of instructors. The chapel will only hold about half of those who wish to attend. The riding hall is only big enough for 32 men to drill at once, out of the 500. It is greatly to be desired that a full troop of cavalry and full battery of light artillery should be stationed at this post, and quarters must be provided for them and for their officers.

Provision for these necessities will require a practical rearrangement of many of the buildings, which have been scattered over the limited area of level ground existing at the post; so that with larger numbers the replacement and consolidation of many of these buildings are needed, not only to economize space, but to save money in heating and lighting and to bring all the branches of instruction so near to one another that time shall not be wasted.

By this bill as amended the sum of \$5,500,000 is appropriated for these purposes, and is a moderate appropriation. The Naval Academy at Annapolis received \$8,000,000 for like purposes, and that Academy also enjoys the free use of vessels of war for instruction. The ground and buildings for artillery and cavalry drill naturally need to be larger than for the schools and foot drill of the Navy. The sum asked is certainly moderate.

Exactly what plan for this enlargement shall be adopted is left to the Secretary of War. In this the provisions of the bill follow exactly the model which was furnished in the act for the enlargement of the Naval Academy (act of June 7, 1900, Fifty-sixth Congress, first session; Stats., p. 696). It is expected that in the preparation and adoption of these plans the Secretary of War will call to his aid, not only officers of the Army and of the post, but also such architects as he may wish to consult, in order that the plan shall be in all respects worthy of the situation.

It is not intended to create any abodes of luxury. The cadets are to be two in a room, as heretofore, in plain quarters suitable for a soldier. The cadet gray of the old granite buildings now existing is to be preserved, as well as the plainness and simplicity of the architecture, which fit in so beautifully amid the green of the surrounding hills. It is not for Congress to decide upon the details of such plans. It must be left to others and to experts to determine what is most needed, how to make the most of the room, and how to build so as to be in line for further enlargement as the nation shall grow and the numbers at the Point shall increase.

We must trust the judgment of the Secretary of War as to whom he employs. We have given him full liberty to obtain the best talent that can be had in the preparation of the plans. We have added what we may regard as a most wise provision that the work of actual construction shall be supervised by the officers of the Army, whose exacting and careful oversight will give us buildings that shall last and save expense as far as may be.

We need say no more about the necessity of this appropriation for a school of which the whole nation has been proud for a hundred years. No one can visit West Point without his heart being lifted up with the thought of the deeds that have there transpired. The mind goes back of the establishment of the Academy to the time when that point protected the only communication between the New England States and those west and south of the Hudson River; to a time when Fort Clinton on the plain and

Fort Putnam on the heights and the great chain across the river to Constitution Island held back the British fleet, which dominated the city of New York, and protected a way for the patriots of the Revolution and for the carriage of their supplies.

We look across the river to the country place whence Benedict Arnold made his escape. We realize that this little fort was formerly the keystone of our new-built arch of independence, while we remember, too, that its buildings, nestling beneath the hills, have been the cradle of the Army. The civil war taught us that we could not get along without it. We began with citizen generals, and they mostly failed. It is true that during that war men were trained in the school of war who took their place with the best who came from the West Point Military School.

But our reliance, after all, was on the small corps of men who had been instructed there, and who afterwards leaped into high command. Some came from the Regular Army—almost more from civil life. But we do not forget that our great commanders, Grant and Lee, McClellan, Jackson, Meade, the two Sher-mans, Thomas, Sheridan, Joseph E. Johnston and Albert Sidney Johnston, Rosecrans, Bragg, Hooker, Franklin, and Gregg—but why should I prolong the list? The leaders of both sides of the greatest conflict that the world has ever seen were mostly from that little school at the fort which held the gate between the scattered States of the Revolution.

West Point has always been unique among military schools. There is none like it in the world. In other countries the instruction in a particular school is confined to one branch. Artillery, cavalry, engineering, etc., each has its own school. But Americans have always believed that the true soldier must know something of all these branches in order to be fitted for high command and to meet the emergencies that may come upon him. Sheridan leaped from an infantry company into the command of cavalry, and his familiarity with cavalry had been acquired at West Point.

It is only recently that we have learned that the same knowledge of all branches may be exacted in the Navy, so that the captain must likewise be an engineer and artillerist and a torpedo expert. Perhaps we have carried the principle further in the Navy by providing for the transfer of officers from one branch to another in the regular course of their duties throughout their professional life. It may be wise hereafter to adopt the same course in the Army, but at present we rely upon West Point alone to supply an officer with the general knowledge which will enable a general officer to fortify his camp and properly direct his artillery, cavalry, and infantry.

We demand that all this shall be learned in the short term of four years. The course of study has been crowded until it has almost become more than a boy can do. The work of the cadet is done upon the jump, from morn till night, with little or no recreation, with entire devotion to such studies, and such studies only, as will be useful in his profession; with a severity of discipline which is unexampled in the strictest military government, and with a division of classes into sections, which enables the leaders to make all the progress of which their minds are capable, while it insists that the laggard shall at least know thoroughly whatever he has gone over.

Such a system requires that those who will not or can not learn shall be got rid of, and the lowest class is sometimes double the number of the highest. By such means the Academy, in a course of four years, turns out athletes in mind and body, men who are ready for work and for any emergency; proud of their school and of their profession, knowing their abilities, but always imbued with a military sense of honor, which has never failed, and which leads them to regard the cadet uniform and their profession as things almost equally sacred. We feel no hesitation in appealing to this House for a generous provision for the enlargement of such a school.

This school has not increased proportionately to the growth of the country. The first establishment was, of course, small. A century ago the law of March 16, 1802, provided for a corps of 20 in all, including 10 cadets to be enrolled in a school of engineering simply. By the act of April 29, 1812, making a further provision for the Corps of Engineers, professors were provided for 250 cadets, who should be attached, at the discretion of the President, to the Academy and be subject to its regulations; that they should be arranged into companies of noncommissioned officers and privates, according to direction of the commandant of engineers, and officered from said corps; that they should be taught all duties of a private, noncommissioned officer, and officer, and be encamped at least three months each year and taught all the duties incident to a regular camp, and that they should be when appointed between the ages of 14 and 21, and engaged, with the consent of their parents or guardian, to serve five years, unless sooner discharged.

In 1810, two years before that act of April 29, 1812, our population was 7,239,881. In 1900, two years before this present April,

our population was 76,303,387. In 1812 we had an Army of not to exceed 10,000 regular troops; now we have one of 70,000. Population has increased over tenfold, the Army sevenfold, while West Point has barely doubled. These figures seem to indicate that the Military Academy at West Point was intended to fill a different place than that of merely supplying our Regular Army with officers.

Indeed, the cadet was only required to serve five years; that is, only one year in the Army. In 1838, the enlistment was enlarged from five to eight years. We come to suspect that perhaps the wisdom of our forefathers aimed not at the mere military education of Regular Army officers, but at the military education of the nation. This suspicion is changed into certainty when we turn to their writings. It was as early as 1793 that Washington advised the establishment of such an academy, not for the benefit of the Regular Army, but for the instruction of the officers of the militia. In his fifth annual message he says:

But it is an inquiry which can not be too solemnly pursued whether the act "more effectually to provide for the national defense by establishing a uniform militia throughout the United States" has organized them so as to produce their full effect, whether your own experience in the several States has not detected some imperfections in the scheme, and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

Let us remember that these are Washington's words—the declaration of one who had had experience of the dangers and needs which beset this country. It is he that asks, as I ask now, whether it would not be a material feature in the improvement of that citizen soldiery which constitutes our national guard to afford an opportunity for the "study of those branches of the military arts which can scarcely ever be attained by practice alone." In December, 1796, he recurs to his proposition for the establishment of a military academy, stating that its desirability has so constantly increased with every new view he has taken of the subject that he can not omit the opportunity of recalling the attention of Congress thereto.

He insists that however pacific the general policy of the nation may be it ought never to be without an adequate stock of military knowledge for emergencies, and that in proportion as it avoids the practice of arms it should be careful to preserve and transmit by proper establishments the knowledge of the art; that this art of war is complicated and demands much previous study, and that its possession in its most perfect state is necessary to the security of the nation, and that for this purpose an academy with a regular course of instruction is an obvious means.

He says:

The institution of a military academy is also recommended by cogent reasons. However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first would impair the energy of its character, and both would hazard its safety or expose it to greater evils when war could not be avoided; besides, that war might often not depend upon its own choice. In proportion as the observance of pacific maxims might exempt a nation from the necessity of practicing the rules of the military art ought to be its care in preserving and transmitting, by proper establishments, the knowledge of that art.

Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince that the art of war is at once comprehensive and complicated, that it demands much previous study, and that the possession of it in its most improved and perfect state is always of great moment to the security of a nation. This, therefore, ought to be a serious care of every government; and for this purpose an academy where a regular course of instruction is given is an obvious expedient which different nations have successfully employed.

Thomas Jefferson, on March 18, 1808, sent a special message recommending the enlargement of the Academy as being too limited to furnish the number of well-instructed subjects in the different branches of artillery and engineering, which the public service calls for.

President Madison, on December 5, 1810, recommended the restoration of the buildings and that the scope of the Academy should be enlarged by providing professorships for all the necessary branches of military instruction, saying that the means of modern warfare "render these schools of the more scientific operations an indispensable part of every adequate system."

He says that this is so even where large standing armies and frequent wars afford other opportunities of instruction, but that in governments without such opportunities—"seminaries where the elementary principles of the art of war can be taught without actual war and without the expense of extensive and standing armies—have the precious advantage of uniting an essential preparation against external danger with a scrupulous regard to internal safety. In no other way, probably, can a provision of equal efficacy for the public defense be made at so little expense or more consistently with the public liberty."

Let us apply these words to our present conditions. What we lack in time of war is officers for our volunteers or militia. One such officer is worth a hundred men. A thousand cadets at West Point might cost as much as two or three regiments, but it would

furnish 5,000 cadets every twenty years, or enough to give officers to 100,000 men. Is there any other way in which like advantage can be realized?

