

If the seed be perfect the harvest is sure;
If the fountains be sweet the waters are pure;
If the present is right, the answer is plain—
If a man dieth, he liveth again.

Then why shall we call them dead? The rose flourished and faded. It cheered the chamber of the sick or gave, perchance, its perfume to the desert air; yet, in the alchemy of nature, she had stored up the fragrance, and the essential life of no flower was ever lost. Are the sunbeams that warmed the prehistoric ages lost or dead? Nay, not so! In her vast laboratory Mother Earth caught up the straggling sunbeams, hid them in her capacious bosom, and to-day, from the mountain side, men dig those crystallized sunbeams to heat and light the world.

Honest love, honest sorrow, honest work for to-day, honest hope for to-morrow:
Are these nothing more of worth than the hands they make weary,
The hearts they have saddened, the lives they leave dreary?
Hush the sevenfold heavens to the voice of the spirit,
He who o'ercometh shall all things inherit.

Mr. Speaker, nevermore on the shores of time can we greet or serve our friend. He has gone out into the golden glories of the sunset, and though his hands be forever folded upon his breast the harp strings touched by his fingers have not ceased to vibrate, the voice of his minstrelsy is not hushed, the songs which he has sung still linger, and the echoes of his music will forever cheer our hearts.

The lessons of this hour impress upon us the fact that we can never serve our friends except while they are with the living, and the life of him whom we mourn shall still be potent if from this Chamber his example sends us forth with a brighter smile, a more cheering word, and a warmer handclasp for the friends who still remain.

[Mr. MORRELL addressed the House. See Appendix.]

Mr. PADGETT. Mr. Speaker, I rise not for the purpose of making an address, but modestly to pay a tribute of respect to one whom I counted my friend. Mr. FOERDERER and I entered Congress at the same time, at the beginning of the Fifty-seventh Congress, and were assigned to work on the Banking and Currency Committee. We met as strangers; but during our service in Congress we came to know each other as friends. I learned to admire him; and it is my purpose here this afternoon to pay a sincere tribute of respect to his worth and merit as a man and as a legislator.

I believe that he was a true man, and I believe that he was earnest, honest, and sincere. That belief was founded upon our association and work together in Congress. I knew nothing whatever of his private life; I only knew him as a Member of Congress. I was associated with him only in our Congressional work in the committee room and upon the floor of the House, and from that association I learned to admire him, and thus am prompted upon this sad occasion to speak a just word of tribute to his virtues.

He was, I believe, a true and genuine and noble man. Mr. Speaker, standing in contemplation of the life and character of such a man, we have a verification of the poem which says—

Our lives are songs; God writes the words;
But we set them to music at pleasure;
And the song grows sad or sweet or glad
As we choose to fashion the measure.

Such was the life of ROBERT H. FOERDERER. He laid hold of the incipient life; he laid hold of his opportunities; and nobly and grandly he rounded out a magnificent character. It is, after all, the character that we work out of our opportunities, whatever our abilities, that marks the measure and the fullness and the grandeur of the man.

True to his country, true to his fellow-men, true to his duty, true to his associates and friends here, we are better for our association with him; and the world is better that he has lived and labored.

Mr. Speaker, standing in the shadow of the death of such a man—a man whose life, whose personal character, were such as have been portrayed here this afternoon by those who knew him intimately and well, well may we say:

Scatter seeds of kindness—
Speak gentle words—for who can tell
What joy they may impart?
For oft they fall as manna fell
To some nigh-fainting heart.

The gentleman from Pennsylvania [Mr. SIBLEY] referred to the language of the man of God who, speaking of the seed, said, "Except the seed perish, it can not grow; it can not have its fruition." The plant can not come, the flower can not bloom and bless, unless the seed perish. If we perish in what we call death, we know that in the hope of the resurrection the friendships begotten here shall realize the fruition of love hereafter.

Mr. HUFF. Mr. Speaker, it would seem but fitting that one whom Mr. FOERDERER succeeded as a Representative at large

from the State of Pennsylvania should pay respect to the high character and moral worth of our deceased colleague.

I am much impressed with the solemnity of this occasion, and can add nothing to the beautiful tributes that have been paid to the character, business integrity, and public services of both Mr. FOERDERER and our lamented friend, Mr. HENRY BURK, to whose families and friends we extend our deep sympathy in their great bereavement and irreparable loss, and commend them to Him who doeth all things well for that comfort and consolation which He alone can give.

[Mr. MORRELL addressed the House. See Appendix.]

The SPEAKER pro tempore. The question is on agreeing to the resolutions offered by the gentleman from Pennsylvania [Mr. MOON].

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolutions offered by the gentleman from Pennsylvania [Mr. ADAMS].

The question was taken, and the resolutions were unanimously agreed to.

Mr. MOON of Pennsylvania. Mr. Speaker, before the House formally adjourns, I would like to make an announcement. The father of the House, the Hon. Mr. BINGHAM, who desired to be here, has telegraphed me of his inability to come on account of his illness. He desires to ask special permission to print in regard to both of these distinguished gentlemen. I think, however, that permission is granted under the resolution.

The SPEAKER pro tempore. Permission has already been granted by the House. In pursuance of the resolutions, and as a further mark of respect to the memory of our colleagues, the House stands adjourned until to-morrow at 12 o'clock noon.

And accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

SENATE.

MONDAY, April 11, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on the request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

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

ADULTERATION OF FOOD, DRUGS, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, a statement as to all examinations on drugs and medicines made at the port of New York during the last calendar year under the provisions of sections 2933 and 2939, inclusive, of the Revised Statutes; which, on motion of Mr. HEYBURN, was, with the accompanying paper, referred to the Committee on Manufactures, and ordered to be printed.

CHICAGO (ILL.) POST-OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, recommending an appropriation of \$150,000 for mechanical appliances necessary for handling mails in the United States post-office building at Chicago, Ill.; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore. The Chair lays before the Senate an invitation from the president of the Louisiana Purchase Exposition, which will be read.

The Secretary read as follows:

[Universal Exposition Commemorating the Louisiana Purchase, 1803. St. Louis, United States of America, 1904. Office of the president.]
St. Louis, Mo., April 7, 1904.

To the Congress of the United States.

SIRS: The Louisiana Purchase Exposition hereby extends an invitation to the Congress of the United States to attend the formal opening ceremonies of the exposition.

Congress has provided that the exposition shall open not later than the 1st day of May, 1904. The exposition, with the approval of the National Commission, has determined that the opening shall be on Saturday, the 30th day of April, 1904. The committee on ceremonies has prepared for the occasion a programme which is commensurate in dignity and character with the scope of the exposition.

These ceremonies will be held upon the grounds of the exposition. Representatives of foreign governments and commissioners of States, Territories, and islands of the United States will be present. The exposition hopes that the Congress of the United States will accord to the event such recognition as its importance merits.

Respectfully,

DAVID R. FRANCIS,
President Louisiana Purchase Exposition.

The PRESIDENT pro tempore. The communication will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 7474) granting an increase of pension to Fannie C. Morey; and

A bill (H. R. 9135) for the relief of F. R. Lanson.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8925) granting an increase of pension to John Weaver, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALDERHEAD, Mr. DEEMER, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9256) granting an increase of pension to Enoch Stahler, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALDERHEAD, Mr. DEEMER, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message also transmitted resolutions of the House on the life and public services of Hon. ROBERT H. FOERDERER, late a Representative from the State of Pennsylvania.

The message further transmitted resolutions of the House on the life and public services of Hon. HENRY BURK, late a Representative from the State of Pennsylvania.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 10135) to authorize the Williamson Coal Company (Incorporated) to bridge the Tug Fork of the Big Sandy River near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky; and

A bill (H. R. 14044) to authorize the board of commissioners of Vigo County, Ind., to construct and maintain a wagon, foot, and trolley-car bridge across the Wabash River at the foot of Wabash avenue, in the city of Terre Haute, in said county and State.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Baden Beneficial Society, of Columbus, Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of the Indiana Retail Merchants' Association, praying for the enactment of legislation to increase the pay of rural mail carriers; which was ordered to be laid on the table.

Mr. CULLOM presented a paper in support of the bill (S. 668) for the relief of Maurice Langhorne; which was referred to the Committee on Claims.

Mr. HOAR presented a petition of the Boston Merchants' Association, of Boston, Mass., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the National Business Men's League, of Boston, Mass., praying for the enactment of legislation to regulate interstate and foreign commerce, to improve the business relations of labor and capital, and for the establishment of a national court of arbitration and an industrial court of the United States; which was referred to the Committee on Commerce.

Mr. LODGE presented a petition of 81 citizens of Massachusetts, praying for the enactment of a national educational law requiring compulsory and a uniform system of education in all the States and Territories; which was referred to the Committee on Education and Labor.

Mr. SCOTT presented a petition of the West Virginia Board of Pharmacy, praying for a reorganization of the Hospital Corps of the Navy; which was referred to the Committee on Naval Affairs.

Mr. BURROWS presented a petition of the Marine Engineers' Beneficial Association of Saginaw, Mich., praying for the enactment of legislation to increase the salary of the Supervising Inspector-General, Department of Commerce and Labor; which was referred to the Committee on Commerce.

Mr. FOSTER of Washington presented a memorial of the board of county commissioners of Whatcom, Wash., remonstrating against the enactment of legislation relative to the shipping of high explosives; which was referred to the Committee on Interstate Commerce.

He also presented sundry papers to accompany the bill (S. 4738) amending an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district;" which was referred to the Committee on Fisheries.

Mr. KEAN presented the memorial of John McKeon and 45 other residents and property holders on M street, in the city of Washington, withdrawing their names from the petition for-

merly signed by them under a misapprehension of the facts for the use of M street for railroad purposes and remonstrating against the use of that street for a railroad; which was ordered to lie on the table.

Mr. LONG presented a petition of Hurricane Grange No. 359, Patrons of Husbandry, of Overbrook, Kans., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission, and also praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented sundry papers to accompany the bill (S. 2054) granting a pension to Isabel McConnell; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 5428) granting an increase of pension to Joseph J. Hedrick; which were referred to the Committee on Pensions.

Mr. MITCHELL presented the petition of Joel F. Howe, of Oregon, praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. HOPKINS presented a petition of the Chicago Medical Society, of Oak Park, Ill., and a petition of the Peoria City Medical Society, of Peoria, Ill., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of the Cribben & Sexton Company, of Chicago, Ill., and a petition of the Gem City Stove Manufacturing Company, of Quincy, Ill., praying for the enactment of legislation relative to the registration and protection of trademarks; which were ordered to lie on the table.

He also presented a petition of Rock Island Helpers' Division, No. 149, Brotherhood of Boiler Makers and Iron-ship Builders, of Chicago, Ill., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. BERRY presented a petition of sundry citizens of Fayetteville, West Fork, Springdale, Prairie Grove, and Cane Hill, all in the State of Arkansas, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. HEYBURN presented a petition of the Business Men's Association of Moscow, Idaho, praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. MCOMAS presented a petition of the Maryland Historical Society and a petition of the Baltimore Water Color Club, of Maryland, praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented petitions of the Woman's Christian Temperance Union of Stillpond; of the Woman's Christian Temperance Union of Finksburg; of Rev. J. E. Nicholson, of Finksburg; of the congregations of the Central United Presbyterian Church, the Bethel United Brethren Church, and St. Mark's Evangelical Church, of Rohrer'sville, and of W. T. Dow and 19 other citizens of Brunswick, all in the State of Maryland, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Board of Trade of Rumford Falls, Me., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Twentieth Century Club of Gardiner, Me., praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Republican Club of the nineteenth assembly district of New York City, praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which was ordered to lie on the table.

He also presented a petition of the congregation of the First United Presbyterian Church of Xenia, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SMOOT, 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. 12297) granting a pension to James P. Hurst; and
A bill (H. R. 12623) granting an increase of pension to Liberty B. Walters, alias Liberty B. Watters.

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. 13448) granting an increase of pension to Susan D. Lovell;

A bill (H. R. 11524) granting a pension to John F. Burrows;
 A bill (H. R. 12664) granting an increase of pension to Rachel J. Smith;

A bill (H. R. 7472) granting an increase of pension to Henry McQuenter;

A bill (H. R. 4897) granting an increase of pension to William Johnson;

A bill (H. R. 5406) granting a pension to Rachel Tyson;

A bill (H. R. 5431) granting a pension to Susan Laugherty; and

A bill (H. R. 11403) granting a pension to John M. Bailey.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 5174) to provide for the erection of a beacon light near Fair Point, in Pensacola Bay, in the State of Florida, reported it with an amendment.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (H. R. 2194) granting a pension to Mary Dewire, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4341) granting an increase of pension to Henry Armstrong, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2116) granting an increase of pension to Edna Stevens, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 3616) granting an increase of pension to Frances E. Plummer, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4187) granting an increase of pension to William G. Tompkins, reported it with an amendment, 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. 9428) granting an increase of pension to Adeline Ballard;

A bill (H. R. 9429) granting an increase of pension to John C. Hamly, alias George Garnett;

A bill (H. R. 4110) granting an increase of pension to Antoinette R. Smith; and

A bill (H. R. 626) granting a pension to Mary A. V. Cook.

Mr. BURNHAM, 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. 1243) granting a pension to Mary McLean Wyllys; and

A bill (H. R. 721) granting an increase of pension to John Ryan, alias John Connell.

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

A bill (S. 5125) granting an increase of pension to William O. White;

A bill (H. R. 908) granting an increase of pension to Charles A. Tarbox;

A bill (H. R. 13746) granting a pension to Thomas B. Forgan;

A bill (H. R. 4580) granting a pension to Penelope A. Dexter;

A bill (H. R. 2107) granting an increase of pension to James W. Whitney;

A bill (H. R. 731) granting an increase of pension to Henry S. Hamilton;

A bill (H. R. 3297) granting an increase of pension to Renel W. Trask;

A bill (H. R. 12845) granting an increase of pension to Charles Bowen;

A bill (H. R. 6868) granting an increase of pension to George R. Hanson;

A bill (H. R. 11574) granting an increase of pension to Oscar A. Phetteplace;

A bill (H. R. 6502) granting a pension to Onslow N. McIntire;

A bill (H. R. 7219) granting an increase of pension to George W. Marsh;

A bill (H. R. 13284) granting an increase of pension to Daniel W. Graham; and

A bill (H. R. 11187) granting an increase of pension to Fyanna E. Myers.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 6739) granting an increase of pension to Waldo A. Foster, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 5180) granting a pension to Thomas Smith, reported it with an amendment, 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 (S. 5179) granting an increase of pension to Alonzo Gardner;

A bill (H. R. 6000) granting an increase of pension to John B. Salsman;

A bill (H. R. 10480) granting an increase of pension to Aaron Bayles;

A bill (H. R. 13655) granting an increase of pension to Hannah Hill;

A bill (H. R. 5685) granting a pension to Alonzo Sabin; and

A bill (H. R. 6334) granting an increase of pension to George W. Gyger.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 852) to establish a fish hatchery and fish station in the State of Maryland, reported it with amendments, and submitted a report thereon.

Mr. ALGER, 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. 5191) granting an increase of pension to Elizabeth C. Way; and

A bill (S. 5282) granting an increase of pension to William P. Vohn.

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

A bill (S. 3890) granting an increase of pension to J. N. Culton; and

A bill (S. 3915) granting an increase of pension to Benjamin F. Bollinger.

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

A bill (H. R. 6503) granting an increase of pension to Amanda M. Morse;

A bill (H. R. 8014) granting an increase of pension to Thomas Audas;

A bill (H. R. 8316) granting an increase of pension to James W. Swords;

A bill (H. R. 7753) granting a pension to William L. Rutter;

A bill (H. R. 6595) granting an increase of pension to John H. McBrayer;

A bill (H. R. 5996) granting an increase of pension to Alfred Howser;

A bill (H. R. 6170) granting a pension to Elizabeth F. Champlin;

A bill (H. R. 6090) granting an increase of pension to Frederick C. Wickham;

A bill (H. R. 5314) granting an increase of pension to John Woods;

A bill (H. R. 11033) granting an increase of pension to Noah Minnich;

A bill (H. R. 2804) granting an increase of pension to Michael Cribbins;

A bill (H. R. 11647) granting an increase of pension to William C. Scott;

A bill (H. R. 11877) granting an increase of pension to Minnie C. Wilkins;

A bill (H. R. 12388) granting an increase of pension to Adam Shiria;

A bill (H. R. 3166) granting an increase of pension to James M. Howe;

A bill (H. R. 4626) granting a pension to Hattie M. Mattheson;

A bill (H. R. 4983) granting an increase of pension to Charles Gochey;

A bill (H. R. 4056) granting an increase of pension to Wilson Snider;

A bill (H. R. 3460) granting an increase of pension to Louis P. Anschutz;

A bill (H. R. 2150) granting an increase of pension to Robert Whitman;

A bill (H. R. 2148) granting an increase of pension to Lawrence Cook;

A bill (H. R. 5198) granting a pension to Emeline Simmons; and

A bill (H. R. 5193) granting an increase of pension to Allen Campbell.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5349) granting an increase of pension to Rebecca Aumen, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 8432) granting an increase of pension to Rosaline V. Campbell, reported it with an amendment, 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 (S. 433) granting an increase of pension to William L. Johnston;

- A bill (H. R. 685) granting an increase of pension to Philip J. Harlow;
- A bill (H. R. 2969) granting an increase of pension to George W. Fitzgerald;
- A bill (H. R. 14152) granting an increase of pension to John Middleton;
- A bill (H. R. 13147) granting an increase of pension to Euphama A. Young;
- A bill (H. R. 11793) granting an increase of pension to August Henning;
- A bill (H. R. 12964) granting an increase of pension to Elizabeth Banks;
- A bill (H. R. 13657) granting an increase of pension to Francis F. Rogers;
- A bill (H. R. 5690) granting an increase of pension to James W. Griffiths;
- A bill (H. R. 4996) granting an increase of pension to Alexander Robertson;
- A bill (H. R. 9116) granting an increase of pension to Charles W. Abbott;
- A bill (H. R. 4241) granting a pension to Mary A. Denston;
- A bill (H. R. 10502) granting an increase of pension to Abram Young;
- A bill (H. R. 10790) granting an increase of pension to John F. Rocky;
- A bill (H. R. 7701) granting an increase of pension to James H. English;
- A bill (H. R. 5338) granting an increase of pension to Joseph S. Wright;
- A bill (H. R. 5971) granting an increase of pension to Samuel D. Satterly;
- A bill (H. R. 12456) granting an increase of pension to Marshall Cox;
- A bill (H. R. 8074) granting an increase of pension to William H. H. Chester;
- A bill (H. R. 6558) granting an increase of pension to Robert H. Long;
- A bill (H. R. 7366) granting an increase of pension to Thomas J. Cannon;
- A bill (H. R. 5973) granting an increase of pension to Henry J. Potter; and
- A bill (H. R. 8122) granting a pension to Adonijah Richards.
- Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:
- A bill (S. 5372) granting an increase of pension to Jesse W. McGahan;
- A bill (S. 5213) granting an increase of pension to Theodore J. Widvey; and
- A bill (S. 5230) granting an increase of pension to John D. Juger.
- Mr. McCUMBER, 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. 405) granting an increase of pension to Darius W. Owens;
- A bill (S. 5101) granting an increase of pension to Lewis Y. Foster;
- A bill (S. 2730) granting an increase of pension to Jasper N. Jennings; and
- A bill (S. 5289) granting an increase of pension to Peter Baker.
- 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. 1564) granting an increase of pension to Daniel W. Working;
- A bill (H. R. 6713) granting an increase of pension to John E. White, alias Patrick White;
- A bill (H. R. 7064) granting an increase of pension to Charles Von Lukowitz;
- A bill (H. R. 7678) granting an increase of pension to Lewis Monjar;
- A bill (H. R. 6048) granting an increase of pension to William Johnson;
- A bill (H. R. 11452) granting a pension to Ann Jones;
- A bill (H. R. 2810) granting an increase of pension to Samuel G. H. Whitley;
- A bill (H. R. 2687) granting an increase of pension to Isaac N. Willhite;
- A bill (H. R. 2606) granting an increase of pension to Catherine Bowsher;
- A bill (H. R. 8394) granting an increase of pension to Reubin W. Bartram;
- A bill (H. R. 11662) granting an increase of pension to John H. Brodrick;
- A bill (H. R. 11976) granting an increase of pension to Isom R. New;
- A bill (H. R. 11937) granting an increase of pension to Dennis Spurrier;
- A bill (H. R. 2567) granting an increase of pension to Alexander D. Ramsay;
- A bill (H. R. 5867) granting a pension to Ina D. Burdick;
- A bill (H. R. 690) granting an increase of pension to Mark F. Holderman, alias Michael Holderman;
- A bill (H. R. 4908) granting an increase of pension to John A. McConnell;
- A bill (H. R. 6327) granting an increase of pension to Delos Van Deusen;
- A bill (H. R. 3653) granting an increase of pension to Andrew Sullenberger;
- A bill (H. R. 809) granting an increase of pension to Lewis Johnson, jr.;
- A bill (H. R. 3819) granting an increase of pension to Ira Stout;
- A bill (H. R. 6962) granting an increase of pension to Pauline N. Pearson;
- A bill (H. R. 13935) granting an increase of pension to John F. Cummins;
- A bill (H. R. 4756) granting an increase of pension to Lewis R. Gates;
- A bill (H. R. 605) granting an increase of pension to Frederick Frick;
- A bill (H. R. 197) granting an increase of pension to John Latty;
- A bill (H. R. 2450) granting a pension to Lucina Heath;
- A bill (H. R. 10973) granting a pension to Harry F. Thompson;
- A bill (H. R. 5279) granting an increase of pension to Granville H. Bishop;
- A bill (H. R. 614) granting a pension to Michael O'Brien, alias Michael Clifford;
- A bill (H. R. 12607) granting an increase of pension to John M. Savoree;
- A bill (H. R. 9775) granting a pension to Anna S. Christopher-son;
- A bill (H. R. 12850) granting an increase of pension to Simon P. Rittenhouse;
- A bill (H. R. 2045) granting an increase of pension to Henry Henwood;
- A bill (H. R. 10261) granting an increase of pension to Henry B. Sparks;
- A bill (H. R. 1565) granting an increase of pension to Josephine F. Anderson;
- A bill (H. R. 6916) granting an increase of pension to Alexander Hardy;
- A bill (H. R. 6051) granting an increase of pension to Ann Dawson;
- A bill (H. R. 3244) granting an increase of pension to Lewis Kimer;
- A bill (H. R. 2005) granting an increase of pension to Alexander J. Hood;
- A bill (H. R. 6317) granting an increase of pension to Maggie Du Bois;
- A bill (H. R. 5734) granting an increase of pension to John B. Tucker;
- A bill (H. R. 8213) granting an increase of pension to Thomas Murray; and
- A bill (H. R. 10579) granting an increase of pension to Jacob Dodd.
- Mr. McCUMBER (for Mr. TALIAFERRO), 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. 1910) granting a pension to Cephas Kendal Knox; and
- A bill (H. R. 14181) granting an increase of pension to Sarah F. Burnet.
- Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:
- A bill (S. 5244) granting an increase of pension to John K. Whited; and
- A bill (S. 103) granting an increase of pension to A. D. Tanyer.
- Mr. PATTERSON, 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. 741) granting an increase of pension to William D. Woodworth; and
- A bill (S. 4606) granting an increase of pension to Edward G. Horne.
- Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
- A bill (S. 3203) granting an increase of pension to George W. Foster;

A bill (H. R. 13438) granting an increase of pension to John W. Comer;

A bill (H. R. 10824) granting an increase of pension to John B. Calhoun;

A bill (H. R. 4604) granting a pension to Christian Kloeppel, alias Christian Knuppel;

A bill (H. R. 3734) granting an increase of pension to James R. Gibson;

A bill (H. R. 701) granting a pension to William C. Montgomery;

A bill (H. R. 3445) granting an increase of pension to John P. Webb; and

A bill (H. R. 6307) granting a pension to Elizabeth Hopper.

Mr. FAIRBANKS, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 8th instant, proposing to appropriate \$1,500 to pay Lalla B. Ingersoll, widow of John C. Ingersoll, the amount of salary due her late husband for one year, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FRYE, from the Committee on Commerce, submitted the views of the minority to accompany the bill (H. R. 4570) to provide an American register for the steamer *Beaumont*; which were ordered to be printed.

STATUE OF KOSCIUSZKO.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the joint resolution (H. J. Res. 84) for the acceptance of a statue of Gen. Thaddeus Kosciuszko, to be presented to the United States by the Polish-American citizens, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for its immediate consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It accepts the offer of a statue of Gen. Thaddeus Kosciuszko, to be erected on one of the corners of Lafayette square, in the city of Washington, D. C., by and at the expense of the Polish-American organizations and of the Polish-American people of the United States generally, as an expression of their loyalty and devotion to their adopted country, for the liberties of which Kosciuszko so nobly fought, which offer has been made through Theodore M. Helinski, president of the central committee of the Polish-American organizations of the United States. But the selection of the site on Lafayette square, the approval of the statue offered, and the manner of its erection shall be under the control and direction of a commission, consisting of the Secretary of War and the chairmen of the Committees on the Library of the Senate and House of Representatives of the Fifty-eighth Congress.

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

Mr. WETMORE. I ask that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on the Library, to whom was referred the joint resolution (H. J. Res. 84) "for the acceptance of a statue of Gen. Thaddeus Kosciuszko, to be presented to the United States by the Polish-American citizens," have had the same under consideration, and report it back without amendment.

The report of the House Committee on the Library, recommending the passage of this resolution, is attached hereto.

[House Report No. 2101, Fifty-eighth Congress, second session.]

The Committee on the Library, to whom was referred the joint resolution (H. J. Res. 84) for the acceptance of a statue of Gen. Thaddeus Kosciuszko, to be presented to the United States by the Polish-American citizens, respectfully report the same back to the House of Representatives with the recommendation that it do pass.

The resolution reads as follows:

"Resolved, etc., That the offer of a statue of Gen. Thaddeus Kosciuszko, to be erected on one of the corners of Lafayette Square, in the city of Washington, D. C., by and at the expense of the Polish-American organizations and of the Polish-American people of the United States generally, as an expression of their loyalty and devotion to their adopted country, for the liberties of which Kosciuszko so nobly fought, which offer has been made through Theodore M. Helinski, president of the central committee of the Polish-American organizations of the United States, be, and the same hereby is, accepted: *Provided*, That the selection of the site on Lafayette Square, the approval of the statue offered, and the manner of its erection shall be under the control and direction of a commission consisting of the Secretary of War and the chairmen of the Committees on the Library of the Senate and House of Representatives of the Fifty-eighth Congress."

The statue referred to in the resolution was offered to the United States in the following letter to the President:

CHICAGO, ILL., January 14, 1904.

SIR: We, the undersigned representatives of the respective Polish organizations to which our names are hereto attached, composing an aggregate membership of more than 250,000, on behalf of such organizations and on behalf of the Polish people of the United States in general, have authorized and empowered Mr. Theodore M. Helinski, president of the Pulaski Monument Polish Central Committee and a member of the Pulaski Statue Commission, to confer with you and with all other persons, committees, or commissions

that may have authority to consider the same, concerning the presentation by such organizations and by the Polish people of the United States of a suitable statue of Thaddeus Kosciuszko to the United States Government, and, if acceptable, to offer, on behalf of such organizations and of the Polish people of the United States, such statue to the United States Government.

It is the desire of such organizations and of the Polish people that a place be reserved for such statue on Lafayette Square in the city of Washington.

Mr. Helinski has also full authority to accept any and all conditions that may be imposed in regard to the design, completion, cost, and presentation of such statue, and all expenses in regard thereto, including, of course, the cost of such statue, are to be borne by the organizations by us represented, and by the Polish people of the United States.

We offer this gift to the Government as a token of the loyalty and devotion felt by the Polish people of the United States for their adopted country, and for the liberties of which, now so happily enjoyed by them, Kosciuszko so nobly fought.

M. B. STERYEULK,
Polish National Alliance, United States of North America.
LEON SZOPINSKI,
Polish Catholic Union of America.
A. KRUEGER,
Catholic Federation of Trinity Church.
B. W. REICHEKI,
Polish Turners' Alliance of America.
W. YELLING,
Polish Singers' Alliance of America.
J. M. SIENKIEWICH,
Young Men's Alliance of America.

THEODORE ROOSEVELT,
President of the United States.

This generous and patriotic offer was transmitted to Congress by the President by special message, as follows:

To the Senate and House of Representatives:

I herewith lay before the Congress a letter from the Polish organizations of the United States, and the report thereon from Col. Thomas W. Symons, superintendent of public buildings and grounds. In view of the recommendation of Colonel Symons, I advise that the very patriotic offer of the Polish organizations be accepted, and that instead of the statue of Pulaski (which in the judgment of his Polish compatriots should be an equestrian statue, and which it is now proposed to place in reservation 33, on the north side of Pennsylvania avenue, between Thirteenth and Fourteenth streets) there be a pedestrian statue of Kosciuszko accepted by the Government, to be placed on one of the four corners of Lafayette Square. These four corners would thus ultimately be occupied by statues of Lafayette, Rochambeau, Von Steuben, and Kosciuszko, all of whom in the stormy days which saw the birth of the Republic rendered service which can never be forgotten by our people.

THEODORE ROOSEVELT.

WHITE HOUSE, January 23, 1904.

The report of Colonel Symons referred to by the President in the above message is as follows:

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, January 25, 1904.

The PRESIDENT:

I have the honor to report, in compliance with your request, that the liberal and patriotic offer of the Polish societies of America, to present to the United States a statue of Thaddeus Kosciuszko, can very properly be accepted and their request that a place for such statue be reserved on Lafayette Square can be complied with.

The southeast and southwest corners of Lafayette Square are occupied by pedestrian statues of Lafayette and Rochambeau, and it has been the general plan to place pedestrian statues of Pulaski and Von Steuben, for which money has been appropriated by Congress, on the other two corners. This would place at each corner one of the distinguished foreign-born aids in our Revolutionary struggle.

The Polish people, who take a strong interest in the matter, are averse, however, to the erection of a pedestrian statue to Pulaski, and insist that he should have an equestrian statue, as he was strictly a cavalry officer.

It is not deemed proper to place an equestrian statue in one corner of Lafayette Square while the other corners are occupied by pedestrian statues, and the Polish societies were made aware of the fact.

In order to meet the situation the Polish societies propose to contribute a pedestrian statue to another great Pole of the Revolutionary period, Kosciuszko, to be placed on the site heretofore designed for the Government statue of Pulaski in Lafayette Square, leaving the statue commission free to provide an equestrian statue to Pulaski and place it elsewhere on some suitable site.

And I beg to inform you that the Pulaski and Von Steuben Statue Commissions at their meeting last Friday, January 22, passed resolutions approving as far as they could of the proposition reserving the northwest and northeast corners of Lafayette Square for statues to Von Steuben and Kosciuszko, and designating reservation 33, on the north side of Pennsylvania avenue, between Thirteenth and Fourteenth streets, for an equestrian statue to Pulaski. A bill has been introduced in Congress authorizing the acceptance of a statue of Kosciuszko as a gift from the Polish people of America.

There is no reason known to me why this offer of the Polish societies should not be accepted and their request complied with, and every reason why the offer should be accepted with deep appreciation and warm thanks.

The letter of the Polish societies is returned herewith.

Very respectfully, your obedient servant,

T. W. SYMONS,
Colonel, United States Army, Major, Corps of Engineers.

The statue proposed will probably cost \$40,000 to \$50,000. It is offered to the United States as a free gift by our Polish-American fellow-citizens. While it honors one of their compatriots, and thus of course honors them, it adds another element of artistic beauty and historic interest to the nation's capital city. This is an offer of unprecedented generosity, and the committee takes pleasure in recommending its prompt acceptance.

MISSISSIPPI RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5399) authorizing the county of Itasca, in the State of Minnesota, to construct a wagon and foot bridge over the Mississippi River, in section 22, township 55 north, range 27 west of the fourth principal meridian, to report it favorably without amendment, and I submit a report thereon.

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

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

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

BRIDGE NEAR MATEWAN, W. VA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 13739) to authorize the Blackberry, Kentucky and West Virginia Coal and Coke Company (Incorporated) to bridge the Tug Fork of the Big Sandy River, about 1 mile east of Matewan, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, to report it favorably with an amendment.

Mr. SCOTT. I should like to have the bill considered at this time. It is important to those people to put a bridge over that stream.

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

The amendment of the Committee on Commerce was, in section 1, on page 1, line 7, after the word "maintain," to strike out the words "a wagon and foot bridge and also;" so as to make the section read:

That it shall be lawful for the Blackberry, Kentucky and West Virginia Coal and Coke Company (Incorporated), a corporation created and organized under the laws of West Virginia, existing and operating in West Virginia and Kentucky, to construct and maintain a railroad bridge, either standard or narrow gauge, to be operated by electricity or otherwise, together with approaches thereto, across the Tug Fork of the Big Sandy River, about 1 mile east of Matewan, W. Va., where the said Tug Fork forms the boundary line between the States of West Virginia and Kentucky, as the said company may deem suitable for the passage of its said roads, the conveyance of coal, and for foot passengers over the said Tug Fork, subject to the approval of the Secretary of War.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I wish to make a motion to recommit the conference report on the Indian appropriation bill to the conferees.

The PRESIDENT pro tempore. The Senator from Nevada, the chairman of the committee of the conference on the part of the Senate on the Indian appropriation bill, asks that the report may be recommitted to the committee of conference. The Chair hears no objection.

Mr. HOAR. I suppose that means that it is recommitted in the usual form, that the Senate insists on its amendments, or is it simply an order to recommit?

Mr. STEWART. We want to have it recommitted to the conference committee to consider further some items.

The PRESIDENT pro tempore. It will be recommitted with insistence upon the Senate amendments, of course.

Mr. HOAR. I ask if the motion is in order? The report of the committee of conference is in the control of the two Houses.

Mr. STEWART. I suppose we have a right to withdraw the report before it is acted on.

The PRESIDENT pro tempore. It would simply require that the House shall be notified of the action of the Senate.

Mr. HOAR. I do not want to interfere with the Senator's motion if he understands the matter better than I do.

Mr. STEWART. Then I ask that the Senate insist on its amendments and recommit, and that the House be notified.

Mr. HOAR. That is what I had in mind.

The PRESIDENT pro tempore. The House will be notified that the conference report has been recommitted by the Senate.

Mr. NELSON. I suppose the conference report has been agreed to by the Senate.

The PRESIDENT pro tempore. It has not been agreed to at all.

Mr. HOAR. How can the Senate, of its own motion, recommit to a joint committee?

Mr. STEWART. The report has not been presented in the House.

Mr. HOAR. But it has been presented here, and I suppose, subject to wiser heads than mine, the Senate can not commit to a joint committee and then simply notify the House that we have done it. I suggest that we are obliged to disagree to the old report and further insist and ask the assent of the House to recommit to the old committee or a new committee.

The PRESIDENT pro tempore. The Chair has known it to be done several times. None of the papers are now in the hands of the House. The report has not been made in the House. It has only been made in the Senate.

Mr. HOAR. If it goes back to a joint committee, it is not recommitted to the Senate conferees alone, and if it be not recommitted to the Senate conferees alone we are undertaking by our sole authority to impose a further duty on a committee representing the House and not asking the assent of the House, but only

notifying the House that we have done it. I can not see how that can be a proper parliamentary procedure.

Mr. STEWART. I suppose that as a matter of course the committee which presented the report may withdraw it before there has been any action upon it. We ask leave to withdraw it before there has been any action. It has not been reported to the House. The papers are here. The House and Senate conferees concur in this request to have the report withdrawn.

Mr. HOAR. But I suppose the House conferees can not deal of their own motion with the Senate.

Mr. STEWART. No.

Mr. HOAR. Our conferees have signed with the House conferees this action, and the committee has discharged itself; it is functus officio except so far as reporting to the House. The report has come into the Senate, and having come into the Senate it is proposed that the Senate shall refer it back, not to its own committee, but to the House committee in part. I presume, of course, they will concur in this action, and it would not be practicable, but they have the right to say "the Senate has no right to be referring matters to us."

Mr. STEWART. The whole matter, it seems to me, is in the hands of the conference committee until it has been reported and acted upon. They have it in charge. The House conferees have not made any report. We simply wish to withdraw it and consider some matters in it.

The PRESIDENT pro tempore. Will the Senator allow the Chair? There are twenty or thirty precedents for precisely this action. There is one precedent the Chair remembers, where the report on the naval appropriation bill was made and accepted by the Senate, and a motion was made in the Senate to reconsider the action accepting the report, and then a motion was made to recommit, and it was recommitted. The Chair has before him now twenty or thirty just such propositions of reference to committees of conference.

Mr. HOAR. I will not pursue it further.

The PRESIDENT pro tempore. The report is recommitted.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 5453) granting an increase of pension to Lucy A. Wildes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 5454) permitting the Ozark and Cherokee Central Railroad Company and the Arkansas Valley and Western Railway Company, and each or either of them, to sell and convey their railroads and other property in the Indian Territory to the St. Louis and San Francisco Railroad Company or to the Chicago, Rock Island and Pacific Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GORMAN introduced a bill (S. 5455) granting an increase of pension to Jeanie G. Lyles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 5456) granting an increase of pension to Katherine Wills; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5457) granting an increase of pension to Mina L. Harmon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 5458) creating a commission to review and investigate the actions and proceedings of the "Dawes Commission" in negotiating and allotting Indian lands in the Indian Territory; which was read twice by its title, and, with the accompanying paper, which was ordered to be printed as a document, referred to the Committee on Indian Affairs.

Mr. OVERMAN introduced a bill (S. 5459) for the relief of Nancy West; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5460) for the relief of John R. Neill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 5461) granting an increase of pension to William P. Davis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 5462) for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5463) granting an increase of pension to John M. C. Sowers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5464) granting a pension to John S. Daniels; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 5465) to regulate shipping in trade between ports of the United States and ports or places in the canal zone at Panama, between ports or places in the canal zone at Panama, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5466) granting a pension to Samuel J. Cockerille, jr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5467) granting an increase of pension to Benjamin F. Hartley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 5468) for the relief of the estate of Robert B. Smith, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 5469) granting an increase of pension to Alvin H. Wick; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PATTERSON submitted an amendment proposing to amend the act entitled "An act to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent," approved April 29, 1902, by striking out of the first section of said act the words "so far as the same are not inconsistent with treaty obligations," intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate \$150 to pay C. E. Richardson for extra services for the Secretary of the Senate, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate \$14,060.39 for the repayment of the duty paid on anthracite coal at the port of Baltimore, Md., to the persons who paid the same after the 6th day of October, 1902, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

THE PANAMA CANAL.

Mr. McCOMAS submitted an amendment intended to be proposed by him to the bill (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes; which was referred to the Committee on Interoceanic Canals, and ordered to be printed.

AMENDMENT TO CLAIMS BILL.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the bill (H. R. 9548) 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, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

PAYETTE-BOISE IRRIGATION PROJECT.

On motion of Mr. DUBOIS, it was

Ordered, That 500 additional copies of Senate Document 247 be printed for the use of the Senate document room.

DOCUMENTARY HISTORY OF CAPITOL BUILDING AND GROUNDS.

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

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

Resolved, That the Public Printer be, and he is hereby, directed to bind in half morocco, with cloth sides, 160 copies of House Report No. 646, Fifty-eighth Congress, second session, of which 150 copies shall be for the Senate document room and 10 copies for the office of the Secretary of the Senate.

Mr. PLATT of Connecticut. With reference to the resolution which was just passed, I should like to make an inquiry as to what it is.

Mr. NELSON. It relates to the printing of a document, a large volume known as the "Documentary History of the Construction and Development of the United States Capitol Building and Grounds." Each Senator is entitled to have one of those bound. In order to prevent the expense and to make it cheaper, it is suggested that they all be bound in one lot, 160 copies. Those who are familiar with the subject think that is much better than to have each Senator send his own volume to be bound separately, which would involve a greater expense than if the volumes are bound at the same time. It is a large volume in paper covers.

Mr. LODGE. The resolution does not provide for printing any more copies?

Mr. NELSON. It does not provide for printing. It is just for the binding.

AMERICAN FISHERIES.

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

Resolved, That the Secretary of the Navy be directed to furnish to the Senate such information as he may have at his command in regard to the value of the American fisheries, including the Atlantic and Pacific shore and ocean fisheries and the fisheries of the Lakes and Gulf, as a resource for the supply of seamen for the Navy, especially in time of war, and that the Secretary shall be at liberty, in his discretion, when such information relating to any single class shall be ready, to communicate it to the Senate without delaying it until the remainder of the information shall be complete.

LAND AND PENSION DECISIONS.

Mr. HANSBROUGH submitted the following concurrent resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 100 copies each of volumes 2, 3, 4, 5, 7, 8, 9, 12, 13, 14, 15, 16, and 20 to 32, Land Decisions, and volumes 12, 13, and 14, Pension Decisions, for sale and distribution by the Department of the Interior: *Provided*, That five copies each of all volumes of Land Decisions already issued and to be issued be delivered to the Committee on Public Lands of the Senate and House of Representatives, and that five copies each of all volumes of Pension Decisions already issued and to be issued be delivered to the Committee on Pensions of the Senate, and to the Committees on Pensions and Invalid Pensions of the House of Representatives.

CERTIFICATION OF LAND-OFFICE RECORDS.

Mr. HANSBROUGH. On the 27th of January the Senate passed a bill (S. 372) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers. A similar bill was introduced in the House of Representatives and passed on the 4th of April, the Senate bill, which had been referred to the Committee on Public Lands of the House, being overlooked. In order to correct the parliamentary situation, I ask that the House bill may now be taken up for consideration. It is a little bill of only four or five lines.

Mr. WARREN. Are the bills identical?

Mr. HANSBROUGH. Precisely.

Mr. LODGE. Is that morning business, Mr. President?

The PRESIDENT pro tempore. Morning business is concluded.

Mr. HANSBROUGH. This is by unanimous consent.

Mr. LODGE. If the morning business has been concluded—I had not heard the announcement made by the Chair, and I was waiting for the announcement—I move that the Senate proceed to the consideration of the post-office appropriation bill.

Mr. HANSBROUGH. I hope the Senator from Massachusetts will not exercise an undue amount of haste in this case. This bill is a mere incidental matter before the Senate and will only take a few moments.

Mr. LODGE. I insist on my motion, Mr. President.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of the post-office appropriation bill.

The motion was agreed to.

Mr. HANSBROUGH. I now ask the Senator from Massachusetts to yield to me.

Mr. LODGE. Now I yield to the Senator from North Dakota. The PRESIDENT pro tempore. Will the Senator from North Dakota kindly explain what he wishes?

Mr. HANSBROUGH. I desire at the present time the consideration of a House bill which the Chair has before him. I ask unanimous consent that the House bill may now be considered.

The PRESIDENT pro tempore. Was there not a bill passed on Saturday on the same subject?

Mr. HANSBROUGH. No; there was not. There was a bill passed on the 27th of January by the Senate, as I have already explained. A similar bill has passed the House of Representatives whilst the Senate bill was lying in the Committee on Public Lands of the House and was overlooked. The only way to straighten out the tangle is to pass the House bill.

The PRESIDENT pro tempore. Senate bill 372, authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers, was passed by the Senate on January 27.

Mr. HANSBROUGH. That is what I have said, Mr. President.

Mr. LODGE. As I remember, the Senate passed some such bill on Saturday afternoon last.

Mr. HANSBROUGH. The Senator from Massachusetts is entirely wrong about that. That was another bill.

Mr. LODGE. Oh!

The PRESIDENT pro tempore. The Senator from North Dakota [Mr. HANSBROUGH] asks unanimous consent for the consideration of the bill named by him, the title of which will be stated.

Mr. HANSBROUGH. I will state that if the Senate will pass the House bill it will straighten out the tangle and avoid any further trouble.

The PRESIDENT pro tempore. The title of the bill will be stated.

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

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

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

Mr. TELLER. We certainly passed something of that character within the last ten days.

Mr. HANSBROUGH. No, Mr. President, that was a different bill entirely, I will say to the Senator from Colorado.

Mr. TELLER. What is the difference between them?