Is it not instructive to consider the immediate effect which West Point had upon the wars of the nation? In the war of 1812, before we obtained graduates from that school, our one victory was that of Jackson at New Orleans, gained by riflemen entrenched behind cotton bales. Everywhere else our Army was in disgrace, and the Bladensburg races preceded the capture and burning of the Capitol at Washington. But in 1845, when the Academy was in full operation, our little Army became the admiration of the world and carried forward the flag against overwhelming numbers and impossible odds, storming fortifications, maintaining its communication, and placing that flag finally on the capital of Mexico. Need we increase citations? In December, 1815, Madison recommended the enlargement of the Academy, although it was, then, in proportion to our population, about five times as large as at present.

On December 3, 1822, James Monroe, in a very careful message largely devoted to the needs of the Army, states the use of the Military Academy for the instruction of the whole people. He says:

The Military Academy forms the basis, in regard to science, on which the military establishment rests. It furnishes annually, after due examination and on the report of the academic staff, many well-informed youths to fill the vacancies which occur in the several corps of the Army, while others, who retire to private life, carry with them such attainments as, under the right reserved to the several States to appoint the officers and to train the militia will enable them by affording a wider field for selection to promote the great object of the power vested in Congress of providing for the organizing, arming, and disciplining the militia.

It is, therefore, with no hesitation that we bring forward plans for the enlargement of that Academy. It has not grown proportionately to the Army or to the nation. Up to the time of the civil war it was largely a free college whose graduates were not required in the Army and could obtain no commissions there. They went into private life. A large proportion of the most successful generals of the civil war were West Point graduates, who came back from private life to serve the cause that they deemed right. It would be, therefore, only returning to the policy of our fathers if we enlarged that Academy proportionately to the growth of the country.

It once had 250 cadets with a population of 7,000,000. It would have 2,500 cadets, instead of 500, if it were enlarged proportionately to the 70,000,000 population of to-day. Is it not possible also that it is hurting the Academy, as well as the nation, to make it exclusively a training for the Regular Army? May not the officer who has had West Point training, and who comes from civil life back into the service, bring with him a broader experience than the man who knows nothing but the regulations?

This topic is a great one. I put these suggestions rather by way of question than of assertion. But I ask you to consider whether all experience does not prove that Washington and Jefferson, Madison and Monroe, were right in desiring a school fitted for the education of the nation in the art of war and in regarding this as essential to the efficiency of the militia and to our readiness for war.

And when we look at history and see how the absence of this school was felt in 1812, how we longed for instructed officers for our volunteers in 1861 and still more in 1898, and how we depleted the Regular Army to find them, may we not ask your liberal encouragement of the little school of war upon the Hudson, your generous encouragement of its numbers, and of the diffusion among the whole people of that knowledge and practice of arms which is the safety of a free country?

We do not ask this in order to enlarge our standing Army. Diminish that Army, if you will. Give the soldier and non-commissioned officer a full and fair chance for promotion. The West Point graduate has no lien upon the Army or upon its official position. He must compete with his fellows both in peace and war. It is for the military security of the nation that we may urge a return to the policy of the fathers, establishing a system of education which shall fill the whole community with men who shall be fit to officer its Army and its militia and to lead its volunteers in time of war.

Mr. HULL. Mr. Chairman, I will ask unanimous consent that any member of the committee that desires to do so may extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that gentlemen of the committee may be permitted to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. I only desire to say a word in reply to what my friend from Illinois has said. It will be impossible for anyone, no matter how skilled he may be, to forestall the action of Congress in the future with reference to improvements to the Military Academy. There will come a time when additional improvements will be made, when improvements will be suggested, and made by the Congress of the United States. We have no power to forestall

such action. When it comes to the question of roads through the reservation, they require a good deal of money every year apparently for roads. We have had a continuing appropriation for a great many years in the past, and in my judgment there will be continuing appropriations for a good many years in the future.

This plan does not contemplate, as I understand, the construction of all these roads at this time, but there will be broken stone and gravel required in every appropriation bill, in my judgment, for years in the future as there have been for the years that have passed since I have been here. The amount, of course, will not be so great after the roads are once constructed, but there are many miles of road through there, and with the heavy rains that they have in the spring it will always require more or less to repair them. That is all I desire to say about it.

Mr. CANNON. I want to say, if the gentleman will allow me, just an additional word. Of course, after the roads there have once been constructed they have to be kept in repair.

Mr. HULL. Let me explain. There is a breast-high wall carried on by an appropriation of \$500 a year or \$1,000 a year, the effect of which is that as the road is extended the breast-high wall is extended, not as a complete work. It will probably be eight or ten years before that will be entirely completed. I was not at West Point at the time the committee visited there, but I went over this ground very carefully before. I want to say to the gentleman that in some of these works it is more economical to build a part of it every year than to make a large appropriation to complete it, and this scheme is not to complete this now, but to complete buildings and roads necessary to make the buildings and grounds what they should be; and the roads are extended as the buildings are erected on new plots of grounds.

Mr. CANNON. Now, let me read, because I do not want to be misunderstood, the very clause that we are talking about:

To increase the efficiency of the United States Military Academy at West Point, N. Y., and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, made necessary by the increased number of cadets now authorized by law, immediately available and to remain so until expended, \$3,000,000: *Provided*, That before any part of this amount is expended, except so much as may be necessary to provide an immediate increased water supply and to complete the improvements begun on the cadet mess building, complete plans shall be prepared and approved by the Secretary of War, covering all necessary buildings and improvements at West Point, and for each and every purpose connected therewith, which plans shall involve a total expenditure of not more than \$5,500,000.

Then, as I understand it, that includes the construction of all necessary buildings. It includes everything that is necessary at West Point in connection with those buildings; it includes the grading of roads that are necessary to be made on account of this new construction, and includes water. If the gentleman has not attempted to try to make such a provision, then for one I will vote against the whole provision. Of course when the gentleman says that a road deteriorates or a building needs new paint or additional paint and repairs, why, he states that which all of us know; but I for one will not vote for this provision if we are to have, after this \$5,500,000 is expended, five hundred thousand, a million, a million and a half more because we have not given enough to complete this plant. If this will not complete the plant and do the work, why, I would be glad to know it. Now, then, if that is the plan to complete and do that work for that purpose, I am content.

Mr. HULL. Mr. Chairman, I want to say again that—take the one item on page 28, "For continuing the construction of breast-high wall in dangerous places, \$500"—I do not want the gentleman from Illinois to think, if we come in here next year with an appropriation of \$500 more in the same line, that we have violated what he understands to be an agreement in this House. It will not be. This bill carries the amount necessary to make permanent in buildings and grounds for the enlarged and improved post.

What this is proposed to do is to complete the plant so far as laying it out and completing the roads. The breast-high wall is not completed, and it will take years to complete it. It is not necessary to complete it at this time. The items I wanted to call attention to are in the character of continuing appropriations, and I do not understand that this scheme covers that. It does cover the completion of all roads made necessary by the location of new buildings by opening up new plats of ground, by developing the plan that will be necessary to drive from one barrack to another and one quarter to another.

It is a great reservation, and the Congress of the United States may decide to have additional drives. I do not believe it would be a violation of faith, if they desired to do it, to appropriate for it. The gentleman from Illinois states it so broadly, that if this went through we would never be able to do anything more except to keep up repairs, and as chairman of the committee I did not want to subscribe to that proposition, and will not.

Mr. CANNON. The gentleman decreases his recommendation of the committee \$1,000,000. I think he did right, but I want to

know when the five millions and a half is given that it will build these buildings. For instance, here is a schoolhouse for officers which will cost \$20,000; here is a different schoolhouse for the children of the enlisted men, costing some \$14,000 or \$15,000. Here is this and that and the other. I am not here to be hypercritical. Here is an establishment educating less than 600 cadets, and it is necessary to have in round numbers officers quarters which, as I recollect, will cost \$20,000 apiece. It may be a little less, but substantially that.

Here it is necessary to have the professors of the enlisted men here to be housed and the band has to be housed, and if you have the professors it is necessary that their children should go to school, and the children of the enlisted men are to go to school, and so on, and so on. I am not complaining, I do not want to be hypercritical, but here are the drawings, a matter in detail, and for the finishing, not the permanent repair, not the extension of the river wall, but for the finishing of the proposed construction. I want to feel and know that it will be so administered that five and one-half million dollars will do it.

Mr. SIBLEY. If I understood the gentleman, he says there is a schoolhouse for the children of the officers?

Mr. CANNON. Yes; costing \$20,000.

Mr. SIBLEY. And another schoolhouse for the children of the enlisted men.

Mr. CANNON. That is an extension of the schoolhouse.

Mr. SIBLEY. Is it one schoolhouse where the enlisted men's children are to be educated and another separate one where the officers' children are to be educated? If so, I want to tell you—

Mr. HULL. The officers pay their own teachers and the Government supplies the teachers for the children of the enlisted men.

Mr. SIBLEY. Let the officers use the schoolhouse of the enlisted men. The common schools of the United States are the glory and pride of the Republic, and if there is anything that tends to keep down the barrier of class distinction it is the common schools of America, and I shall vote against any proposition which will differentiate the children of enlisted men from the children of officers in schools sustained by the Government by votes which we cast as members of this body.

Mr. HULL. If the Government paid the teachers of the children of the officers, that would be correct; but when the officers are compelled by law to educate their own children, you can not very well have one school where the children of the enlisted men and officers all can go. The Government pays the teachers of the children of the enlisted men, and the children of the officers are not permitted to attend that school.

Mr. SIBLEY. Let the officers provide their own building, if they provide their own teachers.

Mr. HULL. If the gentleman will bring in a bill providing that the Government shall furnish tuition to the children of the officers as well as to the children of the enlisted men, the gentleman would have some right then to criticize.

Mr. SIBLEY. I would not want to discriminate against the officers.

Mr. HULL. I agree with the gentleman that the common school is the bulwark of the Republic. Every child of mine attended the common schools and graduated there before he was permitted to go to any other. I believe in the public schools, and live in a State where they are liberally maintained. But we have a class of officers at West Point who are not in reach of public schools, and they are not open to criticism, because the Government does not permit the officers' children to go to the same school as the enlisted men.