Mr. HANSBROUGH. If the Senator will examine the bill he will at once observe the difference.

Mr. TELLER. The difficulty in examining the bill is that nobody knew that it was coming before the Senate until just now, when the Senator from North Dakota called it up. Perhaps the difference between the two bills may be that one provides for copies and the other for originals.

Mr. HANSBROUGH. The Senate bill which passed the other day, and which the Senator has in mind, provided that the Commissioner of the General Land Office, on the order of the court, might call for certain papers—

Mr. TELLER. Originals.

Mr. HANSBROUGH. Original papers.

Mr. TELLER. That is the fact.

Mr. HANSBROUGH. But this bill provides:

That copies of any patents, records, books, or papers in the General Land Office authenticated by the seal and certified by the recorder of such Office shall be evidence equally with the originals thereof to the same force and effect as when certified by the Commissioner of said Office.

Mr. TELLER. There is now in force a statute of that kind.

The PRESIDENT pro tempore. A bill precisely like this passed the Senate on the 27th of January, and if this is passed the Senator from North Dakota had better enter a motion to reconsider the vote by which that bill was passed, and have it recalled from the House of Representatives.

Mr. HANSBROUGH. That is precisely what I propose to do.

Mr. HEYBURN. There is already a provision in the Revised Statutes that makes certified copies of these papers evidence, and has been for many years.

Mr. TELLER. That is so.

Mr. HANSBROUGH. In response to that, I desire to say that, while I do not care to dispute the statement made by the Senator from Idaho [Mr. HEYBURN], this bill was drawn by the Commissioner of the General Land Office, and if such a law is already on the statute book he certainly would have known of it.

Mr. LODGE. If this bill is going to lead to further debate, I shall be obliged to object.

Mr. HANSBROUGH. We shall finish it in a moment.

Mr. FULTON. Does this bill provide for furnishing original records?

Mr. HANSBROUGH. It does not.

Mr. LODGE. Mr. President, I shall be obliged to object to the consideration of the bill.

Mr. HANSBROUGH. Just one further statement. I have no interest in the matter beyond the fact that one of the clerks at the desk called my attention to the parliamentary situation, and it was suggested by the clerk, who knew what he was talking about, that the only way to straighten out the parliamentary tangle was to pass the House bill.

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

Mr. HANSBROUGH. I now enter a motion to reconsider the vote by which Senate bill 372, on the same subject, passed the Senate, and I ask that a message may be sent to the House requesting the return of that bill to the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

SEMINOLE TRIBE OF INDIANS.

Mr. PLATT of Connecticut. I ask the Senator from Massachusetts to yield to me to secure the consideration of a bill.

Mr. LODGE. I yield to the Senator from Connecticut.

Mr. PLATT of Connecticut. I ask that unanimous consent may be given for the consideration of the bill (S. 5307) to wind up the affairs of the Seminole tribe of Indians in Indian Territory, and for other purposes.

I will make one word of explanation. I do not think there will be any objection to this bill, and that upon its reading it will pass. It has the approval of the Secretary of the Interior; it has the approval of the Dawes Commission; it has the approval of the delegates of the Seminole Nation who are here; and it is necessary, in order to finally complete the allotment of land in the Seminole Nation and to close up matters there. It is important that the bill should reach the House to-morrow.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill (S. 5307) to wind up the affairs of the Seminole tribe of Indians, in Indian Territory, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. President, pending that question, I desire to say that this appears to me a rather complicated and though of local application, a rather important bill to pass by unanimous consent. I shall not, however, object to its consideration simply because I do not understand it, as no Senator understands it except the Senator in charge of it. But one peculiarity of the first section, to which I desire to call the attention of the Senator from Connecticut, is that it provides in case an allottee should die before patent issues that his title shall then "vest in his successor or successors." Will the Senator from Connecticut tell the Senate why he did not use the ordinary or customary language of the law and put in "heirs, assigns, or successors" there? Is there any reason why the word "heirs" should be left out and only the words "successor or successors" employed?

Mr. PLATT of Connecticut. I have no objection to a change of the language, if the Senator so desires. I did not draw the bill; it was prepared at the office of the Secretary of the Interior, and I do not know any reason why those words should be used rather than the words "heir or heirs."

Mr. BAILEY. The trouble is, if you change the wording of the law without knowing the reason for the language employed, you might make a mistake. I believe so great an authority as Blackstone once said that the reason of the law is not always apparent; but if you change it, then the original reason for it would become apparent at once. Perhaps it is fair to assume that whoever drew this bill drew it intelligently and had a purpose in using those words, and those words only.

Mr. BACON. If the Senator will permit me, I wish to suggest that, according to the language of the bill which the Senator has in his hand, those words seem to refer to an act of Congress, as the Senator will see if he will read it in that connection; and there may be something in the act or acts of Congress therein referred to which provides for "successor or successors." In that case it might not be necessary the word "heirs" should be in it.

Mr. PLATT of Connecticut. I do not think the change of language would make any difference at all in the results.

Mr. BAILEY. The word "heir," in legal contemplation, is not necessarily the same as "successor," nor is "successor" the same as "heir."

Mr. PLATT of Connecticut. That is very true.

Mr. BAILEY. But I shall not myself take the responsibility of asking a change of language, because I presume the Department knows what it is doing. That is a violent presumption, however, to indulge in favor of the Interior Department.

Mr. BACON. I would suggest to the Senator to insert the words "heir or heirs" before the word "successor," as that would prevent any possible trouble on the line suggested by the Senator from Texas [Mr. BAILEY].

Mr. PLATT of Connecticut. I have no objection.

Mr. BACON. That would meet either case, whether it was a matter of descent to heirs, or whether it was a descent to parties provided for in the act of Congress therein alluded to.

Mr. PLATT of Connecticut. I have no objection, if the Senator will propose the amendment, to inserting the words "heir or heirs" before the words "successor or successors."

Mr. BACON. That can do no harm.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

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

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on the amendment submitted by the Senator from Georgia [Mr. BACON], which will be stated.

The SECRETARY. In section 1, line 8, before the word "successor," it is proposed to insert the words "heir or heirs."

The amendment was agreed to.

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

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

ENOCH STAHLER.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9256) granting an increase of pension to Enoch Stahler, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist on its amend-

ment disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. PATTERSON were appointed.

JOHN WEAVER.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8925) granting an increase of pension to John Weaver, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist on its amendment disagreed to by the House, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. PATTERSON were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. McCREARY. Mr. President—

Mr. LODGE. I ask for the regular order.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] demands the regular order, which is the post-office appropriation bill.

Mr. McCREARY. I ask the Senator from Massachusetts to yield to me for three minutes.

Mr. LODGE. I hope Senators will not ask me to yield further. I am anxious to get along with the post-office appropriation bill, which has been pending a long time before the Senate.

Mr. McCREARY. If the bill for which I ask consideration takes more than three minutes, I will withdraw it.

Mr. LODGE. I will say to the Senator from Kentucky that there are a dozen other Senators with precisely the same claim. I should like to yield to them all, but I can not yield further after having yielded to the bill which has just been passed. I gave notice that I would not yield again, and I ask now for the regular order.

The PRESIDING OFFICER. The Chair lays before the Senate—

Mr. McCREARY. Did the Senator from Massachusetts give notice that he would not yield again? If so, I did not hear him. If I had heard that, I would not have made the request.

Mr. LODGE. I thought I made that statement when I yielded to the Senator from Connecticut [Mr. PLATT].

Mr. McCREARY. If I had heard the Senator from Massachusetts state that he would not yield again, I should not have addressed the President of the Senate; but the bill whose consideration I desire will not take more than three minutes. It is a very short bill.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] desires the regular order, which is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes.

Mr. LODGE. I ask if there is an amendment now pending?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Texas [Mr. CULBERSON].

Mr. LODGE. On that amendment I make the point of order that it contains an appropriation not estimated for.

Mr. TELLER. What is the amendment, Mr. President?

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill as a new section the following:

SEC. 10. That a commission, consisting of three members of the Senate, to be appointed by the President pro tempore of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is hereby created to investigate the status of the postal laws of the United States, with a view of determining whether changes therein or additions thereto are necessary, and to make inquiry into the conduct and expenditures of the Post-Office Department, and especially inquire whether there has been extravagance, violations of law, or corruption in the administration of the affairs of the Post-Office Department. Said commission is authorized to employ experts to aid in the work of inquiry and examination, and also to employ a clerk and stenographer, and such other clerical assistance as may be necessary; said experts, stenographer, and clerks to be paid such compensation as said commission may deem just and reasonable.

The Postmaster-General shall detail from time to time such officers and employees of the Post-Office Department as may be requested by said commission in its investigation.

For the purposes of the investigation said commission is authorized to sit during the recess of Congress, to send for persons and papers, and, through the chairman of the commission or the chairman of any subcommittee thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the duties of said commission. Said commission shall, on or before December 5, 1904, make report to Congress, which report shall embrace the testimony and evidence taken in the course of investigation, and conclusions reached by said commission on the several subjects examined,

and any recommendation said commission may see proper to make, by bill or otherwise, with a view of correcting any deficiencies in the law, or abuses, or violations of law, or corruption, in the administration of said Department.

The sum of \$25,000, or so much thereof as may be necessary, which shall be immediately available, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said commission, such payments to be made on the certificate of the chairman of said commission. Any vacancy occurring in the membership of said commission, by resignation or otherwise, shall be filled by the presiding officer of the Senate or House of Representatives, respectively, according as the vacancy occurs in the Senate or House of Representatives on said commission.

The PRESIDING OFFICER. On the amendment which has just been read the Senator from Massachusetts makes the point of order.

Mr. TELLER. I wish to suggest to the Senator from Massachusetts that the mover of the amendment is not present, and I suggest that nothing will be lost if he withholds his point of order until the Senator from Texas shall come in.

Mr. President, I desire to say a few words on this bill.

Mr. LODGE. If the Senator from Colorado desires to speak upon it, of course I will withhold the point of order.

Mr. TELLER. I do not care about speaking on this particular amendment, for I have not looked at it. I made the suggestion I did merely because I thought the Senator from Texas might desire to say something on his amendment.

Mr. McCREARY. I ask the Senator from Colorado to yield to me. I shall not take over three minutes.

Mr. TELLER. Mr. President—

Mr. LODGE. I object.

Mr. TELLER. I was about to say that I do not know exactly what is the right of a Senator who has the floor with reference to yielding. I understand that my right now to yield to the Senator from Kentucky is exactly the same as that of the junior Senator from Massachusetts when he yielded to the Senator from Connecticut.

Mr. LODGE. Undoubtedly. It is the same.

Mr. TELLER. And I did not know—

Mr. LODGE. And my right to object remains untouched.

Mr. TELLER. I suppose the Senator has a right to object, but I submit it is hardly seemly for a Senator to insist that he will exercise a right and that he will deprive every other Senator from exercising it.

Mr. LODGE. I am in charge of this bill. I have done nothing but what is invariably done by Senators in charge of appropriation bills. The request to yield is always directed to the Senator in charge of the bill. I should like to have yielded to the Senator from Kentucky. It is no pleasure to me to refuse, but I happen to be in charge of an appropriation bill that ought to be passed; and when the Senator from Kentucky asked permission of the Senator from Colorado to yield to him to pass a bill, of course nothing remained to me but the power of objection. It is not usual to ask it of another Senator than the Senator in charge of the pending bill.

Mr. TELLER. That, of course, prevents me from yielding to the Senator from Kentucky, unless it is for some personal purpose.

Mr. McCREARY. Mr. President—

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

Mr. TELLER. I yield, under the circumstances.

Mr. McCREARY. Mr. President, I have never, during my brief service here, objected to the consideration of any bill when a Senator asked unanimous consent for its consideration. I do not understand why the Senator from Massachusetts permits some Senators to call up bills and then objects to my doing so. This is a bill that is important to the man who asks the relief, and it is one which it would not take more than three minutes to consider. I suppose the distinguished Senator from Massachusetts is prompted by the very best desire to pass the post-office appropriation bill, yet it seems to me he should yield when I can pass a bill in which I am interested so quickly, when there is no objection to it, when it has been reported from the Committee on Claims unanimously, and when, unless I can have action upon it to-day, I doubt whether it can pass at this session of Congress. But if the Senator from Massachusetts is determined to object to the consideration of the bill, I know he can prevent its consideration.

Mr. LODGE. I yielded with great reluctance to the Senator from Connecticut, who had a bill of public importance which it was absolutely necessary should get to the House to-morrow. I have refused to yield to a half a dozen Senators on my own side. None of them have pressed me about it. It is no pleasure to object, but if I yield to the Senator from Kentucky I must yield to every other Senator who makes a similar request.

Mr. McCREARY. I should like to ask the Senator from Massachusetts a question.

Mr. ALDRICH. What is the regular order?

The PRESIDING OFFICER. The amendment offered by the Senator from Texas [Mr. CULBERSON].

Mr. McCREARY. Why is it that it is so absolutely necessary to push this bill through? It is only the 11th day of April.

Mr. LODGE. If the Senator does not see the need of passing the appropriations for the supply of the Government, I can not explain it to him.

Mr. McCREARY. I desire all the appropriation bills to be passed in good time, but I do not like to be marked out or singled out by the Senator in charge of an appropriation bill and not given the privileges which are accorded to other Senators.

Mr. LODGE. The Senator is not marked out. The Senator from North Dakota has a bill here, which he had up once, and with respect to which he gave notice, and if I yield to anyone I ought to yield to him first. The Senator from Kentucky is far from being marked out. I myself have a bill which I am most anxious to pass.

Mr. McCREARY. I will not take the time of the Senator from Colorado further.

Mr. TELLER. Mr. President, on Friday last I came into the Senate Chamber when there was pending an amendment offered by the Senator from Texas [Mr. CULBERSON], which I need not now read, for the reduction of the prices of the canceling machines that the Government is using in the post-office here and elsewhere. Without any preparation or previous thought on the subject I said, what I then believed to be the fact and what I still believe to be a fact, that under this bill we are to pay the same prices that we have been paying heretofore for certain canceling machines. The junior Senator from Massachusetts [Mr. LODGE], who has this bill in charge, challenged my statement, or in a general way said that if I understood the things I had said I understood I was in error. I said I might be in error. But when the Senator got through with his rather labored explanation on Friday, and with his further labored explanation on Saturday, I felt very certain that I had not made any mistake.

I think now, as it stands here, I shall be justified in saying that we are paying and are to pay under the present appropriation, if it is made, the same prices for these canceling machines, so far as we employ or use those that were in use heretofore, that we have been paying. Perhaps that does not apply to all of the various makes, because all of them are not to be used. In other words, the point I desire to make is that there is no reduction in the rental of these machines; and if there is any reduction the Senator from Massachusetts has not yet indicated, so far as I recall, on what particular machines the reduction has taken place and what the amount is.

Mr. LODGE. I gave all the prices and all the reductions and all the prices at all dates since the machines were first introduced.

Mr. TELLER. I do not understand there is any reduction of prices; that the same price is paid.

Mr. LODGE. There is a reduction of \$90 on the American machine, for example, from the price we paid for many years.

Mr. TELLER. I am talking about the prices paid six months ago.

Mr. LODGE. Oh, there is no reduction on the prices paid six months ago.

Mr. TELLER. And then the prices were those that Beavers had established.

Mr. President, I do not say that because Beavers was a rascal, which I suppose he was, it necessarily follows that all these companies are composed of rascals. But that some of their officers must have been equally guilty with Beavers is certain. I have before me the report of the Fourth Assistant Postmaster-General, which has created some criticism, and yet I believe nobody has challenged the truthfulness of his statement that these people paid to Mr. Beavers over \$5,000 by way of bounty on the machines the Government was operating. It is also in evidence that other companies which did not perhaps pay Beavers were paying other people a bounty on the rental of the machines.

If there was a bounty paid to anybody, whether it be an employee of the Government or an outsider, it follows as certainly as one thing can follow another thing that there was an excessive price charged. I believe I used the term "exorbitant charge," and that is fully supported by the evidence which Mr. Bristow produces and by the statement he makes. It is true that he did say—

Mr. LODGE. If the Senator will allow me, where is the statement about paying \$5,000 to Beavers?

Mr. TELLER. That is in Bristow's report.

Mr. LODGE. I have the report before me. Can the Senator give me the page?

Mr. TELLER. I think it is on page 182. That is my recollection. It was the Doremus Canceling Machine Company which paid that money.

Mr. LODGE. That is what I supposed. Those are the machines that were bought. Those are not rented machines. Those machines were bought, and this appropriation does not cover them.

Mr. TELLER. There is a statement here—

Mr. LODGE. I said nothing about the purchased machines.

Mr. TELLER. There is also a statement by the Fourth Assistant Postmaster-General that on one machine he was getting \$25 as a royalty. There is evidence further that certain lawyers here were getting a royalty on the machines.

Mr. LODGE. Those were the purchased machines.

Mr. TELLER. No; there is a place in the report where it is stated that Mr. Beavers got a royalty on some machines.

Mr. LODGE. Yes; but not on rented canceling machines.

Mr. TELLER. Then it refers to some other machine.

Mr. LODGE. Ah, that may be. I was only talking about the rented canceling machines.

Mr. TELLER. It may be the time-recording machine.

Mr. LODGE. That is a totally different thing.

Mr. TELLER. Oh, yes; but what I am trying to get at is that the Post-Office Department has, without proper care, without proper attention, without proper ideas of economy, been allowing exorbitant fees for the use of machines as well as exorbitant prices for them. That is borne out by the testimony of the Fourth Assistant Postmaster-General in so many words.

Now, we make an appropriation of \$200,000. The Senator says it must be a reduction, because heretofore it has been \$300,000. We bought a great number of machines. We have a thousand of those machines on hand, according to the statement of what the Senator from Massachusetts calls the "expert" commission, which I call simply a commission of employees of the Post-Office Department. There is nothing in the report to show that they had any special qualifications for that position or knew any more about it than anybody else, except that they were employees of the Post-Office Department.

Mr. LODGE. Two of them were Mr. Bristow's inspectors.

Mr. TELLER. I am not making any attack upon the inspectors, but I say there is nothing in the record to show that these men were especially skilled in or especially acquainted with this service any more than Beavers when he was dealing with it, or others.

Mr. President, the evidence shows that the subordinates of the Department bought or rented these machines at prices that ought not to have been considered by the Department. In one case Mr. Bristow charges that when machines were bought they were worthless and that that fact was known both to Beavers and to the First Assistant Postmaster-General at that time.

Mr. President, this record has been read ad nauseam. The Senator from Georgia [Mr. CLAY] read it Friday afternoon and discussed the very question whether the prices for these machines were proper. I stepped out of the Chamber and returned as the vote was being taken. He then made the statement that the prices paid were extortionate, excessive, and no one on the other side of the Chamber challenged that statement.

Mr. LODGE. Where does the Fourth Assistant Postmaster-General say that?

Mr. TELLER. What?

Mr. LODGE. Will the Senator kindly give me the page?

Mr. TELLER. I am a little afraid the Senator from Massachusetts has not read this report as carefully as he ought to have done.

Mr. LODGE. I thought I had read it, but as the Senator states it it is so different from what I read that I wanted to find it.

Mr. TELLER. I will find it. If the Senator will turn to page 175 and read what it says about the Hampden machine—

Mr. LODGE. Yes; that is one of the purchased machines; that is not covered by this appropriation.

Mr. TELLER. No, not by this appropriation; but I am speaking of the condition in the Department, and we are leaving it in the same position now.

Mr. LODGE. I was only discussing this appropriation in this bill for these machines.

Mr. TELLER. The trouble was that the Senator insisted on discussing only those things which were favorable to his side of the case, it seems to me.

Mr. LODGE. I discussed everything there was in the bill. I did not discuss what was in some other bill.

Mr. TELLER. No. As this bill came from the House it was for the purchase of machines, and the committee propose to change it to rental. Now, we know enough about those things to know that the chances are more than even that when the bill comes back here it will provide for their purchase.

Mr. LODGE. We added the words "rental or." We did not strike out the word "purchase." The present rent is \$201,000, according to the report of the expert commission.

Mr. TELLER. The case is still stronger. I want to read, because I desire to emphasize it, and I am not going to spend much time on it, an extract from the report of Mr. Bristow. The Senator from Georgia read this and put it in the RECORD, and the next day the Senator from Massachusetts put it in the RECORD,

not perhaps this particular thing, but the general history of canceling machines:

THE HAMPDEN MACHINE.

The Hampden stamp-canceling machine was invented by W. R. Landfear in 1890. In 1892 Timothy Merrick, of Holyoke, Mass., became interested in it. In 1896 Landfear made a vigorous effort to interest the Department in the use of his machine, and employed D. M. Hurlburt as his Washington agent. Hurlburt made a proposition to the Department to sell 100 machines at \$200 each, which was declined. In April, 1897, after Perry S. Heath became First Assistant Postmaster-General, Landfear renewed the offer, but it was ignored. In the meantime, however, 10 machines had been installed at a rental of \$175 per annum.

The company was reorganized on June 8, 1898, and George N. Tyner, a brother of late Assistant Attorney-General Tyner, secured a controlling interest in the stock, and another effort was made to sell machines to the Department. The result was that on December 8, 1898, First Assistant Postmaster-General Heath ordered 50 machines at \$300 each, and a few months later additional orders were given until 100 had been purchased. The same machine, with a few slight changes, that had been refused by First Assistant Postmaster-General Jones in 1896 at \$200 and again in 1897 by Heath at the same price, was now purchased at \$300. George N. Tyner was interested by Landfear and Merrick apparently for no other reason than that they might, through his brother, James N. Tyner, secure business from the Department. Landfear states that the machine had been greatly improved. In referring to this he said (Exhibit W-39):

"At the request of Assistant Postmaster-General Heath the machine has been so remodeled that the cost was greatly enhanced by introducing a pedestal structure and more expensive machinery."

The actual cost of manufacturing the 100 machines bought by the Department, as shown by Exhibits W-39 and W-40, was \$70 each for the first 50 and \$80 each for the second 50. Whether or not the machine purchased was an improvement over the old one is difficult to determine, but that the new machine was useless there is no doubt; and there is evidence that its worthless character was known to First Assistant Postmaster-General Heath and Beavers before the last order was given. Of the ten postmasters who tested the machines, eight reported adversely, one reported favorably and then reconsidered, leaving but one testimonial out of the ten that could be considered favorable.

Then there follows a statement from the various postmasters as to the useless character of this machine.

Mr. President, I do not intend to take up this matter in detail. I merely say now that in my judgment there is no evidence to show that there has been any reduction on any of these machines except what is shown in the report.

Mr. LODGE. Mr. President—

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

Mr. TELLER. Certainly.

Mr. LODGE. The Senator certainly does not mean to mislead the Senate about the Hampden machine. The machine was adopted as the result of a corrupt bargain with Beavers. There is no doubt about that. The machine is out of use. It is entirely useless. There are no more in the Department. The company has dissolved. Of the whole 100, only 17 were left in 1897.

Mr. TELLER. I am perfectly willing to admit that—

Mr. LODGE. That is all printed here.

Mr. TELLER. Certainly.

Mr. LODGE. Not a dollar in this appropriation bill is to be used for the purchase of those machines.

Mr. TELLER. It certainly is all printed here, and a good deal more is here.

Mr. LODGE. That relates to Mr. Beavers. Nobody is defending him or anything he did, of course.

Mr. TELLER. Oh, no. Beavers is unfortunate enough to be under indictment. Some other people who are not under indictment, but who, from this evidence, were equally guilty, are sometimes defended on this floor.

Mr. LODGE. I have no idea to whom the Senator is alluding. But I have not defended anybody who is under indictment or ought to be under indictment.

Mr. TELLER. No; I am not referring to the Senator from Massachusetts. I do not want to go into personalities, but I think it is a perfectly legitimate thing in the discussion of this matter to go into it as far as the Fourth Assistant Postmaster-General has gone into it.

Mr. LODGE. Of course, I did not mean to imply that in the least by my interruption. I only wanted to point out the fact that the machine the Senator was talking about was not in use—was abandoned; that the company had been dissolved, and that there was not a dollar in this bill for it.

Mr. TELLER. To put this in a nutshell, the Fourth Assistant Postmaster-General, Mr. Bristow, who we are told has made the most exhaustive and honest investigation ever made by any official in the world, and that it is not possible that any crookedness could have been overlooked by him, although he did not pretend to investigate more than a portion of the Department, tells us that Beavers and Machen, and other people of that stripe, did not themselves make so very much money. I think he says that Beavers made about \$26,000 and Machen about \$20,000, and nobody knows how much some other people made. But he says that the Government lost more than \$3,200,000.

That is what we are particularly interested in—that the Government has been robbed. Of course it is a very small sum compared with the total expenditures of the nation, and I suppose it

is only fair to say that probably we shall never have an Administration under which there will not be some corruption, and some speculations, and some grafting, and some loss. But that is a good deal more than ought to have occurred in any one Department.

Mr. President, I am not a partisan sufficiently strong to insist that these speculations, these fraudulent transactions occurred because the Republican party was in power, nor do I think it is any answer when I complain, as I do complain, that this investigation has not been carried on as it should have been carried on to say that Machen was a Democrat. It is not any answer, Mr. President. Suppose he was a Democrat. Suppose he came in under a Democratic Administration. Somebody in my rear suggests to me that he turned Republican. I have no doubt that he changed his politics with the Administration, for that class of people can always do that. The Senator from Maryland [Mr. GORMAN] says to me he changed his politics. I should suspect that.

In the first place, I do not suppose he would have been found there if he had not changed his politics; but he was there.

It does not add anything to the offense to say that Beavers was a Republican. I do not believe stealing is confined to any one political party in this country, and it never will be. But I repeat the statement I made at the beginning, that with this appropriation made as it is, under the conditions existing in the Post-Office Department, with suspicion thrown not only upon the men indicated by Mr. Bristow, and who have been thrown out, but upon others, there is no indication that the Committee on Post-Offices and Post-Roads, when they considered this bill, considered it with reference to seeing that there was not a further scandal growing out of these particular machines. I know Mr. Bristow says with respect to two or three machines that there is no positive evidence that the parties used any corrupt measures, leaving out, I suppose, the Doremus machine, because Doremus is already indicted, as is one of his collaborators, Mr. Green.

But, Mr. President, how would you expect to get any immediate and positive proof? Beavers would not own it; any other officer who might be complicated in it, who might be guilty, would not own it; the company would not own it, and it would be extremely difficult, as it was extremely difficult even to put the proof finally upon Mr. Beavers.

But, Mr. President, the whole transaction in every one of those machines from the beginning to the end is covered with suspicion and ought to have at least called for an investigation into those much more fully than there had been before we made another appropriation of \$200,000 or any other sum whatever.

Mr. President, I have said this in justice to myself, because I do not believe I can be charged, as a rule, with any undue partisanship or any attempt to blacken the character of any man in public life or out of it. I have not discussed the question, except in the very briefest way two months ago, whether there ought to be a further investigation of the Post-Office Department or not. I said then, and I repeat now, that the public at large do not believe there has been a proper investigation of that Department. It may not count for very much, but in my judgment there has not been. I do not believe that the legislative department of the Government should leave the executive department of the Government simply to determine the question of its integrity or its wisdom.

I heard the other day a Senator on this floor declare that it would be bad taste for the legislative department to investigate the executive department. That is not more astonishing to me than some other utterances I have heard from Senators on the other side of the Chamber. I do not believe they met with universal approval, but these new ideas always attract some people at least, and I expect that will be the rule by the next session of Congress. I shall expect to see the dominant party claim—and I do not know that it makes much difference which is in power, because whenever a party is in power if it has a chance to arrogate to itself more power than it had it is almost certain to do it, and especially after it has had a considerable length of time in the public service—that it is an infraction of the rights of the executive department for us to say, "You have attempted to investigate and you have not investigated as you ought, and we will do it."

Mr. President, there are good many things that might be said with reference to this investigation of the Post-Office Department. It is a very delicate question. It is one difficult to handle. It is difficult to handle because of our relation to the other branch of the legislative department of the Government. The Bristow report, in the public estimation at least, cast reflection upon members of this body and upon the House. Mr. President, I can not take up that question and discuss it without endangering the relations which exist between this body and the other. The senior Senator from Wisconsin on Saturday made some allusions to it. I notice that the public press at least say that there was a feeling on the other side that he had gone beyond what he ought to have gone. I did not recognize anything of the kind in his remarks. That shows how careful we have always got to be when we deal with these subjects.

Mr. President, there is high authority for saying that there ought to be a further investigation of the Post-Office Department. There is authority as high as that of the President of the United States. There is authority as high as that of his two attorneys. Mr. President, there is more than that. There are the utterances of men on the other side of this Capitol who are in perfect accord with the dominant party in this Chamber, who declared that the Post-Office Department needed a thorough investigation.

Now, I could read those utterances. Some of them were impassioned and some of them were cool and deliberate. But it is enough to say that this is not a political demand, and, Mr. President, it is no answer that they were Democrats or whether they were Republicans. They are men who come here as the representatives of the people of the United States, and it is not any question as to whether they had been assailed or whether they had not been assailed; the question is, did they believe that there ought to be an investigation when they made statements of that kind.

But, Mr. President, whenever a suggestion was made during this session of Congress for a further investigation we have been met with the declaration that there was nothing to be investigated.

The Republicans in this Chamber have begged that question. They have said "we are satisfied;" and we have heard repeatedly on this floor the declaration that if it were not that we wanted to make politics out of it we would not indicate a desire for this investigation. For the first time since I have been in public life when a legitimate demand has been made in a legitimate way by Senators of equal authority and equal responsibility on this floor with any on the other side, I have heard that demand in this body called a "clamor," and in the other body I have heard it called a "howling."

Mr. President, no harm could come to the party in power, it seems to me, by an honest investigation, whether there were frauds there that had not been uncovered or whether all the frauds had been uncovered; and, acting upon the natural impulse, no man sitting on this side of the Chamber can restrain himself from feeling that there is something not yet uncovered which there is fear in certain quarters will be uncovered by an investigation.

Mr. President, there is another thing to be noted. Every man who has suggested an investigation of the Post-Office Department, the necessity of which has not been denied heretofore, is charged with making an attack upon the Administration. The investigation was made by authority of the President of the United States when it was made. I do not mean to say that it would not have been made without his influence, but I do know that for three years a man who had held a high position in the Post-Office Department for twenty years or more, a man against whom I do not think any charges will be justly or properly made, had publicly proclaimed through the press that there was corruption in that Department which required investigation. And yet the only investigation made was made by the Department, in which Beavers took part and the charged First Assistant also took part. Of course that investigation did not amount to much. It did not amount to anything, Mr. President. And yet the Senator from Wisconsin said on Saturday something disparagingly—I will not attempt to quote his words, because they are not in the RECORD—of the charges made by Mr. Tulloch.

Mr. SPOONER. I said that relatively to the charges which were investigated by Bristow the Tulloch charges seem rather trifling, although, in fact, disclosing many things subject to criticism.

Mr. TELLER. I do not quite agree with the Senator that they were not important charges. They may not have been made in the full and complete manner that Bristow finally made them when he got through with this investigation, yet the basis of that investigation could be found in Mr. Tulloch's charges, and had Mr. Tulloch's charges been properly taken up at the time when they were made the Government would have saved a considerable amount of money and a good deal of scandal.

The special attorneys who were employed by the Government of the United States, Mr. Bonaparte and Mr. Conrad, made a report to the President of the United States—rather, to the Attorney-General, but actually, of course, to the President—in which they referred to the statement of Mr. Tulloch. On page 359 of Document 151 can be found something that they thought about it. Beginning on page 358, after going over a lot of documentary evidence, they say:

From the foregoing summary of the mass of documentary information furnished us as constituting or at least containing "the Tulloch charges" (and which, notwithstanding its bulk, we have been obliged, as will hereafter appear, to supplement in some particulars) certain conclusions are at once apparent. At this point, therefore, we respectfully call your attention to the following obvious facts:

First. No improper official act on the part of any public officer or employee is alleged which did not occur more than three years before July 17, 1903.

When this investigation began—

So that when we were instructed to report on these matters "from a legal standpoint," all possible prosecutions were already barred under the terms

of section 1044, United States Revised Statutes. Indeed it is as nearly certain as may be under the circumstances that such was the case when Mr. Tulloch's interview of May 1, 1903, was published.

Tulloch's charges were made in June, 1899.

We are led, therefore, to interpret our instructions in a broader sense than we might otherwise venture to ascribe to them, and understand that our views are desired as to the legal propriety of the official action disclosed and not merely whether it may not have been criminal.

Second. We are very imperfectly informed by these documents as to the management and condition of the Washington post-office during the period between the dates of Inspector Little's "special report" (July 31, 1900) and the qualification of the present Postmaster-General (January 10, 1902), and have only the said report to indicate rather than disclose what happened there after Mr. Tulloch's removal (June 30, 1899). We think it obvious that an investigation of the period of Mr. Merritt's incumbency is more likely to be fruitful of practically useful results, especially in view of the operation of the statute of limitations, than could be an investigation of incidents occurring while Mr. Willett was postmaster. On this opinion we base in part the first recommendation of this report.

Third. The "Tulloch charges" have never been, properly speaking, "investigated" at all.

Mr. President, that hardly agrees with the statement made not long ago by the junior Senator from Iowa [Mr. DOLLIVER], who complained of the clamor on this side of the Chamber, and said that everything had been investigated that could have any bearing on the subject.

I will put in the RECORD without reading the balance of page 358 and a part of page 359 of this report, for I have no desire to lengthen this discussion.

The Postmaster-General's correspondence with some of the parties implicated has indeed provided us with a certain number of expressly conceded facts, and with further admissions to be implied from silence as to certain allegations which it is reasonable to suppose would have been denied if they could have been, and contemporary documentary evidence has been brought to light which is decisive as to a number of questions; but we have been repeatedly confronted in our inquiry with an assertion on the one side and a denial on the other as to a question of fact, with no sufficient means at our command to determine which statement we could advise you to believe. Fortunately, however, these questions are not, for the most part, in our view, of any great materiality.

Fourth. No "charges," in a technical sense, have been formulated, either by Mr. Tulloch or anyone else, with respect to the subject-matter of our inquiry. Inspectors Smith and Little are precise and explicit in their statements, but they usually describe abuses without seeking to fix responsibility for their existence. Their reports might have furnished the basis for charges, but do not contain them. Mr. Tulloch's letter of May 15 to the Postmaster-General reflects very gravely upon the character, conduct, and motives of various officials, past and present, but these accusations are not framed specifically or in orderly sequence. They have to be disentangled from lines of argument or narrative, sometimes quite foreign to their subject-matter, and they are not infrequently rather intimated than made in plain words. It thus happens that they are but seldom put in such shape as to admit only of a categorical "yea" or "nay" as answer, and the replies of the accused may read plausibly to one examining the correspondence superficially, while in reality all that is truly serious in the "charges" is evaded with generalities and practically unanswered.

I want to read under the head of "Third. The charges against Perry S. Heath:"

This feature of the inquiry is illustrated very forcibly by—

III. THE CHARGES AGAINST PERRY S. HEATH.

As above noted in the letter of Postmaster-General Payne of May 21, 1903, to Mr. Perry S. Heath, he inclosed a copy of Mr. Tulloch's letter of May 15, and said that it "especially charges you, as First Assistant Postmaster-General, with many acts of doubtful propriety."

In this instance, as in others, Mr. Tulloch's "charges" are not stated in any systematic form, but are mingled with much irrelevant matter, in great part of a purely personal character. From the letter, however, the following charges, among others of less importance, can be distinctly made out against the official conduct of Mr. Perry S. Heath while First Assistant Postmaster-General:

- (1) A printed circular from the office of the First Assistant Postmaster-General required all post-office employees to give bonds to be furnished by a single surety company designated in the circular. This requirement was extended to letter carriers.
- (2) By order from the First Assistant Postmaster-General the cashier of the Washington City post-office was required to pay to one J. Holt Livingston the price of furniture said to have been purchased for use in Cuba and Porto Rico, although Livingston admitted to the postmaster that he had not even yet begun to manufacture the furniture.
- (3) Mr. Heath ordered the employment of one Oliver H. Smith as "laborer" in the Washington City post-office, and yet caused him to be paid as though for clerical services, and to be promoted to the position of "finance clerk" at \$1,700 a year.
- (4) Mr. Heath ordered the employment of eight females as charwomen or cleaners in the Washington City post-office, but instructed the postmaster that their names should not appear on the pay rolls, and that they were not expected to report for duty.
- (5) Mr. Heath caused the transfer from other post-offices of many clerks to the Washington City post-office, without request from the Washington City postmaster, and without need for their services in that post-office, and instructed the postmaster to "consult" with one of these clerks, a Mr. D. G. Miller, and arrange hours of duty which would be "satisfactory" to him—Miller.
- (6) Similar favoritism was shown by Mr. Heath's orders, and for personal reasons on his part, to one George C. Clavis, jr., another clerk in the post-office.
- (7) Mr. Heath secured the appointment to office or promotion, as "finance clerks" and "auditors," in several cases at salaries of \$1,600 and \$1,700 per annum, of a number of persons whose names are given, and who at no time performed duties appropriate to such offices, in direct violation of the law and rules relative to classification of clerks.
- (8) Mr. Heath caused the expenses and salaries of certain persons whom he sent to Cuba and Porto Rico to make "investigations" without any necessity to be paid, in some cases, for weeks and even months after the return of these persons and when they were rendering no service to the Government.
- (9) When the "revision" of the postmaster's accounts made by Gilmer

was sent by the Comptroller to the postmaster for his explanations as to the items disallowed therein, Postmaster Willett said:

"He had strict orders from General Heath to bring all papers received from the Comptroller immediately to him, and that his office would dictate all replies."

Mr. Heath was very angry with the city post-office officials because they had acknowledged the receipt of the Comptroller's letter before they knew of these orders and "charged us with having secretly acted in collusion with the Comptroller and his experts."

(10) When Mr. Heath "bought in" the Seventh National Bank, of New York, and became one of its directors, he caused the postal funds, which for ten years had been deposited in the Chase National Bank, and amounted to a daily balance of from \$30,000 to \$200,000, to be transferred to his own bank.

To this letter Mr. Heath made a very general reply, referring specifically only to the single matter of Mrs. Winans, which, as above explained, Postmaster-General Payne had informed him had fallen within his own personal knowledge. Of her he says:

"If Mrs. Winans did not render services equivalent to the compensation she received her superior officers were deceived. I did not know the woman when she was appointed, and had no personal interest in her. Her name was amongst the large number always on my desk, and I recall that she was well recommended for a position. I did not and could not attempt to personally ascertain whether persons appointed to positions in post-offices rendered satisfactory service. I do remember that this woman became a nuisance about the Post-Office Department, and that I refused to see her. She was reported to me by my chief clerk as being persistent in her demands for promotion or more desirable work. She at least pretended to my chief clerk, so he reported to me, to perform services warranting promotion or better compensation."

To the ten specific charges above formulated Mr. Heath made no other answer than the following statement:

"I never appointed any person to any position or retained anyone in any position at any time with any sort of notion or idea that he or she was not to render full and honest service to the Government for the pay received. The intimation that there was any "honorary roll" upon which persons were placed for political or personal or other purposes than good service is a pure invention. It is a lie out of the whole cloth, as are most of the imputations of Tulloch. If any persons were so appointed or retained it was through their own dishonest designs."

We consider this answer altogether insufficient, and no less unsatisfactory in substance than in form.

The revision of Postmaster Willett's account, made by Mr. Gilmer for the Comptroller, disallowed a number of payments made on the authority of Mr. Heath. Among these were some to Oliver H. Smith; to the charwomen or cleaners; for traveling expenses of Mr. Heath and Mr. Beavers; and to the five persons employed, apparently by Mr. Heath, on the letter-carrier overtime cases. We will hereafter discuss this revision more fully; but, of itself, it suffices to show that Mr. Heath's official record is not so clear as to defy suspicion.

Moreover, the "confidential report" of Inspector in Charge Smith and the "special report" of Inspector Little tend so strongly to sustain some of the most serious charges made by Mr. Tulloch against him that it is quite impossible to dispose of these charges by calling them "lies out of the whole cloth," especially when we remember that the "confidential report" is stated by Inspector Smith to set forth irregularities discovered by himself, and that the "special report" was prepared a whole year after Mr. Tulloch had left the office. It would have been more satisfactory, doubtless, if Mr. Tulloch's letter had been so drawn as to indicate more clearly the necessity for a distinct and categorical denial of each one of these charges; but the reasonable inference to be drawn from Mr. Heath's complete failure to meet fully and explicitly accusations which, as Postmaster-General Payne very justly admonished him, "charged him with many acts of doubtful propriety," added to the facts appearing from the record evidence laid before us, oblige us to say that at least a strong prima facie case is presented of willful and reckless disregard by the late First Assistant Postmaster-General of obligations imposed on him by the regulations of his own Department, as well as by the statutes of the United States; and we feel it our duty to add that suspicion of his personal integrity must be inevitably aroused in our judgment by an impartial consideration of the facts submitted to us and of his plainly inadequate explanations.

This is what the attorneys say.

The PRESIDENT pro tempore. The Senator from Colorado will please suspend one moment, while the Chair lays before the Senate the unfinished business.

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

Mr. TELLER. I ask that that may be laid aside.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the unfinished business be temporarily laid aside, in order that the Senate may proceed with the consideration of the post-office appropriation bill. The Chair hears no objection.

Mr. TELLER. Mr. President, there is a good deal more on this subject. I disagree with the Senator from Wisconsin, and I am inclined to think he failed to look carefully at that statement made by the attorneys.

Of course, Mr. Tulloch did not go into many of the specific charges. I do not know that he made any charge against Beavers particularly; and by the time the investigation was made the First Assistant Postmaster-General of that period was out of office, and we all know what was the result of that.

Mr. President, I have no objection to the friends of the Administration taking all the credit they can get out of this investigation. I am very glad it was made. While I regret the necessity of making it, I am glad that it was made, and I have no reason to think that so far as it went it was not thoroughly made.

Mr. President, I agree with some gentlemen holding official positions in the Republican party of high authority that this investigation has not been such as it ought to be and does not include and did not include some portion of the Post-Office Department that ought to have been investigated. I have no idea

that there will be any investigation by the legislative department of this Government of that Department, and I may say, from what I have seen this winter, I have no hopes of any legislative investigation of any other Department of the Government. If we have not as a body here abandoned all right to make investigations, at least we have for the time being suspended the exercise of that right.

Mr. President, I do not desire to make a political speech. I noticed on Saturday, when the Senator from Wisconsin was making a very interesting speech, he was interrupted by the Senator from Texas [Mr. CULBERSON]. The Senator from Texas declared he did not wish to speak from a political standpoint. Thereupon the Senator from Wisconsin, in words more euphonic and nicer than I can express, said to him he congratulated him that he had got on a plane so high.

Mr. President, I think, as I thought then, if the Senator from Texas had got on a plane above politics he would have been exceedingly lonesome, because I have not heard of anyone in this Chamber this winter who has been able to get above that. If on this side, and I have tried it at least twice, a Senator has tried to speak on these questions not as a politician but as a Senator, he has been rudely charged with speaking only as a politician, and has been compelled, in defense of himself, to drift into a political discussion.

On Saturday the Senator from Wisconsin thought it necessary to enter into a defense of the Postmaster-General. Mr. President, I do not know the Postmaster-General. I would not know him if he walked into the Senate Chamber now. Although I have seen him in the past, I do not believe I could recall him. I believe I can say with absolute sincerity that not a word I have uttered in this Chamber during the last six months can be construed into any reflection upon his character as a man or as a speaker. I have heard some complaint of his predecessor.

Mr. President, I know enough of the duties of an executive officer to know the difficulty that the head of a Department has in dealing with these questions. Judging from the proceeding here this winter it must be the policy of the Republican party not to have any investigations whatever, and that the head of a Department should be tintured with that I do not think is at all strange when the representatives of the party on this floor to a man vote against every and all investigations.

Mr. President, some remarkable things have taken place. The Senator from North Carolina [Mr. SIMMONS], who sits on my left, the other day made a speech in which, as he had a right to do, because it has been the custom here and because the other side has been doing it, he drifted somewhat into politics and somewhat into prophecy.

The junior Senator from Iowa [Mr. DOLLIVER] calls it "clamoring for an investigation." He was met with the inquiry by one Senator on this side, "Do you not believe Bristow's report is true?" and when he said he did, then it was said, "Very well, that is the end of the controversy; if it is true, that is all there is of it." Mr. President, we regret that it is true, but it is not all the truth, in our judgment. It has not uncovered, in our opinion, all the frauds, nor any considerable part of them, which we believe to exist, not only in the Post-Office Department, but which we have reason to believe exist in some other Departments of the Government.

When we have insisted upon investigation—and an investigation that must be made always by the party in power; it is utterly impossible that there should be an unfair investigation made by a committee of this Senate, for a majority of that committee will be of the party in power, and the minority of that committee will be such as the party in power designate—with the power in your hands to say who shall compose the committee, with the power in your hands to conduct every one of its operations, to determine who shall be heard and who shall not be heard, you have no right to fear any unfair investigation; and I think I am justified in saying you do not fear an unjust investigation.

But, Mr. President, it is useless for me to clamor for an investigation, or even to "howl," as the expression now is when a man wants something done in the Senate. My clamoring will go for naught. It will fall upon deaf ears and indifferent consciences. In answer to a demand for an investigation of a Department which expends approximately \$140,000,000 a year and which ought to be subject to investigation by the legislative department I shall be told, as a Senator was told the other day on this floor, "Why, you have not yet selected your candidate for President. You do not know who he is going to be." Mr. President, it hardly seems possible that such an answer could be made in this Chamber; and yet that is the most powerful argument that I have heard against an investigation since the suggestion for one has been made in the Senate—that "you do not know whether you are going to nominate Cleveland, Parker, HEARST, or Bryan."

No, Mr. President, we do not know, and the Democratic party will never know, whom they are going to nominate until the

national convention meets. Then the Democrats of the country will speak, through their representatives, and nominate some man who I hope may be such a man as will receive the support of every Democrat in the land; and I believe, if the nomination be wisely made, he will receive the support of a great many men who decline to call themselves Democrats, but call themselves independents and Republicans.

We are told that the present incumbent is going to be nominated for the Presidency by the Republican party; that that is a fact beyond question. I do not think that is a thing of which the Republican party can be especially proud. I am not now alluding to the character of the man, but I do not think it is a thing to boast of that months before the assembling of the nominating convention a party has determined who shall be its standard bearer and what shall be its platform.

Mr. Roosevelt probably will be nominated, and he may be elected, Mr. President; but that is no answer to the question as to whether or not we ought to have an investigation of the Post-Office Department. It is no answer of any criticism of this Administration to say that he will be nominated and will be elected. Possibly he may be; but even if I were prepared to admit that he would be elected, I should declare that that proposition was no argument at all against the demand for an investigation of a Department or of a criticism of his acts.

I do not intend to go into any discussion of the merits or demerits of the present Executive. I believe he represents his party. If he does things which I criticize, I criticize them because I think they are not in accordance with good government; and I criticize the party, not the individual. If, on the other hand, it is a fact, as is sometimes charged, that what he believes the party accepts; if, nevertheless, his declarations become the principles of the party; it is the party that is responsible to the country, and it is the party that ought to be criticised as well as the Executive.

Mr. President, I said it was almost impossible or quite impossible not to drift into politics when one makes a speech here, because the speaker would be so much out of fashion that I think it would be hardly expected that he should so discuss questions.

As a rule, I do not pay very much attention to newspapers. I do not believe that the newspapers always find out exactly what is going to happen, and sometimes they find it very difficult to determine what has happened; but I was struck this morning on taking up the Washington Post, which, I believe, is a Republican paper—if it is not, its utterances are strangely in that direction—to find that not only is the Republican candidate selected in advance of the convention, but that the platform has also been made. Mr. President, whenever a party is able to select its candidate without the consent of the masses, I suppose it will also assume the right to make its platform without their consent, relying upon the consent that they obtain subsequently. In the Post of this morning I find this statement:

The programme for the Chicago convention has already been mapped out, so far as this can be done two months in advance. The outline of the platform has been discussed. Strong Republican Senators—

I will have to read the names, as I do not think that can be objectionable—

like LODGE and SPOONER will be of the committee. The most important feature will be the tariff. Precautions will be taken against any resurrection of the Iowa idea. The Republican party intends to stand pat on the present tariff, with no equivocations. Those in control of party affairs say that the modern reciprocity is in effect free trade in disguise. They want none of it. This modern reciprocity, say these Republicans—

I do not know who "these Republicans" are, except that they are said to be leading Republicans—

looks to reductions in competing products, where the reciprocity of Blaine's time was for products not in competition with our own factories and farms. They therefore propose to give no encouragement to such ideas of reciprocity in the platform for 1904. Democrats may advocate reciprocity as much as they please. It will be denounced as a form of free trade.

Mr. ALDRICH. Would it interrupt the Senator if I should ask him a question?

Mr. TELLER. No; not a bit.

Mr. ALDRICH. I know how courteous the Senator always is in such matters. In the opening part of his speech the Senator undertook to classify speeches made in the Senate as either non-partisan or political speeches. I should like to know of the Senator to which class of speech the remarks he is now making belong?

Mr. TELLER. I have tried two or three times to make a non-partisan speech, but made a dismal failure of it, because I do not know how a man with any spirit can very well go on and make a speech in a nonpartisan line when he will be charged anyway on the other side by a half dozen Senators with making a speech from a partisan standpoint; when he will be told, "If you did not want to make political capital you would be in favor of this proposition instead of against it." I do not know how, under those circumstances, a Senator can help making a partisan speech. If I get into that class I shall try to be as mild as I can, and I shall apologize to myself—I will not apologize to the Senate, for

that is too common here—but I shall apologize to myself for having gone perhaps to the extent that I shall.

The Senator from Rhode Island [Mr. ALDRICH] asked me a question and I should, in turn, like to ask him one. I want to know if he recognizes what I have read as a correct exposition of the declaration of the Republican party as to its coming platform? I ask him how he regards "modern reciprocity?"

Mr. ALDRICH. I will say that, like the Senator from Colorado, I am in favor of leaving all those questions to the conventions of both political parties.

Mr. TELLER. Mr. President, I do not believe the Republican platform will be left very much to the convention. I am inclined to think that, for once, the newspaper is right when it says this will be one of the main planks of the platform of the Republican party. I should not quarrel so much with that, for I am myself in favor of reciprocity as to noncompeting articles. I am not in favor of reciprocity in competing articles. When I was a member of the Republican party—and on that question I have not changed my views—I had supposed that the Republican doctrine of reciprocity meant that we should admit free from other countries such things as we did not produce, and that they should admit free from our country such things as they did not produce. But, Mr. President, I have learned to my sorrow that the Republican party does not mean that; that reciprocity may mean that when an attack is made on a New England product; it may mean that when attack is made on your great manufacturing products; but it does not mean that when you attack the farmer's product; it does not mean that when you attack the beet-sugar industry of Colorado, Wyoming, Montana, and California.

No, Mr. President, you saw fit, with one single exception on that side of the Chamber in a full Senate, to give your votes for a reciprocity treaty in the case of sugar with the greatest sugar-producing country on the face of the earth, with one exception, and that so far away from us as perhaps not to be very dangerous—that is the island of Java. You gave to that country a reduction of 20 per cent upon the duties on sugar, with the avowed statement that it was to be a gift to the sugar grower of Cuba, to enable him to compete with the sugar grower of the great West. Under the pretense that that was reciprocity, you passed it through this Senate with the aid of every single vote on that side of the Chamber, except that of the junior Senator from California [Mr. BARD].

Mr. SPOONER. And with a good many votes on that side.

Mr. TELLER. Mr. President, it passed another body with the declaration that it was a reciprocity measure. The Senator from Wisconsin says it passed with some votes on this side of the Chamber. Undoubtedly it did, Mr. President; but yet it was the act of the Republican party and not the act of the few who sat on this side of the Chamber.

What has been the result? When that bill, which had been here for two years or more, was under discussion, I stated repeatedly on this floor that in my judgment it would inure to the benefit not of the men who raise sugar in Cuba, but it would inure to the benefit of the great American Sugar Refining Company, known as the "sugar trust." I state here on the floor now, and am prepared to prove it, that up to this hour the sugar trust has appropriated practically every particle of that reduction.

I do not know that I can complain of that any more than the other. It is an absolute gift from the people of the United States to the sugar trust, by reducing our revenue to that extent, of not less than \$9,000,000. Bad as it is, and criminal as it is to put the money of the people into such hands, it is less offensive and less injurious to us than it would be if it had gone where you declared you expected it to go, into the hands of the sugar raisers of Cuba.

We have reduced the revenues of this country \$10,000,000 this year. Next year, with the increased importation of sugar and tobacco, we shall have reduced it a still greater number of dollars. I will venture to say here, Mr. President, that if you appoint a committee to investigate that subject, you will not find 1 per cent of that \$10,000,000 reduction going into the hands either of the tobacco growers of Cuba or the sugar growers of that country.

Upon what principle of reciprocity, upon what principle of morals, upon what principle of decent government administration can you defend giving to this great sugar trust \$10,000,000 or \$8,000,000, or to the tobacco trust an equal proportionate amount of this reduction of the tariff in those two items? You will not get any cheaper sugar. Sugar is higher to-day than it was when that bill was passed, and the Cuban is getting less to-day for his sugar than he got then.

Mr. President, if that is politics, I am willing to plead guilty to it. I do not believe I shall discharge my duty as a Senator on this floor if I allow such things to proceed without condemnation.

I believe a more indefensible thing has never been done in the history of American legislation than that, and the strange thing to me, Mr. President, is that it should have been done, too, in the face of what seems to me ought to have been the positive evidence

that no Cuban could be benefited or would be benefited by it, but, on the contrary, that an undeserving great corporation would get the real benefit of that act.

I do not suppose you will investigate that question any more than you will the Post-Office Department; but if at the next session of Congress you want to investigate it, to find out whether you have voted away the people's money to this trust, you will have a good opportunity to do it, and we shall be prepared, unless they change their attitude upon this subject, to show that that bill should be entitled "A bill for the benefit of the American sugar trust."

Mr. SIMMONS. Mr. President, in the speech delivered by the Senator from Wisconsin [Mr. SPOONER] upon this bill on Saturday last he expressed surprise at the statement made by me to the effect that the investigations of the Post-Office Department had been reluctantly entered upon, and, from the defense which he immediately thereafter made of the present Postmaster-General against that charge, I infer he understood my statement was intended to apply to Postmaster-General Payne.

If the Senator from Wisconsin had read the remarks which I submitted upon the frauds in the Post-Office Department in January last he would have seen that I acquitted the present Postmaster-General of any willful purpose to suppress these investigations and that my charge of reluctance in entering upon these investigations had reference rather to the late Postmaster-General, Mr. Charles Emory Smith, than to Mr. Payne, the present occupant of that position. Long before Mr. Smith's term of office expired, even in the early days of that term, charges were made; not vague, general charges, but specific charges, made by responsible persons; made by a great independent newspaper published in the city of Washington, and he was challenged to make an investigation of them. He was informed as to the character of the offenses; he was given the names of the witnesses, and yet he went out of office without making any investigation which was worthy of the name of an investigation.

In support of these statements, Mr. President, I then incorporated in the RECORD an article from the Washington Post, dated May 26, 1900, which contained, under the head of "Instances of improper payments," the specific charges of irregularities and frauds alleged to have been committed in the Washington City post-office and in the Post-Office Department. I will not again read that article, but will ask that the part of it under the heading referred to may be incorporated in my remarks.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina that the part of the article referred to by him be printed in the RECORD? The Chair hears none, and that order is made.

The extract referred to is as follows:

INSTANCES OF IMPROPER PAYMENTS.

Following are some of the allegations that call for inquiry: Funds of the Washington City post-office have been improperly disbursed for over two years, the irregularities for the quarter ending September 30, 1898, amounting to \$20,000 to \$30,000, according to an expert's report to Comptroller Tracewell.

Numerous favorites have been carried on two and even three pay rolls at the same time at the Washington City post-office and at other post-offices in the country. Oliver H. Smith, of Indiana, now superintendent in the local service was for about a year simultaneously auditor of local postal stations, laborer, and painter of street letter boxes. He drew three salaries. Nathan B. (?) Baker, of Indiana, succeeded to Mr. Smith's emoluments.

Six women have long been carried on the rolls of the city post-office as cleaners at \$600 a year, performing no work whatever, and being paid on separate vouchers. Four men were for many months paid at the local post-office, apparently to investigate claims of letter carriers, all the positions being sinecures.

John E. Jones, a newspaper reporter, was carried for many months as physician to the Washington City post-office at \$1,700 a year.

Traveling expenses of Department officials who were not on public business, trips for private citizens only nominally connected with the Government service, have been paid to the extent of tens of thousands of dollars out of funds strictly belonging to the Washington post-office and out of the military postal fund.

Mr. SIMMONS. In the same article, under the head of "Men who have information," is given the names of the several witnesses whose testimony, it is said, would sustain the truth of these charges. Among those witnesses are the names of Chief Inspector Cochran, A. H. Scott, J. Edwin Wilson, and Thomas W. Gilmer.

In the same article the statement is made that the then Postmaster-General, Mr. Smith, invited investigation of these charges and that he had declared all departments of the postal service, except the Cuban service, would bear the closest scrutiny, and that he not only invited but was anxious that there should be a thorough and searching investigation. Four days afterwards the Post reprinted that part of its article to which I have just referred and which declared that the Postmaster-General invited an investigation and was anxious that one should take place, and made this comment:

This is reprinted in order to correct it. The Post, to its sorrow, finds that it was mistaken as to the attitude of the Postmaster-General. Its confidence in his willingness to have the light turned on was misplaced. This admission is chronicled with regret—deep regret. In announcing that the head of the

Post-Office Department invited investigations, the Post believed it was speaking the simple truth. To be forced to a contrary conclusion by the developments, or lack of development, since Saturday last, is anything but pleasing to the Post.

On May 1, 1903, the Post published an interview with Mr. S. W. Tulloch, author of the "Tulloch charges," being substantially the same charges made in the Post article first quoted, in which Mr. Tulloch, referring to these charges made by him in 1900, said:

Detailed charges at length were made, the names of competent witnesses were given, and Postmaster-General C. Emory Smith was challenged to make an investigation. Those charges were treated as frivolous and civilly dismissed by the officials involved.

Mr. President, as the Senator from Colorado [Mr. TELLER], who has just preceded me, has so well said, this whole investigation has grown out of the charges made by Mr. Tulloch. Finally, after much delay, an investigation of these charges was entered upon by Mr. Smith, then Postmaster-General; but, as that investigation proceeded, and as the trail became hot, so to speak, and led in the direction of certain prominent politicians in the Post-Office Department, the investigation was suddenly called off, and the men who were engaged in making it were either removed from office or notified "not to be too zealous." Here is what Mr. Tulloch, in his interview just quoted, says about the sudden suppression of this investigation:

Direct personal and political pressure was then brought to bear upon the Comptroller—the investigation was stopped just as it was becoming interesting, and the expert having it in charge was removed for a too zealous performance of his duty, presumably as a warning to others.

The expert referred to by Mr. Tulloch as having been dismissed was Mr. Thomas W. Gilmer, a man admitted by Mr. Bristow and the Comptroller of the Treasury under whom Mr. Gilmer was employed, to be a man of high character and an expert of great efficiency. This faithful official, who was engaged in diligently probing wrongdoing then rampant in the Post-Office Department, was removed not because of any failure of duty or incompetency, but upon the instigation of Mr. Perry S. Heath, then First Assistant Postmaster-General, now secretary of the Republican national executive committee, upon the frivolous pretext that he was not as polite as he should have been and conducted his examinations in a way personally offensive.

Not only was Mr. Gilmer, the expert who had been assigned to make this investigation, removed from the position he then held in the Post-Office Department, but certain post-office inspectors engaged in the investigation were warned, as I stated before, to be careful and not presume too much. Referring to the restraints and limitations put upon these inspectors, Mr. Tulloch, in the same interview, says:

The post-office inspectors (meaning the inspectors engaged in making this investigation), who were fully aware of the existing conditions, were informed that if they presumed too much they too would also be removed.

Mr. President, in view of these facts, repeatedly asserted and published and never so far as I am aware disproved, I think I was justified in saying that these investigations, the one then in progress being the beginning of them, were reluctantly entered upon.

I have had some little official association with the present Postmaster-General, and I regard him highly. I believe he is an honest man, and I acquit him now, as I did in my former speech, of any willful purpose to stifle the investigation of these postal frauds; but I said then, and I say now, that in the early stages of that investigation his public utterances and conduct with respect to some of the witnesses and his treatment of some of the charges were not such as inspired confidence in his zeal in behalf of a thorough, sweeping, and unbiased investigation. His treatment of Mr. Tulloch and his charges was especially a surprise and disappointment to the country. When Mr. Tulloch, a man admittedly of high character, admittedly of more than ordinary intelligence, who had to his credit twenty-three years of honest and faithful service in the Post-Office Department, preferred specific charges of fraud against officials in his department, giving the names of witnesses by whom those charges could be proven, the Postmaster-General, in the daily hearings which he accorded the newspaper representatives of Washington, not only laughed him and his charges to scorn, but he characterized them as stale slanders, the emanations of a discharged employee inflamed against the Department by reason of his removal from office.

There is not a man in this country, Mr. President, so obtuse as not to know that that kind of treatment of a Government witness by the head of the Department then undergoing investigation was not only calculated to discourage that investigation but was calculated to deter other employees of the Department from revealing information in their possession which might be of importance in unearthing and discovering frauds.

Mr. President, in the speech which I delivered here a few days ago on this bill and to which the distinguished Senator from Wisconsin [Mr. SPOONER] did me the honor to refer frequently in his very brilliant effort in this Chamber last Saturday, I ventured to describe the kind of a man I hoped and believed the Democratic party would this year name as its candidate for the Presidency.

The Senator from Wisconsin, quoting my language, or at least part of it, and having all of it before him, fitted and applied that description to a certain distinguished citizen whose name has been mentioned in connection with this nomination, and intimated, if he did not state, that what I wanted and what the Democratic party wanted was a candidate of neutral character, a man of passive qualities.

Mr. President, in describing the qualities of the candidate who I said I hoped would be nominated by the Democrats, I said a man of calm, judicial temperament. Are those qualities of a neutral character? I said a man of conservative disposition. Is that a neutral character? I said a man of equable and poised mind. Is that a neutral character? Are judicial temperament, conservative disposition, equable and poised mind and character neutral qualities? Are we to understand that a man possessing such qualities is not in these days considered a fit man for the Presidency? They were qualities good enough for our Presidents during the slow-going times of the nineteenth century; qualities good enough for our Presidents in the days of Washington and Madison and Adams; qualities good enough in the olden times when our Presidents contented themselves with executing the laws as they found them and left the Legislature to make the laws and the courts to interpret them; but these are qualities, I suppose, according to the views of Senators on the other side, that are altogether unsuited for a President in these strenuous, piping, twentieth-century days.

What, according to them, these times I suppose demand for President is a man of aggression; a man of dash and initiative; a man who, when the laws do not suit him, has the grit to change the laws; a man who, when he wants a treaty with a foreign government and can not get it, has the courage to say that he was about to report the matter to Congress in order to see whether he should proceed, treaty or no treaty, to carry out his policy.

The Senator from Wisconsin said that what the Democrats wanted was a candidate for the Presidency whom we could hold up to the people, on the one hand, as a trust buster and whom we could hold up to the business interests of the country, on the other hand, as a safe man for their interests. At once a trust buster and a safe man for the business interests of the country—is there any inconsistency in that?

What legitimate business interest in this country will be injured or endangered by the destruction of the illegal trusts? What legitimate business interest in this country will not be benefited by the destruction of the illegal trusts? Will not, therefore, a trust buster be also a safe man for the business interest of the country, and, e converso, will not a man who will be a safe man for the business interest of the country likely be a trust buster?

Perhaps the Senator meant to charge, though he did not so say, that the Democratic party wanted a candidate whom it could hold up to the people as a trust buster and to the trusts as one who would be friendly to them. If that is what he meant to charge or to intimate, he probably had in mind a spectacle, a sad spectacle, which the country has recently been called upon to witness—the spectacle of a President held up to the people as the original and only genuine trust buster—while his Attorney-General, his great lord high executioner of trusts, with the assistance of scores of assistants and district attorneys scattered throughout the country at his command, with a special appropriation of \$500,000 for this purpose at his service, with two or three hundred predatory trusts exploiting the people, after two years or more of superhuman efforts to destroy the trusts, has finally succeeded in finding and bringing two of these trusts to trial; and now, lest the balance of them should take fright, is seeking to calm them with the assurance that this Administration does not intend to run "amuck" in its trust-busting policy.

Think of it, Mr. President, two trusts in two years; an average of one a year! At this rate the Republican party will, in about three hundred years, have destroyed all the trusts, provided no additional trusts are formed in the meantime.

I repeat that I trust the Democratic party will have the good sense and the wisdom, as I see it, to nominate a man who is the antithesis of the present occupant of the White House and that the people of this country may have an opportunity to say whether they want a President who will execute their will or a President who will bend them to his will.

Mr. President, the Senators on the other side in these post-office discussions have twitted us with alleged disagreements among ourselves about issues as well as candidates, and charged that the Democratic party stood for nothing and could not agree upon anything. The Democratic party is more than a hundred years old. During the last forty years of its history it has been out of power thirty-two years, I believe, and yet notwithstanding these repeated defeats in the last two Presidential elections nearly one-half of the popular vote of this country was polled for the Dem-

ocratic candidate for the Presidency, for Mr. Bryan did not lose either time by a very large majority upon the popular vote.

If the Democratic party does not represent anything; if it does not stand for anything, for any principles or policies which are fundamental and immutable, any principles and policies which are near and dear to the patriotic heart and aspirations and to the vital welfare of the people of this country, why is it that despite these defeats of the last half century such a large proportion of the people of this country to-day worship at the shrine of that party?

Mr. President, to say that this great party, which was 50 years old when the Republican party was born and which has survived eight defeats in ten Presidential elections, stands for nothing vital in our national life is to impeach the intelligence and patriotism of practically one-half of the people of this country. The truth is, the Democratic party is a great organization and the Republican party is a great organization, both dear to the hearts of millions of good and patriotic citizens; both of them have a great past; both of them have accomplished great things for this nation and the world, and both will live to accomplish greater things for the nation and for the world in the future.

To the charge that the Democratic party has no candidate and no issues, I have only this answer to make at this time: The essential principle of Democracy is that all authority is derived from those who constitute its membership. Its candidates are nominated, its views and position upon questions growing out of current and transient politics are formulated and proclaimed by its conventions and not by leaders, cliques, or factions in advance of those conventions; but the fundamental principles which underlie this great party—the principles which brought it into existence and which have been to it the breath of life through the mutations of a century—are the same to-day as in the day of Jefferson, its great founder.

Mr. President, Senators on the other side of the Chamber show strange anxiety about our disagreements. Have they no discord and divisions in their own ranks? Would it not be well for them to look to conditions in their own household? They are indeed agreed when it comes to making ante-election pledges and in appropriating the people's money, but is there harmony and unity in the ranks of that party upon anything else?

Mr. President, reciprocity is a subject which has excited much discussion in this country in recent years, and in which the people are profoundly interested. It is true it has not played a very conspicuous part in our trade relations with the outside world in the past, but its importance is now conceded, and in the future it will undoubtedly play a great part in influencing and shaping these relations. Now, what is the position of the Republican party to-day upon this great question? It is true you say you are for reciprocity, but what kind of reciprocity are you for? Do you stand for the reciprocity of Blaine and McKinley? You know you do not. You know you are not even agreed among yourselves as to what these great luminaries of your party meant by reciprocity. There was recently pending before the Senate thirteen reciprocity treaties, negotiated under the direction of Mr. McKinley, granting concessions upon competitive as well as non-competitive products. By reason of nonaction by this body the treaties have expired by lapse of time.

Yet, notwithstanding this fact and the utterances of his great Buffalo speech, we have heard distinguished representatives of the Republican party on the other side of this Chamber during this very session of Congress declare that McKinley did not believe in reciprocity in competitive products. Do you stand for the reciprocity of the Dingley Act or do you stand for the reciprocity of the American Protective Tariff League? The Dingley Act authorized reciprocity treaties, and purposely put certain schedules unnecessarily high, even from the protective standpoint, so that they might be cut down by reciprocal trade agreements. The Senator from Iowa [Mr. DOLLIVER], in a speech in this Chamber not long since, as have many other leading Republicans, bore testimony that such was the purpose and intent of this act and its framers. The American Protective Tariff League, representing the "standpatters" of your party, deny this and declare such a policy would be anti-Republican and destructive of the basic principles of protection. For which do you stand?

Again, Mr. President, does the Cuban treaty, which reduces the duty on sugar and tobacco, American farm products, in the interest of the sugar and tobacco of our chief competitor, illustrate the Republican theory of reciprocity, or does the ultimatum of certain leaders of the majority in this body, reported in the Washington Post of to-day, and which the Senator from Colorado has just read to us, to the effect that they will have nothing more to do with reciprocity based on concessions on competitive products of this country, represent the views of your party on that subject? The Cuban treaty represents the only legislation of the past three years in favor of reciprocity, and in passing that measure you came near

"running amuck." You voted for it solidly, but many of you denounced it bitterly. We witnessed the spectacle of one Senator on the other side of this Chamber lustily denouncing it on one day as a betrayal of Republican pledges and principles and meekly voting for it on the next day.

In your platform of 1900 you promised reciprocity. The Cuban treaty is your only performance. If it does not truly represent the reciprocity you promised and claimed to stand for, and there are thousands and hundreds of thousands in your party who say it does not, you have not only broken your pledge, but you have betrayed the confidence of those who relied on that pledge by giving them a reciprocity the opposite of that promised.

It is idle, Mr. President, to deny that the Republican party is at sea upon the subject of reciprocity, and it is equally idle to claim that there is harmony in that party on the subject of tariff revision. One faction of that party favors reduction by reciprocity; another denounces that as anti-Republican. One faction charges that the Dingley tariff shelters the trusts, and for that reason should be reduced; while another faction denies that tariff affords such shelter or that the tariff has anything to do with the trusts. One faction demands reductions upon the broad ground that the schedules are in some instances oppressively high, and unjust to the consumer; another faction declares these schedules ideal and that they must be sacredly maintained.

You think you have crushed out the Iowa idea, so called, in your party, but you have not and you can not. You have not stifled and you can not stifle the demand in your party for tariff reductions while your tariff schedules continue to shelter monopoly—the common enemy of Democratic and Republican consumers alike. The conflict now on between the beneficiaries and the victim in your own party of the special privileges and monopolies of this system of iniquities, though deferred, was inevitable. The cry of "stand pat" from those in your own party whom these laws are enriching can not longer silence the demand for a reduction from the consumers in your own party, to whom these laws have all but doubled the cost of living. The slogan of "Let well enough alone," while satisfying the trusts and monopolies in your own party which these laws have enabled to "corner" the American markets, shuts the door of hope upon those in your own party who must have enlarged markets and who find themselves condemned by these laws to continental isolation. Between these clashing interests in your own party you will have all you can do to keep your own household in order without worrying yourselves about ours.

Neither, Mr. President, is there unity in the Republican party upon the important subject of finance. In its platform of 1900 that party told the people the gold standard was secure. The campaign of that year had hardly opened before the people were told that this declaration of the platform was a mistake and that the gold standard was not secure, but was subject to be overthrown by Executive order of an unfriendly President, and that it was necessary to retain that party in power that it might make it secure by legislation.

The ablest financiers and statesmen, both in the Republican and the Democratic party, are agreed upon the proposition that our present currency system is at best but a makeshift—that it needs radical revision, and the Republican party, not once, but repeatedly, has promised such revision. During the last session of the Congress we were told that the finances of the country were in an unsettled and dangerous condition—that legislation was needed in order to prevent a threatened panic. We were told that our currency system was too inelastic, that there must be legislation to relieve this condition, which we were assured would recur with the demand of each recurring harvest time.

Yet, Mr. President, more than two years have elapsed since Mr. Roosevelt came into power, three years since the last national election, and there has been no financial legislation, absolutely none. Why? It is not because legislation is not needed from the Republican standpoint. It is not because that party has not promised financial legislation to remedy these serious and vital defects. It is not because the Republican party has not had a majority in Congress during the whole of this time. Why, then, have we not had this legislation? Is it because, Mr. President, the Republican party have not been able to agree among themselves upon any definite plan or measure of financial legislation?

Again I say, when you are making your platform, when you are making promises to the people, you have no trouble in getting together in your promises; in making those you are practically unanimous, as you generally are when you are after voters.

But, Mr. President, in the face of these serious conditions and defects in our financial system, testified to by all the financial authorities and universally admitted by reason of divisions and conflicts of interest in your ranks, you are and you have been all these years absolutely helpless to give the people relief and to carry out your pledges.

With this record would it not be well for you to look to the

mote in your own eye instead of giving so much of your time to the one you think you see in your neighbor's eye?

Mr. President, the Senator from Wisconsin [Mr. SPOONER], in his speech on Saturday, charged not only myself, but other Senators on this side who had spoken upon these post-office frauds, with having been moved more by partisan considerations than by a desire to subserve the public interests. The greatest protection which the people can possibly have against frauds and crimes in the Executive Departments at Washington would be afforded by requiring bonds of these officials and frequent examinations into the conditions of those Departments.

I have argued and I now argue and insist that these frauds will continue under Republican or Democratic Administrations as long as these precautions are neglected. In my first speech upon these frauds I insisted that every official in the Departments at Washington who handles the people's money, or who directs its expenditure, should be under bond for honesty in its expenditure, and I have introduced a bill, which I think ought to receive consideration from the other side of this Chamber, to create a permanent commission, having no connection with the Post-Office Department and responsible to Congress, clothed with the duty of investigating and making annual reports to Congress of all the Executive Departments located at Washington. It makes no difference whether the Administration is Republican or Democratic, these investigations should be made, not for partisan purposes, but in the interest of the public service. In my former speeches on this subject I have not laid especial stress upon Republican responsibility for these post-office frauds, although it is responsible for them, as I shall show a little later on.

The burden of my complaint has been the denial by that party of further investigation into these frauds. I have insisted that the disclosures already made in the divisions of that Department which have been investigated raised a suspicion against the divisions not investigated, and that nothing less than a thorough investigation of the whole Department would satisfy the people and would remove the cloud which rests upon that branch of the public service. Was this partisanship? If these suspicions are unwarranted, if an investigation should disclose no wrongdoing in the divisions which have not been investigated, would not that fact inure rather to the benefit of the Republican than the Democratic party? The Senator from Wisconsin says that fraud in one of the divisions of a Department of Government does not argue fraud in another division of the same Department.

Mr. President, an isolated case of fraud in a Department would not raise a suspicion of general fraud in that Department; but that is not the condition shown by the Bristow report to exist in the Post-Office Department. That report shows that the division of the attorney-general of the Post-Office Department, the very fountain head of justice, was reeking with corruption. It shows that of the four men who presided over that department shortly before this investigation began, three of them are now under indictment, indicted for selling the justice of the country. It shows that in the office of the auditor of accounts in the division investigated irregular and unlawful accounts were audited and certified for payment, thereby taking away the last protection of the people against the misapplication of their money. It shows that in the division of supplies investigated there was a system of "graft" by which commissions were exacted upon nearly everything bought. It shows that in the salary and allowance division investigated promotions of officials employed in the service, not only at Washington, but throughout the country, were bought and sold, and salaries were increased not on account of merit, but for pecuniary considerations.

Again, Mr. President, while in the beginning of these investigations specific charges were made only against about three persons, this report shows that the investigations made not only established crime against those charged, but involved others in those crimes and brought to light other crimes and wrongdoing which led to the removal or indictment of more than a dozen employees against whom no charges had been made. This, Mr. President, does not present a case of discovery of isolated crime from which no presumption of other crime would arise. These conditions in the divisions investigated of course would not raise a conclusive presumption of like conditions in the uninvestigated divisions, but I submit that it justifies a strong suspicion of the existence to a greater or less extent of like conditions in the balance of the Departments, and that the only way to remove that suspicion and to satisfy the people, who are entitled to know with absolute certainty that their public servants are honest and that their money is properly expended, is to investigate the whole Department. Why will you not permit this investigation? It can do no harm, it will cost but little, and if no further wrongdoing is found it will remove the cloud which now rests upon the whole Department.

Mr. President, the reasons why the Republican majority of this House are so determined that there shall be no further investigat-

tion are not the reasons assigned upon this floor. The real reason is their fear, and it is a well-grounded fear, that the investigation will disclose a condition of things in this Department which will shock the country and imperil the chances of the success of that party in the approaching Presidential election. The people know that's the reason, and they are not to be misled by the pretense that there is nothing further to investigate; that the investigations already made have been thorough and complete. They know Bristow has been discredited as an investigator by a committee of his own party in the House of the Congress. You have the power to refuse this investigation, but you haven't the right to do it. You are in the majority and you have the right to manage and direct the affairs of the Government, but even a minority of the people, speaking through their representatives, has a right at all times to call upon the majority for a full and complete disclosure as to how they have managed their affairs and expended their money. The majority have rights, but the minority also have rights. One can not be rightfully denied or refused any more than the other.

Mr. President, I have assigned to myself a labor which will require some little time, and will be to me, I fear, and to the Senate, somewhat tedious. In the speech delivered by the Senator from Indiana [Mr. BEVERIDGE], in reply to the speech delivered by myself a few days ago, he charged, inferentially at least, that all the frauds which had been uncovered in the Post-Office Department had their root in the Cleveland Administration and that Mr. Machen was the fountain head of those frauds.

In view of the fact that the Republican party from the very beginning of these discussions has been trying in one way or another to muddy the waters and divert attention from these frauds by attempting to connect the Democratic party with them, it has occurred to me to make a close investigation of the Bristow report in order that I might ascertain and present to the Senate exactly when each of the employees of the Post-Office Department who has been indicted or removed for connection with these scandals was appointed, when the crime with which each of them is charged was committed, and what, if any, connection, official or otherwise, Mr. Machen had with those crimes.

I shall begin with Mr. Machen. Mr. Machen was appointed General Superintendent of the Free-Delivery System May 6, 1893, during Mr. Cleveland's Administration, and removed on the 22d of April, 1903. In 1896 Mr. Machen bolted the Democratic ticket of that year and voted in that year, as he did in 1900, for Mr. McKinley. During all the years between 1893 and 1903, after McKinley came in office, during Mr. Roosevelt's Administration, he retained his position in the Government, while the real Democrats occupying positions of the grade he held went out on account of their politics.

I wish to read what Mr. Bristow says about Machen's politics. It is important in view of the disposition of the Republican party to charge Machen to the Democratic party. Mr. Bristow says in his report, page 81:

An examination of his correspondence during the Cleveland Administration shows that he—

Meaning Machen—

posed at that time as a strong and aggressive Democrat, frequently injecting political remarks into letters of an official character. But during the closing days of that Administration he very skillfully shifted, and after the 4th of March, 1897, became greatly interested in the welfare of the McKinley Administration. He acquired new associates, and was quite successful in establishing intimate relations with men who were influential at the White House.

Machen's crime, Mr. President, consists of receiving illegal and fraudulent commissions on the purchase of the supplies for his division. On one contract, that of the carriers' satchel and shoulder straps, he received double commissions. A contract was made under his direction for furnishing these satchels and shoulder straps to the Government at a specific price. That contract was made in accordance with the law. Machen then made a private contract with a private individual, Lamb, I believe, was his name, to furnish the straps for these satchels, and when pay day came the contractor was paid the full contract price, notwithstanding he had not supplied the straps, and Machen got a commission from him on the full amount. Lamb was paid for the same straps and Machen got a commission from him also. In another case, the case of the letter boxes, Machen got three commissions.

Mr. LODGE. Mr. President, will the Senator allow me a moment to ask him a question?

Mr. SIMMONS. Certainly.

Mr. LODGE. He is reading this account of Machen. I think he omitted the statement Mr. Bristow makes about him at the time of his appointment.

Mr. SIMMONS. No; I did not. I said Mr. Bristow states that at the time of his appointment he posed as a strong Democrat.

Mr. LODGE. I refer to the following:

At that time—

That is, the time of his appointment—

At that time he was a bankrupt financially, with numerous judgments recorded against him. He was not only a bankrupt, but his reputation for business integrity was bad.

That is the time he was appointed. I thought it better to have it all in the RECORD.

Mr. SIMMONS. Those facts are disclosed in this report, but there is nothing to show that anybody at Washington had any knowledge of the existence of Mr. Machen's bankrupt condition at the time of his appointment.

I furthermore call the attention of the Senator, at the suggestion to me of the Senator from Maryland to my left [Mr. GORMAN], to the part of Bristow's report which I did read, which I commend to the Senator, in which he says that after the 4th of March he became greatly interested in the welfare of the McKinley Administration, acquired new associates, and was quite successful in establishing intimate relations with men who were influential at the White House.

Mr. LODGE. I heard that paragraph, but I thought the Senator had overlooked Mr. Bristow's remark as to the time when Machen was named by Mr. Cleveland for the office.

Mr. SIMMONS. I had not, and I do not think anybody can charge that I have been trying in the least to suppress or to minimize the offense of Machen. His character was just as well known after 1897, when he was continued in office by Mr. McKinley and by Mr. Roosevelt and succeeded in establishing intimate relations with men influential at the White House, as it was in 1893, when he was appointed, so far as the record discloses and so far as I know.

Now, Mr. President, as I started to say when interrupted by the Senator from Massachusetts, on another one of these contracts Machen received treble commissions, that on letter boxes. A contract as required by law was entered into for supplying the Post-Office Department with letter boxes with fasteners attached, the whole to be painted by the contractor, for a specific sum. Subsequently Machen entered into a private contract by which he purchased these fasteners from a private individual, one Groff, and he employed another individual or individuals to paint the boxes and fasteners. When pay day came the Auditor audited the contractor's voucher and he was paid the full contract price, although he had neither furnished the fasteners nor painted the boxes. Machen received a commission from the contractor on full amount, and also a commission from the individuals who furnished the fasteners and did the painting.

There is scarcely anything, Mr. President, purchased for the free-delivery service of the Post-Office Department in Washington during the latter part of his incumbency upon which Machen did not receive a commission.

These speculations began, as I said, shortly after he was appointed, in 1893, and they were carried on during the balance of Cleveland's Administration and up to the time of his removal, both under Mr. McKinley and under Mr. Roosevelt.

I ask, Mr. President, that the marked portions upon pages 81, 82, 83, and 84, also 106, 107, 108, and 109 of Bristow's report be inserted without reading as a part of my remarks. These extracts will illustrate Machen's graft and methods and the carelessness in the auditing division of that branch of the postal service.

The PRESIDENT pro tempore. In the absence of objection it will be so ordered.

The matter referred to is as follows:

SHOULDER STRAPS.

In the free-delivery service there is also used a strap which goes over the shoulder of the carrier and is attached to his satchel. This is a part of the satchel and will be treated in detail later under the subject of carriers' satchels. But beginning with August, 1894, these straps were bought from George D. Lamb, and during the succeeding years Machen ordered 90,333, at a cost of 39½ cents each, making a total expenditure for this purpose of \$35,669.71. The entire number of the two varieties of straps used under Machen's administration, as nearly as can be ascertained by the departmental records, was 1,052,211, costing \$172,887.10. The accounts of the manufacturer, however, show a consumption of 20,000 more, at a cost of \$3,338.88, making a total expenditure for straps during the nine and one-half years of \$176,225.98. The departmental records have not been perfectly kept, and it is believed that the manufacturer's record is the more nearly accurate.

The method of payment for these articles varied. For a number of years the tie straps were paid for direct by postmasters to whom they were sent, and credit was taken for such disbursements in their quarterly accounts. During the last four years payments have been made by departmental warrants. The straps, by Machen's order, have been sent by the manufacturer, in large quantities, direct to postmasters, and also many thousands of them in bulk to the Department. That Machen was determined to use this particular strap, regardless of its cost or desirability to postmasters or carriers, is shown by the following correspondence.

July 24, 1897, the postmaster at Worcester, Mass., wrote (Exhibit L):

"Referring to the authorization dated July 14, just received from your office, to pay George D. Lamb, New York, N. Y., 12½ cents each for 300 No. 1 carriers' straps, 15 cents each for 150 No. 2 straps, and 17½ cents each for 100 No. 3, I beg leave to ask your attention to my letter of May 29, 1897, and to suggest that at the prices above quoted the cost of these straps would be \$77.50. At the prices mentioned in my letter above referred to, the same number of straps of the several sizes could be supplied here at the cost of \$39.25, the latter straps being also, in my judgment, and in that of my carriers, who have used both, more serviceable and convenient in use."

The reply to this letter, initialed by Machen, is as follows:

"Replying to yours of the 24th ultimo, I have to say that the straps for this year were purchased of Mr. George D. Lamb, in accordance with contract with this office."

This bold statement is made in the face of the fact that no contract had ever been entered into with Lamb. They were still purchased under the

guise of experimental service, the price being fixed by verbal agreement between Machen and Lamb. * * *

George D. Lamb, from whom the straps were bought originally, died about three years ago, and with him is buried the secret of the origin of his business with the Department. His widow inherited the business, and the active financial management of the same was placed in the hands of her son, George B. Lamb, a reputable lawyer of New York City.

George D. Lamb did business with the Department direct. Nowhere in the correspondence or in any of the business transactions is there any allusion to an agent or representative of any kind, in Washington or elsewhere. But it appears that a man named W. C. Long quietly appeared at regular intervals at Mr. Lamb's office and collected a specific sum of money. This is the same Long who, through the friendship of Louis, secured the contract for inking-pads in 1898. The story is told by George B. Lamb, the son, as follows (Exhibit L-5):

"I am a practicing attorney in the city of New York, and the only son of George D. Lamb, the patentee and proprietor of the strap that has been in use for a number of years by the Post-Office Department, known as the 'Lamb national strap.' My father died on March 21, 1900. During his lifetime he had on one occasion introduced me to a man named W. C. Long. This introduction occurred several years before my father's death, in my father's office. At that time my father told me that he was paying Mr. Long 2 cents per strap for the straps furnished the Post-Office Department. He did not say exactly what his relations with Mr. Long were, nor why he paid this percentage. My best recollection is that I saw Long only at one time other than this at my father's office, possibly a year later; that is, during my father's lifetime. Shortly after my father died Long called upon me, I should say about July, 1900. He said to me, 'You know I have been representing your father in Washington, and I suppose that you want me to continue in the same capacity for you.' I told him I would think it over.

"My mother has inherited the business of my father by his will, and I told her of this interview, and she left the matter to my judgment. I did not know what the connection was between my father and Mr. Long nor what Mr. Long's connection was in Washington; but I felt that I ought to continue the payments to him, because I feared that in some way or other, if I did not do so, we would not be called upon to furnish any more straps to the Post-Office Department. I did not get this impression from anything that he told me or anything that he did, but it was in a sense of self-protection that I decided to continue the payments to Mr. Long.

"Some time along in the early part of 1901, at Mr. Long's second visit to me, he said he thought he ought to have 5 cents on the shoulder straps, that my father had agreed to that; but I told him that I could not do anything of the sort, and we finally compromised on 4 cents on the shoulder straps from then on."

The above was related by Mr. Lamb frankly. He believed that his father felt he had a meritorious article and that he yielded to the necessity of conditions to secure its adoption by the Department.

The W. C. Long referred to was formerly a laborer in the supply division of the Post-Office Department, with compensation at \$660 per annum. In August, 1893, he resigned and became, ostensibly, an insurance agent; but he has done little business in that line, and had no other known occupation; yet, in one bank in this city, during the last three and a half years, he has deposited in his personal account about \$35,000.

During the fiscal year 1902 he collected from the Lamb firm alone \$9,140.22. A part of this money has been traced directly into the hands of Machen, and the inspectors have evidence that Machen received 60 per cent of the gross amount paid. Long and Machen have been indicted (Exhibit L-6) by the Federal grand jury in the District of Columbia, together with a man named Stern, for conspiracy to defraud in connection with these transactions; and much of the evidence which would otherwise be submitted as exhibits with this report is in the hands of the district attorney, to be used in the trial of the criminal cases that have been instituted.