Mr. SIBLEY. Let me make a suggestion to the chairman of the committee.

The CHAIRMAN. Debate on this is proceeding by unanimous consent.

Mr. SIBLEY. Let me suggest to the gentleman from Iowa that he change the bill, so that the officers may have the privilege of educating their children with those of the enlisted men.

Mr. HULL. The gentleman wants a law compelling the Government to furnish schools for the officers' children.

Mr. SIBLEY. As well as the enlisted men; I do not want to discriminate against the officers.

Mr. HULL. My impression is that such a provision as the gentleman suggests would be subject to a point of order on this bill. I think he had better introduce a separate bill, and with his ingenuity and well-known liberality I have no doubt he could frame a measure which would receive very favorable consideration. I promise that I will use whatever influence I have to secure for it a favorable report.

Mr. BROMWELL. The gentleman from Pennsylvania might do the Carnegie act by endowing such an institution himself. [Laughter.]

Mr. HULL. The gentleman from Pennsylvania must remember that there is considerable prejudice against granting extraordinary favors to officers of the Army; and if it should be pro-

posed to establish a public school on a reservation for the benefit of the children of officers I am sure a great many people would object, saying that as these officers receive liberal pay they ought to provide for the education of their own children.

Mr. SIBLEY. But you contemplate appropriating \$20,000 for the erection of a building for a purpose of this kind.

Mr. HULL. Yes; a Government building on Government grounds. Of course you could not expect these people to pay the expenses of such a building themselves. They are there four years and then ordered away and others detailed to take their places, except certain professors who are permanent. The great majority of the officers are there only four years.

The question being taken on the amendment of Mr. HULL, it was agreed to.

Mr. CANNON. I move the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 21, page 29, insert "including the sum herein appropriated."

Mr. HULL. There is no objection to that amendment, though there may be some question whether it is necessary or not. The intention is to limit the expenditure to this amount.

The amendment was agreed to.

The Clerk read as follows:

Total buildings and grounds, \$3,000,326.

Mr. HULL. I move to amend by striking out in the paragraph just read the word "three" and inserting "two."

The motion was agreed to.

Mr. HULL. I move that the committee rise and report the bill, with the amendments, to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JENKINS reported that the Committee of the Whole House on the state of the Union had had under consideration House bill 13679 (the Military Academy appropriation bill), and had directed him to report the same back with various amendments and with the recommendation that the bill as amended be passed.

The SPEAKER. Is a separate vote demanded on any amendment? [A pause.] If no separate vote is desired the Chair will submit the amendments to the House in gross.

The question being taken, the amendments were agreed to.

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

Mr. HULL. I ask unanimous consent that the gentleman from Tennessee [Mr. SNODGRASS] and other gentlemen of the Committee on Military Affairs may have leave to print remarks on this bill in the RECORD for the next five days.

There was no objection.

BILLS OF LADING, ETC.

The SPEAKER. The committees will now be called.

Mr. FLETCHER (when the Committee on Interstate and Foreign Commerce was called). I desire to call up the bill (H. R. 9059) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

The SPEAKER. Gentlemen will understand that under this call bills must be called up by authority of the committee reporting them.

Mr. FLETCHER. I have such authority.

The bill, with the amendments of the committee, was read, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893, be, and it is hereby, amended so as to read as follows:

"That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports, to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge, and it shall not be lawful for the manager, agent, master, or owner of any such vessel to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is imposed on the manager, agent, master, or owner or any persons or agencies other than the consignee or consignees thereof, by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect."

SEC. 2. That this act shall take effect from and after the 1st day of July, 1902.

Mr. GROSVENOR. Mr. Speaker, I raise the question of consideration on this bill. It is one of the most important bills presented in Congress during the present session. I do not think it ought to be taken up in the present condition of the House.

The SPEAKER. Will the House consider the bill? On this question the Chair will appoint as tellers the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Minnesota [Mr. FLETCHER].

Mr. TAWNEY. May I make a statement in regard to the bill before the vote is taken, so that the House may know the nature of the bill?

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. The tellers will take their places.

The House divided; and the tellers reported—ayes 55, noes 20. Mr. GROSVENOR. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Ohio makes the point that no quorum is present. The Doorkeeper will close the doors and the roll will be called, and members will vote or answer present as their names are called on the proposition, which is the consideration of the bill.

The question was taken; and there were—yeas 125, nays 37, answering present 24, not voting 169; as follows:

YEAS—125.

- | | | | |
|-------------|-----------------|------------------|-------------------|
| Aplin, | Elliott, | Lewis, Pa. | Richardson, Tenn. |
| Ball, Del. | Emerson, | Lindsay, | Rixey, |
| Bankhead, | Feely, | Little, | Ryan, |
| Bartlett, | Fletcher, | Lloyd, | Salmon, |
| Bell, | Flood, | McCleary, | Scarborough, |
| Bellamy, | Gaines, Tenn. | McCulloch, | Selby, |
| Blakeney, | Gibson, | McLachlan, | Shackleford, |
| Breezeale, | Gordon, | McRae, | Shafroth, |
| Brown, | Graff, | Mann, | Shallenberger, |
| Brownlow, | Greene, Mass. | Marshall, | Sims, |
| Brundidge, | Griffith, | Martin, | Skiles, |
| Burkett, | Hamilton, | Mercer, | Smith, H. C. |
| Burleson, | Hay, | Meyer, La. | Snodgrass, |
| Calderhead, | Heatwole, | Mickey, | Southard, |
| Caldwell, | Henry, Conn. | Miers, Ind. | Spight, |
| Candler, | Hitt, | Mondell, | Stark, |
| Cannon, | Howell, | Moon, | Stephens, Tex. |
| Cassingham, | Jackson, Kans. | Morris, | Stevens, Minn. |
| Cochran, | Jenkins, | Needham, | Stewart, N. J. |
| Conner, | Johnson, | Otey, | Swanson, |
| Coombs, | Jones, Va. | Padgett, | Tawney, |
| Corliss, | Jones, Wash. | Patterson, Pa. | Thompson, |
| Cowherd, | Kehoe, | Pearre, | Thompson, |
| Darragh, | Kitchin, Claude | Pierce, | Underwood, |
| Davidson, | Kitchin, Wm. W. | Pou, | Vandiver, |
| Davis, Fla. | Kleberg, | Prince, | Wachter, |
| Dayton, | Lacey, | Randell, Tex. | Warner, |
| De Armond, | Lamb, | Ransdell, La. | Williams, Ill. |
| Dick, | Lanham, | Reeves, | Woods, |
| Dinsmore, | Lassiter, | Reid, | Zenor. |
| Dougherty, | Lawrence, | Rhea, Va. | |
| Edwards, | Lessler, | Richardson, Ala. | |

NAYS—37.

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|------------|----------------|----------------|----------------|
| Adamson, | Gillett, Mass. | Mudd, | Taylor, Ohio |
| Allen, Me. | Graham, | Olmsted, | Tompkins, Ohio |
| Ball, Tex. | Grosvenor, | Parker, | Van Voorhis, |
| Bromwell, | Hedge, | Payne, | Wadsworth, |
| Burton, | Kern, | Perkins, | Wanger, |
| Creamer, | Knapp, | Ray, N. Y. | Warnock, |
| Curtis, | Lewis, Ga. | Sibley, | Wilson. |
| Dalzell, | Littauer, | Sperry, | |
| Draper, | Loudenslager, | Stewart, N. Y. | |
| Fowler, | Maddox, | Sulloway, | |

ANSWERED "PRESENT"—24.

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|------------|--------------|----------------|--------------|
| Bartholdt, | Cooper, Tex. | Kahn, | Smith, Iowa |
| Benton, | Foss, | Mahon, | Tate, |
| Bishop, | Gooch, | Minor, | Thomas, Iowa |
| Bull, | Hepburn, | Robinson, Ind. | Trimble, |
| Capron, | Holliday, | Scott, | Vreeland, |
| Clark, | Hull, | Shelden, | Wheeler. |

NOT VOTING—16.

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|----------------|-----------------|----------------|--------------|
| Acheson, | Cassel, | Foerderer, | Hopkins, |
| Adams, | Clayton, | Fordney, | Howard, |
| Alexander, | Connell, | Foster, Ill. | Hughes, |
| Allen, Ky. | Conry, | Foster, Vt. | Irwin, |
| Babcock, | Cooney, | Fox, | Jack, |
| Barney, | Cooper, Wis. | Gaines, W. Va. | Jackson, Md. |
| Bates, | Cousins, | Gardner, Mich. | Jett, |
| Beidler, | Cromer, | Gardner, N. J. | Joy, |
| Belmont, | Crowley, | Gilbert, | Ketcham, |
| Bingham, | Crumpacker, | Gill, | Kluttz, |
| Blackburn, | Cummings, | Gillet, N. Y. | Knox, |
| Boreing, | Currier, | Glenn, | Kyle, |
| Boutell, | Cushman, | Goldfogle, | Landis, |
| Bowersock, | Dahle, | Green, Pa. | Latimer, |
| Bowie, | Davey, La. | Griggs, | Lester, |
| Brantley, | De Graffenreid, | Grow, | Littlefield, |
| Brick, | Deemer, | Hall, | Livingston, |
| Bristow, | Douglas, | Hanbury, | Long, |
| Broussard, | Dovener, | Haskins, | Loud, |
| Burgess, | Driscoll, | Haugen, | Lovering, |
| Burk, Pa. | Eddy, | Hemenway, | McAndrews, |
| Burke, S. Dak. | Esch, | Henry, Miss. | McCall, |
| Burleigh, | Evans, | Henry, Tex. | McClellan, |
| Burnett, | Finley, | Hildebrandt, | McDermott, |
| Butler, Mo. | Fitzgerald, | Hill, | McLain, |
| Butler, Pa. | Fleming, | Hooker, | |

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|--------------|------------------|-------------------|-----------------|
| Mahoney, | Overstreet, | Sheppard, | Taylor, Ala. |
| Maynard, | Palmer, | Sherman, | Thayer, |
| Metcalf, | Patterson, Tenn. | Showalter, | Thomas, N. C. |
| Miller, | Powers, Me. | Slayden, | Tirrell, |
| Moody, Mass. | Powers, Mass. | Small, | Tompkins, N. Y. |
| Moody, N. C. | Pugsley, | Smith, Ill. | Tongue, |
| Moody, Oreg. | Reeder, | Smith, Ky. | Watson, |
| Morgan, | Robb, | Smith, S. W. | Weeks, |
| Morrell, | Roberts, | Smith, Wm. Alden, | White, |
| Moss, | Robertson, La. | Snook, | Wiley, |
| Mutchler, | Robinson, Nebr. | Southwick, | Williams, Miss. |
| Naphen, | Rucker, | Sparkman, | Wooten, |
| Neville, | Rumple, | Steele, | Wright, |
| Nevin, | Ruppert, | Storm, | Young. |
| Newlands, | Russell, | Sulzer, | |
| Norton, | Schirm, | Sutherland, | |
| Osjen, | Shattuc, | Talbert, | |

So the House determined to consider the bill.