STREET LETTER BOXES.

One of the most important contracts for free-delivery supplies is that for street letter boxes. These contracts are let periodically every four years.

It has been the practice for the Postmaster-General before the award is made to appoint a committee to pass upon the merits of the various boxes submitted, and recommend one for adoption. The committee in 1893 consisted of H. Clay Evans, First Assistant Postmaster-General; William J. Pollock, superintendent free delivery, and George F. Stone, chief clerk to the Second Assistant Postmaster-General. Thirty-six proposals were submitted. The box then in use, known as the "Doremus" box, was recommended, and the contract awarded to Maybury & Ellis, of Detroit, Mich., who controlled the patent. There were three sizes, No. 1, containing 750 cubic inches; No. 2, containing 1,180 cubic inches, and No. 3, containing 2,360 cubic inches. The prices were \$2.60, \$3.25, and \$7.25, respectively, being a slight reduction as compared with the prices under the contract then expiring.

Machen became superintendent of free delivery in September, 1893, over six months after this contract was executed. Maybury states that during the first year of the contract, apparently not many months after Machen's appointment, Eugene D. Scheble, a dentist of Toledo, Ohio, called on him and interested him in a patent he had acquired for a new letter box. After considering the matter at some length Maybury agreed to give Scheble a 25 per cent interest in the profits of the contract which he then held. Maybury, when asked why he gave Scheble an interest in this contract which he had already secured, stated that he thought there was merit in Scheble's box, and that it might in the future become a troublesome competitor. He seems to have been very much alarmed, considering the fact that his contract then had about three years to run and there was no opportunity for Scheble's box to become a competitor before the expiration of that time.

As nearly as can be determined, Scheble's interests became effective from the beginning of the contract, being retroactive. The total number of boxes furnished under this contract was 27,346, at a cost of \$86,051.70. Of these, 2,740 were furnished during the first year, costing \$8,189.40, while during the last three years, after Scheble acquired his 25 per cent interest, 24,606 were furnished, costing \$77,862.30. Of the \$86,051.70 paid for street letter boxes during the four years of the contract, Scheble received 25 per cent of the profits. The exact profit on each box could not be ascertained, but from the information available it is estimated at \$1.25. On the 27,346 furnished during the four years of the contract the profits to the contractors would therefore amount to \$34,182.50, of which Scheble received one-fourth, or about \$8,500.

In 1897, when the letting of another contract was due, Postmaster-General Wilson appointed a committee, consisting of Thomas B. Marche, chief clerk in the free-delivery division; A. B. Hurt, a subordinate of Machen's, employed in the free-delivery service, and Bernard Goode, chief clerk of the Dead Letter Office. There is nothing alleged against the integrity of any of the members of this committee, but it was easily dominated by Machen, a majority being composed of subordinate clerks in his office.

Numerous proposals were submitted. Maybury presented his old box, the Doremus, and also the box in which he and Scheble had a joint interest. The committee selected the Scheble box, discarding the Doremus, which had been used for eight years. The contract, however, was awarded in the name of Maybury & Ellis. The prices were: No. 1, \$2.60; No. 2, \$3.25; No. 3, \$5.25, the same as in the former contract, except as to No. 3.

The Scheble box having been selected, Maybury was required to give Scheble one-half the profits under the new contract. The box was somewhat different in construction from the old one. In opening it to deposit letters the lid was lifted up, while the lid of the Doremus box was pulled down.

During the 1897 contract there was purchased a total of 49,309 boxes, at an aggregate cost of \$149,656.55. This contract was a very profitable one. On December 11, 1900, Maybury wrote Charles S. Prizer (Exhibit L-49):

"We divided up over \$20,000 in royalties the last six months. If we can get in on the rural delivery plan we will sell a great many boxes the coming year."

The inspectors have positive evidence, in the nature of bank drafts, that \$53,948.25 in net profits was received by Maybury during the four years of the contract. Of this Scheble received about \$26,500, Machen's half being about \$13,250, or over \$3,300 per annum.

This contract, as executed, provided that—

"Said boxes to be lettered, painted, and crated, and all necessary bands for fastening the boxes to posts to accompany the same, except when boxes are ordered with the 'Groff' patent fastener' attachment, in which case the fasteners will be sent to the manufacturers and they will attach them to the boxes without additional expense."

This left the matter of furnishing these bands optional with the Department. Contractors had to figure upon providing them, however, because, under the terms of their contract, if the Department elected they should provide them they would be required to do so. The cost of these bands is estimated at about 25 cents per set. The contractors were not required to furnish the band, because Machen was then attaching boxes with Groff fasteners, as heretofore explained. Scheble was probably the only bidder who knew that these bands would not be required.

Mr. SIMMONS. An examination of the list of indicted and removed employees of the Post-Office Department named in the President's memorandum shows that only two of them, besides Machen, were appointed under Democratic Administrations. Those two, Kempner and Ervin, had no connection with the Post-Office Department at Washington until after the beginning of the McKinley Administration. Kempner was transferred from the New York post-office to Washington in 1900, and Ervin was transferred to the Post-Office Department at Washington in 1899. It further shows that only four of these indicted officials had any official connection with Machen. Practically all the wrong disclosed in this report, except that charged against Machen, occurred since the beginning of 1897.

I propose now to take up the list of indictments and removals of officials mentioned in the President's memorandum, seriatim.

The first mentioned in the list is Perry S. Heath. This is the list which I find in the memorandum of the President attached to the Bristow report. The President says:

The following is a list of the fourteen post-office employees in the service at the time this investigation was begun, who are apparently most seriously implicated in the wrongdoing, together with an account of the steps that have been taken by the Government in each case, and a statement of the date of original appointment of each man in the service.

(The case of ex-First Assistant Postmaster-General Heath, who left the service July 31, 1900, is set forth in the report of Mr. Bristow.)

In speaking of Mr. Heath the President calls his offense "a case." In describing how the other officials got out of the service, he says they got out "by removal or by indictment." When he speaks of Mr. Heath he simply says "he left the service." I shall have more to say about Mr. Heath a little later on. The next upon the list is—

James N. Tyner, Assistant Attorney-General for Post-Office Department; appointed special agent, Post-Office Department, March 7, 1861; with intervals of a few years has been in the service ever since, and was Postmaster-General under President Grant for several months; he was removed April 22, 1903; he has since been indicted three times.

The crime for which Mr. Tyner was removed and afterwards indicted three times I believe was for conspiracy as the law officer of the Department in connection with certain fraud orders against lotteries, turf-investment and get-rich-quick concerns. He was aided in these crimes by his nephew, H. J. Barrett, who was appointed in 1897. Barrett was not in the employ of the Government at the time these investigations began, as were the others on this list, but he and Mr. Tyner, according to the testimony, acted in concert in suppressing and stifling the complaints that were made against these lottery, turf-investment, and get-rich-quick concerns, and always, Mr. President, for a consideration, Barrett, according to the testimony, having received from one of these concerns a fee of \$6,000.

Mr. President, these men, Barrett and Tyner, were in the law division of the Post-Office Department. That is, of course, a separate and distinct division from that in which Machen was employed—viz, the free-delivery division. The evidence does not in the slightest connect Machen with their crimes, and in the nature of things he could not have had any connection with them. Tyner had been in the Post-Office Department for many years, but the offenses charged against him were committed since the beginning of the McKinley Administration, as I infer from the following extract, taken from page 67 of the Bristow report:

For six years under his administration certain favored frauds and lotteries were given free use of the mails. Barrett's scheme to resign and practice before the Office, and Tyner's part in that scheme, as set forth in the body of this report, was the climax of official perfidy, more evil in its results and more demoralizing to the public conscience than outright embezzlement or open theft.

I find nothing in the report to show wrongdoing on the part of Mr. Tyner during the Cleveland Administration.

Daniel W. Miller, an assistant of Tyner, was also connected with the frauds in the Attorney-General's Department, growing out of fraud orders against these "turf investment companies and get-rich concerns;" but I will refer to him later.

The next official named in the President's memorandum as having been connected with these frauds is George W. Beavers, general superintendent of salaries and allowances.

Mr. Beavers came into the Post-Office Department as a special friend and protégé of Mr. Heath. As shown from the Bristow report, on page 129:

George W. Beavers entered the postal service in 1881 as a clerk in the New York post-office at a salary of \$900 per annum. In March, 1890, he was transferred to the position of post-office inspector, in which capacity he served until August, 1897, when, upon the recommendation of Perry S. Heath, First Assistant Postmaster-General, he was appointed chief of the salary and allowance division. On March 24, 1903, when Beavers learned that an investigation of his official conduct had been ordered, he immediately resigned.

The crimes for which Beavers was indicted were sale of promotions, cancellation of long-term leases and renewals of those leases at higher prices than provided in canceled contracts, increased rentals, increasing rentals with post-offices excessively and without remuneration or recompense to the Government in the way of better facilities, and bribery in connection with the purchase of the Brandt automatic cashier. This machine, Mr. President, was introduced into the Department without any adequate test of its qualities. It was sent out to postmasters without any request for it, and was made to displace a certain other device for counting the cash which was altogether satisfactory. Five hundred and twenty-seven of them were purchased under the authority of Beavers at a price of \$150 each, while these machines were selling upon the market for \$125 and when it cost to manufacture them only \$56 each.

The following, beginning at page 147 of the Bristow report, gives a history of the purchase of these machines by Beavers and Heath:

BRANDT AUTOMATIC CASHIERS.

The charges relating to the purchase of automatic cashiers were investigated by Inspectors Little and Oldfield, whose reports are submitted herewith as Exhibits S and T.

Prior to 1898 the large-sized post-offices were furnished with "coin trays." These were made with grooves of proper size to fit the various pieces of American coin, from 1 cent to \$1. This rack could be placed on the counter near the stamp clerk, and was a convenience in enabling the clerk to make change rapidly. The prices of these coin trays were from \$5 to \$12, depending upon the size and construction. They appeared to be entirely satisfactory, as there is no evidence, so far as the records of the Department show, of requests on the part of postmasters for any other change-making device.

During the summer of 1898 a number of the Brandt-Dent automatic cashiers were placed in fifteen post-offices for the purpose of testing their desirability as a change-making device. The mechanism of this machine is such that by depressing the appropriate key the exact amount of change indicated by such key will be given out. There is another form known as the "computer," which, by touching the key, will give the required amount of change and also register the amount of the purchase. The price of these machines in the open market was \$125.

The Boston postmaster was the only one of the fifteen to whom the machines were sent who recommended their adoption. The three sent to Chicago that were not wanted were ordered shipped by registered mail to San Francisco, though there is no evidence that the postmaster at that city desired them.

After some correspondence and negotiations between Judge George E. Baldwin and one Strawn and Miller, agents and representatives of Brandt Machine Company, and Mr. Beavers and Gen. Perry Heath, Judge Baldwin, according to the Bristow report, came to Washington, and, as a result, First Assistant Postmaster-General Heath, in a letter dated May 9, notified Miller that the Department had decided to purchase 250 of the Brandt automatic machines. The following is a letter written by Mr. Miller to Brandt while these negotiations for the sale of the machine were going on:

I met Mr. Beavers on the street yesterday, and he was very pleasant indeed; asked me if you were still in the city, and said upon leaving that he would like very much to do everything he could toward the adoption of the cashier in the Post-Office Department, and also said that he understood General Heath had arranged a plan with Judge Baldwin for carrying this matter into effect; so that I am satisfied that we have the assurance and friendship of both parties—General Heath and Mr. Beavers—and all that is necessary is to cultivate that friendship, if not by kind words, by dollars and cents, and I think the latter will be the most positive. However, the lines we have out now will result in a change of programme, which means our ultimate success.

Speaking of the conclusion of these negotiations, Mr. Bristow says, on page 149 of his report, as follows:

It therefore appears that after these extensive negotiations a contract was finally made by the First Assistant Postmaster-General for the acceptance of the 39 machines already placed in offices on trial and for 250 additional machines at \$150 each. With the exception of a slight change in the base these machines were exactly the same as those that were sold in the open market for \$125.

It is very apparent from the foregoing correspondence that Miller, Strawn, Baldwin, and Brandt did not depend upon the merits of their device or the necessity for its use in the postal service to secure its introduction.

At the time this order for 250 machines was given there was not a request on file from postmasters for such machines, and a majority of the 99 in use probably could have been withdrawn and returned to the factory without protest from a single postmaster.

After the 250 had been disposed of, additional orders were given until 527 machines had been purchased by the Department, 217 of which were shipped to postmasters without requisition. Postmasters did not always readily ac-

quiesce in the use of this device. It will be remembered that the postmaster at Chicago, in his report in regard to the four machines sent him for testing, stated that he could use but one. This report by the postmaster was made on May 31, 1899. On July 25, less than two months later, nine additional machines were shipped to Chicago for use in that office, and the postmaster was directed to pay \$150 each for them. Of the ten supplied in this manner only three are in use, the others being stored in the vault. A cashier was sent to the Keokuk, Iowa, post-office, and on February 7, 1900, the postmaster wrote as follows:

"I do not consider this cashier of any value whatever. It is not correct and is not labor saving; in fact, we do not use it. I give you this information for the reason that I do not think the Department should adopt and buy these cashiers."

Nine of these machines were sent to Baltimore; 4 of them are in use, the others stored. Eighteen were shipped to Philadelphia, of which only 11 are used. Twenty were forwarded to Boston, of which 2 are now in use and the other 18 stored in the basement of the post-office. Twenty were sent to New York, only 1 of which is used, the other 19 being an incumbrance to the office.

Of the 527 machines purchased, 173 are idle; many of these have never been taken from the cases in which they were shipped. The remainder are being used to a greater or less extent. In many of the offices where the machine was of no particular benefit it was ordered returned to the factory, and another machine, alleged to be an improvement on the old one, would be forwarded and the postmaster ordered to pay \$25 additional to the company for the exchange, though there was practically no difference in the machines. Seventy-four such exchanges were made. The aggregate amount of money paid to the Brandt-Dent Company for these useless cashiers was \$74,275.

A summary of the foregoing demonstrates that the machine was unnecessary; that it was not so desirable or convenient for postal purposes as the "coin tray," which it was to displace, though it cost from twelve to thirty times as much; that the Department contracted for 250 of them and paid \$25 each more than they were selling for singly in the open market and continued to pay this increased price until 527 had been ordered.

Eliminating from consideration all indications of fraud, and passing upon the case wholly as a question of administrative judgment, it appears to me that this transaction would have justified the summary removal from office of First Assistant Postmaster-General Heath and George W. Beavers.

But the element of fraud can not be eliminated. Men of ordinary intelligence rarely waste the public revenues in such a manner without a personal motive. A bribe of \$12,500 was paid to secure this order for 250 machines.

Beavers was also indicted for bribery in connection with the purchase of Bundy clocks in the year 1897. At that time George E. Green was president of the company which sold these clocks and represented that company at Washington in the sale of these clocks, as well as in the sale of the Doremus canceling machines, which I will mention later. Green was a great friend of First Assistant Postmaster-General Heath, and also of Beavers, who was then a clerk in the New York post-office. Green conceived the idea of getting his friend Beavers appointed to the position of general superintendent of salaries and allowances in the Post-Office Department, at Washington, and of having the time recorders—that is, the Bundy clock, which was then used by the Department for that purpose—transferred from the free-delivery division, of which Machen was the head, to the salary and allowance division. I ask here to insert, without reading, extracts from pages 166, 167, and 168, of the Bristow report, wherein a history of this transaction is given.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

The matter referred to is as follows:

GEORGE E. GREEN, MAYOR,
Binghamton, N. Y.

MY DEAR COLONEL HEATH: This is my good friend, Mr. George W. Beavers, of Brooklyn, of whom I spoke during the pleasant interview accorded me in your office.

Mr. Beavers is an aspirant for promotion in the Post-Office Department. He is reliable, trustworthy, and honest; a gentleman in every sense of the word. His ability, capacity, and integrity well fit him for the faithful discharge of all duties pertaining to any office to which he may be promoted.

If you can consistently make him clerk of the salary and allowance department he will fill the bill admirably, and prove an efficient and confidential assistant upon whom you can safely rely. Mr. Beavers's sterling Republicanism has never been questioned.

Very truly, yours,

GEORGE E. GREEN.

Hon. PERRY S. HEATH,

First Assistant Postmaster-General, Washington, D. C.

This letter was not dated, but pencil memorandum indicates that it was acknowledged April 8, 1897.

Beavers was appointed in August, 1897, and became the confidential assistant of Heath, as suggested by Green. In a short time the purchase of time recorders was transferred from the free delivery division to the salary and allowance division, and an order was issued requiring clerks in post-offices to use them in making the record of their arrival and departure. The same reckless waste that characterized Beavers's administration in other matters prevailed in the supply of these time recorders. Requisitions from postmasters were not required. No inquiry was made as to the necessity for clocks before they were shipped to post-offices. Under Machen time recorders were not furnished to the smaller second-class offices, but Beavers sent them in excessive numbers to offices where they could be used and to many offices where there was not the slightest necessity for them. To illustrate:

Berkeley, Cal., has 11 carriers and 7 clerks, yet this office has been furnished with 3 clocks and 162 keys.

Los Angeles, Cal., with 93 carriers and 87 clerks, was supplied with 13 clocks and 840 keys, 438 more keys than the postmaster made requisition for.

Eighty-nine Bundy clocks were sent to St. Louis, with thousands of keys, while 24 were all that could be used in Baltimore and 69 in New York.

Fort Collins, Colo., with 3 carriers and 3 clerks, has been furnished 1 clock and 68 keys.

Bristol, Conn., with 5 carriers and 4 clerks, was furnished 2 clocks, 1 of which has never been taken from the crate.

Winsted, Conn., with 5 carriers and 7 clerks, was furnished 3 clocks and 139 keys.

Warsaw, Ind., with 2 carriers and 3 clerks, was furnished 1 clock and 61 keys.

Independence, Kans., with 3 carriers and 3 clerks, was sent 1 clock, with 90 keys.

Westminster, Md., with 3 carriers and 4 clerks, was sent 1 clock and 118 keys.

South Weymouth, Mass., with 2 carriers and 1 clerk, was furnished 1 clock and 58 keys.

West Concord, a station of the Concord, N. H., post-office, has 1 carrier and 1 clerk, yet a clock was placed in that station.

Babylon, N. Y., is not a free-delivery office, and only 2 clerks are employed, yet it has been furnished with a Bundy clock to record the time of arrival and departure of these 2 employees.

Cambridge, N. Y., has 2 clerks and no carriers, yet it has been furnished with a Bundy time recorder at an expense of over \$100.

A time recorder was sent to Bayshore, N. Y., in August, 1902, where there was not an employee in the office except the postmaster and his assistant.

Such profligate expenditure is almost incredible. A hundred such instances as the above could be cited from the records. In the State of New York there are 28 offices with no free delivery, and therefore no carriers, that have been supplied with Bundy clocks. In less than six years Beavers bought 1,170 of these time recorders.

HEY-DOLPHIN MACHINE.

Mr. SIMMONS. The purchase of the Hey-Dolphin machine is another transaction with which Heath and Beavers were connected in a suspicious manner. The Department, under Postmaster-General Wanamaker, rented these machines at \$400 per annum. In 1895, during Mr. Cleveland's Administration, First Assistant Postmaster-General Jones endeavored to secure a reduction of this rental, but without success. He therefore refused to renew the contract and the machine went out of the service. Mr. Dolphin only asked \$400 per annum rental for these machines, but in September, 1898, First Assistant Postmaster-General Heath wrote to him offering to install about twenty of these machines in the service at \$300 per annum, \$200 more than the price demanded by the company. Mr. Dolphin seems to have been an honest man, and the subject was dropped until in June, 1900. The following extract from page 173 of Bristow's report gives a history of this transaction:

THE HEY-DOLPHIN.

This machine is manufactured by the International Postal Supply Company, of New York, of which Matthew J. Dolphin is president and manager, and George W. Hey is counsel. The company was incorporated in 1885, under the laws of the State of New York, with a capital stock of \$2,150,000, in shares of \$100 each. Hey and Dolphin control the majority of the stock.

The first contract by the Department for the Hey-Dolphin machine was made in September, 1891, by Postmaster-General Wanamaker, for 100 machines, at a rental of \$400 per annum. In 1895 First Assistant Postmaster-General Jones endeavored to secure a reduction of the amount of this rent, but without success. He therefore refused to renew the contract, and the machines went out of the service.

In 1897, when Jones retired from office and Perry S. Heath was made First Assistant Postmaster-General, Dolphin came to Washington and endeavored to secure the reinstatement of his machines, but without success. In September, 1898, however, he received a letter from First Assistant Postmaster-General Heath offering to install 80 of his machines in the service at \$300 per annum. This offer was declined. Why Heath refused to consider a proposition for renting them at \$400 per annum, yet offered to install a limited number at \$300, does not appear. Dolphin seems to have abandoned further effort until June, 1900, when he learned that Heath was going to resign. About that time he came to Washington, called upon the Postmaster-General in person, and secured an order for the rental of 100 machines at \$400 per annum. This was practically a renewal of the Wanamaker order.

There is at present no evidence that any improper means have been used by this company to secure favorable action on the part of departmental officials.

There are now in use 250 of these machines at a rental of \$400 per annum, making \$100,000 a year that the Department is paying this company.

THE BARRY MACHINE.

In the rental of this machine by the Department Heath and Beavers figure in a very suspicious manner. The following extract, taken from pages 173 and 174 of the Bristow report, gives a history of this transaction:

This machine was invented by William Barry, of Oswego, N. Y., in 1883. The first contract between the Department and Barry was in July, 1895, for 100 machines, at a rental of \$150 per annum. After securing this order a company was organized with a capital stock of \$200,000, in shares of \$100 each, with Barry as superintendent.

When the Hey-Dolphin machine was discarded by the Department in 1895, the Barry, in a measure, took its place. In 1897, when the change of administration occurred, the company employed Maj. Ralph Ballin as its Washington agent, which position he held continuously until his death, in February, 1900. Ballin arrived at Washington in May, 1897. He at once called upon First Assistant Postmaster-General Heath and solicited the renewal of the contract for Barry machines. Shortly after this interview Ballin received a call at his room in the Ebbitt House from M. D. Helm, who presented a card written in the handwriting of Heath (Exhibit W-32). Helm stated to Ballin that he was formerly from Muncie, Ind., and an intimate friend of the First Assistant Postmaster-General; that he had access to him at any hour, either at his residence or office, and was in a position materially to aid the Barry Company in its efforts to secure a renewal of its contract. He finally proposed that for a salary of \$1,200 per annum he would use his influence to that end. Ballin left a detailed account in his own handwriting of his various interviews with Helm. Referring to these interviews, Ballin wrote:

"At our last interview last evening he, Helm, offered to give all his influence and earnest, honest efforts, as above described, to you for \$1,200 per annum. * * * I did not write yesterday, for I wanted to see Heath and ask him about the arrangement. Am satisfied that Heath is perfectly honest, but wants Helm to do well."

After this interview with Heath he accepted Helm's proposition and employed him at \$1,200 a year from that date. On June 6, in a letter to his company, he says:

"As far as Mr. Helm is concerned, we have to take him on trust. He has repeated to me certain private conversations he has had with his 'dear friend,' and the latter is pleased with the readiness his recommendation was acted on. My judgment is that the salary of \$1,200 per annum will prove a small item and that the employment of Mr. Helm will prove well-timed and wise."

On August 20, 1897, Ballin again wrote:

"Perry made an appointment with us for Monday afternoon, and I think it probable that action will be had then. Helm did excellent service and talked to Perry 'with the bark off.' He has access to his home, and his friendship makes Perry listen to his 'words of advice to avoid scandal' with great patience."

This employment of Helm was in the nature of a gratuity because of his friendship with Heath. It does not appear, however, that any other money was ever paid by this company to influence departmental officials. Heath denies (Exhibit X) that he ever gave Helm a card to Ballin, and states that he did not know that Helm was employed by the Barry Company.

Helm is the same man who secured the contract for twine from the supply division, and was unduly favored by Louis in the purchase of a large quantity of twine during the closing months of the fiscal year 1900-1901 at the excessive price of \$10.35 per hundred. Helm's employment at \$1,200 per annum continued until July 1, 1901, when a different arrangement was made, by which he was paid \$10 for every machine used. In 1897, after the employment of Helm, the rental price of the machines was raised from \$150 per annum to \$175, and in 1898 it was advanced to \$200. In July, 1900, however, after Heath's retirement from the Department, the rent was reduced to \$150.

After the employment of Helm, Ballin seems to have sustained quite intimate relations with Heath and Beavers, so intimate, indeed, that Beavers appealed to him to aid him in securing an increase of \$500 in his salary in 1898. On January 12 of that year Ballin wrote his company as follows (Exhibit W-31):

"Beavers wrote to-day to these offices for a report on the Barry machines, recently installed, and requested that they send him samples of the work. He wants an increase in salary of \$500 and asked me to help him. * * * Of course I cheerfully assented, and I think it good policy to do it."

There are at present seventy-five of the Barry machines in use, at \$150 per annum, making \$11,250 paid this company.

The Doremus machine, Mr. President, was another machine which Beavers was instrumental in bringing into the Department, and for bribery in connection with the purchase of which he was indicted. Six hundred of these machines were sold to the Government, 500 of them at \$225 each, when it cost only \$56 to make them. The motive of Beavers in purchasing these machines is disclosed in Mr. Bristow's report, on page 179.

DOREMUS CANCELING MACHINE.

George E. Green, the same Green who figured in the sale of the Bundy clocks, and one Truesdell represented this machine in Washington. The stock of the company which manufactured this machine was owned by Green, Truesdell, and Doremus. The following extract, from pages 179 and 180 of the Bristow report, gives a history of the purchase of this machine and of the motive for its purchase on the part of Beavers and Heath:

When interviewed by the inspectors Truesdell stated that before the order of June 30, 1900, was given for 100 machines of the model No. 2, 200 shares (\$20,000 worth) of the stock of the company was transferred to Perry S. Heath, First Assistant Postmaster-General; that in consideration of the transfer of this stock Heath promised to order not less than 300 machines at \$225 each. In his affidavit (Exhibit W-3) Truesdell states that Green told him that he had made this agreement with Heath at the Waldorf-Astoria Hotel one Saturday night, and that he thought Truesdell and Doremus should "whack up" with him. Truesdell states that he agreed to contribute his share, and that he transferred 50 shares of his stock to Green for that purpose.

Truesdell further states that Green at the time submitted to him a telegram or letter from Heath, in disguised expression, acknowledging receipt of the certificates of stock; and that afterwards he, Green, and Doremus discussed the matter, and Doremus agreed to contribute 50 shares of his stock. Doremus denies any knowledge of stock having been given to Heath, but states that he did contribute 50 shares of stock, par value \$5,000, to Green to be used for the best interests of the company. Truesdell further states that Green at a subsequent date purchased back from Heath this stock. Doremus admitted to the inspectors (Exhibit W-2) that Truesdell told him subsequently that the stock which Green asked them to contribute was to be transferred to Perry S. Heath in consideration of receiving a large order for machines.

Ida E. Crowell, Truesdell's secretary, who was a bookkeeper in the office of the Doremus Machine Company from October 3, 1900, until August, 1901, states that Doremus, in discussing the transfer of this stock to Heath, in her home in New York, at 234 West Twenty-first street, stated that he thought it was a mistake to give the stock to Heath; that he was now out of the Department and could no longer be of service to them, and that Green had given stock to the wrong man (Exhibit W-12).

Heath refused to make a written statement, but said verbally to Inspector Simmons that he never received any stock from the Doremus Canceling Machine Company, or any remuneration of any kind, directly or indirectly (Exhibit X). Beavers and Green declined to talk in regard to the matter.

A summary, therefore, of the evidence as to Heath's having received this stock is as follows: The stock of the company was practically owned by three individuals—about 50 per cent by Green, 25 per cent by Doremus, and 25 per cent by Truesdell. Truesdell says Green told him that he agreed to transfer to Heath \$20,000 worth of this stock in consideration of receiving an order for not less than 300 machines; that Green asked him to contribute his proportion, or \$5,000 worth of the stock, which he did. Doremus stated that he contributed \$5,000 worth of his stock to Green, to be used in the interest of the company, but in what manner it was used he does not know.

Ida E. Crowell, bookkeeper of the company, states that she heard Doremus discussing the subject of stock having been given to Heath, in which he criticized the judgment of Green for so doing.

Heath denies that he received the stock. Green and Beavers refuse to talk. From the above it is evident that Green told Truesdell and Doremus he had given this stock to Heath, and that they believed it. Otherwise they would not have contributed their share of the "gift."

Mr. President, it will be seen that Beavers came into the Post-Office Department at Washington as the confidential friend of Mr. Heath, and that Heath is charged with being connected with most of his speculations. It is absurd to suppose that these two strong men would be tempted to commit the offenses charged against them by Machen.

The next individual mentioned in the memorandum is J. T. Metcalf. Metcalf entered the service in 1882 and was appointed superintendent of the money-order system in 1897. Charge—re-

serving commissions on purchases of manifold books, through his son. I will ask that the marked parts of pages 69 and 79 of Bristow's report be printed as a part of my remarks.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

The inspectors had not proceeded far with the investigation when they learned that young Metcalf was being paid a commission of 1 1/2 cents per book for all money-order books that were shipped by the company to postmasters. This was paid him in addition to his regular salary.

Metcalf entered the postal service on February 4, 1882. He became superintendent of the money-order system on September 16, 1897. The securing of employment for his son from a contractor that furnished money-order supplies was highly improper.

The scheme of having the Wynkoop-Hallenbeck-Crawford Company mail the money-order forms direct from their factory originated with Metcalf, as it was suggested to a representative of the company by him. He recommended that the price first be fixed at 3 1/2 cents and afterwards that it be raised to 5 1/2 cents.

From the date of this contract for mailing the books his son received 1 1/2 cents on every book shipped, which amounted to more than three times his regular wages. The payment of this money to his son was doubtless the motive that induced Metcalf to change the system of mailing.

Mr. SIMMONS. The crime of Metcalf, Mr. President, it will be readily seen, had absolutely no connection with Machen. He was in a different branch of the service. The transaction was about a concern with which Machen had no connection.

The next name mentioned is that of D. V. Miller, an assistant in Tyner's office. He was appointed in July, 1902. Crime—bribery in connection with turf-investment companies. I ask, Mr. President, without reading, that the marked portions of pages 62 and 63, giving a history of Miller's crime, be printed as a part of my remarks.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

J. J. RYAN & CO.

J. J. Ryan & Co., of St. Louis, was a kindred institution to Arnold & Co., and conducted business in the same manner. The inspectors investigated this concern October 4, 6, and 7, 1902. In their report (Exhibit F-30) they stated that the officers of the company refused to afford them facilities for verifying the statements of assets and liabilities; that the funds were not being used exclusively in the bookmaking business, as advertised; that dividends were guaranteed, amounting to from 1,200 to 1,400 per cent per annum; that the company's literature contained misrepresentations, and that the scheme depended upon new business for continued existence, and recommended that the concern be cited to show cause why a fraud order should not be issued against it.

Christiancy, Acting Assistant Attorney-General, cited the company to appear, as recommended by the inspectors, fixing the date for November 11. At the hearing Christiancy presided for a time, but afterwards turned the case over to Assistant Attorney Miller. The result of the hearing was that Ryan agreed to furnish the inspectors all of the information desired. Amendments to the literature were to be made along lines suggested by Miller, and Ryan was to demonstrate to the inspectors, when they called again, his ability to pay all obligations.

As prearranged with Ryan, Miller then requested another investigation by the inspectors, which was made on November 26 and 28. Ryan, thus previously advised, was found awaiting their visit with plenty of cash on hand, according to the records he furnished, to offset the amount shown to be due subscribers on November 11. The inspectors were suspicious of the showing and reported the fact to the Department with the statement "that the solvent condition of to-day was no indication of the condition to-morrow."

In the meantime, on November 21, after Ryan's visit to the Department and before the reinvestigation by the inspectors, Ryan received a letter (Exhibit F-30) from J. M. Johns, attorney, Rockville, Ind., saying:

"If you will meet me at Filbeck House, Terre Haute, Ind., soon, I can be of service to you as attorney in your business. Bring samples of literature. Wire me date of meeting."

A number of telegrams were exchanged, and finally, on the 28th of November, the two met at the Filbeck House, Terre Haute, Ind., where Johns informed Ryan that D. V. Miller, assistant attorney in the Post-Office Department, was a close political friend of his; that Miller had consulted with him before he accepted the position at Washington; that the salary was small and not of much consequence; that the "trimmings" were all that amounted to anything, and suggested that he would get Ryan out of his trouble with the Post-Office Department and a clear passage from the man who passed on all of Ryan's business for a fee of \$5,000.

Ryan seems to have protested, but fearing the result of an outright refusal he offered him \$2,500, which proposition Johns took under advisement. That evening Johns made Ryan another offer to the effect that for \$3,500 he would have Ryan's literature adjusted by Miller so that it would pass the most rigid investigation by post-office authorities. Ryan offered \$2,000 for this service, which Johns agreed to accept, protesting that it was a very small amount when divided between himself and his friend Miller. The two parted, apparently having concluded that \$2,500 should be paid for a "clean bill" before the Post-Office Department and \$2,000 for Miller's amending the literature—\$4,500 in all.

This meeting between Ryan and Johns occurred November 28. On December 8 D. V. Miller initialed and Acting Assistant Attorney-General Christiancy signed the following letter, almost an exact reproduction of the letter to Arnold & Co., signed by Tyner four days previously:

D. V. M.

Messrs. JOHN J. RYAN & Co.,
St. Louis, Mo.

DECEMBER 8, 1902.

GENTLEMEN: Your attorney has requested that you be informed of the decision of this office in relation to your case, which has been pending before it since the 11th day of November, 1902, and in accordance therewith I beg to inform you that the additional information required by this office at the time of the hearing has been furnished by you to the post-office inspectors, and that their report has been filed, considered, and the case against you closed. It is, however, proper to say that the same will be reopened if it should in

the future be reported to this office that you are conducting your business in violation of law, and such action taken as is deemed proper.

Very respectfully,

G. A. C. CHRISTIANCY,

Acting Assistant Attorney-General for the Post-Office Department.

Mr. SIMMONS. It is proper to say here, Mr. President, that it does not appear that Mr. Christiancy had guilty knowledge of Miller's corrupt action in this matter or of the very corrupt practices which were carried on about that time in the office of the attorney-general of the Post-Office Department.

The next case is that of L. Kempner. This man was transferred to the Post-Office Department in Washington in 1902. His crime was in causing destruction of carriers' registration books and attempting destruction of certain Government supplies and smuggling. I will ask that the marked portions of pages 31 and 36 be printed without reading as a part of my remarks.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The matter referred to is as follows:

I therefore conclude that as an administrative officer he is either incompetent or inexcusably negligent.

That in sending expensive manifold books to a large number of insignificant fourth-class offices he has been guilty of reckless and indefensible extravagance.

That in supplying to small fourth-class offices the large window registration book at a greatly increased price over the smaller one submitted by the company in its proposition of September 28, 1901, he acted in the interests of the General Manifold Company and against the interests of the Department.

That his recommendation for the destruction of a large number of carrier registration books was a wanton attempt to destroy valuable Government supplies.

That by evasive and misleading answers he attempted to conceal from the inspectors the irregularities of his administration.

That he used his superior position in tyrannical and unwarranted ways to intimidate the clerks under him from giving information to the inspectors, which it was their plain duty to give when called upon to do so.

That he deliberately violated the revenue laws by a system of petty smuggling and endeavored to use the President's order as to "gifts" and "souvenirs" as a cloak for his illegal acts.

I recommend that he be removed from the service.

[Kempner was removed October 21, 1903.]

Louis Kempner was first appointed to the postal service as a clerk in the New York post-office in August, 1886, at a salary of \$340 per annum. He was advanced by successive promotions until July, 1895, when his salary was \$1,400. In February, 1898, he was reduced from \$1,400 to \$900. In the following June he was again advanced to \$1,300, and in the following month assigned to duty in Cuba, when his salary was fixed at \$2,000. In 1900 he was transferred to the Washington post-office at \$1,700, and on July 1, 1902, made superintendent of the registry division of the Department.

Mr. SIMMONS. The next name is that of Charles Hedges. He was appointed assistant superintendent of free delivery in 1898, at the solicitation of Machen. Charge—peculations in connection with his pay roll. I will ask that pages 123 and 124, describing his crime, be incorporated as a part of my remarks.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The matter referred to is as follows:

During the early part of this investigation it was charged that Hedges had been using the influence of his office to induce postmasters and other postal employees to buy stock in mining schemes in which he was interested.

It was also alleged that Hedges had loaned his official commission.

The gravest offense committed by Hedges, however, was the falsifying of his official diary, while assistant superintendent, in order to collect per diem to which he was not entitled. Under the provisions of the appropriation bill, assistant superintendents are entitled to a per diem of \$4 "when actually traveling on business of the Post-Office Department."

On December 5 and 6, 1899, in his diary, Hedges reported himself "at San Antonio, Tex., on official business;" and on the 7th "at San Antonio, Tex., investigating carrier service," while in fact he was not at San Antonio, Tex., on any of those days, but in Mexico, looking after private business matters.

On December 7, 1899, he wrote a letter from Chihuahua, Mexico, to which he attached the following postscript:

"At the office I am supposed to be still in Texas."

Yet in submitting his pay account for December, 1899, he stated under oath that he had been "actually traveling on the business of the Free-Delivery Service" during the days he was in Mexico.

Mr. SIMMONS. While Machen secured his appointment, he seems to have had no connection with his peculations.

The next name is that of James W. Erwin, who was appointed in 1887 and transferred to Washington in 1899. Crime—chiefly in connection with the fraudulent purchase of Montague indicators.

The following, beginning at page 114 of Bristow's report, gives a history of the purchase of this device and the connection of Heath, Beavers, and Machen therewith:

THE MONTAGUE INDICATOR.

The Montague indicator is a device intended to be attached to street letter boxes, showing the hours of collection. On August 11, 1899, a company known as the "Montague Indicator and Letter Box Company" was organized at San Francisco, with W. W. Montague, D. S. Richardson, and E. M. Hoagland as incorporators. Montague is the postmaster at San Francisco, Cal., and Richardson is a cashier in that office.

The company issued capital stock to the amount of \$100,000, consisting of 20,000 shares, at \$5 per share. Richardson was the real promoter, and immediately after the organization of the company an effort was made to secure the adoption of the device by the Post-Office Department. Correspondence was had with First Assistant Postmaster-General Heath, and on October 26, 1899, a committee consisting of Daniel S. Richardson and James W. Erwin was appointed by the board of directors to visit Washington and present the merits of the device to departmental officers. Richardson was at that time

superintendent of stations of the San Francisco post-office. He was first appointed to the service in 1879 as a clerk, and has been employed continuously in various positions in that office since that time. Erwin was a post-office inspector, having been appointed to that position in 1887, from Atlanta, Ga., by William F. Vilas, Postmaster-General. While appointed from Atlanta, he had lived there but two years, having formerly been employed in the newspaper business at Toledo, Ohio.

The committee, as directed by the board of directors, visited Washington in November, 1899, and conferred with First Assistant Postmaster-General Heath and Superintendent Machen in regard to the adoption of their device. Erwin was acquainted with Heath and Machen, but Richardson did not know anybody in the Department except George W. Beavers, superintendent of the salary and allowance division. The prospect at first was not very promising, and Richardson consulted Beavers as to the best methods he should pursue to insure success. Beavers told him (Exhibit L-60) that he ought to distribute stock among the officials who were to pass upon the merits of the device. The suggestion seems to have startled Richardson at first, but, coming from a man of Beavers' standing in the service, he concluded to follow it. He therefore tendered 1,000 shares of stock to Machen, who accepted it without hesitation, requesting that it be issued in the name of H. G. Seger. Beavers himself was presented with 2,000 shares, 1,000 shares for himself and 1,000 reported to have been for First Assistant Postmaster-General Heath, this 2,000 shares being issued in the name of Richardson.

After this gratuitous distribution of stock to Beavers and Machen the affairs of the company assumed a more favorable aspect, and in a short time they received assurance that an order for 2,089 of these indicators, at \$4 each, would be given for the purpose of equipping the letter boxes in the State of California.

The history of the stock said to have been distributed between Machen, Beavers, and Heath in connection with this transaction will be found upon pages 118 and 119 of the Bristow report, which I ask may be printed as a part of my remarks without reading.

The PRESIDENT pro tempore. It will be so ordered in the absence of objection.

The matter referred to is as follows:

There is mystery about the true ownership of the 2,000 shares given to Beavers. Inspectors Wayland and Birdseye, however, in their investigation, developed some interesting facts concerning this stock. It was issued in eight certificates—four of 300 shares each and four of 200 shares each.

These certificates were originally issued in the name of D. S. Richardson, and by him, at the suggestion of Beavers, assigned to John R. McDonough. The books of the company show the certificates to have been issued to Richardson. Richardson states that he collected the dividend on this stock and forwarded it to Beavers in currency by registered letter.

The first dividend of \$120 was forwarded to Beavers February 6, 1901. This remittance was acknowledged by Beavers in the following letter:

WASHINGTON, D. C., February 20, 1901.

MR. D. S. RICHARDSON,
Room 7, Mills Building, San Francisco, Cal.

[Personal.]

MY DEAR MR. RICHARDSON: Yours of February 6 with inclosure duly received. I will hold the papers in your name for the present, until something decisive is known. I am glad to know that the matter promises so well. I have not seen Mr. Heath, but will make another effort to-day. He is mighty hard to locate just now, being busy on national committee matters. Give my regards to all inquiring friends, and believe me,

Very truly, yours,

G. W. BEAVERS, Superintendent.

This was in February, 1901, and the stock was still in Richardson's name and apparently in Beavers's possession. In August, 1902, Beavers again wrote (Exhibit L):

WASHINGTON, August 21, 1902.

MR. D. S. RICHARDSON,
Care Postmaster, San Francisco, Cal.

[Personal.]

DEAR RICHARDSON: Our friend in Salt Lake wants the inclosed stock drawn in the name of Edwin B. Bacon. Kindly issue new certificates and have these destroyed. Forward same to me by registered mail.

Yours, very truly,

G. W. BEAVERS.

On the face of this letter is indorsed a lead pencil note in the handwriting of R. H. E. Espey, secretary of the company: "Editor Salt Lake Tribune," and on the back, "133 S. West Temple" and "9th E. and Brigham," the first being Heath's office address and the second his home at that time.

The "inclosed stock" referred to consisted of certificates Nos. 53, 58, 59, and 61 of the Postal Device and Improvement Company, amounting to 1,000 shares, being four of the eight certificates given to Beavers on December 27, 1899.

As directed in the foregoing letter, a new certificate, No. 235, for 1,000 shares was issued to Edwin B. Bacon on August 28, 1902, and mailed to Beavers in lieu of those returned. The old certificates were not destroyed, however, but were found in the files of the company by the inspectors. On these original certificates the name of McDonough had been erased and Bacon's inserted in red ink. This seems to have been objected to, and then the new certificate for 1,000 shares was issued.

The Edwin B. Bacon referred to is a citizen of Louisville, Ky., Heath's uncle by marriage, and said to be one of his most intimate friends.

Mr. SIMMONS. The next name is that of Scott Towers, superintendent of Station C, in Washington City, who was appointed in 1890. He is charged with frauds practiced in 1899 in connection with Beavers in securing cancellation of long-time leases and renewal of same at a higher rate. I will ask to have the marked portion of page 139 printed as a part of my remarks.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The matter referred to is as follows:

At Hackensack, N. J. (Exhibit R-7), on January 1, 1901, a lease was executed for post-office premises at the rate of \$900 per annum for a period of ten years. On March 15, 1902, this lease was canceled, although it had run but a year, and a new lease for the same premises, without any additional service, was executed for a term of ten years at \$300 per annum, the "three-months' clause" being eliminated.

At Hagerstown, Md. (Exhibit R-8), a five-year lease was executed July 1, 1898, at \$850 per annum, including equipment, light, and heat. In 1901 the postmaster desired some changes in the arrangement of the post-office that would cost about \$400. The lessor declined to make the alterations unless the

lease should be canceled and a new one made at a rental of \$1,100 per annum. Assistant Superintendent Norris, who examined the premises, reported against the change in the lease; but in the face of this recommendation the lease was canceled a year and a half before it expired and a new one executed for a period of ten years at \$1,100 per annum.

At Weehawken, N. J. (Exhibit R-9), on July 1, 1900, a lease was executed for ten years at \$500 per annum, including all equipment, heat, light, etc. On July 1, 1902, eight years before the lease expired, it was canceled and a new lease entered into for the same premises and the same equipment at an annual rental of \$800.

At Fredonia, N. Y. (Exhibit R-10), on April 1, 1896, a lease was executed for a period of five years, including light, heat, furniture, fixtures, and a vault, for \$500 per annum. On September 1, 1899, almost two years before the expiration of this lease, it was canceled and another lease executed for the same premises at an annual rental of \$300 per annum. For this increased rental the Department received no service that was not required in the canceled lease.

Mr. SIMMONS. This man was indicted for bribery of Beavers in connection with the purchase of Elliott & Hatch typewriters. He came into the service under Harrison's Administration.

The next name is that of Otto F. Weis, assistant superintendent of the registry division, who was appointed in 1890. Crime-insisting promotions under Beavers. I will ask that pages 130 and 131 be printed as a part of my remarks, wherein a full history of this man's crime is given, the time of his appointment, etc.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The matter referred to is as follows:

Otto F. Weis, a clerk in the registry division of the New York post-office, an intimate friend of Beavers, whose salary has been advanced under his regime from \$1,200 to \$1,800, was made chairman of the legislative committee of the association. Weis called for contributions, and stated (Exhibit P-1) that he collected from \$8,000 to \$10,000 for this fund. His bank account, however, at the Colonial Trust Company, where these funds were deposited, beginning with February 18, 1899, aggregates \$19,154.01; and I am of the opinion that this represents the amount of his collections. He states that he used about \$3,000 of this money for expenses, and that the balance, amounting to \$6,000 or \$7,000, he paid to Benjamin Parkhurst, of Washington, D. C., who also was an intimate friend of Beavers. Parkhurst was for years superintendent of a station of the Washington City post-office. He declined to state what he did with the money paid him by Weis. Parkhurst himself has a bad reputation. He was retained in the service and promoted through the influence of Beavers, and without his support would have been removed for intoxication and neglect of duty upon more than one occasion (Exhibit P-9). On April 2 of this year he was removed from the service for a most revolting act of immorality.

During the investigation many of the clerks in the New York, Jersey City and Bayonne post-offices were examined under oath (Exhibits P-2, P-3, P-4, and P-5). Three states (Exhibit P-3) that they were told by friends of Weis that if they would join "his association" and contribute to the legislative fund they would receive a promotion of \$100 July 1, 1900; but they declined, and were not promoted. Seven clerks state (Exhibit P-2) that they paid the amounts requested of them and were promoted as promised. In nearly all of these cases those who paid the money were assured that if the promotions were not made the money would be refunded.

A number of promotions were made solely at the request of Weis (Exhibit P-6). On July 20, 1899, Weis wrote Beavers asking the promotion of Isaac Fisher, clerk in the New York post-office, from \$700 to \$800 per annum, and R. C. Kindred from \$800 to \$900. The next day the postmaster was directed, in a letter initialed by Beavers and signed by the First Assistant Postmaster-General, to make the promotions. These clerks both contributed to the legislative fund which Weis was collecting. In time it became quite generally understood in the New York post-office that promotions could be secured by joining the association and contributing to Weis's legislative fund.

In October, 1899, Weis suggested to Frank C. Hay, a clerk in the Jersey City post-office, that he could have the salaries of the clerks in Jersey City and neighboring post-offices increased \$100 per year upon the payment of 2½ per cent of their salaries. Hay states (Exhibit P-4) that Weis told him this money was to be paid to Beavers, after deducting the expenses for collecting. A number of clerks in Jersey City and Bayonne were interviewed by Hay, and shortly after he collected and turned over to Weis the following amounts:

E. H. Whitney, assistant postmaster, Bayonne.....	\$25.00
Bertram Cubberley, clerk, Bayonne.....	12.50
Simeon Bullen, clerk, Jersey City.....	25.00
James A. Coyle, clerk, Jersey City.....	25.00

and \$35 which he contributed himself. Joseph F. Hart, a clerk in the Jersey City post-office, paid Weis \$25 direct. All these persons were promised promotions and told that if the promotions were not received the money would be returned (Exhibit P-4). The assistant postmaster and clerk at Bayonne were promoted; and Beavers, in a letter dated June 1, 1900, to the postmaster at Jersey City, directed the promotion of Hay, Hart, Bullen, and Coyle. The letter began as follows (Exhibit P-7):

"In compliance with your recommendation, the following changes in your roster of clerks are approved."

The roster referred to contained the names of Hay, Hart, and Bullen. But the postmaster had not recommended the promotion of these three clerks; he had, however, recommended the promotion of Coyle. Upon receipt of Beavers's letter the postmaster entered a vigorous protest against the promotion of Hay, Hart, and Bullen without his recommendation, and sent E. W. Woolley, his assistant, to Washington to confer with the Department in regard to the matter. Woolley called upon Beavers and told him that the postmaster objected to the promotion of these clerks and insisted that they be not advanced over his objection (Exhibit P-4). Beavers then stated that the papers had been completed; that he had granted an increase to these three clerks at the request of the clerk's association. Woolley, however, still insisted that their names be taken off the list and the promotions canceled. Beavers did not care further to resist the positive stand the postmaster had taken, and on June 29 he canceled the promotions in a letter as follows (Exhibit P-7):

"In compliance with your request of the 23d instant, the increases in salaries of S. Bullen, Joseph F. Hart, and Frank C. Hay, in the sum of \$100 per annum each, as authorized by my letter of the 1st instant, are hereby canceled."

Soon after this letter was written Weis returned the money which he had collected from Hay, Bullen, and Hart; but the money contributed by Coyle was not returned, his promotion not having been canceled.

Weis admits that he paid Parkhurst about \$8,000 to promote legislation, that he visited Washington numerous times for that purpose, and that he

and Parkhurst occasionally had conferences with Beavers. On the 21st of April, while the inspectors were making this investigation, Parkhurst went to Jersey City and sent Hay the following note (Exhibit P-4):

"DEAR FRANK: Would like to see you for a few minutes; very important. Am at the saloon, corner Washington and New York. Make it soon as possible, and answer by bearer.

"Yours, sincerely,

PARKHURST."

Shortly after the receipt of this note Parkhurst called upon Hay and inquired if the inspectors had seen him and what they were doing. He further asked Hay to deny everything and say that the money collected was for legislative purposes and not to secure promotions, stating that Weis had agreed to make a similar statement. Parkhurst further said that he would decline to give any account whatever as to what he had done with the money; that he was seeing all of the clerks in New York and Jersey City and asking them to make similar statements.

Mr. SIMMONS. The next on the list of those indicted is M. W. McGregor, clerk of free-delivery division, in charge of supplies, appointed March 11, 1891, indicted for conspiracy to defraud the United States in connection with the purchase of carriers' pouches.

C. E. Upton, clerk in free-delivery division, appointed July 1, 1900, indicted for conspiracy to defraud the United States in connection with the purchase of carriers' pouches.

The next name is that of M. W. Louis, who was appointed by Heath in 1897, upon the recommendation of Green, the agent of the Bundy clock and the Doremus machine, in violation of the civil-service order, as set forth on pages 24 and 25 of Bristow's report, and also on pages 11 and 12 of the same report, which I ask to have printed as a part of my remarks.

The PRESIDENT pro tempore. It will be so ordered in the absence of objection.

The matter referred to is as follows:

It has been stated that Louis's appointment was made in an irregular way for the purpose of giving him control of the division of supplies during the letting of contracts for the fiscal year beginning July 1, 1897.

Mr. W. A. Burwell was appointed superintendent of this division on February 4, 1896. The position is within the classified service, and it does not appear that any complaints were ever filed against him. On April 15, 1897, he was requested to resign by the First Assistant Postmaster-General, but was not accused of inefficiency or misconduct. He submitted his resignation, to take effect in thirty days (Exhibit A-1), and was given leave of absence for that period.

In relation to the appointment of Louis, I beg to submit the following letter (Exhibit A-2):

In your reply please refer to initials.
Subject: Cashier.

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., April 17, 1897.

POSTMASTER, Kansas City, Mo.

SIR: Certain exigencies have arisen which make it necessary to employ an expert in the Post-Office Department for a short period. As the Department has no appropriation available for this purpose, I have decided to create the position of cashier in the Kansas City office, at a salary of \$2,000 per annum, effective this date, Saturday, April 17, 1897.

You will therefore carry upon your roster Mr. Michael W. Louis as cashier of your office, at a salary of \$2,000 per annum. Mr. Louis to be assigned to work in this Department under my direction until otherwise advised.

You will forward on the 1st and 15th of each month a check to Mr. Louis to cover his semi-monthly salary, accompanied by a voucher which will be returned to you for file with your pay roll in lieu of the signature upon same. To provide for the position your clerk-hire allowance has been increased to-day to \$90.544.

Very respectfully,
(Signed)
COL—ECF]

PERRY S. HEATH,
First Assistant Postmaster-General.

In your reply please refer to initials and number. A. S. 140.
Subject: Appointment of Michael W. Louis.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., April 17, 1897.

[Personal.]

HOMER REED, Esq.,
Postmaster, Kansas City, Mo.

SIR: As the appointment of Mr. Michael W. Louis has been fully explained to the members of the Civil Service Commission, it will not be necessary for you to make a report of the appointment to the Civil Service Commission.

Very respectfully,

COL.]

PERRY S. HEATH,
First Assistant Postmaster-General.

On the same day that Louis was appointed cashier in the Kansas City post-office he was assigned as acting superintendent of the division of supplies in the Department at Washington, D. C. He never visited Kansas City and never performed any work of any character in connection with the Kansas City post-office.

After Louis had been installed as acting superintendent the First Assistant Postmaster-General requested that the position of superintendent be excepted from the classified service, but the Civil Service Commission refused to recommend such exception. They did, however, consent to give a special examination for that position. This examination was held in July, and Louis was allowed a rating of fifty points because of his alleged experience, he having then been in charge of the division about three months. The examination papers can not now be found, having disappeared from the files of the Civil Service Commission (Exhibit A-3). As a result of the special rating, Louis received the highest grade of any of those examined, and was given a permanent appointment. In the meantime, however, he had been in charge of the division of supplies since April 17, and had performed all of the duties of superintendent.

This unusual proceeding in the appointment of Louis as cashier of the Kansas City post-office and his immediate assignment as acting superintendent of the division of supplies gives color to the allegation that there was

some special interest in having Louis placed in charge of that division before the letting of contracts, advertised for May 6.

From the foregoing it appears that the appointment of M. W. Louis as cashier of the Kansas City post-office, when it was not intended that he should perform any service whatever in that office, was irregular, and that his assignment as acting superintendent of the division of supplies while carried on the rolls and paid as an employee of the Kansas City post-office was unlawful. (Exhibit A-8.)

That he influenced the awarding of the contract for canceling ink for the fiscal year 1897-98 to the Ault & Wiborg Company, of Cincinnati, at a higher rate than offered by other bidders, not because of the merits of the ink, but as a favor to that company for reasons not fully explained.

That in the administration of his office he has shown undue friendship for these contractors by improperly granting them the use of penalty labels and by paying them for worthless ink that should have been returned.

That he has been extravagant and wasteful in furnishing canceling ink and pads to postmasters when they had not been ordered and were not needed.

That in the burning and throwing away of ink he was guilty of reckless and almost criminal disregard for the interests of the Government.

That by deception, in the letting for the fiscal year 1898-99, he threw the contract for pads to W. C. Long, at an increased price over other responsible bidders, to the great loss of the Department.

That during the fiscal years 1899-1900, 1900-1901, and 1901-2, he bought from the Ault & Wiborg Company, of Cincinnati, canceling ink, practically without competition, and paid an extravagant price therefor.

That in the purchase of a large amount of twine at the close of the fiscal year 1900-1901 he acted in the interests of the contractors and against the interests of the Department.

That his administration of the division shows incompetency and extravagance.

I therefore recommend that he be summarily removed from office.

[Louis was removed October 21, 1903.]
Mr. SIMMONS. Louis was charged with purchasing ink at higher prices than that paid under the old contract, and at 4 cents a pound more than was bid by the old contractor, who had furnished the Government relatively good ink. I ask that the marked portion of page 13 of Bristow's report be printed as a part of my remarks.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

For a number of years prior to July, 1897, the Caton Manufacturing Company, of Baltimore, of which Victor G. Bloede was president, had the contract for furnishing the Department with canceling ink. This company was a bidder at the 1897 letting and failed to secure the contract. Their bid was 20 cents per pound, but the Ault & Wiborg Company, of Cincinnati, Ohio, was given the contract at 24 cents per pound, 4 cents higher than offered by the Caton Manufacturing Company.

Mr. SIMMONS. Much of this ink, Mr. President, proved to be utterly worthless, although the excuse for giving 4 cents a pound more for it than the Government had been giving for ink, and that the old contractor offered to furnish it for, in that year, was that it was of a better quality. I ask also that the marked portions of pages 14 and 17 be printed in this connection.

The PRESIDENT pro tempore. It will be so ordered in the absence of objection.

The matter referred to is as follows:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
DIVISION OF POST-OFFICE SUPPLIES,
Washington, December 10, 1897.

The AULT & WIBORG COMPANY,
Cincinnati, Ohio.

GENTLEMEN: The Department has on hand about 15,000 pounds of canceling ink, the greater portion of which is of your manufacture, the remainder of the Caton Manufacturing Company.

This ink is too sticky for the purpose for which it was intended, having been contracted for when the requirements for this article were unknown. The Department desires to know if you can take this ink and work it over to possess the qualities of the ink last ordered from you, viz, nondrying on the pad and quick drying on the envelope when stamped. Please state what your charge per pound for doing this would be, you to pay the freight and charges from Cincinnati to Washington. The packages are put up in the same manner and proportion as you have furnished them heretofore.

By giving this your early attention you will greatly oblige.

Yours, very respectfully,

PERRY S. HEATH,
First Assistant Postmaster-General.

A part of the ink purchased by the Department during the fiscal year 1897-98 appears to have been destroyed by burning under the boilers of the building in which the supply division is located and by carting to the city dump on M street. A large amount of ink was burned in the furnaces until the engineer complained that it was injuring the boilers and refused to permit any more to be burned. It was then that a large quantity was carted out to the dump; and unopened cans, not only of the Caton Manufacturing Company's ink, but of the Ault & Wiborg ink, were picked up by negroes and by representatives of the competing firms who had been disappointed in the letting. This appears clearly established in Exhibits B-7 and B-8.

Louis states that ink so destroyed or thrown away was that which had been opened and found to be useless; but this is not borne out by the testimony, as a large number of unopened cans of the Ault & Wiborg ink were found at the dump, and others were broken open at the supply division and contents poured into barrels. Quantities of the Caton Manufacturing Company's ink also were destroyed in the same manner. In this connection I desire to invite your attention to the statements of George O. Preston, Joseph E. Graves, and Joseph A. Bogan (Exhibit B-9).

Preston says that he received orders from Louis to destroy a large quantity of ink that was on hand, a considerable portion of which was in unopened cans. Joseph A. Bogan and Joseph E. Graves state that they were present and heard Louis give such orders to Preston. Graves stated to the inspectors that he was instructed to destroy a quantity of ink, and that he complied with the instructions by opening the cans and pouring the ink into a barrel; that Louis ordered him, while engaged on the work, to use a hatchet in opening the cans, so as to expedite the matter. Graves further says that a portion of the unopened ink so destroyed was the Ault & Wiborg Company's ink.

This wanton destruction of ink that had been paid for by the Department as "superior" ink shows a reckless and almost criminal disregard for the interests of the Government.

Mr. SIMMONS. Charles B. Terry, clerk in the supply division, is also mentioned in the President's memorandum as having been removed from office October, 1903. He was appointed clerk in the supply division September 20, 1900. In my examination of the Bristow report, which is a very voluminous document, I have not, as I remember, come across the name of this clerk except in the connection mentioned, and I can not here state with what wrongdoing he is charged.

Edward H. Driggs, ex-Member of Congress, was indicted June 24, 1903, for accepting compensation while a Member of Congress for promoting the contract of the Brandt automatic cashiers. Driggs is a Democrat. I have heretofore discussed Machen's politics. Driggs and Machen have both been indicted and tried.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. CULBERSON].

Mr. LODGE. Against that amendment I make the point of order, on the ground that it is an unestimated appropriation.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. GORMAN. Do I understand the Senator from Massachusetts to make the point of order on the amendment offered by the Senator from Texas?

Mr. LODGE. Yes; I make the point of order on the amendment offered by the Senator from Texas.

Mr. GORMAN. Before the Senator from Massachusetts makes the point of order, will he permit me to say a word?

Mr. LODGE. Certainly. I did not know that the Senator was going to speak.

Mr. GORMAN. It is not for the purpose of making a speech, as I have said all I desire to say upon the general matter. I understand the Senator from Massachusetts makes the point of order on the amendment upon the ground that it makes an appropriation which has not been estimated for?

Mr. LODGE. That is the point I made.

Mr. GORMAN. It is true there is no estimate for this provision, but it is also true that such an amendment is not a new feature on an appropriation bill. I desire to call the attention of the Senator from Massachusetts to an amendment put on the post-office appropriation bill approved the 13th day of June, 1898, suggested by the fact that for several years prior thereto there had been intimations that the Railway Mail Service was being extravagantly administered. The Senator from Pennsylvania offered an amendment to that appropriation bill appropriating \$30,000 for a commission identical with the one provided for in this amendment, and it was passed by the Senate without the slightest hesitation, no objection being raised and no point of order being made.

The commission was to be appointed by the presiding officer of the Senate and by the Speaker of the House of Representatives.

That provision went into conference, as this in all probability would go, and the committee of conference enlarged it as it passed the Senate by providing in section 5 of the act for a commission consisting of the chairmen of the Committees on Post-Offices and Post-Roads of the Senate and House of Representatives and three members of the Senate, to be appointed by the President pro tempore, and three Members of the House, to be appointed by the Speaker. The commission so authorized was required to investigate all these matters connected with the Post-Office Department. So this procedure is not unusual, and is intended merely to create a commission to inquire into the affairs of this Department.

It is true there has been no estimate for this commission and that the amendment has not been reported by a committee of this body, but in view of all that has been said on the other side and the willingness recently expressed for further light upon this subject, it does seem to me that advantage should not be taken of this technicality at the present time.

Mr. President, this bill contains many provisions of general legislation and carries appropriations that have not been estimated for by the Department. The Senator from Massachusetts himself has offered more than one such provision.

Mr. LODGE. I do not think there is an appropriation in this bill which is not estimated for.

Mr. GORMAN. Yes; there is.

Mr. LODGE. If there is, I do not recall it at this moment.

Mr. GORMAN. There are any number of them. The Senator will find one instance in the matter of the appropriation for post-office sites in New York City.

Mr. LODGE. That amendment was in order by reason of the fact that it was reported by another committee.

Mr. GORMAN. Yes; it is true it was reported by another committee, but it is an unusual thing, and is a matter of legislation.

Mr. LODGE. That amendment is unusual?

Mr. GORMAN. It is unusual.

Mr. LODGE. It is unusual, but it was in order.

Mr. GORMAN. It is unusual and was not in order strictly under the rule, in my judgment. It is a departure—

Mr. LODGE. The Chair held that it was in order.

Mr. GORMAN. Yes; and the Chair could hold anything in order, or the Senate, under the very liberal construction we have given to the rules, could hold this amendment in order if it was submitted to the Senate. But the appropriations for the post-office sites in New York on the pending bill were agreed to on this side of the Chamber. It was unusual, we knew, and ordinarily we have never permitted such items to go through.

Mr. LODGE. The point of order was made by a Senator on the other side of the Chamber, if the Senator is referring to the New York post-office matter.

Mr. GORMAN. Yes, sir.

Mr. LODGE. The point was made and overruled.

Mr. GORMAN. Yes. A majority of the Senate can do anything it pleases in such matters. But to that provision no special opposition was made, because it was a case of necessity.

It looked as if the interests of the Government, because of the prompt action needed, required that provision be placed on this appropriation bill for public buildings for New York and Washington. So, Mr. President, with any number of provisions. The Senator himself offered as an amendment to this bill a provision extending the franking privilege. It was a wise amendment.

Mr. LODGE. That was clearly out of order.

Mr. GORMAN. It was clearly out of order.

Mr. LODGE. If anybody had chosen to make the point.

Mr. GORMAN. It was clearly out of order; and so throughout the bill I could enumerate a half dozen provisions that are clearly outside the rule. But we were dealing, as we ought at this particular juncture, liberally, without attempting to enforce the rule.

Now comes this case which we have tried to reach during the present session and at the extra session, and it has been demonstrated that it is absolutely necessary to have some investigation of the Post-Office Department. The amendment simply provides that a commission shall be appointed by friends of the Administration which shall have that opportunity. We would have saved two days' discussion on the matter of the canceling machines alone if such an inquiry had been made in due time at this session and if all the facts had been brought to the attention of the Senate.

In the absence of the distinguished Senator from Texas [Mr. CULBERSON], who offered this amendment, I will say that we had hoped that at the end of all this discussion consent might be granted by the other side to a provision for this investigation, which can not trouble the Administration between now and the coming election, and where partisanship is absolutely divorced from the consideration of the matter. The commission, when appointed by the two presiding officers, a clear and undoubted majority of its members being from the other side of the Chamber, could enter upon its work at such a time as would not embarrass the party in power.

But I hope the amendment will not be ruled out on a point of order, and I take it for granted, with a strict construction of the rule, the President of the Senate would probably be required to so decide. In an ordinary partisan matter, in order to reach a vote, so that we might all record our positions, an appeal of course could be made from the decision of the Chair. But I think I voice the sentiment of this side of the Chamber—indeed, of every Senator in this body—when I speak of the absolute fairness of the present presiding officer in all matters that have been submitted to him. An appeal we do not desire. At no time during his service has an appeal been taken, and no desire for one exists.

Therefore I hope that the Senator who makes this point of order, as well as the Chair, will agree that the question may be submitted to the Senate and we may be permitted to vote upon the proposition in the form of an amendment, with the appropriation stricken out. I am prepared, in the name of the Senator from Texas, to modify his amendment so that it will not carry an appropriation, and the commission may look to some source hereafter for the compensation of its various officers. If the Postmaster-General is as earnest as I have no doubt he will be, he will detail sufficient clerical force to aid the commission. I will modify the amendment, as I have a right to do, at the request of the Senator from Texas, eliminating the appropriation and simply providing for the investigation.

I appeal to the other side again to let us have a vote upon the proposition whether or not an investigation shall be made, the majority of the investigators being members of the other side of the Chamber.

I ask the Senator from Massachusetts, in view of the fact that we have on this bill matters of general legislation and have inserted appropriations not estimated for, whether in this matter of so much importance he will not permit the amendment to be

agreed to? I pause for a reply from the Senator from Massachusetts in charge of the bill.

Mr. LODGE. I can not withdraw the point of order. The amendment as it stands is clearly out of order. If the point of order is not made, many things go onto appropriation bills which are out of order. I do not think this is the place to put the amendment. I think if we are to order an investigating committee it should be done as a separate matter entirely.

The PRESIDENT pro tempore. The Chair will be obliged to rule that the amendment is out of order. The Senator has a right to modify the amendment.

Mr. GORMAN. I will offer another amendment, striking out the appropriation.

The PRESIDENT pro tempore. Will the Senator from Maryland allow the Chair to say that in the matter of the amendment with respect to the New York post-offices the point raised was that it was general legislation. The Chair overruled the point of order made on that ground, not believing it was general legislation.

Mr. GORMAN. The point I wish to make about the New York post-office appropriation is that an instance has never occurred in the history of the Government where public buildings have been provided for on a general appropriation bill for the Post-Office Department. It was an extraordinary procedure. There was also the appropriation for the fast mail service by steamships to some of the islands in the Pacific. It is of the same class; and I may also mention the provision relating to the extension of the franking privilege, which is another.

The PRESIDENT pro tempore. Will the Senator from Maryland allow the Chair?

Mr. GORMAN. Certainly.

The PRESIDENT pro tempore. In the case of the New York post-office appropriation the amendment was reported as an item to the appropriation bill by two different committees, each having jurisdiction of the subject, and the point was raised that it was general legislation. That point the Chair overruled. The Chair intends always to rule what he believes to be required of him by the rules and by parliamentary law.

Mr. GORMAN. Oh, Mr. President, I stated, and so emphatically, I thought, it could not be misunderstood, that the absolute fairness of the Chair is recognized by every Senator.

The PRESIDENT pro tempore. Thank you, sir.

Mr. GORMAN. I so stated a moment since. Therefore no appeal is ever desired to be taken on this side of the Chamber from any decision the Chair makes, because he is usually strictly within the rule. But I have a right to appeal to the Senator from Massachusetts in charge of this bill and to the Senate to do in this case what the Chair and the Senate have done over and over again—to submit the question to the Senate and permit us to have a vote upon the proposition. We are perfectly well aware, in the present condition of affairs and in view of the attitude of the other side, that it will in all probability be voted down.

For the purpose of removing the objection made by the Senator from Massachusetts, I offer an amendment exactly the same as that offered by the Senator from Texas [Mr. CULBERSON], but eliminating the appropriation.

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

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 10. That a commission, consisting of three members of the Senate, to be appointed by the President pro tempore of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is hereby created to investigate the status of the postal laws of the United States, with a view of determining whether changes therein or additions thereto are necessary, and to make inquiry into the conduct and expenditures of the Post-Office Department, and especially inquire whether there has been extravagance, violations of law, or corruption in the administration of the affairs of the Post-Office Department. Said commission is authorized to employ experts to aid in the work of inquiry and examination, and also to employ a clerk and stenographer, and such other clerical assistance as may be necessary; said experts, stenographer, and clerks to be paid such compensation as said commission may deem just and reasonable.

The Postmaster-General shall detail from time to time such officers and employees of the Post-Office Department as may be requested by said commission in its investigation.

For the purpose of the investigation said commission is authorized to sit during the recess of Congress, to send for persons and papers, and, through the chairman of the commission or the chairman of any subcommittee thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the duties of said commission. Said commission shall, on or before December 5, 1904, make report to Congress, which report shall embrace the testimony and evidence taken in the course of investigation, and conclusions reached by said commission on the several subjects examined, and any recommendation said commission may see proper to make, by bill or otherwise, with a view of correcting any deficiencies in the law, or abuses, or violations of law, or corruption, in the administration of said Department.

That any vacancy occurring in the membership of said commission, by resignation or otherwise, shall be filled by the presiding officer of the Senate or House of Representatives, respectively, according as the vacancy occurs in the Senate or House of Representatives on said commission.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Maryland.

Mr. ALDRICH. Mr. President, this amendment is clearly subject to the same point of order, and I appeal to the Senator from Maryland not to embarrass the passage of this appropriation bill by raising this particular question here. If he is serious in desiring an investigation, as I presume he is, he will certainly have ample opportunity to be heard and to get a vote on his proposition without trying to enforce a rule different from what has ever been observed in the Senate and without violating substantially one of the plainest rules of the Senate. I therefore suggest to the Senator that he attempt at some other time and in some other place to try to secure this action, and not, as I say, delay and embarrass the passage of this appropriation bill.

Mr. GORMAN. The Senator from Rhode Island was out of the Chamber when I called attention to the fact that I was simply following the precedent that came from so distinguished a committee as the Post-Office Committee in 1898, for on the appropriation bill of that year provision was made for an investigation of the Post-Office Department growing out of charges of extravagant expenditures in the matter of railway mail service. That the Senator may be perfectly convinced that I am not trying to delay an appropriation bill or do anything extraordinary, I desire to call his attention to section 5 of the act approved June 13, 1898. The Senate provided for the appointment of a commission identically like the one embraced in this amendment, which is the amendment of the Senator from Texas, modified. It went into conference, and both Houses agreed not only to the provision that was inserted, but enlarged the powers of the commission and made provision for an appropriation of \$20,000.

No point of order was raised then, and that commission acted under that provision and reported to Congress. The report has been of immense benefit to Congress and to the country. The commission went exhaustively into the question of compensation and disposed—

Mr. ALDRICH. What is the date of that act?

Mr. GORMAN. June 13, 1898. The Senator from Colorado, Mr. Wolcott, I think, was chairman of the commission, and the result of that investigation has been of immense value to the Government. It stopped the acrimonious debate that had occurred in both Houses of Congress as to compensation, for the commission practically agreed, although there may have been some division as to detail. It resulted in immense good.

Now, following that example—and I have no doubt if I went back in the RECORD I would find that the Senator from Rhode Island voted for it; at all events, it went through without any opposition—we submit this proposition. It is a similar one, but the conditions now are vastly more serious, so far as the charges are concerned, than they were then. Therefore I appeal to the Senator from Rhode Island—and we all know that as a rule his suggestions are accepted by his side, if not by both sides—to lay aside any objection he may have and recognize that this is the proper thing to do. Then there will be no delay. We can vote on this bill in fifteen minutes if the Senator will only agree that this simple, necessary, proper provision shall be inserted and one which is in exact accord with what Congress has heretofore done.

Mr. CULBERSON. Mr. President, I understand the Senator from Rhode Island to present the point of order against the amendment as modified by the Senator from Maryland to the effect that it adds to the appropriation carried by the bill and is not recommended or presented by a standing or special committee of the Senate. If the Chair will pardon me for reading it, I call attention specifically to the rule itself:

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation.

There is no appropriation contained in this bill looking to an investigation, nor does this amendment present a new item of appropriation, because there is no appropriation in the amendment at all. Now, to go further, if the proposition is that this amendment is general legislation, I call the attention of the Chair to the ruling made two or three weeks ago on a point of order raised with respect to the Indian appropriation bill, in which the Chair laid down the rule that nothing in an appropriation bill by way of an amendment was general legislation which died with the bill. Of course the pending amendment is limited to the 5th of December next. The bill itself runs to the end of the next fiscal year. So upon neither point, it occurs to me, is the point of order suggested by the Senator from Rhode Island tenable.

Mr. ALDRICH. I remember perfectly well the commission referred to by the Senator from Maryland. It was a commission appointed in 1898, without objection on either side, to investigate the railway mail pay under the post-office appropriation. It was a business proposition, made not at the time of a Presidential election, not for political purposes pure and simple, as this is, and one about which there could be no controversy of a political nature, as there certainly will be in regard to this amendment, if it is adopted.

If Senators on the other side desire an investigation of the nature of that contained in the act from which the Senator has read or would ask for an investigation as to any specific charges—not an investigation based upon vague uncertainties, which no man has ever put into definite form in the Senate or anywhere else, so far as I know—that would present a different question for the consideration of the Senate.

Now, as to the point of order, the amendment in its present form simply omits the appropriating clause. It authorizes this commission to employ clerks and stenographers and to pay them, and imposes certainly an additional appropriation to that already contained in the bill. I think it increases practically the appropriation. It summons witnesses and pays them.

If the commission is not to do any of these things and the Senators' point is simply for the purpose of having a commission that may incur no expense and use no money of the public, that is one thing. That is not what they desire. They expect to go on and employ experts, stenographers, and clerks, and to summon witnesses and to pay witnesses. They expect to go on with all this paraphernalia, and simply leaving out the formal appropriating clause does not change the nature of the amendment.

Mr. CULBERSON. The Senator from Rhode Island suggests that the effect of this amendment is to increase the appropriation. It appears that the framers of the rule had those matters in mind, for it expressly provides that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation—

Not generally, as suggested by the Senator, but one—already contained in the bill.

Certainly there is nothing in the shape of an appropriation already contained in this bill with reference to this matter which this amendment is intended to increase or can increase.

Mr. ALDRICH. I suppose the Senator from Texas will agree with me that if the amendment should be adopted it would impose additional expense upon the Treasury of the United States?

Mr. CULBERSON. I admit that the effect of the amendment, if adopted, will impose some character of obligation upon the United States in some subsequent appropriation bill, but it is not subject to the point of order made by the Senator from Rhode Island, because it does not have the effect of increasing an item already in this bill.

Mr. ALDRICH. It increases the whole bill.

The PRESIDENT pro tempore. The Chair is of the opinion that these words—

Said commission is authorized to employ experts to aid in the work of inquiry and examination, and also to employ a clerk and stenographer, and such other clerical assistance as may be necessary; said experts, stenographer, and clerks to be paid such compensation as said commission may deem just and reasonable—

make the amendment as it is offered now subject to the rule. The Chair has no trouble about its being general legislation. In the opinion of the Chair it is not general legislation. But the Chair is very clearly of opinion that those words make it obnoxious to the rule.

Mr. GORMAN. Then I will offer it in another form.

INDIAN APPROPRIATION BILL.

Mr. STEWART. If the Senator will give way for a moment, I now submit the conference report on the Indian appropriation bill. I ask that it be printed as a document and that it be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Nevada presents a conference report, which he asks may be printed in the RECORD and also as a document. Is there objection? The Chair hears none.

Mr. BACON. I beg to ask a question for information. I understood the Senator from Nevada to ask that the conference report be printed in the RECORD—

Mr. STEWART. And as a document.

Mr. BACON. It is the latter feature about which I want to make the inquiry—whether it is an ordinary proceeding to print a conference report as a document.

Mr. ALDRICH. Oh, yes.

Mr. STEWART. Certainly.

Mr. BACON. If it is a usual order I make no objection to it. The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 7, 10,

11, 24, 28, 31, 35, 42, 44, 45, 58, 61, 62, 63, 73, 74, 75, 76, 81, 82, 83, 86, 87, 92, 93, 94, 95, 96, 97, 98, 105, 112, and 120.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 8, 9, 13, 18, 19, 20, 22, 23, 25, 26, 29, 32, 33, 34, 36, 38, 39, 43, 46, 49, 50, 51, 52, 53, 57, 59, 64, 65, 66, 67, 68, 69, 70, 71, 72, 77, 78, 79, 80, 84, 85, 88, 90, 100, 101, 103, 106, 107, 108, 109, 110, 111, 113, 114, 117, and 118; and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the matter in lines 1 to 6, inclusive, of said amendment and insert in lieu thereof the following:

"Whereas the Turtle Mountain band of Chippewa Indians did on the second day of October, eighteen hundred and ninety-two, enter into an agreement with the United States, through the commissioners of the United States duly appointed for that purpose; and

"Whereas it is deemed for the best interests of the said Indians that the said agreement be in some respects modified and amended, it is hereby enacted that said agreement be amended so as to read as follows:"

Strike out the matter in lines 3 and 4 of Article IX of said amendment and insert in lieu thereof the following: "which said agreement, so amended as aforesaid, is hereby accepted, ratified, and confirmed: *Provided*, That the said agreement as amended as aforesaid be ratified and accepted by a majority of the adult members of said Turtle Mountain band of Chippewa Indians in general council lawfully convened for that purpose. *And be it further enacted*, That the sum of one million dollars be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of said amended agreement when ratified and accepted as aforesaid by said Indians: *Provided, however*, That no part of said sum shall be paid until said Indians, in general council lawfully convened for that purpose, shall execute and deliver to the United States a general release of all claims and demands of every name and nature against the United States, excepting and reserving from such release the right of said Indians to the tract of land particularly mentioned, described, and set apart by the Executive order of the President, dated June third, eighteen hundred and eighty-four, and their right to individual allotment, as provided in said amended agreement: *Provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to withhold from the amount herein appropriated and pay to the attorneys who have represented said Indians the following amounts, namely: James M. E. O'Grady and Charles J. Maddux, jointly, the sum of forty-two thousand dollars, and to William W. Anderson the sum of eight thousand dollars, which sums shall be accepted by them respectively in full payment for all services rendered the said Indians by them or by those claiming under them."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to pay per capita to the following Indian tribes all funds now to their credit in the United States Treasury or such part of such funds as he may deem necessary for their best interest and any other funds that may hereafter be received for their credit: *Provided*, That he may retain a sufficient amount of their trust funds, which at the present rate of interest will yield sufficient income for the support of their schools and for pay of employees: *Provided further*, That the shares of minors shall remain in the Treasury until they become of age and the shares of incompetents also be retained in the Treasury, and the interest of such shares may, in the discretion of the Secretary of the Interior, be paid to the parents or legally appointed guardians of such minors and incompetents under such regulations as he may prescribe, namely: L'Anse and Vieux de Sert Chippewas, Michigan; Omahas, Nebraska; Otoe and Missouria, Oklahoma; Stockbridge and Munsee, Wisconsin; Tonkawas, Oklahoma; Umatillas, Oregon; the Iowa Indians, and the Sac and Fox Indians of Missouri, of the Pottawatomie and Great Nemaha Agency in the State of Kansas;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows:

After the word "directed," in line 2 of said amendment, insert "under such rules and regulations as he may prescribe."

Add at the end of said amendment the following proviso: "*Provided*, That the Secretary of the Interior may withhold any of the payments herein provided for if in his judgment it would be

to the best interest of the member entitled to said payment to do so."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with amendments as follows:

After the word "members," in line 3 of said amendment, insert the words "by adoption."

In lines 7 and 8 of said amendment strike out the words "John D. Browning, Margaret L. Browning" and insert the words "John D. Downing, Margaret L. Downing."

In line 27 of said amendment, after the word "authorized," insert the words "by contract."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with amendments as follows:

Strike out of said amendment, beginning with the word "For," in line 1, down to and including the word "provided," in line 18.

In line 22 of said amendment strike out the word "erroneously."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following: "And all the restrictions upon the alienation of lands of all allottees of either of the Five Civilized Tribes of Indians who are not of Indian blood, except minors, are, except as to homesteads, hereby removed, and all restrictions upon the alienation of all other allottees of said tribes, except minors, and except as to homesteads, may, with the approval of the Secretary of the Interior, be removed under such rules and regulations as the Secretary of the Interior may prescribe, upon application to the United States Indian agent at the Union Agency in charge of the Five Civilized Tribes, if said agent is satisfied upon a full investigation of each individual case that such removal of restrictions is for the best interest of said allottee. The finding of the United States Indian agent and the approval of the Secretary of the Interior shall be in writing and shall be recorded in the same manner as patents for lands are recorded;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out both the words "unrestricted exclusive;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following: "to be immediately available: *Provided*, That the Secretary of the Interior is hereby directed to pay out of said five thousand dollars a sum not exceeding three hundred and fifty dollars to pay the actual expenses of the delegation composed of two Indians representing the Wenatchie Indians now in Washington on behalf of said tribe;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "That the time for opening the unallotted lands to public entry on the Uintah Reservation, in Utah, as provided by the acts of May twenty-seventh, nineteen hundred and two, and March third, nineteen hundred and three, be, and the same is hereby, extended to March tenth, nineteen hundred and five, and five thousand dollars is hereby appropriated to enable the Secretary of the Interior to do the necessary surveying and otherwise carry out the purposes of so much of the act of May 27, 1902, making appropriation for the current and contingent expenses of the Indian Department for the fiscal year 1903, and for other purposes, as provides for the allotment of the Indians of the Uintah and White River Utes in Utah;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following: "And *provided*, That any lessee may remove or dispose of any machinery, tools, or equipment the lessee may have upon the leased lands;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with amendments as follows:

In line 2 of said amendment, after the word "directed," strike out "(the Osage Indians consenting thereto)."

At the end of said amendment insert the following: "*Provided*, That after said debts are paid the proceeds from the rental of pastures (known as grass money) and the royalties from oil and gas shall be applied to the reimbursement of said tribal or community fund of the amount paid under this provision."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with amendments as follows:

In line 1 of said amendment, after the word "all," insert the word "unleased."

In line 5 of said amendment, after the word "other," insert the word "unleased."

In line 8 of said amendment, after the word "Interior," strike out the words "by the commission of three persons provided for in said section of said act" and insert in lieu thereof the words "in tracts not exceeding nine hundred and sixty acres to each person."

At the end of said amendment add the following: "*Provided*, That the President shall appoint a commission of three persons, one on the recommendation of the principal chief of the Choctaw Nation who shall be a Choctaw by blood, and one upon the recommendation of the governor of the Chickasaw Nation who shall be a Chickasaw by blood, which commission shall have a right to be present at the time of the opening of bids and be heard in relation to the acceptance or rejection thereof."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment add the following: "*Provided*, That all leased lands shall be withheld from sale until the further direction of Congress;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "said sums to be immediately available;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "said sum to be immediately available;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "said sum to be immediately available;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "area," strike out the words "and of like character;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided further*, That the reservation lines of the said Ponca and Otoe and Missouri Indian reservations be, and the same are hereby, abolished; and the territory comprising said reservations shall be attached to and become part of the counties of Kay, Pawnee, and Noble, in Oklahoma Territory, as follows:

"Township twenty-five north, of range one east of the Indian meridian, and fractional township twenty-five north, of range two east of the Indian meridian, now in the Ponca Indian Reservation, shall be attached to and become a part of Kay County. The Kansas Reservation in Oklahoma is hereby attached to Kay County.

"Township twenty-four north, of range one east of the Indian meridian; fractional township twenty-four north, of range two east of the Indian meridian; fractional township twenty-four north, of range three east of the Indian meridian; fractional township twenty-four north, of range four east of the Indian meridian, and that part of fractional township twenty-five north, of ranges three and four east of the Indian meridian, lying south of the Arkansas River, all in the Ponca Indian Reservation; township twenty-three north, of ranges one and two east of the Indian meridian, all in the Otoe and Missouri Indian Reservation, shall be attached to and become a part of Noble County.

"Fractional township twenty-three north, of range three east of the Indian meridian, and township twenty-two north, of range three of the Indian meridian, all in the Otoe and Missouri Indian Reservation, shall be attached to and become a part of Pawnee County."

And the Senate agree to the same.

Amendment numbered 91: That the House recede from its dis-

agreement to the amendment of the Senate numbered 91, and agree to the same with amendments as follows:

Restore section 10 down to the word "restrictions," on page 53, line 10, of the bill.

Strike out all after the word "restrictions," on page 53, line 10, of the bill, down to and including the word "east," in line 23, and insert in lieu thereof the following:

"Tulsa Harjo: NE. $\frac{1}{4}$ of No. $\frac{1}{4}$ of sec. 32, T. 9 N., R. 13 E.; N. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of sec. 33, T. 9 N., R. 13 E.

"Salina Emarthla: N. $\frac{1}{4}$ of SE. $\frac{1}{4}$; SW. $\frac{1}{4}$ of SE. $\frac{1}{4}$; W. $\frac{1}{4}$ of SE. $\frac{1}{4}$ of SE. $\frac{1}{4}$ of sec. 29, T. 9, R. 13 E.; W. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of sec. 32, T. 9 and R. 13 E.

"Susie Buckner: SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of sec. 32, T. 9, R. 13 E.; SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of sec. 33, T. 9, R. 13 E.

"Okchun Emarthla: E. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of sec. 32, T. 9, R. 13 E."

And the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with amendments as follows:

In line 21 of said amendment, after the word "the" where it occurs the first time, strike out the word "same."

In line 21 of said amendment, after the word "rate," insert the words "of sixty dollars per acre."

In line 30 of said amendment, after the word "improvements," strike out the words "except temporary buildings and fences."