The Clerk announced the following pairs:

- For the session:
- Mr. HILDEBRANT with Mr. MAYNARD.
 - Mr. BOREING with Mr. TRIMBLE.
 - Mr. METCALF with Mr. WHEELER.
 - Mr. RUSSELL with Mr. MCCLELLAN.
 - Mr. KAHN with Mr. BELMONT.
 - Mr. WRIGHT with Mr. HALL.
 - Mr. YOUNG with Mr. BENTON.
 - Mr. SHERMAN with Mr. RUPPERT.
 - Mr. BULL with Mr. CROWLEY.
 - Mr. DEEMER with Mr. MUTCHLER.
 - Mr. DAYTON with Mr. MEYER of Louisiana.
 - Mr. MORRELL with Mr. GREEN of Pennsylvania.

- Until further notice:
- Mr. HEMENWAY with Mr. TAYLOR of Alabama.
 - Mr. OVERSTREET with Mr. GRIFFITH.
 - Mr. IRWIN with Mr. GOOCH.
 - Mr. MOODY of Massachusetts with Mr. THAYER.
 - Mr. BABCOCK with Mr. CUMMINGS.
 - Mr. EDDY with Mr. SHEPPARD.
 - Mr. CAPRON with Mr. JETT.
 - Mr. STEELE with Mr. COOPER of Texas.
 - Mr. SHOWALTER with Mr. SLAYDEN.
 - Mr. SHELDEN with Mr. VREELAND.
 - Mr. RUMPLE with Mr. FOX.
 - Mr. HILL with Mr. ALLEN of Kentucky.
 - Mr. LANDIS with Mr. CLARK.
 - Mr. BOUTELL with Mr. GRIGGS.
 - Mr. JACK with Mr. FINLEY.

- For one week:
- Mr. WATSON with Mr. BURNETT.
 - Mr. CROMER with Mr. ROBINSON of Indiana.

- For this day:
- Mr. MOODY of Oregon with Mr. MCANDREWS.
 - Mr. KNOX with Mr. WILEY.
 - Mr. BINGHAM with Mr. SULZER.
 - Mr. BOWERSOCK with Mr. SPARKMAN.
 - Mr. CONNELL with Mr. SNOOK.
 - Mr. COUSINS with Mr. SMITH of Kentucky.
 - Mr. HOPKINS with Mr. SMALL.
 - Mr. SCHIRM with Mr. ROBERTSON of Louisiana.
 - Mr. TONGUE with Mr. ROBB.
 - Mr. SOUTHWICK with Mr. PUGSLEY.
 - Mr. TOMPKINS with Mr. PATTERSON of Tennessee.
 - Mr. WEEKS with Mr. WOOTEN.
 - Mr. SAMUEL W. SMITH with Mr. NORTON.
 - Mr. WM. ALDEN SMITH with Mr. NEWLANDS.
 - Mr. ESCH with Mr. McLAIN.
 - Mr. COOPER of Wisconsin with Mr. MCDERMOTT.
 - Mr. NEVIN with Mr. LESTER.
 - Mr. MORGAN with Mr. LATIMER.
 - Mr. MILLER with Mr. NEVILLE.
 - Mr. LOVERING with Mr. KLUTTZ.
 - Mr. MCCALL with Mr. HOWARD.
 - Mr. LITTLEFIELD with Mr. LIVINGSTON.
 - Mr. KETCHAM with Mr. HOOKER.
 - Mr. JOY with Mr. WILLIAMS of Mississippi.
 - Mr. HAUGEN with Mr. HENRY of Mississippi.
 - Mr. HANBURY with Mr. GLENN.
 - Mr. GROW with Mr. GILBERT.
 - Mr. GILL with Mr. FLEMING.
 - Mr. GAINES of West Virginia with Mr. FITZGERALD.
 - Mr. FOSTER of Vermont with Mr. DE GRAFFENREID.
 - Mr. DRISCOLL with Mr. COONEY.
 - Mr. EVANS with Mr. CONRY.
 - Mr. DOVENER with Mr. CLAYTON.
 - Mr. BURLEIGH with Mr. BUTLER of Missouri.
 - Mr. BURKE of South Dakota with Mr. BURGESS.
 - Mr. BRICK with Mr. BROUSSARD.
 - Mr. BARNEY with Mr. BRANTLEY.
 - Mr. BEIDLER with Mr. BOWIE.

Mr. BUTLER of Pennsylvania with Mr. DAVEY of Louisiana.
 Mr. SHATTUC with Mr. RUCKER.
 Mr. REEDER with Mr. HENRY of Texas.
 Mr. ALEXANDER with Mr. GOLDFOGLE.
 Mr. BARTHOLDT with Mr. ROBINSON of Nebraska.
 Mr. LONG with Mr. FOSTER of Illinois.
 Mr. BURK of Pennsylvania with Mr. THOMAS of North Carolina.
 Mr. ACHESON with Mr. MAHONEY.

On this vote:

Mr. CRUMPACKER with Mr. LEVER.

Mr. MAHON with Mr. WHITE.

Mr. FOERDERER with Mr. NAPHEN.

Mr. WHEELER. Mr. Speaker, I refrained from voting and answered "present" under the impression that I was paired with the gentleman from California [Mr. METCALF]. I understood from the reading of the pairs that the gentleman from California was announced as paired with some one else. If that be true, I desire to vote.

The SPEAKER. The gentleman has a right to vote notwithstanding the pair if he desires to do so.

Mr. WHEELER. I am aware of that fact, but I do not choose to exercise that right.

The SPEAKER. The gentleman, however, is paired with the gentleman from California, and the gentleman from California has not voted. What does the gentleman wish to do?

Mr. WHEELER. I do not wish to do anything if I am paired. I understood the gentleman from California to have been announced as paired with some one else.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum having appeared, the officers will open the doors.

Mr. FLETCHER. Mr. Speaker, I desire to yield my time to my colleague [Mr. TAWNEY], who will explain this bill during the time belonging to me.

Mr. TAWNEY. Mr. Speaker, this bill contemplates merely an amendment to what is commonly known as the "Harter Act," an act passed in the Fifty-second Congress making it unlawful for steamship companies to incorporate in contracts of shipments or bills of lading provisions exempting them from liability.

Mr. HENRY C. SMITH. What liability?

Mr. TAWNEY. Liability for negligence in the storage of merchandise, loading or unloading, or anything of that kind. I will read the section of the Harter Act to which this bill is proposed as an amendment:

That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from neglect, fault, or failure in proper loading, stowing, custody, care, or proper delivery of any or all lawful merchandise or property committed to its or their charge. And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Before I read that portion of the bill which is the proposed amendment to this section, I would say that the existing law makes it unlawful for steamship companies to incorporate in a contract of shipment provisions of this kind, exonerating them from liability or the payment of damages for which at common law they would be liable. Now, the proposed amendment to this section contemplates simply that it shall be unlawful for them to incorporate in the contract of shipment charges known as landing charges, which by the law of the country to which the goods are shipped are imposed upon the shipowner or shipmaster.

In other words, in addition to making it unlawful for steamship companies to incorporate a provision in the contract of shipment exempting them from the common law liability, this proposed amendment contemplates merely making it unlawful for them to contract themselves out of a statutory liability. Now, following the language which I have read is the proposed amendment. I read now from page 2 of the bill, line 5:

And it shall not be lawful for the manager, agent, master, or owner of any such vessel to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is imposed on the manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Mr. Speaker, in 1888, as the result of a combination between the London and India Dock Company and the steamship transportation companies entering the port of London, there was incorporated into the bill of lading a provision whereby these landing charges were to be paid by the consignee or the consignor. In other words, it was a charge imposed upon the cargo or the

merchandise, why? Because under the provisions of the merchants' shipping act of Great Britain these charges, included in what is known as the "London clause," are imposed upon the shipowner or shipmaster. To evade the provisions of that law they incorporated this clause known as the "London clause" in the contract of shipment, thereby imposing this charge upon the consignee or the consignor.

This is the provision of the law of Great Britain:

If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment—

Now, mark you—

and the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

That is the language of the merchants' shipping act of Great Britain, and the expense of landing and assorting the goods under this law must be paid by the shipowners.

This London clause A, which they insert in every contract of shipment from North Atlantic ports, is lengthy. I will read only a part of it.