In line 31 of said amendment, after the word "land," strike out the words "legally placed there" and insert the words "at the passage of this act."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to set aside in the Treasury of the United States, to the credit of the Chippewa Indians of Lake Superior and the Mississippi, the sum of eighty-one thousand seven hundred and two dollars and sixty-one cents, said sum being the total amount arising from balances of appropriations under treaties with said Indians and covered into the Treasury between the years eighteen hundred and forty-three and eighteen hundred and seventy-eight, inclusive. That the said amount of eighty-one thousand seven hundred and two dollars and sixty-one cents shall be by the Secretary of the Interior paid to the Chippewa Indians of Lake Superior and the Mississippi in the proportion, if any, due to each (in case it shall be found that a division of such fund is equitable), or invested or applied for their benefit by the said Secretary as may be deemed most advantageous for the interests of the said Indians, and the sum of eighty-one thousand seven hundred and two dollars and sixty-one cents is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this provision into effect: *Provided*, That of this sum a sufficient amount shall be reserved by the Secretary of the Interior to pay the fees of attorneys for said Indians specified in the agreements which have been heretofore approved by the Commissioner of Indian Affairs and the Secretary of the Interior under the provisions of section 2103 of the Revised Statutes of the United States;" and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "The Secretary of the Treasury is authorized and directed to pay to the Delaware Tribe of Indians residing in the Cherokee Nation, as said tribe shall in council direct, the sum of one hundred and fifty thousand dollars, in full of all claims and demands of said tribe against the United States, and the same is hereby appropriated and made immediately available: *Provided*, That said sum shall be paid only after the tribal authorities, thereunto duly and specifically authorized by the tribe, shall have signed a writing stating that such payment is in full of all claims and demands of every name and nature of said Delaware Indians against the United States, which writing shall be subject to the approval of the President of the United States and shall have provided for the discontinuance of all actions pending in all courts wherein said Delaware Indians are plaintiffs and the United States defendants;" and the Senate agree to the same.

Amendment numbered 115 and 116: That the House recede from its disagreement to the amendments of the Senate numbered 115 and 116, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendments insert the following:

"SEC. 15. That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the deputy clerks of the United States court in the Indian

Territory the deficiency that may exist in their salaries from March first, nineteen hundred and three, to be paid by the disbursing clerk of the Department of Justice in the same manner as the salaries of the clerks of the several United States courts in the Indian Territory are now paid. That hereafter the salaries of the deputy clerks in the Indian Territory appointed under the act of March first, eighteen hundred and ninety-five (28 Stats., page 695), and acts amendatory thereto, be paid by the disbursing clerk for the Department of Justice at the rate of twelve hundred dollars per annum, as fixed by said act, in the same manner as the salaries of the clerks of the United States courts in the Indian Territory are now paid: *Provided*, That the deputy clerks shall receive as compensation for recording all instruments provided for in the act of February nineteenth, nineteen hundred and three (32 Stats., page 840), the fees allowed for the recording of instruments provided for in said act, to an amount not exceeding the sum of eighteen hundred dollars per annum, out of which sum all the actual expenses for clerk hire shall be paid, and all fees so received by any deputy clerk as aforesaid, amounting to more than the sum of eighteen hundred dollars per annum, shall be accounted for to the Department of Justice, as required in said act: *Provided further*, That at the towns of South McAlester, Muscogee, Vinita, and Ardmore, respectively, the clerks of the United States court, who are in charge at said places, but not the deputy clerks, shall be permitted to retain out of the fees collected for the recording and filing of all instruments provided for in the act of February nineteenth, nineteen hundred and three (32 Stats., page 840), an amount not exceeding the sum of twenty-five hundred dollars per annum, out of which sum all the actual expenses for clerk hire necessary in the recording of instruments provided for in the above act shall be paid, and all fees so received by any clerk as aforesaid, amounting to more than the sum of twenty-five hundred dollars per annum, shall be accounted for to the Department of Justice, as required in said act."

And the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 18. That the Indian school authorized by the act of March 3, 1901, entitled 'An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes,' to be located at or near the city of Mandan, in the State of North Dakota, is hereby located near the city of Bismarck, in the State of North Dakota, upon lands donated to the Government for that purpose and accepted by the Secretary of the Interior."

And the Senate agree to the same.

The conferees recommend that on page 31, line 15, of the bill, after the word "dollars," the following words be inserted: "to be immediately available."

The conferees also recommend that the sections in said bill be numbered consecutively.

And that the Senate and House agree to the same.

WM. M. STEWART,

O. H. PLATT,

FRED T. DUBOIS,

Managers on the part of the Senate.

J. S. SHERMAN,

CHARLES CURTIS,

JNO. H. STEPHENS,

Managers on the part of the House.

STATEMENT.

Indian appropriation bill, 1905.

Amount of bill as passed by the House	\$7,642,192.35
Net increase made by the Senate	2,877,563.38

Amount of bill as passed by the Senate	10,511,405.73
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Of the increase of \$2,877,563.38 made by the Senate the House has agreed to \$1,608,733.29 and the Senate has receded from \$1,269,377.59, making the total of the bill as agreed to in conference \$9,250,930.64.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

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

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes.

Mr. GORMAN. I offer the amendment in this form, so as to meet the decision of the Chair, striking out every provision authorizing the commission to employ clerks and stenographers, or any appropriation of money, and simply leaving in the provision that the Postmaster-General shall detail such clerks and assistants as the commission may want. That, I think, will cover every suggestion that has been made as to the amendment not being in order.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment, which will be read.

Mr. GORMAN. I will ask the Secretary to read it, striking out every provision for an appropriation.

The SECRETARY. It is proposed to strike out from the amendment the following words:

Said commission is authorized to employ experts to aid in the work of inquiry and examination, and also to employ a clerk and stenographer, and such other clerical assistance as may be necessary; said experts, stenographer, and clerks to be paid such compensation as said commission may deem just and reasonable.

Mr. GALLINGER. I ask that the amendment be read as it would stand if amended as now proposed.

Mr. ALDRICH. Let it be read.

The PRESIDENT pro tempore. The entire amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill the following additional section:

SEC. 10. That a commission, consisting of three members of the Senate, to be appointed by the President pro tempore of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is hereby created to investigate the status of the postal laws of the United States, with a view of determining whether changes therein or additions thereto are necessary, and to make inquiry into the conduct and expenditures of the Post-Office Department, and especially inquire whether there has been extravagance, violations of law, or corruption, in the administration of the affairs of the Post-Office Department.

The Postmaster-General shall detail from time to time such officers and employees of the Post-Office Department as may be requested by said commission in its investigation.

For the purposes of the investigation said commission is authorized to sit during the recess of Congress, to send for persons and papers, and, through the chairman of the commission or the chairman of any subcommittee thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the duties of said commission. Said commission shall, on or before December 5, 1904, make report to Congress, which report shall embrace the testimony and evidence taken in the course of investigation, and conclusions reached by said commission on the several subjects examined, and any recommendation said commission may see proper to make, by bill or otherwise, with a view of correcting any deficiencies in the law, or abuses, or violations of law, or corruption, in the administration of said Department.

That any vacancy occurring in the membership of said commission, by resignation or otherwise, shall be filled by the presiding officer of the Senate or House of Representatives, respectively, according as the vacancy occurs in the Senate or House of Representatives on said commission.

Mr. SPOONER. I wish to make a suggestion to the Senator from Maryland. Does he propose that this commission shall exercise the power conferred here, to send for persons and papers, in order to conduct a thorough examination, without expending money to that end?

Mr. GORMAN. Does the Senator desire an answer?

Mr. SPOONER. Yes. In other words, has the Senator sufficiently amended the proposition to take it out of the decision of the Chair?

Mr. GORMAN. That was my object. I thought I had done so.

Mr. SPOONER. With the power given to send for persons and papers, of course it might be necessary to send for persons in different States, as was the case in the present investigation. That involves the expenditure of money.

Mr. GORMAN. I take it for granted that the commission would use due diligence and not attempt to do anything not provided by law.

Now, Mr. President, I take it that the amendment as now offered is strictly within the rule; at least, I suppose so. It is not in the form I should like to have it, but that has been ruled out by the Chair and refused submission to the Senate, as I hoped would be permitted by unanimous consent on the other side. I do think we owe it to ourselves that members of both Houses of Congress should have an opportunity to go into this matter more thoroughly than has been done. The investigation should be made outside of the officers of that Department, and not for the reason assigned by the Senator from Wisconsin in regard to the last report, which has been commented upon, the headline of

which has been attributed to the Postmaster-General and passed from him to some proof reader in the Public Printing Office.

But behind that and beyond that the original report has been commented upon by everybody here. The Fourth Assistant Postmaster-General stated the case in a way that was offensive to Congress. I think it was an outrage. Yet it was indorsed by the President of the United States. The Postmaster-General had nothing to do with the Public Printer's proof reader putting upon that report the headline, as he had a perfect right to do. It did not originate with the Postmaster-General or the Public Printer. It is this report charging Mr. Machen, who since has been tried in the courts and convicted, and Mr. Beavers with abusing public trust and bringing the attention of the country to the fact, stating in his own language as to Mr. Machen that—

He is a man of resources and of strong personality. When he became the superintendent of the division of free delivery he at once assumed the position of an independent bureau officer. He had not been in office thirty days before he began to write Members of Congress and Senators inviting them to call at his office to discuss various kinds of departmental business. For a period of ten years, with unusual skill, he ingratiated himself into the confidence and good graces of influential public men.

An examination of his correspondence during the Cleveland Administration shows that he posed at that time as a strong and aggressive Democrat, frequently injecting political remarks into letters of an official character. But during the closing days of that Administration he very skillfully shifted, and after the 4th day of March, 1897, became greatly interested in the welfare of the McKinley Administration. He acquired new associates and was quite successful in establishing intimate relations with men who were influential at the White House.

As to Mr. Beavers this report, the Bristow report, states:

This appropriation, averaging over a million dollars annually, has been distributed by Beavers largely by personal favor. If a Senator, Member of Congress, or any prominent politician requested an increase in the clerk hire allowed a postmaster, Beavers usually complied, regardless of the merits of the case. When such a request came from an influential Member of Congress, Beavers would frequently write him, stating that while under the rules the postmaster was not entitled to the amount asked, yet "because of your personal interest in the matter the allowance has been made."

There is but one conclusion to be drawn from that statement, and that is that Members of the House and Senators were confederates of this man whom Mr. Bristow denounced as a criminal. The President of the United States, taking that report of the Fourth Assistant Postmaster-General, comments upon it, doing as he has done in many cases, rendering practically a judgment. He says that this man has been exposed by his own officials, the officials of the Department, and that Congress has twice investigated him and failed to discover anything. The President says in his memorandum:

So highly were Messrs. Beavers and Machen thought of by those who had been brought into close connection with them that the Congress actually provided at its last session for raising the salaries of both, the salary in each case being increased \$500, to take effect at the beginning of the fiscal year on July 1 last.

Whether intended or not, the clear inference would be that a malicious Congressional influence and Beavers were one and the same thing. And he further says in this memorandum that while he was robbing the people and making these extraordinary and corrupt allowances at the suggestion of Senators and Members of the House, Congress increased the compensation of these rascals who were pillaging the people's money.

The Senator from Rhode Island may say that if that is the case it amounts to nothing. But this is from the President of the United States. Following it up, when an indignant inquiry was made for the facts in each one of these cases, they came out, with absolutely, in my judgment—and I have gone over it carefully—only two, three, or four cases where there could be any question as to the conduct of Senators or Members of the other House in this matter.

It will not do to rest here. It is an extraordinary outrage on the part of the Department to insert in this report of fraud and corruption such a statement in relation to Congress. It is not, in my judgment, treating with any consideration or fairness the Senate and House of Representatives when the President of the United States, in the expressions in that memorandum, approves the report of the Fourth Assistant Postmaster-General. The corruption is there, under the Executive, not here.

Yet the Senator from Rhode Island would have us remain quiet; and he appealed to me not to delay an appropriation bill and not to violate precedent. I have shown him that he and the Senate and the whole Congress have done identically the same thing. It was done upon a business matter, says the Senator from Rhode Island.

What is this, Mr. President, but pure and simple business? And besides the honor of Senators and Members of the House is involved. Business! Why, that is precisely what it is. It is politics, says the Senator from Rhode Island. We knew when this amendment was offered by the distinguished Senator from Texas that the resolution which would have brought the facts before the country had been rejected—yea, smothered—without an opportunity to be voted upon. But so anxious were we to bring the facts before the country relating to both Houses of Congress and

the Department that this amendment of the Senator from Texas was carefully drawn so as to be clearly within the precedent of the Senate. Now, every provision of it has been eliminated that was necessary to take it from under the rule, as I understand it.

The Senator from Rhode Island says it would be useless; that the commission would be impotent. I deny it, Mr. President. It is not as complete, not with all the power it should possess, but I assume, and I said so early in the debate, that the Postmaster-General, so eulogized by my friend from Wisconsin, is an honest man. The only criticism I have to make of him is that he himself has not demanded a Congressional investigation of every branch of his Department. I know he has been under the hammer. I know that the statements made by his chief, and the manner of making them, have placed him in a false position before the country. He has since been relieved of it from the same source, so far as relief could come at that late day. I assume that the Postmaster-General, under the provisions of the amendment, as I have now modified it at the suggestion and request of its author, the Senator from Texas, would assign every post-office inspector at his command to the use of this commission, and that he would turn over to it any number of clerks needed, and he has the power to do it. In the very leaves of this bill you have given him half a million dollars more than he has ever had before.

If he is all that I think and believe he is, this commission would be effective and would come to the next Congress with its report exonerating men in Congress, if it is proper to exonerate them, furnishing evidence against those who are guilty, whether in the Department or outside of it, and making suggestions which will enable us to legislate in December.

Political! I have said before, Mr. President, that with such a commission as is provided for here, with only four Democrats out of nine members of the commission, nothing would be permitted to come out until after the Presidential election. We know that, and we are looking beyond it. If this matter is to have any effect in determining the next Presidential election it will be because the conviction has already gone out and permeates the people of this country that corruption exists and that the party in power is trying to suppress further investigation and endeavoring to keep back other facts.

Mr. President, what we desire is that this matter shall be brought out full and complete in December next, so as to enable Congress then, so far as it may in the short session, to throw around this Department the safeguards which the President in his memorandum has suggested as necessary.

You have taken two days here to discuss one item in the purchase of canceling machines for the Department. The Senate has voted down a proposition to reduce the rental of those machines. They may now be purchased or rented at whatever price the Postmaster-General sees proper, through his commission, to pay.

Yet there are from the inventors and manufacturers of those machines written statements on file in the Department that such discrimination and favoritism have been shown that one firm has for the same work accomplished received over \$200,000, as I remember the figures, more than another. The exposure would come from the men who have been engaged in this business. But we are stopped. We are making appropriations to-day, notwithstanding these statements, with no information except the general information furnished by the Post-Office Department.

Senators on the other side may regard their case as so desperate politically that they fear to permit any peep into the books of the Departments. Well, Mr. President, you have the power, because a majority of nearly two-thirds is on the other side of the Chamber; but I again enter my appeal to the distinguished Senator, who has now taken charge of this bill, as to its parliamentary status at all events, to permit us at least to vote upon this proposition and to take the responsibility if you will.

Mr. ALDRICH. Mr. President, the action of the Senator from Maryland [Mr. GORMAN] in making the modification which he has of his amendment shows clearly the folly of attempting to legislate in reference to this question of an investigation upon an appropriation bill. His changes have so emasculated the amendment that it is of no earthly use and could have no effect at all if we are to have an investigation; which should be a real, live investigation and not a farce.

Mr. GORMAN. Then let us have an investigation.

Mr. ALDRICH. We will consider this question with you, but not on an appropriation bill. We will take this question of an investigation up with you at any time, and try to arrive at some conclusion in regard to it that will be proper and just and right. There never has been a time in the history of the Senate—and the Senator from Maryland knows it as well as I do—and I hope to God the time will never come, when this Senate will refuse to investigate any definite charges made against any officer of the Government of the United States.

There has been no such attitude or action upon the part of Senators sitting upon this side of the Chamber, and there never will

be. We have said to you, "You are making this talk of an investigation purely for political purposes and for nothing else." It is the exigencies of a political campaign, it is a scarcity of political issues, that brings this question here and nothing else. Make your statements definite as to what has been done and ask for an investigation, and you will get it—not an investigation that can not send for persons and papers; that can not administer oaths and employ experts; but one that will be a real, a genuine, a live investigation.

I hope the Senator in charge of the bill will move to lay this amendment on the table, and any time that suits the convenience of Senators upon the other side of the Chamber we will take the question up as it ought to be taken up, by itself, disentangled, if you please, from the delays and embarrassments of this appropriation bill.

Mr. CULBERSON. Do I understand the Senator from Wisconsin [Mr. SPOONER] to make the point of order on the amendment?

The PRESIDENT pro tempore. No point of order has been made.

Mr. CULBERSON. The Senator from Wisconsin arose and asked the Senator from Maryland [Mr. GORMAN] if he believed he had "emasculated" all objectionable matter from the amendment; and I did not know, and I do not yet know, whether he intends that suggestion or inquiry to be a point of order.

Mr. SPOONER. No; I did not make any point of order. I simply, as mildly and as politely as I could, inquired of the Senator from Maryland whether he had sufficiently emasculated the proposition as to make it in order under the decision of the Chair, indicating to him that the power to send for persons and papers would involve the expenditure of money under the amendment, if adopted, which must sometime be appropriated for, and that, unless he further amended it, I commended to his consideration—that is all—that it might still be out of order within the decision; but I made no point of order.

Mr. CULBERSON. Mr. President, I do not desire to take more than a moment of the time of the Senate at present; but, in answer to the suggestion of the Senator from Rhode Island [Mr. ALDRICH], that the amendment in its present form is impotent, I suggest to him that there is nothing lacking in the amendment except an appropriation, which can be added in any subsequent bill appropriating money that may be passed by this body—the sundry civil bill or the deficiency bill. Laws are passed at every session of Congress which do not carry on their face appropriations, but which are expected to be made effective by appropriations subsequently made.

The Senator has also referred once or twice to the absence of specific charges, and has said that some man ought to lay his finger upon some specific charge, upon some specific subject, on which there ought to be an inquiry.

Without attempting to go into this matter at length, I want to specify, for the benefit of the Senator from Rhode Island, two cases upon which there is need of further investigation. One is the case of the Montague indicator, a device intended to be attached to delivery boxes in the cities. The Fourth Assistant Postmaster-General in his report says that there is yet a mystery, which he has not been able to unravel, with reference to 2,000 shares of stock in that company, which were issued by the company, and which the circumstances he details indicate were issued to Mr. Perry S. Heath, then the First Assistant Postmaster-General. He does not undertake to say, as a matter of conclusion, whether this stock was ever in fact issued to Heath; but he presents the circumstances, and then states in his report that it is yet a mystery to whom it was issued.

If the Senator from Rhode Island wants an item upon which additional and further inquiry is necessary, and upon which there ought to be an investigation, that is one, and the committee appointed by Congress can determine whether or not this official was guilty of the offense charged inferentially to him in this report.

Mr. ALDRICH. Mr. President, I am not seeking for charges, but if the Senator from Texas [Mr. CULBERSON] undertakes to formulate a charge in his place as a Senator upon this question or any other, and gives us definite facts, I will go with him as far as he cares to go for an investigation.

Mr. CULBERSON. The Senator from Rhode Island [Mr. ALDRICH], Mr. President, challenged a single charge; he challenged the production of a single instance upon which further inquiry ought to be had. It has been suggested by the official document we have here, and it addresses itself to the sincerity and bona fides of the Senator as to whether or not we will investigate these charges.

Mr. ALDRICH. I will say that if the Senator will prepare a resolution to investigate that charge, I will certainly vote for it.

Mr. CULBERSON. I understood the Senator, and those around me so understood him, to say that no definite charges had been made here or elsewhere which had not been thoroughly and exhaustively investigated.

Mr. ALDRICH. I have never before heard one stated here or elsewhere.

Mr. CULBERSON. I will state to the Senator another. The report of the Fourth Assistant Postmaster-General charges that Mr. George W. Beavers put upon the roll of the post-office at Baltimore one John W. Pettit, and carried him on the roll for four years without his rendering any service at all to the Government.

On the contrary, the postmaster, in an interview in the New York Sun, which I will introduce before I conclude my remarks, states that this man was put on the roll by direction of Perry S. Heath, then the First Assistant Postmaster-General. Now, who is correct? Which one of these officials made this order directing the payment of money to Mr. John W. Pettit for four years without his rendering any service to the Government? And I inform the Senator from Rhode Island, upon reliable information, that at the very time John W. Pettit was on the roll of the post-office at Baltimore, without rendering any service to the Government, he was, in 1900, acting as an employee of the Republican national committee in the city of New York.

Mr. President, the Postmaster-General was vice-chairman of that committee and Perry S. Heath was the secretary of that committee. Is it not fair, is it not just, is it not proper that Congress should inquire into this conduct of men who were then in the official service of the Government?

Mr. MCCOMAS. Will the Senator from Texas allow me to give him some further information in respect to the last instance he has named?

Mr. CULBERSON. I have all the information which is necessary for my particular purpose. [Laughter.] If the Senator desires—

Mr. MCCOMAS. Then, Mr. President, a little later I will give the Senator some more information.

Mr. CULBERSON. Very well.

What I have said, Mr. President, is this: That the Fourth Assistant Postmaster-General in his report states that this order was made by Beavers. The postmaster at Baltimore says that it was made by Perry S. Heath. Now—and then Senators may laugh again—I will read from page 137 of this celebrated document:

At Baltimore, Md., on January 1, 1898, John W. Pettit was appointed an auxiliary clerk at \$200 per annum (Exhibit Q-4). He neither performed duty nor drew pay until July 21, 1898, when his salary was increased to \$300 per annum, and from that date he drew pay regularly, but performed no service whatever. On September 23, 1899, his roster title was changed to "book-keeper" and his salary increased to \$1,500. This salary was paid him by the postmaster, although he performed no services until September 9, 1902, when two substitutes were appointed to do Pettit's work—one at \$700 and one at \$800. The salary was then paid to these substitutes until May 5, 1903, when Pettit was assigned to duty. The postmaster says he protested to Beavers against the appointment of Pettit, stating that he was personally distasteful to him, and that he would not permit him in the office. But at the same time he certified his name to the Auditor every quarter during the entire period as a regularly appointed clerk rendering service, and made no protest to the Department, as did the postmaster at Wauwatosa, Wis. It therefore appears that by the order of Beavers and the acquiescence of the postmaster Pettit was paid \$5,130.00, for which he performed no service whatever.

Now, Mr. President, I call attention to a dispatch from Baltimore, dated March 15—

Mr. FAIRBANKS. Will the Senator allow me?

Mr. CULBERSON. I decline to yield for the present. I want to read this connectedly.

Mr. FAIRBANKS. I wish the Senator would read the next sentence of the paragraph, a part of which he read.

Mr. CULBERSON. I will be very glad to. I thought I had read all bearing upon that point.

Mr. FAIRBANKS. No; the Senator did not read quite all.

Mr. CULBERSON. There is one more sentence to the paragraph, as follows:

This case has been referred to the Auditor with the recommendation that the amount be collected.

Mr. FAIRBANKS. Yes; that the Senator in the first instance omitted to read.

Mr. CULBERSON. Mr. President, the second statement I made was that the postmaster at Baltimore charged that this order had been made not by Beavers, but by Heath. Now, let us see. The following is a dispatch from Baltimore to the New York Sun:

PUT ON PAY ROLL BY HEATH—POSTMASTER WARFIELD TELLS WHY HE PAID J. W. PETTIT AN INCREASED SALARY.

BALTIMORE, March 15.

For the first time since the discovery that John W. Pettit had been carried on the Baltimore post-office pay roll for four years without rendering service for the salary he received, Postmaster S. Davies Warfield made a statement to-day explaining his connection with the case. Mr. Warfield's bondsmen are now being sued by the Post-Office Department for the money paid Pettit.

The statement of Mr. Warfield now proceeds:

The circumstances connected with the payment of this money to Pettit are these—

Said Mr. Warfield:

In a letter signed by Perry S. Heath, First Assistant Postmaster-General, under date of July 14, 1898, I was notified that the salary allowance for the

Baltimore post-office had been increased by the Department \$600 a year, this sum to be paid to John W. Pettit. In my answer to Mr. Heath I forwarded the regular departmental blank with the name of Pettit thereon, as ordered in the letter, writing thereon that this was in accordance with his letter of July 14, 1898, instructing me so to do.

I never felt it incumbent upon me to inquire whether my superior officer had placed Pettit on special work outside the post-office. Mr. Pettit's salary was increased by the Department without request from me, and I was instructed to pay such increase. To Mr. Pettit was paid all the money for which I am now sued, and the payments were proved and accepted by the Government in each and every quarterly return of my office for four years.

Mr. President, recalling what I have stated, and recapitulating, I call the Senator's attention to the fact, in this particular case, that there is a question as to whether this order placing Pettit upon the roll of the Baltimore post-office was made by Beavers or made by Heath. By whomsoever it was made, he remained on that roll for four years, rendering no service whatever to the Government, for which the Government paid him over \$5,000, and during a part of that time, as I have stated upon information which I believe to be entirely trustworthy, Mr. Pettit was engaged by the national Republican committee in the city of New York.

It does seem to me that if we are hunting mere items upon which there should be further inquiry, the Senator from Rhode Island is answered, at least as to two.

Mr. LODGE. Mr. President, upon being asked for specific charges the Senator from Texas [Mr. CULBERSON] brings forward the Montague machine and says that we ought to find out what became of the stock that went to Mr. Heath, who is no longer in the service, but has been out of it for two or three years.

The Pettit case has been investigated both by the Department of Justice and by the Post-Office Department, and the postmaster's bondsmen are being sued for the salary paid, but the Senator now contends that we ought to look into that case to find out whether Beavers or Heath was responsible, Beavers being out of the service and under indictment and Heath being out of the service. Yet we are told that this is necessary to protect the future of the service. Both men charged are out of the service. One is under indictment; neither of them is an officer of the Government, and the purely political object of this whole thing was never more perfectly shown than by these two cases.

The machinery of this Congress, of the Senate and the House of Representatives, is to be put in motion to try to see if we can find out anything more about Mr. Beavers or about Mr. Heath, neither of them connected with the service and Mr. Beavers under indictment by this Administration as the result of the investigation which has been had. We are asked to vote for a commission which is to have no power to investigate, which is to have no machinery to investigate, and no money with which to investigate.

Mr. President, to vote for an absurdity like that would display absolute insincerity on the part of the Senate. If the Senate appoint a commission of investigation, the only commission that we ought to appoint here for such a purpose would be a commission that would have the power, the authority, and the means to carry on an investigation, and an investigation, if it is to be had, to guard the Government in the future—which is what the Senator from Maryland wants—not to investigate men who have been long separated from the service, but something that is existent now.

No such charge has been brought forward, and the amendment as it stands is idle. If a resolution shall be brought forward containing specific charges demanding an investigation, as the Senator from Rhode Island [Mr. ALDRICH] stated, he would vote for it, and I am sure I should vote for it, but I do not care to stultify myself by voting for an amendment providing for a commission without power and without purpose. Therefore I shall move, Mr. President, at the proper time to lay the amendment on the table.

Mr. MCCOMAS obtained the floor.

Mr. GORMAN. Will my colleague permit me a moment? I simply want to ask the Senator from Massachusetts [Mr. LODGE] a question.

Mr. MCCOMAS. Certainly.

Mr. GORMAN. The Senator from Massachusetts has served a long time in both Houses of Congress, and I ask him if he can name a single instance when an investigation into any of the Departments has been demanded where anybody ever asked for specifications?

Mr. LODGE. I thought there were always specifications.

Mr. GORMAN. There has never been such a case in the history of Congress.

Mr. TELLER. In connection with what the Senator from Maryland [Mr. GORMAN] has just said, I want to say that I do not believe a single case of specific charges has ever been produced in this body or in the other with reference to an investigation of a Department; but if there is any necessity for specifications, you will find them in the report of Mr. Bristow and in the report of the two attorneys the President appointed to investigate.

Mr. President, nobody would expect to draw and have passed a resolution here providing for an investigation, saying that Mr. John Smith, or somebody else, had been corrupt in the Post-Office Department. There never has been, in my experience, such a suggestion ever made until to-day.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to lay the amendment of the Senator from Maryland on the table.

Mr. MCCOMAS. Mr. President—

Mr. LODGE. I withdraw that motion, if the Senator from Maryland desires to speak.

Mr. MCCOMAS. Mr. President, the Senator from Massachusetts [Mr. LODGE] has shown that the first instance given was not fortunate enough to sustain the proposition of the Senator from Texas [Mr. CULBERSON]. The Senator's second instance—the case of John W. Pettit—is still more unfortunate for the contention of the Senator. Both cases which he cites as cases to be further investigated prove to have been fully examined.

There is not a single circumstance in the Pettit case which is not thoroughly known. That investigation has been made, not only by the Post-Office Department, but by the Department of Justice. All the facts were disclosed and are now known.

The postmaster of Baltimore is a gentleman of high character and reputation and of great ability and is one of the best and most capable postmasters in the country. As is shown by the examination of Pettit, by that of the postmaster of Baltimore, and by several other officials, the postmaster, Mr. Warfield, did carry on his rolls this man upon the order of Mr. Beavers, Beavers himself having authorized and, in effect, directed the appointment of Pettit. The material letters and orders bear Mr. Beavers's initials.

Pettit was in Baltimore nearly all the time and not in New York, and it was shown that for most of the period when his name was on the pay roll, as has been here stated, he was a solicitor during office hours for a Baltimore bonding company. The postmaster at Baltimore had good reason to believe that Pettit was doing service for the Department in Washington—service not disclosed by his chief to the postmaster. The officers who had to do with the rolls when they were returned from the postmaster in Baltimore believed Pettit was doing work in the Baltimore post-office. Thus the misapprehension existed and the employment was unchallenged, and when it came to be examined into, not only Mr. Bristow but the Postmaster-General himself personally examined into this case. Mr. Payne, with great care and diligence, examined everybody in connection with it.

The whole examination is typewritten. It is voluminous and thorough. I have myself gone over it. Mr. Robb, the solicitor of the Postal Department, reviewed the facts again and the law involved in it. Then the case was reexamined by Postmaster-General Payne, and finally the questions of law were referred to Attorney-General Knox. The case was one of exceeding hardship upon the postmaster in Baltimore, but if the rigor of the rest of the investigation of the Post-Office Department is to be measured by the rigor in this case, then what they did examine must have been in every instance most thoroughly examined into, and what they decided must have been decided upon the most severe interpretation of the law.

The Attorney-General advised the Postmaster-General that whatever might be the equities of the postmaster in Baltimore, his bond would be liable, because Pettit had not for a specified period been performing his duty, though he had drawn pay. It is true that Pettit thereafter, when warned by Postmaster Warfield that he must resign or appear for duty, excused himself, perhaps on account of sickness for a while, and the two substitutes received Pettit's salary. But the Attorney-General advised a suit against Mr. Warfield, and the Postmaster-General was firm in his purpose that suit must be brought, and he directed the Auditor of the Post-Office Department to prepare the papers and they were sent to the district attorney in Baltimore, with instructions to enter suit, and he has instituted suit against Mr. Warfield's bond to recover the salary which Pettit drew and enjoyed during the period when Mr. Warfield believed Pettit was doing service for the Post-Office Department.

It is, in my judgment, a case of great hardship. It is a case in which the Post-Office Department have gone to the extreme against an honest gentleman and a high-minded official, to make him pay the salary which Pettit drew, not while he was attending the national convention or the national committee, as the Senator from Texas says, but while, as the proof shows, he was most of the time acting in office hours as an agent or solicitor for a bonding company in Baltimore. The postmaster protests, and I think very properly protests, that he will not pay back the money in this case unless a jury shall decide, in view of all the evidence, that he is bound to pay it. He had no motive to help or serve or shield Pettit. He believed Pettit was forced on him. He has consulted most competent counsel, who I have been in-

formed have advised him to resist the effort to collect this money from him instead of from Pettit.

What Mr. Warfield knows, what the records show, what Pettit knows, what any living witness now knows about the matter has been thrashed over and then thrashed again in each of the two departments I named. No man living knows a scintilla to be added to all that is known. The Postmaster-General, in my judgment, has firmly, rigorously, pressed this matter to the extreme. In his sense of duty he has gone as far as he ought to have gone, and he has gone further. In my judgment, knowing all the facts and the statements of the witnesses, Pettit ought to have been dismissed, and there the matter should have been settled, if he could be made to pay, but the Government should not mulct or try to mulct the postmaster of Baltimore into paying out of his pocket the money Pettit enjoyed. But the Postmaster-General has been stern and harsh and is proceeding to try to collect the money from Mr. Warfield, who has thus been deprived of the equities which have been invoked and ought to have been heeded in his behalf.

Now, if you are to have another investigation here, and this is the instance given by the Senator from Texas as justifying it, he has landed upon the one case in which everything is known and everybody has been investigated, and it has been examined in two departments. If that is to be the sort of investigation which is to follow the adoption of the amendment here, it would be without any benefit to the country, and it is simply going over what has been so fully accomplished by the Payne and Bristow investigation, going over a matter thoroughly sifted. The United States district court in Baltimore will try this cause. No commission can try it half so well and this court will only retry a case in which every fact is known.

Mr. ALLISON and Mr. MONEY addressed the Chair.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Iowa.

Mr. ALLISON. I shall occupy only a moment, I will say to the Senator from Mississippi.

Mr. MONEY. Very well.

Mr. ALLISON. Mr. President, I do not think, from the suggestions made by the Senator from Texas [Mr. CULBERSON] and the Senator from Maryland [Mr. GORMAN], it is worth while for us to select a joint commission especially to inquire into the Pettit case in Baltimore with a view of aiding the Government in the prosecution of its suit against Mr. Warfield, or that it is necessary to invoke such a commission for the purpose of ascertaining whether Mr. Heath or Mr. Beavers gave this order. It is perfectly plain that it was given by somebody.

Mr. MCCOMAS. By Beavers.

Mr. ALLISON. Very well. By whomsoever it was given it seems to have been obeyed sufficiently to allow this gentleman to secure a few thousand dollars from the Government without rendering any material service, and it seems to have given the executive officers a great deal of trouble. Now, a suit has been instituted for the purpose of recovering the money.

Mr. President, I have not been able, being otherwise employed and occupied, to follow the consideration of the post-office appropriation bill. I have carefully, although perhaps not fully, read the debates from time to time on the various provisions and amendments, as well as observations upon the details of the bill as it came to us from the House. As near as I can judge from reading the debates, the Committee on Post-Offices and Post-Roads, which I concede to be one of the ablest and strongest committees of this body, have, so far as the details of this bill are concerned, given it great care and attention. So I have been rather glad thus far in the progress of the bill to see the various agencies necessary for the carrying on of the great work of maintaining the postal service fairly provided for.

Now, at the tail end, apparently, of the discussion on this bill, we have a proposition here which to my mind is utterly untenable from any point of view, and certainly from the points of view which I shall endeavor to submit in a few moments. The Senator from Maryland [Mr. GORMAN] who offered this amendment invokes as an example the insertion of a provision on the post-office appropriation bill in 1898, which he says was put upon the bill without a point of order being made. I am sure that is true. But it was then general legislation of the most radical sort, and if any Senator upon this side or the other side of the Chamber had made the point of order it would have been impossible for the Senate to entertain the amendment under our rule.

That joint commission was made up not only as the result of a careful understanding between the Committee on Appropriations of the Senate and the Committee on Appropriations of the House, but it was made up after a most careful consultation as respects a controverted question between the two sides of this Chamber. I do not mean political sides now, because politics was not involved at all in that question. There had been for four or five years a discussion in the newspapers and a discussion recurring

at each session of Congress in this Chamber and the other as respects two or three important questions. On the one side it was claimed that there was an excess of pay given to railroads for the carrying of the mails. Another contention was that the Government of the United States was annually losing from twenty to thirty million dollars in the transportation of second-class matter at 1 cent a pound, when it cost 8 cents a pound to transport it.

That discussion continued at each recurring session until it was stated by the side that was defeated in this Chamber and in the other House that as regards the appropriations for this service an investigation would disclose the fact that the railroads were paid a sum largely in excess of what was proper in order to give them a fair profit in carrying the mail. So it was finally agreed among those who differed upon this subject that there should be a careful investigation by a commission which should be wholly nonpartisan and which should be equal in every respect as to its personnel between the two Houses.

Therefore it was agreed, after considerable discussion and consultation, that the chairman of the Committee on Post-Offices and Post-Roads of the Senate—that committee at that time had in charge this appropriation bill, although this discussion had been going on for some years—and the chairman of the Committee on the Post-Office and Post-Roads of the House, and three Members of the House and three members of the Senate, should together form the commission, which should take up the questions specifically mentioned in this provision of the law of 1898, and that they should gather to themselves experts, which of course meant railroad men familiar with the cost of the transportation of the mails and the general cost of railway transportation, and that they could also summon to their aid experts in the Post-Office Department, etc.

It was insisted by one side that the commission should make an investigation and make a report on it in time for the next post-office appropriation bill. The commission were provided for at the long session of 1898, and were required to report by the 1st of February following, so that their recommendations could be embodied in the post-office appropriation bill of the next year.

When the commission undertook this work, it found that it was impossible to make such an investigation, even upon these two topics, within the nine months, or whatever the time was, allowed for the report. So they gained further time at that session, and at the next session they again gained time, and I believe they continued this investigation for a period of two years and a half. I happened to be selected as one of the members of the commission, but my memory does not serve me as to the exact length of time employed. However, a great deal of testimony was taken. Finally a report was made upon these topics, which was agreed to by every member of the commission, I believe, all the members signing the report.

But, Mr. President, a commission organized under those circumstances, with all parties and all sides of the Chamber agreeing that such a commission was necessary in order properly to make appropriations for the Railway Mail Service and also to ascertain if any modification was required in the postal laws, is a very different thing from what is proposed here by the Senator from Maryland [Mr. GORMAN]. The Senator from Maryland starts out with an absolute and unqualified condemnation of the Committee of which he is a member. He ignores wholly and absolutely in this proposed commission the Committee on Post-Offices and Post-Roads of the Senate. Are we here, as Senators, having a large and competent committee which recommends these appropriations, to vote in this bill that the committee are not competent to take charge of anything respecting the postal service; that they do not know what extravagance is; that they do not know what corruption is; that they do not know what reforms are to be made?

Are we to start out with such a vacation of the authority of one of our highly trusted committees, and to put the power in the hands of whom? Not in the hands of the Senate, even. When we appointed the joint commission to deal with this subject in 1898 we were careful, and both Houses required that there should be an equilibrium, a pivot, which would give neither the House nor the Senate an advantage, and therefore there were four Members of the House and four members of the Senate selected.

Now, the Senator from Maryland proposes that this commission shall consist of three members of the Senate and five Members of the House, giving away in the very first instance the powers of the Senate absolutely to the House of Representatives to deal as they shall see proper with this question.

Mr. MORGAN. I wish to ask the Senator from Iowa a question for information.

Mr. ALLISON. Certainly.

Mr. MORGAN. I have understood, although I have not been a very close observer of this matter—

Mr. ALLISON. I have not been either; I have just examined it for a moment.

Mr. MORGAN. I wish to ask the Senator if I am mistaken in this fact, that the Senate has refused to permit the Committee on Post-Offices and Post-Roads to make an investigation of this same character at the present session?

Mr. ALLISON. I not only understand the contrary to be true, but that the Senate, after great deliberation and much debate, referred several resolutions to that committee. Whether or not the committee have reported I do not know; but the whole question is within the power of the Committee on Post-Offices and Post-Roads.

Mr. MORGAN. Was not the reference of those questions to the committee a destruction of all opportunity and all hope of making the investigation?

Mr. ALLISON. Certainly not, Mr. President. I did not so understand it. I stated distinctly in conversation, if I did not say so publicly, that I was in favor of referring the several resolutions to the Committee on Post-Offices and Post-Roads, that they might have an opportunity of re-forming them, if you please, or gathering them together and presenting to the Senate such a resolution as the committee might think wise and adequate for the purpose.

But now the Senator from Maryland proposes to give the House of Representatives absolute control of this whole commission, giving them five members and the Senate only three. So he has not only eliminated all power of expenditure in connection with this investigation, but he has eliminated all power of the Senate and has also condemned the Committee on Post-Offices and Post-Roads.

Mr. President, situated as this amendment is, I could not think for a moment of voting for it and thus abdicating the power of the Senate as respects this question. But I have an objection beyond this. The commission of 1898 was not an investigating commission. Although there are several phrases in this amendment of the Senator from Maryland, when you come to analyze them finally you find that it is an investigating commission which is provided for, and it is nothing but an investigating commission. This, as an investigating commission, is a cumbersome machine.

If we are to investigate the Post-Office Department, and if the Senate Committee on Post-Offices and Post-Roads had shown in any way its inadequacy, either by indisposition or otherwise, to make that investigation, I should be willing to vote for an investigation by a Senate committee when a proper case was made justifying an investigation.

I have been reinforced in my judgment and opinion by the argument of the Senator from Texas [Mr. CULBERSON].

When pressed by the Senator from Rhode Island [Mr. ALDRICH] to name or indicate in some vague and indefinite way, even, where and what there was to investigate, it was proposed by the Senator from Texas that we investigate the Pettit case and the Montague case. The Montague case affects, I believe, something with respect to canceling machines. I really do not know what it is, for I have not heard the debate on the canceling-machine question.

Mr. LODGE. It is not with respect to the canceling machines.

Mr. ALLISON. Very well. Then it is something else.

Mr. SPOONER. Some other machine.

Mr. ALLISON. Some other machine used in the postal service. I think it is a misfortune that the postal service is obliged to use these patented labor-saving machines to the extent it has without having some provision made whereby it can use them without paying such extravagant prices.

Now, Mr. President, I have stated one objection I have to this mode of investigation. In the next place, I do not think any provision for an investigation should be put upon an appropriation bill, and especially, I will say, on a regular appropriation bill necessary for the proper conduct of the postal service, which is the most delicate and far-reaching service we have, because it reaches every home and every fireside.

Mr. President, I was not aware that there was such a strenuous point on this subject. Here we are now considering this post-office appropriation bill and we are confronted with an amendment on the bill which must be submitted to the House for their consideration and thereby delay the bill. It is the easiest thing in the world, I think, for us to deal with this question as a Senate. If we are to have an investigation, I would greatly prefer to have it ordered in that way, even if we are to have a joint committee; but for us to abdicate our powers to the House of Representatives seems to me intolerable and inadmissible.

Mr. GORMAN. Mr. President, the Senator from Iowa I have known long and well. I know his wonderful power and ability to postpone everything that is rather disagreeable and unwise, either from a party point of view or otherwise, to be considered at the moment. That splendid gesture of his waving it off, which I have seen so often, is very familiar to me.

I am not at all surprised that in the stress in which his party finds itself on this particular question the distinguished Senator should be brought in to save the day and to prevent an investi-

gation. But in his anxiety and desire to accomplish the result which he has determined upon, I think he has done me an injustice in the very broad statement which he has made, that I had no regard for the Committee on Post-Offices and Post-Roads.

Mr. ALLISON. No, if the Senator will allow me, I certainly did not intend to make that broad statement. I know the Senator has the highest regard for this body, and I am sure he has for the Committee on Post-Offices and Post-Roads, because they are composed of eminent members, including himself.

Mr. GORMAN. I am quite certain that in the anxiety he displayed to dispose of this question the Senator went beyond the usual expressions employed by him.

Mr. President, as a matter of course, I have great respect for the Committee on Post-Offices and Post-Roads, and I believe, as we on this side believe, that that committee ought to make a very thorough and complete examination of this whole matter involving the Post-Office Department, not only as to the corruption, but to ascertain, as the Senator's commission did in the case which is referred to, the facts relating to the business transactions of the Department.

I have struggled as best I could as a member of the Senate and as a member of that committee to induce the committee and the Senate to pass such a resolution and keep the inquiry strictly within this body.

But we have been thwarted in every attempt. All the resolutions were referred to the Committee on Post-Offices and Post-Roads by common consent, after the statement of its chairman that they would be reported back promptly. They are there, as I have before said, to sleep the sleep of death. They have not been, and probably will not be, reported. We have never before heard my distinguished friend from Iowa on this subject, although I know how busy he has been in other matters and how anxious he is always to protect the interests of the Government. And I pay my tribute to him, for I do not believe there is any man who has served in Congress at any time who has been more careful to guard the interests of the Government than the distinguished Senator from Iowa.

I have never known before a case where he has refused to permit an inquiry into a matter where there were so many facts generally believed to warrant an investigation as there are in this case.

As to abdicating the power of the Senate in this matter, the amendment creating the commission was drawn without reference to the Post-Office committees of either House, leaving the appointment in the hands of a distinguished gentleman—the presiding officer of the Senate—so far as we were concerned on this side, and to the Speaker of another body, giving that body two more members on the commission than the number given the Senate.

That may be somewhat unusual, but I do not regard it as an abdication of our right. I assume that in a case of this kind the representatives of the people in another branch of Congress have as much concern in ascertaining the condition of this Department as ourselves, and while the number would be less on the part of the Senate than on the part of the House, I do not regard that as an abdication or a subordination of our power. When it comes to deal with the legislation we are exactly equal.

It may be that that was an oversight, and it can be corrected now if the distinguished Senator from Iowa will agree to the amendment, if the commission is made of the same number. We are not standing on this side upon any mere technicality. The one thing we desire is the examination and the investigation.

But the Senator from Iowa says an investigation is a very different thing from the matter that was provided in the post-office appropriation act of 1898, of which commission he was a member. Let me read to him and to the Senate what that provision said. It is section 5 of the act, and it provides—

That a commission consisting of the chairmen of the Committees on Post-Offices and Post-Roads of the Senate and House of Representatives, and three members of the Senate, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker, is hereby created to investigate the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter.

Said commission is authorized to employ experts to aid in the work of inquiry and examination; also to employ a clerk and stenographer and such other clerical assistance as may be necessary, said experts and clerks to be paid such compensation as the said commission may deem just and reasonable.

The Postmaster-General shall detail, from time to time, such officers and employees as may be requested by said commission in its investigation.

For the purposes of the investigation said commission is authorized to send for persons and papers, and, through the chairman of the commission or the chairman of any subcommittee thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the duties of said commission, and to sit during the recess of Congress.

Said commission shall, on or before February 1, 1899, make report to Congress, which report shall embrace the testimony and evidence taken in the course of the investigation, also the conclusions reached by said commission on the several subjects examined, and any recommendations said commission

may see proper to make by bill or otherwise with the view of correcting any abuses or deficiencies that may be found to exist.

The sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said commission, such payments to be made on the certificate of the chairman of said commission.

Any vacancy occurring in the membership of said commission, by resignation or otherwise, shall be filled by the presiding officer of the Senate or House, respectively, according as the vacancy occurs in the Senate or House representation on said committee.

That investigation practically embraced the whole Post-Office Department. It is as broad as the provision now presented. It was an investigation somewhat identical with the one proposed in this amendment.

I remember a distinguished ex-Postmaster-General standing on this floor for days charging that there was as much fraud and corruption in the determination of the railway mail pay as is charged by Mr. Bristow in his report on the conduct of the First Assistant Postmaster-General's branch of the Department.

It was said that it was a partisan matter to some extent, as this is, if you please; that arrangements had been made by which the weight of mails was increased at the time of the weighings so as to give increased compensation. It was an ugly statement made by distinguished men, as it is ugly and serious in this matter before us.

Mr. ALDRICH. Would it interrupt the Senator for me to ask him a question?

Mr. GORMAN. Never.

Mr. ALDRICH. Does the Senator agree with the Senator from Texas that the two cases mentioned by him, the Pettit case and the Perry Heath case, are the subjects of paramount importance to be investigated?

Mr. GORMAN. Oh, Mr. President, I do not intend to go into a mere small detail of this investigation. The distinguished Senator from Texas in the kindness of his heart furnished the Senator from Rhode Island two instances when he asked for specific cases. The whole investigation is much broader, in one branch of which, I say, there are involved not only the officials of the Department, but the honor of Senators and Members of the House. It is an investigation in which the expenditures of the Department are involved. The matter ought to be inquired into.

Mr. ALDRICH. I assume the Senator from Texas took the two cases of the greatest importance that he knew of, or the only cases that he did know of.

Mr. GORMAN. The Senator from Texas will speak for himself. He is abundantly able to do it. He can settle that controversy with the Senator from Rhode Island. The fact is, and it can not be gotten away from, that we want a thorough investigation of this Department.

Mr. ALDRICH. Of what?

Mr. GORMAN. All of it. I would like to know whether the items that you have appropriated for in this bill are proper. I do not believe they are.

Mr. ALDRICH. Mr. President—

Mr. GORMAN. No; the Senator will permit me just to finish my sentence. Then he can interrupt me.

I do not believe the appropriation in gross for the canceling machines, from \$400 down to \$150, is a correct appropriation. I do not believe that the Post-Office Department ought to be permitted, without restriction, to pay \$400 rent for a machine that it costs \$300 to make. I am not satisfied with the statement of the post-office officials who have investigated the matter that the Post-Office Department ought to submit to extortion by men who have patents on the machines.

I do not believe that a million and a half, aye, twenty million dollars, can be properly placed in the hands of an official of that Department to distribute for clerks and for the hire of horses and wagons throughout the country, without more perfect restrictions than are contained in this bill.

I think, Mr. President, that Congress ought to be informed through its own agents, so that with its own eyes it can look over the expenditures of this Department. If there is that honesty in all the balance of the administration that is claimed for it by the head of that Department, he will not object to it.

I want to know more about the case of Pettit, which has been referred to. I want to know how it is possible in the administration of the Departments, with all the safeguards that have been provided, that an Auditor of the Treasury or the Comptroller of the Treasury, the one man to whom we all look to guard the interests of the Treasury, could pass an account of \$5,000 within the year for Pettit, paying money on the vouchers that came from the Department.

Mr. ALDRICH and others. Four years.

Mr. GORMAN. Four years. I beg pardon for inadvertence. And then turn around and sue the postmaster to recover the money that had been ordered paid by the First Assistant Postmaster-General and passed by the highest officer in the Treasury Department.

There is something wrong, radically wrong, in the system. If that fraud—insignificant in amount, if you please—can pass through, who can tell what else has passed or will pass in the future?

Can you not afford on an appropriation bill, the only place now possible, to give us an opportunity to examine for ourselves? Who in Congress has seen the report the Postmaster-General says has been completed in reference to the New York post-office and the Washington post-office? No man outside the confines of that Department, so far as I know.

It has been made by officials in regard to a former Postmaster, who was in charge during the time of American occupation in Cuba, when everybody knows that from that office and through that office there were a hundred, if not a thousand, Pettit cases. Why will you not do it? I ask why. My answer would be to ascertain how it was done, why it was done, who did it, and then make provision to prevent it from being possible hereafter. You deny us that.

Mr. President, I do not care who this investigation is made by. It can be made by the Senate and House combined. I will trust the majority of the House to make it. Why has it not been made? The only real information we seem to have is that in an interim caused by the decree of a higher power there was time to allay excitement, and the order was issued to investigate, not the Department, but "we will graciously permit you to clear your own shirts."

Yes; give the Senate and the House this opportunity. Let the Senate send the proposition to that body, where a vote can be taken, where no rule of exclusion coming from three men will throttle the voice or the votes of three hundred and odd Representatives of the people. Let them have it.

But, sir, I suppose the Great Book furnishes the reason: "The guilty flee." Let no man escape.

Mr. ALDRICH. The Senator from Maryland has again illustrated his great ability in shifting the basis of his criticism. He now says that the bill which we have under consideration makes improper appropriations, or appropriations for improper purposes, and should not be agreed to. That bill was reported by the committee of which he is one of the most important and influential members. If there is anything in the bill which is improper, it ought to be stated now.

I suggest to the Senator from Maryland that he has never been prevented from securing any information which he desired from the Post-Office Department in any of its branches as to the propriety of the appropriation bill which is now here for consideration.

If he has not properly examined this bill or it contains any improper appropriation, he is as much responsible for it as any member of the Senate. If that is the question we are asked to meet, let us meet it now and not postpone it until after the Presidential election. If there are any improper appropriations in the bill, let them be brought to light now and not be sent to a commission to investigate.

Mr. TELLER. I move that the Senate adjourn.

Mr. NELSON. I ask that the unfinished business be laid aside informally—

Mr. LODGE. I hope the Senator from Colorado will withhold his motion one moment, for I told the Senator from Kentucky [Mr. McCREARY] that before I made a motion to adjourn, and I quite agree the time has come, I would yield to him long enough to pass a bill.

Mr. TELLER. If that is all that is to be done, I will withdraw the motion long enough for that purpose.

Mr. LODGE. That is all. I will then renew the motion, or the Senator himself may do so.

Mr. TELLER. It is now a quarter past 6, and I think it is time to adjourn.

MERRIL DENHAM.

Mr. McCREARY. The Senator from Colorado yields to me to ask for the consideration of the bill (S. 3715) for the relief of Merrill Denham.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent for the consideration of a bill, which will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to pay to Merrill Denham, of Madison County, Ky., \$68 for seventeen days' service as storekeeper in the Internal Revenue Service, beginning January 21, 1889, under order of the collector of internal revenue of the eighth district of Kentucky.

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

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 12, 1904, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, April 11, 1904.

The House met at 12 o'clock m.

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

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

DISTRICT BUSINESS.

Mr. BABCOCK. Mr. Speaker, under the rules of the House business reported from the Committee on the District of Columbia is in order to-day; but I understand that the gentleman from Ohio [Mr. BURTON], chairman of the Committee on Rivers and Harbors, is desirous to occupy the floor, and wishing to concede to the desire of the House, I ask unanimous consent that it may be in order to call up business reported by the Committee on the District of Columbia on next Saturday, immediately after the reading of the Journal.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that it shall be in order to call up the business of the District of Columbia on Saturday next, immediately after the reading of the Journal. Is there objection? [After a pause.] The Chair hears none.

REPORT OF THE DIRECTOR OF THE MINT ON THE PRODUCTION OF PRECIOUS METALS.

Mr. PERKINS. Mr. Speaker, I present a report from the Committee on Printing and ask unanimous consent for present consideration.

The SPEAKER. The gentleman from New York reports the following concurrent resolution.

Mr. PERKINS. I move to concur in the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments. The Clerk read as follows:

In line 9 strike out "three" and insert "four."
In line 15, after "wrapped," insert "1,000 for the use of the House of Representatives, 500 for the use of the Senate, and 2,500."

Mr. SMITH of Kentucky. Mr. Speaker, I would like to know exactly what this resolution is.

The SPEAKER. Without objection, the Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution No. 32.

Resolved, etc., That there be printed 3,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals for the calendar year 1902, bound in cloth and wrapped, for the use of the Director of the Mint.

Resolved, That there also be printed 3,000 additional copies of the Report of the Director of the Mint covering the Operations of the Mints and Assay Offices of the United States for the fiscal year ended June 30, 1903, to be bound in cloth and wrapped, for the use of the Director of the Mint.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken; and the amendments were agreed to.

TO CONNECT EUCLID PLACE WITH ERIE STREET.

The SPEAKER laid before the House the bill (S. 2134) to connect Euclid place with Erie street, with an amendment of the House disagreed to by the Senate.

Mr. BABCOCK. Mr. Speaker, I move that the House insist and agree to the conference asked.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana.

OPENING OF CONNECTING HIGHWAYS, ZOOLOGICAL PARK, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 2710) for the opening of connecting highways on the east and west sides of the Zoological Park, District of Columbia, with a House amendment disagreed to by the Senate.

The amendment was read.

Mr. BABCOCK. I move that the House insist upon its amendment and agree to a conference.

The SPEAKER. The gentleman from Wisconsin moves that the House insist upon its amendment and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana.

AUTHORIZING THE JOINING OF KALORAMA AVENUE.

The SPEAKER also laid before the House the bill (S. 127) authorizing the joining of Kalorama avenue, with a House amendment disagreed to by the Senate.

The amendment was read.

Mr. BABCOCK. Mr. Speaker, I move that the House insist upon its amendment and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana.

EXTENSION OF ALBEMARLE STREET.

The SPEAKER also laid before the House the bill (S. 3869) for the extension of Albemarle street, with an amendment of the House, disagreed to by the Senate.

The amendment was read.

Mr. BABCOCK. Mr. Speaker, I move that the House insist upon its amendment and agree to a conference.

The motion was agreed to.

The SPEAKER appointed the following conferees: Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana.

HOT SPRINGS MOUNTAIN RESERVATION, ARK.

The SPEAKER also laid before the House the bill (H. R. 15350) conferring jurisdiction upon the United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark., with a Senate amendment.

Mr. ROBINSON of Arkansas. Mr. Speaker, I desire to offer an amendment, which I send to the Clerk's desk, and then to move to concur in the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

Mr. ROBINSON of Arkansas. Mr. Speaker, if it is in order, I would ask unanimous consent to dispense with the reading of the Senate amendment. I have examined it very carefully, and I find that it is an exact copy of the bill passed by this House, with certain amendments. The bills were introduced simultaneously in the House and Senate, and this House struck out the word "summarily" in two places and first passed the bill. The Senate Judiciary Committee made some amendments, which are not deemed of great importance, relating to the method of trying cases before the commissioners at Hot Springs, and amended the House bill by striking out all after the enacting clause and inserting the Senate bill with amendments.

The amendments are, I believe, only two, and they are not very significant. If it can be done, I would ask that the reading of the Senate amendments be dispensed with.

The SPEAKER. The gentleman from Arkansas, after making his statement, asks unanimous consent that the reading of the Senate amendments be dispensed with. Is there objection? [After a pause.] The Chair hears none. The gentleman now moves to concur in the Senate amendments, with the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend the Senate amendment as follows:
Strike out the word "summarily," in line 18 on page 5.
Strike out the word "summarily," in line 5 on page 6.

The motion was agreed to.

On motion of Mr. ROBINSON of Arkansas, a motion to reconsider the vote to concur in the Senate amendment with an amendment was laid on the table.

MAINTENANCE OF RIVER AND HARBOR IMPROVEMENTS.

Mr. BURTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14754) providing for the restoration or maintenance of channels, or of river and harbor improvements, and for other purposes. Pending that motion, I ask unanimous consent that general debate be limited to three hours, one-half to be controlled by the senior gentleman of the minority who is present, and one-half by myself.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14754, and pending the motion he asks unanimous consent that general debate be limited to three hours, one-half to be controlled by himself and one-half by the gentleman at the head of the minority on the Rivers and Harbors Committee.

Mr. WILLIAMS of Mississippi. Mr. Speaker, before that request is put, I would like to ask the gentleman from Ohio if that request has been submitted to the minority members of the committee and has their agreement?

Mr. BURTON. Yes.

Mr. WILLIAMS of Mississippi. It is a unanimous agreement of the committee?

Mr. BURTON. I so understand it.

Mr. BURGESS. That is correct.

Mr. WILLIAMS of Mississippi. I regret that time has been so much curtailed, but under the circumstances I shall not object.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14754) providing for the restoration or maintenance of channels, or for river and harbor improvements, and for other purposes, with Mr. GRAFF in the chair.

Mr. BURTON. Mr. Chairman, I shall not ask unanimous consent that the first reading of the bill be dispensed with. It is a very brief bill and I think it better be read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of \$3,000,000 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the following purposes and under the limitations herein set forth, to wit: For the restoration or maintenance of channels, or of river and harbor improvements, established or made by the Government, where the usual depth of such channels or customary use of such improvement has become, or may be, impaired and there is no sufficient fund available for such restoration or maintenance, with a view to preserve in their normal condition of efficiency existing channels and improvements: *Provided*, That allotments from the amount herein named shall be paid by the Secretary of War, and no such allotment shall be made unless the necessity for such restoration or maintenance shall have arisen since the passage of the river and harbor act of June 13, 1902, and the same shall be recommended by the local engineer having such channel or improvement in charge and the Chief of Engineers, respectively: *Provided further*, That no single channel or improvement shall be allotted a sum greater than \$50,000, nor any portion of the said appropriation, unless the same is necessary in the interest of navigation.

Sec. 2. That in all cases in which appropriations or authorizations have heretofore been made for the completion of river and harbor works the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, apply such amounts as have been appropriated or authorized for the prosecution of such work.

Mr. BURTON. Mr. Chairman, this bill is a very simple one. Its object is to provide for the maintenance of existing river and harbor works for the ensuing fiscal year. It appropriates \$3,000,000. The method in which that sum shall be expended is carefully defined. In the first place, the amount is to be allotted by the Secretary of War with the concurrence of the Chief of Engineers. It is to be applied to the restoration or maintenance of channels or of river and harbor improvements established or improved by Government work where the usual depth of such channels or customary use of such improvements has become or may be impaired and there is no sufficient fund available for such restoration or maintenance. These allotments are limited to necessities arising since the passage of the last river and harbor bill, June 13, 1902. The reason for this limitation is that presumably whatever channel or improvement needed attention at that time was provided for in that bill. Further, if any allotment is made, it must be recommended by the local engineer in charge and by the Chief of Engineers, respectively. In this particular the bill is modeled after the emergency provision of the act of 1900 and the emergency appropriation of \$200,000 in the bill of 1902.

There is a limitation upon amounts to be allotted in these words:

No single channel shall be allotted a sum greater than \$50,000 nor shall any allotment be made unless it is necessary in the interests of navigation.

It was thought best to limit the amount to \$50,000. Evidently there should be some limitation; otherwise a few improvements might absorb the greater share of the whole appropriation, and from a careful survey of the field it was thought that this would be the maximum amount required for any channel or improvement in the country. Section 2 provides:

That in all cases in which appropriations or authorizations have heretofore been made for the completion of river and harbor works the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, apply such amounts as have been appropriated or authorized for the prosecution of such works.

Beginning in 1890 appropriations and authorizations have been made under the so-called "continuing-contract system." Each subsequent bill, except that of 1894, has contained one or more appropriations for some specific work, with an added provision authorizing the expenditure of a further amount for the completion or prosecution of that work. Under these provisions the Secretary of War may, within the aggregate of the appropriation and the authorization, contract for the completion or prosecution of the improvement. Amounts earned under such contracts are to be paid from time to time as appropriations may be made by law. This method of prosecuting river and harbor works has proven very successful. In the first place, economy has been secured; and in the next place, assured results are obtained at an earlier date. This plan was adopted with the idea that important public works should be pressed to completion as rapidly as possible. In the bill of 1902 in quite a number of cases the authorization was merely for the prosecution of the work and not for its completion. It was provided that the money might be expended for prosecution merely where the total amount required would be large and the time for completion might be extended over six, eight, or ten years.

In view of the possible change of conditions while the improvement should be under way and the possible desirability of changes in the plan as the work progressed, it was thought best to provide only for the prosecution in these cases. This second section, however, is included because of the present situation, viz, in some six

or more cases the amounts appropriated and authorized for completion of a work have been found to be insufficient. This insufficiency is not due to any error on the part of the engineers who made the estimate, but is rather ascribable to the great increase in the cost of labor and material. Instead of making this section apply to specific improvements, as was desired in certain localities, the committee thought best to make one general provision applicable in all cases, to the effect that when the amount appropriated and authorized for completion was insufficient, contracts might, in the discretion of the Secretary of War, be made for the prosecution merely, leaving to the future the appropriation of such added amounts as should be required to complete the work. The object of this provision is that necessary improvements may not be suspended, but that the will of Congress may be carried out in prosecuting these different river and harbor works in different portions of the country.

It is appropriate at this time to make a general survey of the subject of river and harbor improvements. It is to be noticed that the amount expended for rivers and harbors, when we take into account the vast expanse of our waterways, is comparatively small. In the last fiscal year the total amount expended was less than \$20,000,000. In the year ending June 30, 1898, the amount exceeded twenty millions by \$785,000, the total amount being \$20,785,000. Only in that year has the amount equaled twenty millions. This is in the face of demands of the most urgent nature from all portions of the country for the deepening and improving of harbors, for the construction of breakwaters to give greater safety to commerce, and for the great network of inland waterways which are advocated in many portions of the country.

In a document issued last year it appeared that the amount required to complete river and harbor works then under way was \$137,513,620.25. We may gain an idea of the magnitude of the river and harbor work of the country by calling attention to the fact that there are 603 projects under the control of the engineering branch of the War Department. There are now under way about 400.

In an important sense we have come to the parting of two ways; and present conditions relating to river and harbor improvements merit the careful attention of Congress and the adoption of a consistent policy which will meet the requirements of the present situation.

Some reforms are obvious enough. Certainly we should adopt the settled policy of pushing improvements to completion as rapidly as possible. If there is a multitude of projects, it is desirable to complete a comparatively small proportion of them rather than to expend dribbling appropriations on the whole number. It would be better to expend money in finishing these few, so that their benefits may be utilized. It is also obvious that we should undertake nothing which can not be completed within a reasonable time. In both these respects our methods contrast most unfavorably with those of foreign countries which undertake similar control and construction of waterways and river and harbor improvements.

One serious defect at present is the insufficiency of the engineering force having control of these improvements. That force has a great variety of duties. It furnishes the officers for the engineering battalions, and supervises and directs the construction of fortifications. Officers are detailed to divers public works not relating to rivers and harbors. It has the sole control and supervision of the river and harbor work. According to the last report of the Chief of Engineers, on page 5, there are only twenty-seven officers whose services are exclusively devoted to this class of work. The military appropriation bill now pending makes a very material increase in this force. It is hoped that it will become a law, and thus will in a great measure relieve the present situation.

On a prior occasion I called the attention of the House to the fact that at the beginning of the year \$38,000,000 was on hand for the improvement of rivers and harbors and unexpended, and that the sundry civil bill would carry eight millions in addition, making forty-six millions, or twice as much as has been expended in any one year in the history of the Government. One great reason why this large amount has accumulated in the Treasury and is unexpended is the insufficiency of the force directing this class of improvements. On prior occasions I have called the attention of the House to the vast magnitude of the estimates for river and harbor works, stating that there were projects to the amount of \$500,000,000 recommended by the engineers, which either has not been commenced or had only partially been prosecuted.

A recent investigation shows that the amount is larger than that; that it reaches \$600,000,000, to which should be added a very large amount of estimates made some years since, aggregating at least \$400,000,000 more, which, while not actively pressed at present, have parliamentary status and could be brought up before this House.

There should also be added the sum of \$35,000,000 already rec-

ommended to this Fifty-eighth Congress, these amounts being for improvements, many of which are very meritorious.

I think I may say to the House that but for the creation of the board provided for in the bill of 1902 we should be utterly overwhelmed by these estimates. That board was constituted in order to secure greater uniformity in recommendations for river and harbor works and to place a reasonable degree of restraint upon recommendations made for this purpose.

The fact remains that we have this enormous aggregate of projects now before us. There are some of these, recommended in the past, which may be considered now as abandoned. One is for the James River and Kanawha canal, described in a glowing report of a board of engineers in 1874. In that report it was stated that the cost in round numbers would be \$60,000,000, but that the expenditure would be amply repaid. Mention was made of the fact that a tunnel about equal in size to the Mont Cenis tunnel would be required; but that was not regarded as affording a reason why the work should not be done.

Another is the Florida canal, recommended in 1880 by so eminent an engineer as Gen. Quincy A. Gillmore, the probable cost of which would be \$50,000,000.

Mr. McCALL. I should like to ask the gentleman whether the committee has ever considered the project of a canal across Cape Cod, from Buzzards Bay to Barnstable Bay?

Mr. BURTON. I would state to the gentleman that individual members of the committee have considered that project, and it has been brought to our attention. I do not recall that we have any formal report upon it.

Another project, of which a survey was reported within the last four years, is for an improvement of the Arkansas River below Wichita, at a cost of \$25,000,000. An early survey detailed a plan for improvement above Wichita, at a cost of \$16,000,000. Another is a project for a waterway from Pittsburg, by way of the Kiskiminitas and the Conemaugh, to Havre de Grace, Md., at a cost of \$40,000,000. For the construction of this waterway a tunnel $5\frac{1}{2}$ miles long would be required. Another is a canal from Lake Superior to the Mississippi, at a cost of \$30,000,000. Another, upon which an unfavorable report has recently been made by the Engineering Department, is a 14-foot waterway from Lake Michigan, by way of the Chicago Drainage Canal and the Illinois River, to the Mississippi River, at a cost of \$30,000,000.

It is evident that Congress should decide upon a policy to be pursued. One of three courses may be adopted: first, the restriction of appropriations to improvements which are in the highest degree urgent; second—and I would advise that course before this House—a much more liberal provision. Certainly a very meager and insufficient provision is made for the growing demands of the commerce of this country if only \$20,000,000 per year is expended. [Applause.] At the same time I desire to say that I am not unmindful of the danger of waste and extravagance, and of the danger that this House may listen to the arguments of promoters who have not carefully weighed the arguments for and against expensive projects.

In some remarks made at Baltimore in 1901 I stated that provision should be liberal, but that it should be made with discrimination. A gentleman who favored a very extensive project thought that in the past there had been more discrimination than liberality. While a more liberal policy would confer the greatest benefits upon this country and would give additional impetus to our prosperity, it is necessary that every project should be considered with the utmost care. As far as possible our appropriations should be made in accordance with settled principles, with no regard for compromise, with no idea of giving so much to each State, but with the thought of considering each project according to its merits and the general benefit which will be conferred upon the whole country.

A third method of procedure would be the adoption of a system by which communities immediately affected should participate in the expenditures. Such a plan is eminently desirable, though very difficult of execution. In the course of my remarks I shall endeavor to point out some differences between projects which would afford a strong argument for participation in certain cases.

No one will question the national importance of such great rivers as the Hudson, the Ohio, and the Mississippi, nor, indeed, of the Columbia. But there is a wide difference between these great waterways and many which are most earnestly pressed upon our attention. I do not altogether like to refer to any specific project, but my meaning will be made clear in that way.

Let us compare, for instance, the Ohio River with the Big Sandy and its branches, the Tug and the Levisa forks. The improvement of the Ohio is still incomplete, but we are urged to expend \$4,000,000 and more in the construction of locks and dams on this Big Sandy River, between West Virginia and Kentucky, and upon its branches. It is not a part of any waterway which pertains to interstate commerce, except as it is connected with the Ohio. The object of the improvement is avowedly to make available great

coal fields of enormous extent and, I take it, of very great value. The question arises, should the Government of the United States, with hundreds of millions of interstate improvements incomplete, adopt this improvement, the effect of which will be to multiply by five, by ten, or perhaps by twenty the value of private ownership in coal lands upon this stream?

If it were a smaller amount I should not hesitate for a moment to say that this project would merit the attention of Congress, but I throw out the query whether, when there are great harbors and rivers which are essential to interstate commerce, we should turn aside to projects of this nature, which frequently are urged upon us with greater earnestness than any other. Preference should certainly be given to channels and harbors which benefit a great area. In the case of all the leading harbors of the country it is necessary that they be deepened and improved in order that they may be made available for modern ships of the greatest draft and tonnage. Those avenues of traffic where already there is a great movement of freight and of passengers, if they are improved so as to meet pressing demands, would more than exhaust for years to come the total amount that we have been expending for river and harbor improvement, and this fact affords another reason why we should limit our appropriations to a comparatively small number, and to those projects which may be said to be of national importance.

Much progress has been made in the last few years in the way of excluding from this bill extraneous projects, such as irrigation, now carried on another bill or in another way. Formerly on every bill passed in this House numerous projects having nothing to do with navigation, but for promoting irrigation merely, were added in the Senate, and on two occasions we were compelled to take the stand that the bill must fail if these projects must be tacked upon it.

Also progress has been made in the way of excluding expenditures of public moneys mainly for bank protection on navigable streams. In the last bill, in every case in which a provision of this kind was made, a proviso was inserted that it must be in the interest of navigation. A report has recently been made by the War Department to the Senate setting forth the situation at Kansas City on the Kaw River, and stating that \$10,500,000 or \$11,000,000 will be required to provide against floods in the future. No one can deny the urgency of the situation; no one can avoid sympathy for those who have suffered great loss in that locality. But the proposed expenditure is for a location where confessedly there is no navigation. The Kaw River was declared nonnavigable by the Kansas legislature some thirty-six years ago, and some seventeen bridges have been constructed across it, with little regard, indeed, to the flow of water in the channel or any regard to navigation.

Abutting owners have infringed upon the channel of the stream. Were we to say that Congress should appropriate for protection against floods at that point, we should be establishing a principle for the future that wherever a flood creates damage the General Government should take charge of the location and make appropriations to remedy the situation.

Mr. COWHERD. Will the gentleman allow me to interrupt him?

Mr. BURTON. I now yield to the gentleman.

Mr. COWHERD. I know the gentleman from Ohio does not want to let that statement go alone, that the Kansas legislature declared the stream unnavigable, because he will remember that by a decision of the courts of the United States that power was denied to them, and the act was repealed four years afterwards.

Mr. BURTON. Will the gentleman from Missouri inform me that it was as soon after as that?

Mr. COWHERD. The act was passed in 1864, and it was repealed in the session of 1868.

Mr. BURTON. I will say to the gentleman that, as I understand, it is a question whether it is repealed or not.

Mr. COWHERD. I do not understand that is so, because a board of Government engineers reported that it was repealed, and reported it upon the written statement of the attorney-general of Kansas that it was repealed, and repealed in accordance with the decision of the courts of the United States denying them the right.

Mr. BURTON. If I may ask the gentleman from Missouri another question, have not bridges been constructed ever since, absolutely as if the declaration of nonnavigability had not been repealed, and is it not a fact that the stream is not navigable?

Mr. COWHERD. It is true that bridges have been constructed across the Kaw River and the plans were not submitted to the Secretary of War, as is done in the case of navigable streams, and this is true notwithstanding Congress in 1888 passed an act providing for the construction of a bridge and recognizing the river as a navigable stream, providing for the submission of plans to the Secretary of War for his approval, and the people engaged in the construction paid no attention to the provision of the law and went ahead and built the bridge.

Mr. BURTON. There is no question but that the construction of these bridges has been inconsistent with navigation, and it has not been claimed by anyone that it is a navigable stream. The reason that is urged on Congress to provide for it is simply because of the great damage by the flood. If that is a proper ground upon which we should appropriate, we could also be asked to make an appropriation for Baltimore because of the great loss recently suffered there by fire. I can not too earnestly impress on this House the desirability of rejecting any appropriation of that nature. I say that with the utmost regard for those who have suffered so severely from this great calamity.

The most perplexing question in regard to river and harbor improvements now before Congress and the country is the extent to which internal navigation should be developed. We have numerous projects before us for these improvements. The most expensive, perhaps, is that for inland waterways along the Atlantic and Gulf coasts. The peculiar configuration of the coast makes it possible for three-fourths of the distance on the Atlantic border and on the Gulf to develop inland waterways, protected by islands or by reefs from the waves of the ocean. The arguments in favor of these inland routes are the greater safety to the mariner which may be gained if he may leave the open ocean and be protected against the sea by islands or other barriers, and the development of that portion of the country which is tributary to them.

This is particularly true of the region around Cape Hatteras, where the shore is strewn with wrecks, and where, ever since the early days of navigation, the passage in the open sea has been regarded as one of the most dangerous nature. A recent estimate recommended by a local board advocated the expenditure of \$10,000,000 for an inland waterway in North Carolina, and while the total cost of inland routes can not be accurately estimated, partly because no sufficient information is available and as the expense must depend very largely upon the depth secured by the channels which might be constructed, yet the aggregate cost of routes which are strenuously urged would certainly be somewhere between one hundred and two hundred millions of dollars. The question arises whether this work should be commenced at present. It is evident that the adoption of any one of these great inland waterways furnishes a precedent for the adoption of all, and if Congress is consistent the appropriation of \$10,000,000 for one great project of this nature means the appropriation of the whole amount in the course of years.

Great pressure has been brought to bear for the improvement of the Ohio River at a cost amounting to not less than \$70,000,000, according to the best available estimates, with a view to securing a 9-foot stage for 965 miles from Pittsburg to Cairo. This river is one of the most important navigable streams in the world. There are certain distinct characteristics, however. In the first place, the commerce in the upper portion is almost exclusively downstream and it is almost exclusively of coal. There is a very large packet trade on the river which does not depend upon this improvement which is advocated. Very considerable progress has been made in securing a 6-foot stage in the river and with material benefits. I think it may be safely said that if the river is to be improved for the whole length by locks and dams and navigation is provided for the whole season, the additional cost of 9 feet, as compared with 6 feet, is not so great but that it would be desirable to choose the greater depth. But the decision of this question, like that of most other questions before us, must depend upon the scale of expenditure which we shall adopt.

I have said that the total cost would aggregate \$70,000,000. This waterway has received since the foundation of the Government about one twenty-fourth or one twenty-third part of the total appropriation, a proportion which would seem to be its full share. It is desired that this improvement of 9 feet be entered upon and completed within ten years, and this presents to us a mathematical problem. Seventy-million dollars is one twenty-third of \$1,610,000,000, approximately four times as much as the total amount expended on rivers and harbors from the foundation of the Government to June 30, 1902. The total amount expended to that time was \$431,000,000. If this improvement is to be completed in ten years, that means \$161,000,000 a year.

The Members living in the valley have been censured because they have not been more active on behalf of the Ohio. It is but fair that those who blame them or blame anyone else should meet this question. Do they favor an appropriation of \$161,000,000 a year for rivers and harbors? It may be said in this connection that the ability of the committee and of Congress to meet the enormous demands upon us is not promoted by special pressure for any one particular project. Those who wisely seek to secure appropriations in their locality would do better first to educate public sentiment in favor of larger and more liberal appropriations for the whole country and then specific projects will take care of themselves.

There is also a demand for \$15,000,000 for the upper Mississippi—that is, between the mouth of the Missouri and St. Paul;

and for \$20,000,000 between St. Louis and Cairo. It goes without saying that it is very desirable that there should be an improvement, in any event, between St. Louis and Cairo. Below Cairo there is ample depth for barge navigation, and it is especially desirable that the two great cities on the Mississippi River should have a channel convenient for communication between them, and that the unfinished portion between Cairo and St. Louis, for a length of 180 miles or thereabouts, should have the early attention of Congress.

On the Columbia River there is a project on the upper portion which involves the expenditure of \$19,005,000. It has not been strenuously pressed of late. On the lower portion also there are considerable improvements contemplated. It is an interstate stream; it flows through a rapidly developing country where there is the greatest possibility for agricultural growth and also for the shipment of timber. It is one of the finest wheat-growing regions in the world.

On the other hand, it presents very great difficulties in the way of construction, particularly at The Dalles rapids, where a considerable appropriation has already been made. There is another project that has been brought to the attention of Congress this winter for a canal between the Delaware and Chesapeake Bays, the estimated cost of which, in 1883, for a 27-foot waterway, was \$18,000,000. It is probable, however, that the expense would be very considerably greater than that. It is perfectly obvious that the construction of this canal would shorten the route between important terminal points, and between some places the saving would be so great as to almost annihilate the distance. There is also a proposed canal around Niagara Falls, to cost \$29,000,000.

Numerous requests have been made for harbors of refuge to provide safe resorts against severe weather on stormy or exposed coasts. Added pressure is brought to bear on behalf of these, both on the ocean and on the Lakes, because of the very considerable loss of life which has occurred in the neighborhood of their proposed localities during severe storms. Among them are the Sandy Bay harbor of refuge, on the easterly coast of Massachusetts, north of Boston. The estimated cost to complete it is \$5,891,000. An earlier project provided for a harbor of refuge at Vineyard Haven, to cost about \$4,000,000. Another, for Cape Lookout, in North Carolina, has been recommended, the cost of which would be nearly \$4,000,000. No one expenditure has been more earnestly sought from the committee than the completion of the harbor of refuge at Point Judith, on Long Island Sound. The frequent loss of ships near this point, attended by occasional loss of life, would seem to demand early attention.

Similar requests have been made upon the Great Lakes and upon the Pacific coast. Unfortunately, the propositions pending for harbors of refuge in Oregon and other points in the northwest portion of the country have been shown to be so expensive that their commencement does not seem to be practicable at present.

In looking over the report of expenditures for maintenance during the last fiscal year there are certain striking features. There is one lesson to be derived from them, that Congress should be especially careful of projects for the construction of locks and dams, certainly unless it be in streams which promise a very great traffic.

The statement furnished me is necessarily somewhat incomplete, because it does not include the cost of maintenance where improvements under continuing contracts have been in progress, as at Philadelphia, Baltimore, Cleveland, and, I believe, at Chicago; but it appears that the total amount expended, including permanent appropriations, which are expended without action of Congress under the act of 1884, especially for the maintenance of streams or canals in which there are locks and dams, is \$2,592,000. Of this there was devoted to harbors, \$489,262; to rivers, \$772,000; for rivers or canals having locks and dams, \$1,089,250.

It appears from the above that the cost of maintaining the rivers and canals having locks and dams is five-sixths as much as the total amount for all other rivers and for all harbors. It is nearly one-half more than for all other rivers. It is more than twice as much as for all harbors. The amount expended on the Monongahela River, Pennsylvania, \$238,000, is nearly half as much as for all the harbors of the country, except those named above. This, it should be borne in mind, relates only to maintenance. The amount expended for maintenance of Muscle Shoals Canal, paralleling the Tennessee River and affording a channel around rapids, was \$85,000. The freight carried through this canal was 7,712 tons. This amount is more than fifteen times as great as the amount expended for the maintenance for Milwaukee Harbor, Wisconsin, which had a tonnage in the calendar year of 1903 of 3,600,000 tons. It is more than four times as great as the amount expended for the maintenance of New York Harbor, notwithstanding the tonnage is only 7,712 tons.

In the list of rivers and canals having locks, and so forth, there are included several which have a very large traffic—as, for instance, the St. Clair Flats Canal, the St. Marys Falls Canal, the

Monongahela River, Davis Island dam in the Ohio River, Keeweenaw Waterway, Michigan; Sturgeon Bay and Lake Michigan ship canal in Wisconsin. As for the rest, the traffic is insignificant. There are two or three comparisons which may be of value. The cost of maintenance of the Kentucky River in the year 1903 was \$119,000. The total cost of improving and maintaining this river from 1879 to date, including the construction of new locks and dams and the reconstruction of locks and dams turned over by the State of Kentucky, has been \$4,000,000.

The largest amount of tonnage going through any one lock in 1903 was that passing through lock No. 8, 132,000 tons, the principal share of which was timber. The amount expended upon this river is a larger sum than has been expended upon any harbor upon the Pacific coast. With the exception of three harbors—those of Duluth, Superior, Chicago, including Calumet, and Buffalo—it is a larger sum than has been expended upon any harbor upon the Great Lakes. Only six harbors on the Atlantic coast exceed it in expense, as I recall—Boston, New York, Philadelphia, Baltimore, Savannah, and Charleston—also one harbor on the Gulf—Galveston. These locks and dams were transferred to the United States Government as a gift. It would seem desirable in the future to be very guarded in the matter of accepting gifts from States or private individuals of waterways improved by locks and dams. [Laughter.]

Mr. SHERLEY. Mr. Chairman, is it not true that a further improvement, however, of that same Kentucky River, so as to really reach the mineral wealth there, would amply justify the expenditure that has been made, both by the State of Kentucky and the Federal Government?

Mr. BURTON. Mr. Chairman, I can not answer that question in the affirmative. A further expense of \$600,000 would extend it beyond its present length, which is 261 miles. Three further locks and dams would be required; but I can hardly believe there is a sufficient amount of coal there to justify further construction. Coal would be brought down in single barges; the average distance it must be carried to bring it to the mouth of the river is more than 250 miles. When it reaches the Ohio it can not compete with the far more favorable conditions which exist in the Monongahela and the Kanawha, where fleets of barges, you may say, can be floated to the Ohio and with the coal right at the edge of the stream.

Mr. SHERLEY. Does not the gentleman know that in point of fact it is competing now, notwithstanding it has to bear the higher cost of railroad transportation, rather than river transportation?

Mr. BURTON. It is competing to the extent of about 50,000 tons as against some 5,000,000 tons. These are the respective quantities brought to the Ohio, as I am informed.

Mr. SHERLEY. In my city it is competing very largely, and serves very frequently to regulate the price of Pittsburg coal.

Mr. BURTON. I should hope that this small amount might lower the cost, but it seems to me that the disproportion is so great that such a result is hardly possible.

Another instance is the Fox and Wisconsin River in the State of Wisconsin. There has been expended there something over \$4,500,000, I believe, in the last thirty years. This also has been turned over to the General Government.

The commercial statistics, as given on page 1868 of the second volume of the reports for 1903, show a total tonnage about twice as great as for the Kentucky, or about 260,000 tons. But very nearly all of this is made up of timber in some form, leaving about two or three ocean-boat loads for the different kinds of freight other than timber.

Without going too much into detail, I may say that of beer there were 106.25 tons—a very considerable quantity when judged from the standpoint of an individual consumer [laughter], but when it is compared with commercial statistics on other routes, it is very insignificant; of cement, 15 tons; hay, 593 tons; iron, 200 tons; live stock, 9.25 tons; oil, 32 tons; paper, 165.50 tons; pig iron, 78 tons; rags and chemicals, 514 tons; salt, 763 tons; sugar, 38.50 tons. It would not seem that this expenditure had been a paying investment, and the result emphasizes the desirability of scrutinizing very carefully these large expenditures where it is sought to build a canal or to provide a sufficient artificial channel where nature has furnished only an inadequate natural channel.

The committee has in past years recommended virtually the dropping of the Missouri River from the list of objects of appropriation. This was due to the fact that the very large expenditure there had brought no commensurate benefit. It must be said, on the other hand, that if navigation could be made practicable on this stream it would be one of the most promising arteries of commerce in the world, because it goes through a magnificent agricultural region; and it is the hope of the committee, between now and the next session, to give further attention to this great waterway.

Mr. CLARK. Does not the gentleman think that if as much money, in proportion to the importance of the streams, were ex-

pendent on the Missouri River as on the Monongahela, under a correct system of engineering, the Missouri River might be made one of the greatest arteries of commerce in the world?

Mr. BURTON. The difficulty about that, I will say to the gentleman, is in devising any system of engineering that will meet the requirements of the case.

Mr. CLARK. I am not an engineer; but I will say that if the Eads system of jetties were applied to that river it could be made to float ocean steamers.

Mr. BURTON. That is hardly practicable for the Missouri River. The Eads system of jetties was tried at the delta at the mouth of the Mississippi. It secured greater depth. What is needed for the Missouri is to confine its water within limits.

Mr. CLARK. I know that, and that is practically my point with reference to the Missouri River. It has too wide a channel. The banks consist of a rich loam, and the sand keeps falling in, making the channel wider. If by a jetty system the river were confined to a reasonable channel, it would fill up on the outside of the jetties, making a channel that would float, as I have said, ocean steamers.

Mr. BURTON. I do not think there is any river in the world that could be improved on any such plan. Nature has furnished certain of its monuments in the way of mountains and rivers, and man can not equal what nature has done, nor can he very materially modify her work. The task of narrowing a river and keeping it within restricted bounds for a thousand miles or more is something of such magnitude that it is, I believe, beyond the possibilities of engineering.

Mr. CLARK. I do not wish to interrupt the gentleman; but in view of his philosophical suggestions, I should like to ask whether the Hollanders did not do a great deal to improve on natural conditions when they expelled the water from their land, as they are doing right now with the Zuyder Zee, or whatever it is?

Mr. BURTON. The gentleman refers, of course, to the raised dike; but the Hollanders had no such problem on their hands as the Missouri River; if so, they would have left Holland and migrated to some other country. [Laughter.]

Mr. HITCHCOCK. Mr. Chairman, I should like to ask the chairman of the Committee on Rivers and Harbors whether it is not a fact that in the past there has been a considerable commerce on the Missouri River, which has demonstrated that it is a navigable stream?

Mr. BURTON. It is evidently a navigable stream. The difficulty is that before the Government commenced to improve it commerce was very much greater than it has been since the improvement of the river. [Laughter.] And while I do not wish to say anything that might seem flippant, there is a question whether we had not better go back to the old conditions, when the Government was not spending anything on it, and see if the old development of commerce will not return. In brief, the navigation on the river certainly has not been stimulated by the expenditure of these large amounts of money.

Mr. HITCHCOCK. Does the gentleman claim that the expenditure of the money by the Government on the Missouri River tended to drive off commerce and navigation?

Mr. BURTON. No; I do not say that. There is a coincidence, however, between the two which furnishes a sufficient answer to the argument that we should make appropriations for the stream, namely, commerce without appropriations, and no commerce with appropriations.

Mr. HITCHCOCK. I hardly think the gentleman will undertake to claim that the appropriation of money for the improvement of the river tended to drive off the boats.

Mr. BURTON. Of course, this is true: The development of railways parallel to the river has had a very considerable effect in diminishing the commerce by steamboat upon the river.

Mr. SHACKLEFORD. I want to know if I correctly understand that the gentleman believes there should be no appropriations made for the improvement of navigation on the Missouri River?