(A) The steamer owners shall, at their option, be entitled to land the goods within mentioned on the quays, or to discharge them in craft hired by them, immediately on arrival, and at consignee's risk and expense, the steamer owners being entitled to collect the same charges on goods entered for landing at the docks as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere shall, on making application to the steamer's agents or to the dock company within seventy-two hours after the steamer shall have been reported, be entitled to delivery into consignee's lighters at the following rates, to be paid with the freight to the steamer's agents against release, or to the dock company, if so directed by the steamer's agents, viz:

Following wooden goods in packages: Clothes pegs, spade handles, blind rollers, hubs, spokes, wheels, and oars, 1s. 3d. per ton measurement; hoops, 2s. 9d. per ton weight; lumber and logs, 2s. per ton measurement, or 2s. 6d. per ton weight at ship's option. All other general cargo, except slates, 1s. 9d. per ton weight or measurement, at steamer's option; minimum charge, 1 ton. Slates to pay 2s. per ton weight. Cheese may also be removed by consignee's vans within one week after ship shall have reported, subject to a like payment of 3s. 3d. per ton weight, such sum to include loading up and wharfage, any single article weighing over 1 ton to be subject to extra expenses for handling, if incurred.

All measurement freight to be on the intake calliper measurement, as stated in the margin. Freights by weight (grain excepted) to be paid upon the weight stated in margin or at steamer's option upon landing weight. If weight has been understated, the cost of weighing to be a charge upon the goods. All shipments of lumber and logs which are sent forward on a weight rate will pay freight on the railroad rates furnished at the port of shipment. No alteration will be permitted in any weight or freights included in this bill of lading except at steamer's option.

These are the rates which the consignee must pay in order to have his goods landed from the ship that has carried them from the North Atlantic ports to the port of London.

This bill is general in its terms. In one sense it would apply to every port in the world. In fact it will only apply to a single port, and that is the port of London, for the reason that in no other country, and at no other port in Great Britain, are these charges imposed by the laws of the country upon the shipowner or shipmaster.

Another fact I wish to call the attention of the House to is this, that this London clause is a discrimination against the export products of the United States entering the port of London; for this London clause, imposing these charges upon the shipper, is not included in the contract of shipment for the carrying of goods from any other port in the world except the North Atlantic ports, which includes the ports of the United States and ports of Canada. All goods entering the port of London from any other port in the world are exempt from this charge. Now, let me give you an illustration of how it operates upon the item of flour alone.

I want to say right here that we have in the Committee on Interstate and Foreign Commerce petitions and resolutions from almost every chamber of commerce and board of trade in the United States, asking for the passage of this very bill, because it proposes to remove an unjust discrimination against the commerce of the United States entering the port of London.

In the matter of flour, for example, the charge for unloading that flour from vessels onto the quay or dock is 1s. 9d. It has been steadily increased from 1s. 2d. in 1888 to 1s. 9d. at the present time, and that amounts to 3½ cents a barrel which the American flour shipper must pay in addition to paying the freight, and what is that charge made for? It is made to defray the expenses of unloading the ship and delivering the goods on the quay or on the dock at the port of London.

I maintain, and I think every lawyer of this House will agree with me, that when a carrier undertakes to carry a certain quantity of freight for me from one point to another point that the carrier is bound by his contract of carrying to deliver the goods at the point of destination where I can get them. I maintain that this charge, as I have stated by way of an illustration, upon flour is a necessary part of the freight charge. It is a portion of the expense incident to the carrying and the delivering of the goods

which the steamships are to carry for the American shippers to the port of London, and it should therefore be included in the freight. It should be included in the freight, because freight rates fluctuate, varying according to the laws of supply and demand for space and for freight, and this charge would necessarily be absorbed a greater part of the time in the freight charge.

Now, Mr. Speaker, this matter has been a subject of complaint on the part of American shippers and on the part of London consignees for a number of years. This London clause, as I stated before, was first included in the contract of shipment in 1888, as a result of a combination between the London and India Dock Company and the steamship carriers. It has been changed frequently since that time. The conditions of the contract are made more onerous from year to year, and these charges are increased arbitrarily from time to time by the steamship companies.

Now, they have simply segregated a part of the legitimate freight charge, making it a fixed charge and a charge, too, that is absolutely at their sweet will. I say that this has been a matter of great concern to the American shippers and to the London consignees for a number of years. Last year our State Department, at the instance of the American shippers, brought this London clause to the attention of our ambassador, who was instructed to make an investigation and to report to the State Department the facts and his conclusions and such recommendations as he saw fit to make.

Mr. Choate, in this report, says:

There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other ports of the world. Flour is brought to London from many other ports of the world, and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowner out of the freight, no such clause as the London clause having been adopted.

Now, the discrimination growing out of this London clause exists not only to flour, it applies to lumber, it applies to grain, it applies to all classes of merchandise exported from the United States to the port of London, but, as Mr. Choate calls attention in his report, the fact is that this charge is not made against the products of any other country in the world shipped into the port of London, except the products of the United States and the products of Canada.

Again Mr. Choate says:

Whether the charge of 1 shilling 9 pence now made on flour for the cost of handling it until actual delivery to the consignee's barge is a proper one does not, in my judgment, depend upon the actual cost of the labor so incurred being more or less than the charge so made. It depends upon an ulterior inquiry of much broader scope than any which I have power to make, viz, whether, taking the freight and charges in the bill of lading together, the North Atlantic lines running to London by their combined action by means of this London clause—which shippers and consignees can neither resist nor control—are exacting from them more than a reasonable profit for the carriage and delivery of their goods.

The shippers and the consignees, as testified here by Ambassador Choate, are absolutely at the mercy of the steamship companies in regard to this provision in contract of shipment. They must either accept this bill of lading contained in the London clause or not ship their goods to the port of London.

Then Mr. Choate goes on to say:

The mere ascertainment and exposure, under the authority of Congress, of such an unjust exaction, if it exists, would probably go far toward a cure of the evil.

If this ulterior question should be decided in the negative and it should be found that these great steamship lines are not using their united power to exact more from the shippers and consignees for the carriage and delivery of their goods than is fair and just, the only question that would remain for Congress to determine is one of method—whether the convenience of commerce requires that by an amendment to the Harter law, or other suitable enactment, all shipowners should be forbidden to insert in the bill of lading any charge in addition to freight for the discharge and delivery of the goods. Of course, such an enactment would in all probability be immediately followed by an increase of the freight to London by the 1s. 9d. now charged for this item, or a greater amount.

There are obvious advantages in the old rule that the freight named in the bill of lading should cover all charges for the carriage and delivery of the goods. The shippers and consignees have added to their protests against the extra charge the request, from time to time made to the shipowners, to include it in the freight, but this the steamship companies have steadily refused. They appeal to the long continuance of the present system of charging since 1888, and to their belief that such an amendment of the Harter Act would be a serious blow to the trade with London, affecting not only the shipowners, but also the American shippers and London receivers.

It might well be that in the event of its being found that the shipowners, by their combined action, are exacting from shippers and consignees by means of the London clause more than a fair and reasonable profit for the carriage and delivery of their goods, such an amendment of the Harter Act would have a wholesome effect in restraining the combined companies from imposing an extravagant freight, made up of the total freight and charges, and thereby themselves inviting a competition which now seems inevitable.

Competition by reason of the London clause being incorporated in the contract of shipment, Mr. Choate tells us, is impossible. Now, let me call attention to another fact on the ulterior question to which Mr. Choate refers in his report. He says it is for Congress to investigate as to whether or not these charges are exorbitant. That investigation has taken place before the Committee on Interstate and Foreign Commerce. And in the report in favor of this bill I find the following, taken from the New York

Produce Exchange for 1901, giving the freight rates from New York to London, Liverpool, and Glasgow during 1900.

How can we ascertain whether or not the charges added to the freight constitute an exorbitant charge for the carrying of merchandise from the North Atlantic ports to the port of London? I find that the general average freight for the year 1900 from New York to London was \$4.16½ a ton, and to Liverpool \$3.21¼ per ton, and to Glasgow \$3.40 a ton. Now, with the London charge on flour of 1 shilling and 9 pence added, or 42 cents per ton added to the freight on the flour, the rate per ton to London during 1900 was \$4.58, or \$1.27 per ton more than to Liverpool and \$1.18½ per ton more than to Glasgow, and the freight charge to Liverpool and Glasgow includes the expense incident to the unloading of the cargoes at those ports on the quay.

Mr. WACHTER. I would like to ask the gentleman a question. Mr. TAWNEY. Just one moment, and I will yield to the gentleman. Now, it also appears that some of these vessels sailing between New York and London carried freight of twelve to fourteen thousand tons; so that a vessel carrying 14,000 tons from New York to London receives \$19,180 more on its cargo than if it delivered the cargo at Liverpool and \$16,220 more than if the cargo is delivered at Glasgow.

The difference in distance is practically the only additional expense incurred by the shipper as between New York and the three points named. The difference in distance is as follows: From New York to London, 3,740 miles; from New York to Liverpool, 3,540 miles; from New York to Glasgow, 3,375 miles. In one case the difference is 200 miles; in the other 365 miles; and for this difference in distance they receive \$19,000 for carrying the cargo.

Mr. WACHTER. Allow me to ask the gentleman this question. Is there any difference in this respect between the flour shipped to London and the flour shipped to these other points? Does not the shipper receive a greater amount for that shipped to London than for that shipped to other ports?

Mr. TAWNEY. I am unable to answer the gentleman's question as to what the flour sells for after delivery in the port of London.

Mr. WACHTER. I did not mean to ask what the flour sells for but what the cargo charges are—that the shipper on this side receives from the consignee.

Mr. TAWNEY. The difference in freight rates is 1 shilling 9 pence (42 cents) a ton.

Mr. WACHTER. What I want to know is whether that additional charge is not added to the cost of the flour when the flour is sold?

Mr. TAWNEY. It is not; and it can not be as long as other countries are permitted to make their shipments into the port of London without the payment of these charges. Take a shipment of flour from France to Great Britain or London. Wheat is imported into flour and shipped to London; but the London landing charge incorporated in the contract of shipment from the United States to London is not paid on the flour coming from France to London.

Mr. DALZELL. I want to see whether I understand this proposition or not. As I understand, there are certain charges imposed by law or custom in the port of London in connection with the delivery of goods; and those charges are payable by the shipowner or the vessel carrying the goods. Is that so?

Mr. TAWNEY. It is made so by the law of Great Britain. Mr. DALZELL. So that this bill is an attempt to prevent the shipowner from relieving himself from charges which by law he must pay, and making the party who ships the goods pay those charges. That is the purpose of the bill, as I understand. Now, does the gentleman think it is competent by legislation to limit the right of contract to that extent?

Mr. TAWNEY. The gentleman from Pennsylvania has not correctly stated the proposition.

Mr. DALZELL. I asked the gentleman whether that was the correct construction of the bill.

Mr. TAWNEY. The law of Great Britain requires these steamship companies to pay all the expense incident to the unloading of their vessels—incident to the shipment of the cargo and the delivery of the same on the quay, the dock, or over side to the lighter. By the law of Great Britain this expense is imposed upon him.

Mr. HEPBURN. Will the gentleman give us the date of that law?

Mr. TAWNEY. The amendment was in 1894. Mr. HEPBURN. What I want to know is the date of the English statute that you speak of. It is over three hundred years old, is it not?

Mr. TAWNEY. It is very old, I know. Mr. HEPBURN. And it was adapted to the conditions existing when a vessel of 200 tons was an immense ship.

Mr. TAWNEY. I call the attention of the gentleman to the

further fact that the law was amended in 1894, and this provision in regard to the payment of these charges was included in the amendatory act. So that it is not an antiquated law by any means.

Mr. HEPBURN. Will the gentleman allow me still further? Was not that amendment necessary because of certain prescriptive rights which had been enjoyed by lightermen for more than three hundred years, and because the English Parliament could not change the statute so as to alter those rights under it?

Mr. TAWNEY. I do not know whether the amendatory act was made necessary by reason of the prescriptive rights of these lighter owners, but I do know that since this London clause was incorporated into the contract of shipment—which has been only since 1888, since the custom of doing business at the port of London has changed—this law was amended and the provision which I have read was incorporated into the amendatory act imposing upon the shipowner or the shipmaster the payment of those charges which are incident to the unloading of the vessel. I have read that provision of the act.

Mr. DALZELL. Let me ask the gentleman another question. Is there anything in this bill that would prevent the shipowner from adding these charges to the freight charges?

Mr. TAWNEY. Nothing whatever. There is nothing in this bill that would prevent his charging or adding these charges, and they properly belong to the freight charge. The reason that the steamship companies are so vigorously protesting against the passage of this bill is the fact that they know that if this charge, which applies to the freight charge, is incorporated as a part of the freight rate, a great deal of it at times—all of it at other times—will be absolutely absorbed by the competition between the carriers of freight from the North Atlantic ports to the port of London.

That is why they are resisting the passage of this bill. Under this London landing clause they extract a part of the charge incident to the expense of carrying and delivering the cargo and put that in as a fixed charge in the contract of shipment. That part of the freight charge, therefore, does not enter into competition between carriers; that part of the charge is under the absolute control of the shipowner. He can make it whatever he chooses, and it is a fixed charge, inflexible, whereas if it was included in and constituted a part of the first charge, you gentlemen all can readily understand that at times all of it would be absorbed, at other times part of it would be absorbed, and perhaps at other times none of it would be absorbed in the competition for the carrying of goods from the North Atlantic ports to the port of London, and that is all we ask.

I say that this under common law is an expense which the carrier is bound to meet, and when he undertakes to carry my goods from one point to another, he necessarily undertakes to deliver those goods, and he also includes in the contract of carrying all of the expense incident, not only to the carrying, but to the delivery. In this case we contract on this side of the Atlantic for the carrying of freight to the port of London at a certain sum per ton. Our goods are carried to the port of London, but when they reach that port we have got to pay an additional charge to the shipowner in order to get that cargo out of the ships, notwithstanding the common-law rights of delivery, notwithstanding the statutory right of delivery in Great Britain. Every one of these steamships are incorporated under the laws of Great Britain.

They sail under the English flag. And when the representative of the steamship companies was asked by a member of the Committee on Interstate and Foreign Commerce why he did that, why they incorporated in England, why they sailed under the English flag, he replied: "Because it is more profitable for us to do that than it is to sail under the American flag." But, having incorporated under the laws of Great Britain, reaping the advantages that inure to them by reason of those laws, whereby their business is more profitable, then they come back onto the American shipper and seek to throw upon him burdens which, by the laws of the country under which they are incorporated, are imposed upon themselves. This, Mr. Speaker, is rank injustice, and it is a discrimination, I say, against the articles of the United States intended for shipment to the port of London, and should be prohibited by law.

Mr. VANDIVER. Will the gentleman allow me a question for information? If a bill under consideration provides no method of preventing the shipowner from adding new charges to the freight charges of the shipper, by what method, then, does it propose to relieve the shipper?

Mr. TAWNEY. By the simple law of competition in the carrying of freight from the North Atlantic ports to the port of London. That is the only way it can be regulated.

Mr. VANDIVER. How is that competition secured by the bill?

Mr. TAWNEY. It simply requires them to include this charge as a part of the freight for carrying. Well, that of course, if it is added, will necessarily increase the carrying price of freight

from New York and other North Atlantic ports to the port of London. That of itself will invite competition, and in that competition the American shipper knows that these charges the greater part of the time will be absorbed in the freight.

Mr. PAYNE. Will the gentleman allow me? I understood the gentleman to say there was a discrimination against American shippers. Does not this London clause and the law in London apply to shipments from all the world?

Mr. TAWNEY. The law does.

Mr. PAYNE. Requiring that this 1s. 9d. shall be paid by the shipowner from Russia or anywhere else?

Mr. TAWNEY. The law applies to goods shipped into London from any port in the world, but the London clause which is incorporated in the contract of shipment is only in the contracts for the carrying of goods from North Atlantic ports to the port of London.

Mr. PAYNE. Do not confuse the question.

Mr. TAWNEY. I have not confused it. I have answered your question.

Mr. PAYNE. Does not the Russian shipowner have to pay this charge?

Mr. TAWNEY. Mr. Choate says not.

Mr. PAYNE. Well, I do not believe Mr. Choate does say so. Mr. Choate says it is not put in the Russian shipowner's contract, but that it may appear in the freight. He does not say whether it does or not.

Mr. TAWNEY. Let me read what he says:

There is undoubtedly a discrimination against flour from the United States and Canada in favor of flour coming to London from other ports of the world.

Mr. PAYNE. I heard the gentleman read that and some other sentences.

Mr. TAWNEY. That is from Mr. Choate.

Mr. PAYNE. Well, I heard the gentleman read something else from Mr. Choate in that connection. I am not able to get hold of the report. I have just got hold of the minority report. The views of the majority do not seem to be obtainable.

Mr. TAWNEY. I suppose the gentleman can find the views of the majority.

Mr. PAYNE. I say that I have the minority, but I have not been able to get the majority.

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

Mr. TAWNEY. I want to read the balance of this, because it has been intimated that I was not fair in reading only a part of it.

Mr. PAYNE. What page is it on?

Mr. TAWNEY. Page 73.

Mr. PAYNE. Is that a hearing?

Mr. TAWNEY. Yes; it is Mr. Choate's report, printed in the hearings of the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. I still am unable to get that.

Mr. TAWNEY (reading):

Flour is brought to London from many other ports of the world, and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the London clause having been adopted.

Now, if the charge is paid by the shipper from Russia or any other part of the world it is paid as a part of the freight, and it is open to competition in the carriage.

Mr. PAYNE. I am not making any dispute about that, but my point is that the vessel owner has to pay these charges.

Mr. TAWNEY. Yes.

Mr. PAYNE. Of course, the gentleman does not suppose that the vessel owners from Russia are so generous that they are paying these charges out of their own pockets and not recouping from the persons who pay the freight.

Mr. TAWNEY. That all depends on the amount of competition there is for the carrying of the goods from the other ports in the world to the port of London.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, the gentleman from New York [Mr. SHERMAN] filed the views of the minority upon this question. I do not know what other gentlemen there are here who desire to discuss it, whether members of that committee or not, and as this matter is now before the House and will come up the first thing whenever there is a call of committees, I would suggest that we adjourn now, so that the matter may be discussed when Mr. SHERMAN is here.

Mr. SHACKLEFORD. I see that among those signing the minority report are Mr. HEPBURN, Mr. TOMPKINS of Ohio, and Mr. ADAMSON, all of whom are sitting in the House.

Mr. TAWNEY. There are plenty of gentlemen on the minority side of the committee who can take care of this proposition. I have no objection at all to the House adjourning, but I want to know what the parliamentary status of the bill will be on tomorrow in the House.

The SPEAKER. The bill under consideration will be the

unfinished business when there is another call of committees. Each committee is entitled to two days if it has sufficient business, and this will be the unfinished business before the committee when there is another call.

Mr. TAWNEY. Then, Mr. Speaker, I shall not consent to an adjournment, and I hope the matter can be disposed of this evening.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Did the gentleman from Minnesota reserve the balance of his time?

Mr. TAWNEY. I reserve the balance of my time.

The SPEAKER. Before putting the motion of the gentleman from New York, the Chair will submit a request from the Senate.

RETURN OF CERTAIN BILLS TO THE SENATE.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES, April 22, 1902.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

Also the following:

IN THE SENATE OF THE UNITED STATES, April 22, 1902.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.

The SPEAKER. These requests will be granted, if there be no objection.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PATTERSON of Pennsylvania until May 1, on account of important business.

CONFEREES ON OMNIBUS CLAIMS BILL.

The SPEAKER announced as conferees on the part of the House on the bill H. R. 8587, the omnibus claims bill, Mr. MAHON, Mr. GIBSON, and Mr. SIMS.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9413. An act granting a pension to Mary E. Holden;

H. R. 639. An act granting increase of pension to Justus Canfield;

H. R. 1811. An act granting increase of pension to Thomas Milsted;

H. R. 12129. An act granting a pension to Minnie M. Rice;

H. R. 2619. An act granting increase of pension to William Holgate;

H. R. 10532. An act granting increase of pension to John L. Bowman;

H. R. 8631. An act granting a pension to Mary E. S. Hays;

H. R. 9140. An act granting increase of pension to Mary Ann E. Sperry;

H. R. 2167. An act granting a pension to Mahala Jane Kuhn;

H. R. 6760. An act granting a pension to Susan House;

H. R. 8415. An act granting a pension to Mary L. Dibert;

H. R. 1678. An act granting a pension to Mary E. Gilman;

H. R. 658. An act granting increase of pension to John H. Jack;

H. R. 10951. An act granting increase of pension to Pauline M. Roberts;

H. R. 2207. An act granting increase of pension to Louis Hahn;

H. P. 6020. An act granting an increase of pension to Russel A. Williams;

H. R. 11737. An act granting a pension to Irenia C. Hill;

H. R. 7903. An act granting increase of pension to Ernest Wagner;

H. R. 7782. An act granting increase of pension to Thomas P. Smith;

H. R. 4821. An act granting increase of pension to Herbert A. Boomhower;

H. R. 3592. An act for the relief of Henry Lane;

H. R. 11550. An act granting increase of pension to William G. Gray;

H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;

H. R. 2128. An act granting an increase of pension to Abram O. Kindy;

H. R. 2526. An act granting an increase of pension to William J. Simmons;

H. R. 11839. An act authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.; and

H. R. 3826. An act granting an increase of pension to George W. Dodge.

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

S. 305. An act providing for a monument to mark the site of the Fort Phil Kearny massacre; and

S. 3449. An act to establish an additional land office in the State of Montana.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill H. R. 12346, known as the river and harbor bill.

The SPEAKER. The gentleman from Ohio, chairman of the Committee on Rivers and Harbors, asks unanimous consent that the House nonconcur in the Senate amendments to the river and harbor bill and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Chair announces the following conferees: Mr. BURTON, Mr. REEVES, and Mr. LESTER.

The question is on the motion of the gentleman from New York, that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting the conclusions reached after an investigation of the receipts and expenditures of the State of Texas on account of Greer County—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes, reported the same without amendment, accompanied by a report (No. 1730); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians, reported the same with amendments, accompanied by a report (No. 1732); which said bill and report were referred to the House Calendar.

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. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4042) granting an increase of pension to William H. Norton, reported the same without amendment, accompanied by a report (No. 1711); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3334) granting an increase of pension to Thomas E. James, reported the same without amendment, accompanied by a report (No. 1712); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 694) granting a pension to Jane Caton, reported the same without amendment, accompanied by a report (No. 1713); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9164) granting a pension to John H. Crawford, reported the same with amendments, accompanied by a report (No. 1714); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3500) granting an increase of pension to Kate O. Phillips, reported the same with amendment, accompanied by a report (No. 1715); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3269) granting a pension to Ida M. Kinney, reported the same

with amendment, accompanied by a report (No. 1716); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2606) granting an increase of pension to Albert H. Steifenhofner, reported the same with amendment, accompanied by a report (No. 1717); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10731) granting an increase of pension to Samuel Milburn, reported the same with amendments, accompanied by a report (No. 1718); which said bill and report were referred to the Private Calendar.

Mr. KLEBURG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10488) to increase the pension of Mrs. Kate W. Milward, widow of the late H. K. Milward, lieutenant-colonel Eighteenth Kentucky Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 1719); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9799) granting a pension to Mary Murphy, reported the same with amendments, accompanied by a report (No. 1720); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9606) granting a pension to Charles Blitz, reported the same with amendment, accompanied by a report (No. 1721); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13211) granting a pension to Melissa Burton, widow of William Burton, reported the same with amendments, accompanied by a report (No. 1722); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13036) granting an increase of pension to John B. Greenhalgh, reported the same with amendment, accompanied by a report (No. 1723); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12828) granting a pension to Mary E. Culver, reported the same with amendment, accompanied by a report (No. 1724); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12788) granting a pension to Elizabeth McDonald, reported the same with amendment, accompanied by a report (No. 1725); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12877) granting an increase of pension to James N. Gates, reported the same with amendment, accompanied by a report (No. 1726); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12324) granting a pension to Cora E. Brown, reported the same with amendment, accompanied by a report (No. 1727); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12713) granting an increase of pension to Bernard McCormick, reported the same without amendment, accompanied by a report (No. 1728); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9249) granting a pension to Amos Allport, reported the same with amendments, accompanied by a report (No. 1729); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 636) to remove the charge of desertion against David A. Lane, reported the same without amendment, accompanied by a report (No. 1731); which said bill 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 (S. 4619) granting an increase of pension to Clifford Neff Fyffe—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11803) for the purchase for a national park of a tract of land upon which the Natural Bridge of Virginia is situated—Committee on Military Affairs discharged, and referred to the Committee on Agriculture.

A bill (H. R. 13859) granting a pension to Sarah P. McIntee—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13866) granting an increase of pension to Augustus H. Summers—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13867) granting an increase of pension to Logan O'Banion—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. JENKINS: A bill (H. R. 13896) to incorporate the Society of the American Cross of Honor of the District of Columbia—to the Committee on the Judiciary.

By Mr. MARSHALL: A bill (H. R. 13897) to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota—to the Committee on Indian Affairs.

By Mr. HULL (by request): A bill (H. R. 13898) to authorize the President to select a lieutenant-colonel of the Pay Department and appoint him brigadier-general, United States Army—to the Committee on Military Affairs.

By Mr. SHATTUC: A resolution (H. Res. 220) relative to the consideration of H. R. 12199—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BURKETT: A bill (H. R. 13899) granting an increase of pension to Mary A. Pearman—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 13900) for the relief of David W. Speck—to the Committee on War Claims.

Also, a bill (H. R. 13901) for the relief of William Crosby—to the Committee on War Claims.

Also, a bill (H. R. 13902) for the relief of Abraham Stover—to the Committee on War Claims.

Also, a bill (H. R. 13903) for the relief of John D. Youell—to the Committee on War Claims.

Also, a bill (H. R. 13904) for the relief of Amanda Lam, administratrix of the estate of James Lam, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13905) for the relief of Mrs. Maria D. La Rue—to the Committee on War Claims.

Also, a bill (H. R. 13906) for the relief of T. H. McGinnis—to the Committee on War Claims.

Also, a bill (H. R. 13907) for the relief of the legal representatives of Paul McNeel—to the Committee on War Claims.

Also, a bill (H. R. 13908) for the relief of the estate of George W. Taylor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13909) for the relief of Mrs. S. M. Cale—to the Committee on War Claims.

Also, a bill (H. R. 13910) for the relief of George W. Craig—to the Committee on War Claims.

Also, a bill (H. R. 13911) for the relief of the estate of Hugh L. Gallaher, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13912) for the relief of James A. Snyder, executor of Jacob Snyder, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13913) for the relief of James W. Smith—to the Committee on War Claims.

Also, a bill (H. R. 13914) granting an increase of pension to Elizabeth V. Harman—to the Committee on Pensions.

Also, a bill (H. R. 13915) granting an increase of pension to Frederick Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13916) to reimburse the trustees of the Presbyterian Church at McDowell, State of Virginia—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 13917) granting an increase of pension to Napoleon B. Kidwell—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13918) for the relief of Thomas Mundy, disabled by an accident at the life-saving station at Charlotte, N. Y.—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 13919) for the relief of John Wright—to the Committee on Claims.

Also, a bill (H. R. 13920) granting a pension to Martha Ann Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13921) for the relief of E. C. Adams—to the Committee on War Claims.

By Mr. McCLELLAN: A bill (H. R. 13922) for the relief of James Welch—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 13923) granting an increase of pension to Stephen W. Pomeroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13924) for the relief of Ephraim Winters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13925) for the relief of James Appleton—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13926) for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs—to the Committee on War Claims.

By Mr. SELBY: A bill (H. R. 13927) granting an increase of pension to Patrick O'Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13928) granting an increase of pension to Hezekiah Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13929) to remove the charge of desertion from the record of Patrick Murphy—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: A bill (H. R. 13930) granting a pension to John M. Cheever—to the Committee on War Claims.

Also, a bill (H. R. 13931) for the relief of Herman B. Robb—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 13932) granting a pension to George W. Heator—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13933) granting a pension to Hattie Ballou—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13934) for the relief of Lucas P. Rettenstorf—to the Committee on Military Affairs.

Also, a bill (H. R. 13935) granting a pension to George Eckles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13936) for the relief of Peter Duchane—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 13937) for the relief of George H. Suits—to the Committee on War Claims.

By Mr. WOODS: A bill (H. R. 13938) granting an increase of pension to Perrin O. Needham—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 13939) granting an increase of pension to William Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13940) for the relief of George W. McElrath—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Printing Press Assistants' Union of Buffalo, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BOWERSOCK: Resolutions of the Maritime Association of the port of New York, relating to the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BROWNLOW: Petition of the heir of Mrs. E. Bosley, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Resolution of John A. Logan Circle, No. 1, Ladies of the Grand Army of the Republic, of Providence, R. I., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of G. B. Lewis and other veterans of the civil war, citizens of Brownville, Nebr.; also, petition of L. E. Ricksecker, of Santa Rosa, Cal., in relation to the passage of House bill 7475—to the Committee on the Public Lands.

Also, petitions of Frank Gillitt, R. S. Unland, and David Dickerson, indorsing House bill 9206—to the Committee on Agriculture.

By Mr. CALDERHEAD: Petition of the Maritime Association of the Port of New York, in relation to ship subsidy—to the Committee on Merchant Marine and Fisheries.

Also, petitions of C. H. Weaver & Co., Chicago, and citizens of Culver, Haddam, Concordia, Kipp, Marysville, Abilene, Palmer, Bremen, and Bridgeport, Kans., favoring the Senate amendments to the oleomargarine bill—to the Committee on Agriculture.

By Mr. CASSINGHAM: Resolutions of Mine Workers' Union No. 587, of Odbert, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Texas: Resolutions of Neches Queen Lodge, No. 590, Beaumont, Tex., Locomotive Firemen, for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. CORLISS: Resolutions of two Polish societies of Detroit, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. DALZELL: Resolutions of National Frémont Association, Pittsburg, Pa., favoring the erection of a monument and

statue to the Pathfinder, Maj. Gen. John C. Frémont—to the Committee on the Library.

By Mr. DRAPER: Petition of C. Y. Knight, secretary of National Dairy Union, Chicago, Ill., in relation to the oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the Maritime Association of the Port of New York, in relation to the ship-subsidy bill—to the Committee on Merchant Marine and Fisheries.

By Mr. ESCH: Resolution of the Maritime Association of the Port of New York, in relation to the ship-subsidy bill—to the Committee on Merchant Marine and Fisheries.

By Mr. FITZGERALD: Resolutions of the Maritime Association of the Port of New York, in favor of an amendment to the so-called subsidy bill to include sail vessels of 1,000 tons gross register within its vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSTER of Vermont: Resolutions of Stannard Post, No. 2, Grand Army of the Republic, of Burlington, Vt., relative to the improvement of the post exchange—to the Committee on Military Affairs.

Also, resolutions of H. H. Smith Post, No. 19, Grand Army of the Republic, Stowe, Vt., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. GRAHAM: Resolutions of Abe Patterson Post, No. 88, of Allegheny, Grand Army of the Republic, Department of Pennsylvania, and Peller Post, No. 89, Department of Minnesota, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolution of the Maritime Association of the port of New York, in relation to ship-subsidy bills—to the Committee on the Merchant Marine and Fisheries.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill relating to the correction of the military record of Jacob Miltenberger—to the Committee on Military Affairs.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to Napoleon B. Kidwell—to the Committee on Invalid Pensions.

By Mr. HALL: Petitions of Post No. 90, of Phillipsburg; No. 216, of St. Marys; No. 293, of Houtzdale; No. 343, of Coalport, and No. 419, of Stormstown, Grand Army of the Republic, Department of Pennsylvania, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. HANBURY: Resolutions of Maritime Association of the port of New York, relative to the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. JACK: Petition of St. Joseph's Society, of Mount Pleasant, Pa., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

Also, resolutions of J. Ed. Turk Post, No. 321, of Dayton, and Post No. 266, of Rochester Mills, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. KNOX: Petitions of business men of Lawrence, Lowell, Woburn, and Peabody, Mass., praying for the negotiation of a reciprocal trade agreement with the Dominion of Canada—to the Committee on Ways and Means.

Also, resolutions of Bay State Lodge, No. 73, Locomotive Firemen, of Worcester, Mass., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of the same lodge, in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. LACEY: Petitions of 10 citizens of the Sixth Congressional district of Iowa, in favor of the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. LANHAM: Resolutions of Hillsboro Lodge, No. 616, of Hillsboro, and Bayou City Lodge, No. 146, of Houston, Tex., Brotherhood of Locomotive Firemen, for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Bayou City Lodge, No. 146, of Houston, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LESSLER: Petition of Division No. 384, Order of Railway Conductors, of Stapleton, N. Y., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LONG: Resolutions of Missouri, Kansas, and Oklahoma Association of Lumber Dealers, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHONEY: Resolutions of Polonia Society, Kosciusko Society, and Giller Society, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MOON: Petition of heirs of William B. Irwin, deceased,

late of James County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, resolutions of Mine Workers' Union No. 554, of Victoria, Tenn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. NAPHEN: Resolutions of Temple Ohabei Shalom, Boston, Mass., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RAY of New York: Resolutions of Garment Workers' Union, Binghamton, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: Paper to accompany House bill for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs—to the Committee on War Claims.

By Mr. SCOTT: Resolution of board of directors of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, favoring House bill 8337, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Iola Central Labor Union, on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHATTUC: Papers to accompany House bill 13377, to place David B. Jeffers on the retired list—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: Petition of Ray Miners Union, Troy, Ariz., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOOK: Papers to accompany House bill 8542, granting an increase of pension to P. F. Harris—to the Committee on Invalid Pensions.

Also, resolutions of Thomas McClure Post, No. 326, and Theodore G. Merchant Post, No. 683, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. STARK: Paper to accompany House bill 1515, granting an increase of pension to George D. Salyer—to the Committee on Invalid Pensions.

By Mr. VANDIVER: Papers to accompany House bill 13940, for the relief of George W. McElrath—to the Committee on War Claims.

By Mr. WOODS: Papers to accompany House bill 13938, granting a pension to Perrin O. Needham—to the Committee on Invalid Pensions.

Also, resolutions of Temple Ohabei Shalom, Boston, Mass., relative to treaty regulations with Russia—to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, April 23, 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. SPOONER, and by unanimous consent, the further reading was dispensed with.

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

GREER COUNTY, TEX.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of conclusions reached in an investigation of the amount of taxes collected by Texas in what was formerly known as Greer County, and the expenditures made on account of that county by the State, as directed by act of Congress approved January 15, 1901; which, on motion of Mr. CULBERSON, was, with the accompanying papers, ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of 15 citizens of Corydon, Pa., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Onoko Lodge, No. 211, Brotherhood of Locomotive Firemen, of Easton, Pa., praying for the repeal of the so-called desert-land act, and also that an appropriation of \$250,000 be made for irrigation purposes; which was referred to the Committee on Public Lands.

He also presented a memorial of Typographical Union No. 2, of Philadelphia, Pa., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of the Federal Labor Union of McSherrystown; of Federal Labor Union No. 7204, of Carbondale, and of Federal Labor Union No. 9452, of Lopez, all in the State of Pennsylvania, and of the American Society of Plate Engravers, of Washington, D. C., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Captain Joshua W. Sharp Post, No. 371, of Newville; of W. D. Myers Post, No. 434, of Johnsonburg; of John S. Bittner Post, No. 122, of Lock Haven; of Etz Post, No. 401, of Tioga; of Captain Michael Smith Post, No. 355, of McClure; of Robert F. Elliott Post, No. 536, of Spring Run; of Lafayette Post, No. 217, of Easton; of Henry Wilson Post, No. 129, of Milton, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

He also presented a memorial of the Pacific Coast Marine Firemen's Union of San Francisco, Cal., remonstrating against the elimination of the so-called seamen's clause from the ship-subsidy bill and the Chinese-exclusion bill; which was ordered to lie on the table.

Mr. PLATT of New York presented petitions of Bakers' Local Union No. 16, of Buffalo; of Journeymen Tailors' Local Union No. 91, of Elmira; of Bakers' Local Union No. 177, of Port Chester, and of Local Union No. 276, of Buffalo, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Bricklayers and Masons' Local Union No. 2, of Niagara Falls; of the Trade and Labor Council of Kingston; of the Team Drivers' Local Union No. 135, of Olean; of the Flint Glass Workers' Local Union No. 57, of Brooklyn; of Typographical Union No. 451, of Plattsburg; of Bricklayers and Masons' Local Union No. 20, of Sing Sing; of Bricklayers and Masons' Local Union No. 31, of Auburn; of Local Union No. 34, of New York City; of Local Union No. 42, of Binghamton; of Bricklayers and Masons' Local Union No. 46, of Nyack; of Local Union No. 51, of New Rochelle; of Bricklayers' Local Union No. 4, of New York; of Masons' Local Union No. 10, of Troy; of Local Union No. 12, of Lockport; of Local Union No. 26, of Cortland; of Boiler Makers and Iron Ship Builders' Union of New York; of Bricklayers and Masons' Local Union No. 8, of Cohoes; of Local Union No. 22, of Yonkers; of Local Union No. 17, of Ithaca; of Boiler Makers and Iron Ship Builders' Local Union No. 200, of Staten Island; of Local Union No. 202, of Schenectady; of the Bricklayers and Masons' Local Union No. 125, of Dunkirk; of Local Union No. 163, of Brighton; of the Wire Weavers' Protective Association of Brooklyn; of the Retail Clerks' Protective Association of Watertown; of Carpenters' Local Union No. 457, of New York; of Carpenters and Joiners' Local Union No. 374, of Buffalo; of Local Union No. 369, of North Tonawanda; of Local Union No. 774, of New York; of Carpenters and Joiners' Local Union No. 754, of Fulton; of Local Union No. 727, of Lake Placid; of Local Union No. 718, of New Rochelle; of Local Union No. 707, of New York; of Carpenters' Local Union No. 673, of Fort Edward; of Local Union No. 659, of Albany; of Local Union No. 639, of Brooklyn; of Stair Builders' Local Union No. 575, of New York City; of Local Union No. 574, of Middletown; of Local Union No. 573, of Rye; of Carpenters and Joiners' Local Union No. 507, of Newtown; of Local Union No. 503, of Lancaster; of Local Union No. 901, of Woodhaven; of Local Union No. 853, of Silver Creek; of Carpenters and Joiners' Local Union No. 132, of Buffalo; of Local Union No. 125, of Utica; of Local Union No. 99, of Cohoes; of Local Union No. 72, of Rochester; of Local Union No. 65, of Jamestown; of Plumbers and Steam Fitters' Local Union No. 206, of Elmira; of Local Union No. 223, of Kingston; of Plumbers' Local Union No. 253, of Gloversville; of Local Union No. 12, of Albany; of Wood Workers' Local Union No. 636, of Troy; of Cigar Makers' Local Union No. 68, of Albany; of Plasterers' Local Union No. 168, of Tonawanda; of Typographical Union No. 62, of Utica; of Typographical Union No. 315, of Poughkeepsie; of Typographical Union No. 348, of Olean; of Local Union No. 9, of Elmira; of Local Union No. 374, of Elmira; of the Watch Case Makers' Local Union of Brooklyn; of the Bakers' Local Union No. 105, of Geneva; of Local Union No. 291, of Newark; of Local Union No. 1, of Port Jervis; of Local Union No. 101, of Buffalo; of Local Union No. 149, of New York; of Local Union No. 155, of New York; of Local Union No. 276, of Buffalo; of Local Union No. 63, of Mechanicsville; of the Central Labor Union of Seneca Falls, and of the Car Repairers' Local Union No. 6, of Rochester, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. QUAY presented a petition of Street Railway Union No. 164, American Federation of Labor, of Wilkesbarre, Pa., 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.