Mr. BURTON. I believe, Mr. Chairman, that appropriations should be made if within reasonable limits we can develop navigation on that river. If it takes twenty or thirty million dollars, or something more than that, or even \$10,000,000, I do not believe in it, because it is altogether out of proportion to the benefits to be obtained.

Mr. SHACKLEFORD. Is it the opinion of the gentleman that such improvements could be made?

Mr. BURTON. I am very doubtful about that.

Mr. SHACKLEFORD. Then it is the opinion of the chairman of the Committee on Rivers and Harbors that there should be no appropriations made for the improvement of the navigation of the Missouri River?

Mr. BURTON. That statement is a little too broad. I can only answer it just as I did before, that if some feasible plan presents itself for improving the river at a reasonable cost, so that

navigation may be facilitated, I would say yes, just the same as on any other river.

Mr. SHACKLEFORD. Does the gentleman know of any such feasible plan?

Mr. BURTON. I have not heard of any that satisfied me that it was feasible.

Mr. WM. ALDEN SMITH. I notice in this bill a clause, as follows, in line 9:

For the restoration or maintenance of channels, or of river and harbor improvements, established or made by the Government, where the usual depth of such channels or customary use of such improvement has become, or may be, impaired and there is no sufficient fund available for such restoration or maintenance, with a view to preserve in their normal condition of efficiency existing channels and improvements.

Mr. BURTON. Yes.

Mr. WM. ALDEN SMITH. As I understand it, there is a rule or a law which prevents the use of emergency funds for emergency work where there is any of the fund regularly appropriated for the particular project remaining at the disposal of the War Department.

Mr. BURTON. That is, where there is money now available the emergency fund is not to be used.

Mr. WM. ALDEN SMITH. At Holland, Mich., an important harbor has suffered very greatly during the past winter, regular boats of several lines being unable to get either in or out of Holland Harbor because of a bar which has formed across the entrance to that harbor. Now, that work should be covered by the emergency appropriation of this character; but my suggestion to the War Department that some of the emergency fund be used for that purpose was met with the rejoinder that so long as there was any fund in the general appropriation for improvement to the credit of Holland Harbor this fund could not be used. Now, there is not a sufficient fund to the credit of that harbor to cover all the emergency work necessary. What I desire to know is whether any part of this \$3,000,000 can be appropriated for that work.

Mr. BURTON. I should say so, up to the \$50,000 limit. First, there would be used the amount on hand. To that would be added whatever is necessary to restore the channel to its normal condition, provided it did not exceed \$50,000.

Mr. WM. ALDEN SMITH. If I am not trespassing—

Mr. BURTON. Certainly not.

Mr. WM. ALDEN SMITH. I should like to say to the gentleman that in our plan for the improvement of Holland Harbor we provide for the widening and extension of the piers as well as the deepening of the channel.

Mr. BURTON. The money appropriated in this bill could not be expended for that.

Mr. WM. ALDEN SMITH. Now, the extension of the piers is absolutely essential to preventing the formation of the bar, and if the piers are extended all of the money available will be used up, the result being that we can not do the emergency dredging unless appropriation is made by Congress or we can get some out of this fund to remove that bar.

Mr. BURTON. No specific appropriation is made for this year. The money appropriated by this bill is to be expended according to the language which is found in this first section, which says: "With a view to preserving in their normal condition of efficiency existing channels and improvements."

Mr. WM. ALDEN SMITH. I understand. But suppose the local engineer should determine it was necessary to extend the piers from the fund now at his disposal.

Mr. BURTON. He might so utilize that fund, I take it.

Mr. WM. ALDEN SMITH. Then he could use a portion of the fund provided for in this bill?

Mr. BURTON. I can see no stronger case than that of a harbor closed up.

As regards the Coosa River also, it has seemed best to the committee to abandon the very elaborate plan for making that available to navigation by the construction of expensive locks and dams. This does not mean that we will not give most careful consideration to those reaches of the river where navigation, even on a limited draft, is possible; but it seemed to the committee surprising that any engineer could ever have recommended the very extensive system of locks and dams there, which would have cost more than \$10,000,000 for their completion. In this connection I think it well to say of some classes of improvements that it is well to wait and see whether others of the same kind prove to be profitable.

There is one known as the "Hennepin Canal," in Illinois, a very expensive improvement, that is fast proceeding to completion. There is another on Black Warrior River, in Alabama. Within a year or two we may be able to judge of the results of these very large expenditures there, and I should not wish to recommend increasing their number without further trial.

The CHAIRMAN. The Chair desires to state to the gentleman from Ohio that one hour has expired at this time.

Mr. BURTON. I did not suppose that I should occupy so much time when I began to speak.

The CHAIRMAN. The gentleman has thirty minutes remaining.

Mr. BURTON. I shall not occupy much more time. It would not be desirable to authorize others before we give a trial to these few projects of this particular character by which we can judge whether this class of improvements will be profitable.

Mr. SMALL. I should like to make a statement on which I desire to ask the gentleman a question. The distinguished chairman of the committee has referred to certain internal improvements along the Atlantic seaboard, particularly the inland waterway from Norfolk, Va., to Beaufort Inlet, North Carolina, which is the most important, because it avoids the dangers of Cape Hatteras. And there are various other waterways, one connecting Chesapeake Bay with Delaware River, and the Delaware with the Raritan River. Then the gentleman has referred to certain great projects of internal improvements in the Middle West—such, for instance, as the improvement of the Ohio River.

Now, I did not understand the gentleman to disparage all of those projects. I understood him to admit that there are merits in proposed internal waterways of both sections; but there is an implied doubt in his remarks as to whether the Government should undertake any one of those great projects, either along the way of the Atlantic seaboard or one of those projects in the West; for instance, the Ohio River, to which the gentleman referred. I desire now to ask the gentleman if he does not think it would be wise for the River and Harbor Committee, say in the next river and harbor appropriation bill, to favorably report one of these great projects, say one upon the Atlantic seaboard and another in the West, selecting the most meritorious, looking to a beginning of the development of the great arteries of commerce, one on the seaboard and the other in the West?

Mr. BURTON. I will say to the gentleman that we have already adopted representative projects. Many of them are incomplete. It is not worth while to take up a part of a work. It is best to complete what is commenced. In regard to the improvement the gentleman is most interested in, I have already said that it would be a useful channel for avoiding the outer passage along the very stormy coast of North Carolina, but it is estimated that it would be at an expense of \$10,000,000. It would seem that under present conditions the committee would not be justified in recommending so extensive a plan unless Congress should decide to adopt a very much larger scale of expenditure.

Mr. WILLIAMS of Mississippi. Do you think the present scale of expenditure, if it were doubled, is in keeping with the scale of expenditures for other things; and do you not think that the present scale of expenditures for improved navigation, which deepens the rivers and harbors, ought to be very much increased?

Mr. BURTON. To that question I should answer yes, with the qualifications I have already mentioned. It is extremely important that we should determine that no increase should be made on projects which are not necessary and that the money that is expended should not be wastefully used.

Mr. CLARK. Will the gentleman allow me to ask one further question?

Mr. BURTON. Certainly.

Mr. CLARK. Is not a very large part of the money appropriated for the deepening of rivers necessitated by the fact that the draft of ships has constantly increased?

Mr. BURTON. That is one reason.

Mr. CLARK. Now, I heard Mr. HEPBURN, of Iowa, make the suggestion a year or two ago to this effect, that the shipbuilders ought to be compelled to conform to our scheme instead of Congress always being called upon to conform to the plan of the shipbuilders. Is there not a good deal of sense in that suggestion of the gentleman from Iowa?

Mr. BURTON. I do not think it is the perversity of the shipbuilders that increases the draft of ocean-going boats. It is in accordance with an economic rule in regard to transportation. Boats are built on that model according to which they can carry freight most cheaply, and that decidedly favors the deeper draft of boats.

Mr. CLARK. Suppose they invent and build a ship of the draft of 50 feet? Would the chairman of the Committee on Rivers and Harbors think it is the duty of Congress to deepen the channels at New York and other harbors so as to admit that ship?

Mr. BURTON. I do not think that is quite a supposable case. It may be interesting to the gentleman to relate the fact that you can not at once greatly increase the draft or size of a boat with existing models without making her unwieldy or faulty in some particular. The best illustration of that is the *Great Eastern*, which was built of a size very greatly in advance of anything in her time, and she behaved badly, but in the course of years shipbuilders gradually built their boats up to a size even larger than

the *Great Eastern*, and these large boats were just as easily managed and as safe or safer than the smaller ones which were in vogue at the time the *Great Eastern* was built. The growth in the size of boats is likely to be gradual.

Mr. GAINES of Tennessee. Can the gentleman from Ohio inform the House about how much it will take to complete the river and harbor improvements as mapped out or planned?

Mr. BURTON. Well, I stated earlier that there are \$137,000,000 of estimates to complete those already in progress.

Mr. GAINES of Tennessee. How much money will it take to complete those that have been examined for the purpose of improving?

Mr. BURTON. I already stated. I think the gentleman must have been out—

Mr. GAINES of Tennessee. I was.

Mr. BURTON. That the sum is so great as almost to stagger us—a billion of dollars.

Mr. GAINES of Tennessee. About how long would it take if we had all the money to do the work?

Mr. BURTON. It is very hard to tell; certainly twenty or thirty years.

Mr. HITCHCOCK. I would like to ask the chairman of the Committee on Rivers and Harbors if he does not think it is somewhat out of proportion for Congress to appropriate \$3,000,000 for internal improvements of this sort and \$20,000,000 for an increase of the Navy?

Mr. BURTON. Well, that is a question upon which I can not add anything to the gentleman's knowledge on the subject.

Mr. SMALL. We are very much interested in the improvement of the Cape Fear River, below Wilmington, as an illustration of what I wish to ask the gentleman—

Mr. BURTON. Yes.

Mr. SMALL. Now, \$3,000,000 is appropriated here which is to be expended in the discretion of the Secretary of War, by the advice of the Chief of Engineers, but primarily by the advice of the district engineer. Suppose all of the requests, many or all of which seem to be meritorious, amount to more than \$3,000,000, is there no advisory action upon the part of the committee who have examined into this matter—

Mr. BURTON. I will state to the gentleman it will have its fair share. I will state that an estimate has been made that the cost of maintenance for another year of that river will be \$40,000, and it is probable that that sum will be available. Of course, I can not bind the War Department by anything that I may say, but I will say to the gentleman that the Cape Fear River below Wilmington was one of numerous projects which were under consideration when the amount in this bill was fixed.

Mr. DE ARMOND. Mr. Chairman, I would like to ask the gentleman in charge of this bill why it is that no river and harbor bill is reported this session?

Mr. BURTON. I would state that the reason is one I have already stated—that there is a very large amount on hand already appropriated, amounting to about \$38,000,000, which is unexpended, to which will be added \$8,000,000 by the sundry civil bill, making in all \$46,000,000.

Mr. DE ARMOND. Is that the only reason?

Mr. BURTON. That is a sufficient reason, I think.

Mr. DE ARMOND. Could you not give us the others or tell us one of them?

Mr. BURTON. When there is one good and sufficient reason I think it is mere surplusage to give any more.

Mr. DE ARMOND. I supposed there was at least one other "good and sufficient" reason. May I ask the gentleman another question?

Mr. BURTON. I will say to the gentleman from Missouri that the reason given is the one I have relied upon in this connection.

Mr. DE ARMOND. May I ask the gentleman another question? How does it happen the committee reports here merely a recommendation of the appropriation of a lump sum without saying anything about how it shall be used?

Mr. BURTON. I will say in answer to the gentleman from Missouri that I think the expenditure of the money is very carefully guarded here. Money can only be spent on the recommendation of the local engineer, the Chief of Engineers, and the Secretary of War—not more than \$50,000 in any case.

Mr. DE ARMOND. Is not that really a complete abnegation by the House, a complete transfer to the War Department of the disposition of this matter?

Mr. BURTON. I do not think so in the sense in which the gentleman asks the question. I should like to see for one year this method tried for the maintenance of river and harbor improvements. I do not believe in permanently giving control to the War Department. I would state that in the past there have been emergency provisions in 1900 and 1902, and amounts appropriated in those years have been expended by the War Department. They have acted judiciously and well. I am satisfied that they have.

Mr. DE ARMOND. Is not the Committee on Rivers and Harbors merely a superfluity, if that is to be done?

Mr. BURTON. That may be.

Mr. DE ARMOND. Is there any use for it? Is there any use for the Committee on Rivers and Harbors if appropriations are to be made in that way?

Mr. BURTON. Oh, I think there is. Of course there may be a difference of opinion in the House as to that.

Mr. DE ARMOND. What practical reason is there for giving the House the benefit of the gentleman's information on these subjects, when the House is to take no action on them at all, but everything is to be left to the Secretary of War? The gentleman has made a good speech, but is it not a superfluous speech unless it is intended for the Secretary of War?

Mr. BURTON. I think very likely it is. [Laughter.] I will say to the gentleman that I had intended to make no remarks at all when I thought of bringing in the bill. [Laughter.]

Mr. DE ARMOND. Is not the gentleman really making his speech by way of advising the Secretary of War?

Mr. BURTON. Oh, I do not think so. I have never found any lack of readiness there to listen to reasonable suggestions either from other Members or from myself.

Mr. DE ARMOND. Of course the speech can not be made to guide the House in voting on these things since the appropriation is to be in bulk.

Mr. BURTON. The appropriation is for \$3,000,000.

Mr. DE ARMOND. It is a matter of indifference to the Members of the House, if the appropriation is to be made, as to whether some good project ought to have \$40,000 or \$50,000 or a \$1,000,000, inasmuch as it is to be left to the discretion of the Secretary of War.

Mr. BURTON. I will state that the committee considered very carefully specific projects where there was urgency. This amount of \$50,000 was decided upon after a full survey of the field. The reason for not naming specific projects is plain. If we had commenced with one, we might as well have framed a river and harbor bill. We had this \$46,000,000 on hand, and what was the use of passing a river and harbor bill when that amount was yet on hand?

Mr. DE ARMOND. With \$46,000,000 to deal with, would it not be well to specify what should be done with it?

Mr. BURTON. That has already been done as to every item.

Mr. DE ARMOND. Is it not well enough to specify what is to be done with the three millions?

Mr. BURTON. I do not think so, because contingencies may arise in some cases that will be serious in their nature, and they will have part of this money. In other cases they will not need a dollar. This probably will be divided among some 200 projects, perhaps not so many. That is a mere conjecture—a guess.

Mr. DE ARMOND. It might be 400, might it not?

Mr. BURTON. There would not be as many as 400.

Mr. DE ARMOND. If this is a good plan of appropriation now, why isn't it a good plan to simply determine how much should be given, and then let the Secretary of War disburse it as he thinks proper?

Mr. BURTON. I do not think it is a good plan generally.

Mr. DE ARMOND. Why isn't it good for forty-six millions as well as for three millions?

Mr. BURTON. Of course the forty-six millions is a matter of the past. That has been specifically appropriated for certain projects. I do not think it is best to relegate to an Executive Department the permanent control of any appropriation.

I will say to the gentleman from Missouri [Mr. DE ARMOND] that there is a very much worse feature of the law, that has existed for twenty years, than that which is here. It authorizes the War Department to expend money for the maintenance of locks and dams, canalized rivers and canals, upon their mere warrant on the Treasury. I have already pointed out to-day some instances in which undue amounts have been expended in that way. It seemed best to Congress in 1884, which was at a time when the present dominant party was not in power in this House, to pass a bill giving to the War Department full authority in the disbursement of money for the purposes named, amounting at times to a million or two millions a year, and that has continued for twenty years without any attempt to repeal the law.

Mr. DE ARMOND. Why is it that the attempt to repeal it was not made after the party then in power passed out of power and the party now in power passed into power?

Mr. BURTON. It was because the provision of the law was thought to work well, I take it. I have known very little criticism of it. I have made some little criticism to-day, it is true, but I have not known of any especial objection to that manner of disbursing public money.

Mr. DE ARMOND. I will ask the gentleman whether his committee considers that this provision ought to remain in the law?

Mr. BURTON. The one of 1884?

Mr. DE ARMOND. Yes.

Mr. BURTON. I should think so. However, I would say that we will give it some attention between now and next winter, to determine whether there should not be some modifications in it.

Mr. DE ARMOND. Does not the gentleman think his criticism of it, in view of the fact that his committee has expended some \$46,000,000 in the way in which he states and he now appropriates a lump sum of \$3,000,000, is unfounded?

Mr. BURTON. I do not think so.

Mr. DE ARMOND. I understood the gentleman to say that there was a much worse provision in the law as it existed for twenty years heretofore than that which is here in this bill?

Mr. BURTON. Because of the larger authority and because it spread over a longer time.

Mr. DE ARMOND. And yet the gentleman regards the plan as a good one.

Mr. BURTON. It has its good features.

Mr. DE ARMOND. Then why does not the gentleman concede that that was as good a provision as this, instead of being worse?

Mr. BURTON. I think that is a mere play upon words.

Mr. DE ARMOND. Oh, no.

Mr. BURTON. Under that provision they are authorized to expend not merely \$50,000, but \$200,000 or \$300,000, on a single project, year after year, and do not need to come to Congress at all.

Mr. DE ARMOND. I understood the gentleman to be criticising that—

Mr. BURTON. I have criticised it—

Mr. DE ARMOND. As being worse than this. Now, if this is not a bad provision, how can that be worse than this, this being good?

Mr. BURTON. I thought I had made that clear. It is bad in some of its applications, but not in its general scope.

Mr. DE ARMOND. Then let me ask whether the gentleman's committee has any plan to propose in connection with this bill, which is a very brief measure and might easily bear some small amendment, to reform that measure in the particular in which it is bad?

Mr. BURTON. I think not.

Mr. DE ARMOND. Then I will ask why?

Mr. BURTON. I will say "no."

Mr. DE ARMOND. I ask why?

Mr. BURTON. Because I regard it as a subject which should be taken up when the whole general bill is being considered. I am not able to state with absolute confidence that it ought to be modified. My attention was called to it especially by these figures, which only came to me on Saturday and which I have given to the House to-day. I can hardly be expected to decide between Saturday night and Monday morning whether a law passed by a Democratic House of Representatives and which has been in force for twenty years should be repealed or not.

Mr. DE ARMOND. Does the gentleman tell us that, having been at the head of this committee so long as he has, he only got his information about the operation of this law last Saturday?

Mr. BURTON. By no means. I have had knowledge of this matter for years. But I have only recently learned of the excessive amounts which were expended on certain projects.

Mr. DE ARMOND. You have only learned of certain abuses?

Mr. BURTON. I would say that perhaps—

Mr. DE ARMOND. Well, then, apparently at the time the law was passed and under the Administration which passed it there were no abuses that the gentleman has learned of?

Mr. BURTON. I would not be ready to give an affirmative answer to that.

Mr. DE ARMOND. None that you have heard of?

Mr. BURTON. I could not say that I know of no extravagance in those prior decades; for instance, the very large amounts expended on those locks and dams in the Kentucky River. If there is extravagance now, there was, no doubt, extravagance then.

Mr. DE ARMOND. And this came to the gentleman's knowledge only on Saturday?

Mr. BURTON. The statement containing the figures was brought to the committee room on Saturday. It should be noted that members of our committee have no more to do with these permanent annual appropriations for locks and dams than any other Members of the House.

Mr. DE ARMOND. Of course, then, in view of the fact of this information having come to the gentleman so late as Saturday, it would be premature to ask him to propose or assent in any legislation on this subject now. But can he tell us what amount of the money appropriated in this bill—some three millions—will be devoted to any particular enterprise?

Mr. BURTON. Not over \$50,000 to any one.

Mr. DE ARMOND. Can the gentleman tell us which one will receive the benefit of such an appropriation?

Mr. BURTON. I can not, because of course that fact depends on contingencies or exigencies not now foreseen.

Mr. DE ARMOND. Does it not depend upon the judgment of the Secretary of War, or somebody else in that Department?

Mr. BURTON. It depends upon the judgment of the local engineers, the Chief of Engineers, and the Secretary of War; and I have not the least doubt that their judgment will be intelligently exercised.

Mr. DE ARMOND again rose.

Mr. BURTON. I must decline to yield further, as I have so little time left.

Mr. DE ARMOND. Just one more question. Could not the committee have fixed any of these amounts?

Mr. BURTON. They could.

Mr. DE ARMOND. Then why did they not fix those that could be fixed, leaving others to the contingencies of which the gentleman speaks?

Mr. BURTON. Because if we had undertaken to fix even one, it would not have been easy to discriminate between that one case and the whole field.

Mr. DE ARMOND. So the committee decided to avoid doing those things which they could do, because of the fact that there were many other things which they could not do. [Laughter.]

Mr. BURTON. That seems to me a rhetorical quibble rather than anything else.

Mr. THOMAS of North Carolina. I hope the gentleman from Ohio, the chairman of the committee [Mr. BURTON], will yield to me for one question. Representing, as I do, like my colleague from the First district [Mr. SMALL], one of the coast districts of North Carolina, I am interested locally not only in the maintenance and improvement of existing channels, but I am also interested in some new projects. I do not know whether the gentleman has said anything in his speech upon this subject or not, but I would like to ask him whether it was the general policy of the committee to omit surveys for new projects?

Mr. BURTON. Absolutely to omit all surveys—

Mr. THOMAS of North Carolina. I would ask the gentleman if that is in view of the pressure of the work on the Corps of Engineers at this time?

Mr. BURTON. I will answer that. Requests were made for more than 100 surveys. Some of those could have been easily made, but there are arguments against surveys which, it seems to me, are unanswerable.

In the first place, with this great aggregate of hundreds of millions for projects before us already, is it not best to finish what we have on hand before we go on to others?

Next, the engineering force is confessedly inadequate. They give preference to surveys, and if we should order a hundred or even fifty surveys, other work would be suspended, much of it, and other duties neglected. If we should ask them about it, they would give the very valid reason, "Why, you directed us to make surveys, and we had to give our time to that work."

Mr. THOMAS of North Carolina. As the gentleman knows, I am interested in obtaining a survey of the river known as the "North East River," running through Duplin County, in my district, upon which a new steamer has lately been placed, navigating the river to Wilmington, the improvement of which is most desirable, and also other surveys in my district, in Carteret and other counties. The gentleman knows I have strongly urged favorable action upon these surveys as well as upon existing projects in my district.

Mr. BURTON. I would say to the gentleman that at least a hundred surveys have been pressed upon us, some with a great degree of urgency. I have no doubt the gentleman's projects are very worthy.

Mr. HEPBURN. Will the gentleman permit me to ask the object that he had in recommending the legislation that is found in section 2:

SEC. 2. That in all cases in which appropriations or authorizations have heretofore been made for the completion of river and harbor works the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, apply such amounts as have been appropriated or authorized for the prosecution of such work.

Mr. BURTON. Because in some cases the amount appropriated and authorized is not sufficient to complete the work. That is due, as I stated earlier in the day, not to any blunder of the engineer officer who made the estimate, but to the increase in the cost of labor and materials. In some instances a contract can not be made to complete the work, but it could be made at a slight excess above the limit. I will give one illustration, the Passaic River, on which Newark is situated. They found the estimates too small. The greater cost was due to the necessity of carrying the spoil, or dredged material, some considerable distance from the locality in which the dredges would work. That whole enterprise had to be suspended because the amount was not sufficient. They even had to come here and apply for some of this emergency

fund. Briefly speaking, it is due to a condition which everyone understands, the increase in the cost of labor and material.

Mr. GAINES of Tennessee. I have been informed that we have not enough engineers to do the work.

Mr. BURTON. I have already treated of that subject, if the gentleman from Tennessee had listened.

Mr. GAINES of Tennessee. I certainly would have listened if I had been in the Chamber.

Mr. BURTON. The army appropriation bill provides for a considerable increase in the force. Whether that will be adequate or not I can not tell.

Mr. GAINES of Tennessee. How is that now the case, when heretofore we have had enough?

Mr. BURTON. There has not been an adequate number since 1898 or 1900.

Mr. GAINES of Tennessee. The lack of engineers to do the work, then, causes this \$46,000,000 to remain in the Treasury?

Mr. BURTON. That is a part of the cause. It is not the only cause. Another cause is that they have advertised for bids on public works and have thought the bids were too high, and have refused to accept them.

I will state that the demands have been increasing on the engineer force. They are in great demand for a number of things. The standing of the corps is very high. They are called upon for the supervision of public buildings and grounds here in the city of Washington, for consultation about the laying out of parks and roadways, and a variety of demands have recently been made upon them which were not so frequent in the past. I have already spoken of their duties which more nearly pertain to the Army proper.

Mr. DALZELL. I should like to ask the gentleman a question. The gentleman is familiar with the condition of certain locks and dams in the Monongahela River as being greatly in need of repair, and possibly in one or two cases in need of being entirely rebuilt. Is there any portion of the money appropriated by this bill that will be applicable to the repair of those locks and dams?

Mr. BURTON. I would state to the gentleman from Pennsylvania that so far as repair work is concerned they can make an unlimited draft upon the Treasury. Over \$200,000, as I have already stated, was expended for maintenance and repairs on that one river and the locks and dams in it last year; nearly half as much as is shown in a statement furnished me, which seeks to give appropriations for maintenance of all the harbors in the United States. I will add the statement to my remarks. What they need, however, is not repair, but absolute rebuilding in several cases.

Mr. DALZELL. Will any of this money be applicable for rebuilding?

Mr. BURTON. It will not. I concede the urgency of that work; but in view of the fact that more money has been recently spent in that locality than in any other, much more than in New York, or Galveston, or Cleveland, or Buffalo, and in view of the further fact that as against millions in other places only \$6,000 has been expended by local communities in that vicinity, it would seem that there should be some contribution there. Three things appear: First, a larger amount of appropriations in the vicinity of Pittsburgh than for any city while I have been a member of this committee; second, a smaller participation in expenditures than by any city of prominence (I will file a comparative statement upon these points also); third, that of the traffic benefited by these improvements two-thirds does not go beyond Pittsburgh.

Mr. DALZELL. About 65 per cent.

Mr. BURTON. I see that the Republican State convention, which I suppose is a great factor in the affairs there, speaks of the necessity for national and State action in reference to the improvement of internal waterways. I suppose that is an announcement that they should do something for themselves.

I say this without the least disposition to reflect upon the people of that community, but I do not think I should be doing my duty to the House or the committee if I did not say it was about time for them to act.

I will say in conclusion, Mr. Chairman, that there is no appropriation bill that is brought in here the items of which are more carefully scrutinized than those of the river and harbor bill. There is no measure where vigilance is more carefully exercised for economy, and in the execution of the river and harbor work by the engineer force there is the highest standard alike of ability and honesty.

In one case there was a serious defalcation, due to the dishonesty of an engineer officer, but he was convicted and has served his term in the penitentiary, and the exception proves the rule rather than otherwise. Further, I wish to say that this sum, less than \$20,000,000, confers a larger benefit on the country than any similar sum expended for any branch of the public service. [Loud applause.]

TABLE A. EXPENDITURES FOR RIVERS AND HARBORS—CERTAIN YEARS.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, February 11, 1904.

SIR: In compliance with your request of this morning, I inclose herewith a statement showing the expenditures for river and harbor improvements for the fiscal years 1851, 1861, 1871, 1881, and for each year thereafter to and including 1903.

Very respectfully, W. F. MACLENNAN, Chief of Division of Bookkeeping and Warrants.

Hon. THEODORE E. BURTON, Chairman Committee on Rivers and Harbors, House of Representatives.

Total expenditures for rivers and harbors.

Table with 2 columns: Fiscal year and Amount. Lists expenditures from 1851 to 1890.

TABLE B. EXPENDITURES FOR RIVERS AND HARBORS, 1903.

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS, Washington, April 7, 1904.

SIR: In response to your oral request of yesterday, I have the honor to transmit inclosed a statement of the amounts expended during the fiscal year ending June 30, 1903, on maintenance of river and harbor works. It should be noted, however, that this statement is approximate only, time not having permitted great accuracy.

Very respectfully, your obedient servant, A. MACKENZIE, Brigadier-General, Chief of Engineers, U. S. Army.

Hon. T. E. BURTON, Chairman Committee on Rivers and Harbors, United States House of Representatives.

Approximate statement of amounts expended during the fiscal year ending June 30, 1903, on maintenance of river and harbor works.

HARBORS AND RIVERS.

Table with 4 columns: Harbors, Amount, Rivers, Amount. Lists various harbors and rivers with their respective expenditures.

Approximate statement of amounts expended, etc.—Continued. HARBORS AND RIVERS—continued.

Table with 4 columns: Harbors, Amount, Rivers, Amount. Continues the list of harbors and rivers from the previous table.

Approximate statement of amounts expended, etc.—Continued.

HARBORS AND RIVERS—continued.

Harbors.	Amount.	Rivers.	Amount.
Grays Harbor, Wash.....	\$21,000.00	Columbia River, Oreg., Vancouver to Willamette River.....	\$1,603.65
		Willamette and Yamhill.....	12,623.78
		Willamette and Columbia.....	75,911.63
		Willapa River, Wash.....	1,430.58
		Puget Sound tributaries.....	13,834.90
		Swinomish Slough, Wash.....	8,317.96
	489,262.49		772,315.19

LOCKS AND DAMS, ETC.

Location.	Amount.	Location.	Amount.
Coosa River, Ga. and Ala. Black Warrior and Warrior rivers, Ala.....	\$22,638.72	Kentucky River, Ky.....	\$119,355.43
Morgan Canal, Tex.....	4,965.45	Louisville and Portland Canal.....	85,937.58
Des Moines Rapids Canal and dry dock.....	40,623.37	Wabash River, Ill. and Ind.....	2,119.52
Illinois and Mississippi Canal, around lower rapids of Rock River at Milan, Ill.....	11,398.94	Green and Barren rivers, Ky.....	50,281.49
Galena River improvement, Ill.....	2,937.27	Rough River, Ky.....	843.78
Reservoirs at headwater Mississippi River.....	10,854.63	Keweenaw Waterway, Mich.....	9,000.00
Muscle Shoals Canal, Tennessee River.....	85,186.52	Sturgeon Bay and Lake Michigan Ship Canal, Wis.....	7,345.15
Monongahela River, Pa.....	238,816.16	Fox River, Wis.....	68,482.59
Davis Island Dam, Ohio River.....	43,267.74	Lagrange and Kamps-ville locks, Illinois River.....	11,411.46
Herr Island Dam, Allegheny River.....	5,233.62	St. Marys Falls Canal, Mich.....	83,876.80
Little Kanawha River, W. Va.....	2,083.97	St. Clair Flats Canal, Mich.....	5,975.85
Kanawha River, W. Va.....	74,389.63	Cascades Canal, Columbia River, Oreg.....	6,840.31
Muskingum River, Ohio.....	43,448.89	Yamhill River, Oreg.....	4,067.33
Big Sandy River, W. Va. and Ky.....	4,170.97		1,089,250.50

PERMANENT APPROPRIATIONS.

Operating snag and dredge boats on upper Mississippi River.....	\$25,000.00	Maintenance, South Pass, Mississippi River.....	\$108,861.20
Removing obstructions, Mississippi River.....	72,587.48	Operating snag boats, Ohio River.....	32,655.08

RECAPITULATION.

Approximate statement of amounts expended during the fiscal year ending June 30, 1903, on maintenance of river and harbor works, including operating and care of canals, etc., and expenditures from certain permanent appropriations.

On rivers.....	\$772,315.19
On harbors.....	489,262.49
Operating and care of canals, etc.....	1,061,515.05
Permanent appropriations:	
Operating snag and dredge boats, upper Mississippi River.....	25,000.00
Removing obstructions, Mississippi River.....	72,587.48
Maintenance of South Pass, Mississippi River.....	108,861.20
Operating snag boats, Ohio River.....	32,655.08
Total.....	2,592,196.49

TABLE C.

RIVERS AND HARBORS—COMPARISON OF EXPENDITURES.

Statement of appropriations by the United States Government at and in the vicinity of leading points from January 1, 1896, to June 30, 1902, and of expenditures to date by municipalities for improvement of rivers and harbors.

	United States Government.	Municipalities.
Pittsburg and vicinity, including Allegheny and Monongahela rivers in Pennsylvania and Ohio River to the State line.....	\$7,902,834.36	\$6,000.00
Same, including Monongahela River in West Virginia.....	9,032,834.36	6,000.00
New York and vicinity, including all harbors within a radius of 50 miles to Greenwich and Norwalk, Conn.; Hudson River to Albany; all harbors on the Hudson, and improvements in New Jersey within a radius of 50 miles.....	5,297,160.00	(a)
Galveston and vicinity.....	5,103,500.00	100,000.00
Philadelphia and vicinity.....	3,787,896.00	1,343,632.36
Buffalo and vicinity, including Dunkirk and the Niagara.....	3,449,153.25	(a)
Cleveland and vicinity, including the harbors at Ashtabula, Fairport, Huron, Lorain, Port Clinton, Sandusky, and Vermilion.....	3,429,434.72	2,723,865.00
Cleveland alone.....	1,706,000.00	2,277,765.00
Chicago and vicinity, including Calumet and harbors to Kenosha, Wis., on one side, and Michigan City, Ind., on the other.....	2,781,807.00	(b)
Baltimore and vicinity.....	2,354,665.00	2,397,408.25

(a) Large sum expended; amount not ascertainable.
 (b) Large sum expended by cities and the Chicago Drainage Canal Commission; amount not ascertainable.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

- S. 5047. An act granting certain lands to the Diocese of Duluth for mission purposes;
- S. 4938. An act regulating the use of telegraph wires in the District of Columbia;
- S. 4375. An act to amend section 24 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce;"
- S. 4334. An act for the relief of the administrator of the estate of Gotlob Groezinger;
- S. 4119. An act to refer the claims for the Saugus and Napa to the Court of Claims;
- S. 3035. An act supplemental to and amendatory of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900;
- S. 5438. An act making an appropriation to supply a deficiency in the contingent fund of the United States Senate; and
- S. R. 68. Joint resolution to provide for opening to the public free of charge the Lincoln Museum in the District of Columbia.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 372) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

- H. R. 14110. An act to authorize the donation of a certain unused and obsolete gun now at Chickamauga Park, Ga., to Phil Kearney Post of the Grand Army of the Republic, at Nelsonville, Ohio;

- H. R. 10007. An act to authorize the Commissioner of the General Land Office to transmit original papers to be used as evidence;
- H. R. 6937. An act for the relief of the estate of Elizabeth S. Cushing;

H. R. 1924. An act authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers; and

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

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 9256) granting an increase of pension to Enoch Stahler 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. McCUMBER, Mr. SCOTT, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8925) granting an increase of pension to John Weaver 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. McCUMBER, Mr. SCOTT, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 276) to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Capts. Meriwether Lewis and William Clark in the years 1804, 1805, and 1806, and for other purposes.

RIVER AND HARBOR IMPROVEMENTS.

The committee resumed its session. Mr. RANDELL of Louisiana. I yield twenty minutes to the gentleman from Texas [Mr. BURGESS].

Mr. BURGESS. Mr. Chairman, in the first session of the Fifty-seventh Congress, when the river and harbor bill was before this House, I took occasion then to say that, in my judgment, the people of the United States as a whole received more direct benefit from the money appropriated for the improvement of the harbors and waterways of the country than the same number of dollars appropriated in any other way. At that time I was not a member of the River and Harbor Committee. My service on that committee during this session, my presence at very many and interesting hearings upon projects all over the country, my subsequent thought and research in connection with my duties on that committee, have only intensely confirmed that opinion. The basic reason for the expenditure of the public money for the improvement of the ports and the rivers of the country is, in a breath, to cheapen and quicken transportation. The growth and development of all the products of these United States for the last few

years have been phenomenal. Railroads have pushed out everywhere. They have been drawn out everywhere by the increased production.

I judge that no thoughtful man is an enemy to railroad building or railroad development. No thoughtful man would seek to cripple them or confiscate them, but that every thoughtful man must recognize that the owners of railroads are not in business for their health; that patriotic considerations are not the moving impulse in the establishment of railroads, and that the owners of these great lines only do as we would if we owned them—namely, make the most out of our business opportunities. The transportation problem of the United States—internal, external, domestic, and foreign—is among the most pressing difficulties that confront the American people; one in which our present and our future prosperity and development are most intimately blended of all other problems, and that, in my judgment, which will most rapidly and effectively solve it for the benefit of the vast masses of consumers and producers is a liberal, generous, and wise appropriation of the public money in the improvement of the waterways and ports of this country. [Applause.]

Economy is a relative word. All thoughtful business men realize the wisdom of practicing economy in all their affairs. Parsimony, neglect, delay, niggardly doling out is not economy—far from it. The simplest study of the course of this Government for twenty years and the increased ratio of Government expenditures along other lines convinces any man who cares to look into it that the people have not been properly aroused to the necessity and the wisdom of river and harbor expenditures.

I have not time in twenty minutes to recount the facts, but I respectfully refer you to an address delivered by the master of this subject, the chairman of the River and Harbor Committee in the Fifty-seventh Congress, in which he compared the expenditures of the different governmental purposes seriatim with the expenditures for rivers and harbors. He tells us now, and who doubts his knowledge on the subject, that we are confronted with projects running into the hundreds of millions, and yet we are doling out at the rate of a paltry sum of less than \$20,000,000 per annum in the greatest country under the sun for that on which the vitality of our industrial and commercial life is dependent—quicker and cheaper transportation.

It may be that the cause of this is the proneness on the part of people to think all these appropriations are mere local snaps, merely to benefit a county or a town or private property owners or what not. This is far from the truth. If any man has a fear of that sort, let him banish it from his mind forever, so long as the River and Harbor Committee is constituted as it is now, and as I believe it will ever be, no matter who presides in the majority of this House, for no man will attempt, as chairman of that great committee, to permit the wasteful expenditure of the people's money upon projects not meritorious and not necessary to the country's interests. This chairman will not do it, nor will any other good man do it. In my judgment, the next river and harbor bill ought to be twice the size of any other river and harbor bill ever passed in the history of our country. [Applause.]

I believe those who study this subject and know of it ought to talk out. It is not a party question, and that is one of the happiest things about this great committee that makes this work especially pleasing to myself. It is a happy thought to me it does not make any difference whether I am from Texas or Maine, or whether I am from California or North Carolina; it does not make any difference what ticket is voted at any river or harbor or at any given port; it is a question of business needs, of business interests, and of commercial development, and doing the honest, square, manly thing. [Applause.] The country is to be congratulated that we have a chairman broad enough, great enough to recognize this truth and to abide by it in working them out to a practical solution. [Applause.]

I want, briefly, in the few minutes which remain to me, to call the attention of this House and the country to one of the most remarkable documents ever printed in the history of this Government in river and harbor work—a document that is a demonstration of the wisdom of river and harbor appropriations and also of the necessity of a vast increase.

Texas has no grounds of complaint toward this committee or this House in the expenditure of money relatively. She has been as fairly treated as any other section, and yet we are just entering upon projects of great development in that great State, the result of which no man can foresee. We have only one great gulf port. Up to date, in the aggregate about \$8,000,000 have been expended by the Federal Government in making a safe, deep harbor at the island of Galveston, upon which rests the city of Galveston. On the 8th day of September, 1900, a storm, the like of which was never known in American history, swept that city, destroyed millions of dollars' worth of property, washed away two blocks of land along the gulf shore for quite a distance, and swept into eternity 10,000 lives—men, women, and children. They were dazed by that calamity, but they went to work seek-

ing some means of protecting themselves in the future against any such recurrence.

They got permission or grant from the State of Texas to be free of taxes for fifteen years. They bonded the city and the county to the limit. They issued bonds for the building, and recently completed for two miles and a half connecting with the south jetty along the gulf shore, of a sea wall 17 feet high with great granite blocks and riprap to protect the force of the waves against it on the gulf side, and they are now entering into a project of raising the island to the height of the wall, so as to raise ultimately the grade of the city to protect it forever against any danger of a recurring storm. I have mentioned this as an incident which gives rise to a document here which I shall briefly read. The Government, immediately west of the city properly and adjoining it, owns 3,300 feet of a reservation upon which fortifications exist, and it was proposed that this Congress, if possible, should be induced to make an appropriation to continue that wall, so that in the last river and harbor act a provision was inserted which required a board of engineers to investigate and make a report on these points:

And prepare plans and estimates for the protection of the port of Galveston and the property of the United States located on Galveston Island from excessive storms, by a breakwater or other means, and submit the same with a report upon the feasibility, advisability, and cost thereof, and the probable effect of such improvement upon the general condition of that port and its commerce.

That last is the important part of it—"and the probable effect of such improvement upon the general condition of that port and its commerce." That board, by authority of that act, was created by the order of the Secretary of War and entered into that investigation, compiled its report, which is part of Appendix W of the Annual Report of the Chief of Engineers for 1903, and is contained on pages 1348 to 1361 of volume 2 of the Report of Engineers for 1903. All of that is interesting, and I will be glad to have the Members, if they have the time in the multitude of their other duties, to look this matter up and read it, though it is likely they will not have that time. Now, I wish to read briefly some extracts from it. The personnel of the board was of a high character. It was composed of Lieutenant-Colonel Adams, of the Corps of Engineers; Major Derby, of the Corps of Engineers, and Captain Judson, of the Corps of Engineers, and the report was approved by Brigadier-General Gillespie, Chief of Engineers of the United States Army. They say as follows:

The effect of all the work above outlined upon the general condition of the port of Galveston, and upon its commerce, is difficult of exact determination. On the one hand there enters into the problem the probability of the recurrence of storms as destructive as that of 1800, and on the other hand there enters the moral effect of increased confidence inspired by a substantial sea wall, for it is perhaps true that capitalists to-day unduly hesitate to create on Galveston Island the facilities for a great commerce, without which facilities there can not be the economic handling and dispatch of the products naturally tributary to the port. In one sense the expenditures of a protective nature are insurance against the real chances of another catastrophe; in another sense they are required for moral, but no less urgent, reasons to reassure the minds of those who are now deterred from making investments or establishing residence at the port of Galveston. Protective works are essential in connection with the creation and maintenance of economic plants at Galveston for handling the vast quantities of grain, cotton, and other products there seeking export.

During the fiscal year ending June 30, 1900, there was exported from the United States to foreign countries a total of 311,238,673 bushels of wheat and corn, of which 21,656,630 bushels, or about 7 per cent, was exported by way of Galveston. When it is considered that 9 per cent of the population of the United States in Kansas, Nebraska, Colorado, Texas, Indian Territory, and Oklahoma raised on an average 25 per cent of the corn and wheat crops of 1898-99 it is readily understood that a relatively large percentage of the grain raised in the territory influenced by Galveston is surplus, and must be moved to a distant market. The average of the corn and wheat crops in that territory for 1898 and 1899 was approximately 667,134,027 bushels. It is not too much to say that the existence of the port of Galveston, influencing freight rates paid on grain moved east from Kansas City, and lowering directly the cost of marketing grain raised south and west of that point, places in the hands of the producers of the great region under consideration at least 1 cent for each bushel raised, or say \$6,000,000 per annum.

Considering the cotton crop of Texas alone, some study has convinced the board that a low estimate of the saving to producers in Texas alone, due to the existence of a deep-water port at Galveston, is 66¢ cents per bale, or about \$2,000,000 per annum.

Taking into account the cotton-seed products, coal, ore, lumber, and general merchandise, as well as the special products above mentioned, it is believed that a conservative estimate of the value to the country of the present improved port at Galveston is more than \$10,000,000 per annum. The latter sum certainly represents a minimum of what would be lost annually to the community if Galveston ceased to exist to-day as a deep-water port. Moreover, the construction of protective works at Galveston may reasonably be expected to increase confidence and induce the installation of plant to handle other freights, such as cattle, meats, and flour; to lead to the cheaper handling of products now exported; to reduce insurance and ocean freight rates, and to attract other railroads to Galveston, thus tending to increase the competition among interior lines and widen the beneficial influence of this valuable port.

Attention is also invited to a letter, which I shall ask permission to append as a part of my remarks, from the secretary of the Galveston Chamber of Commerce, bearing further upon this proposition, which contains some additional interesting data. Now, then, this is not a theory. This is an accomplished fact. This is not the prophecy of some promotor of some contemplated improvement. This is a statement of business men facing an accomplished improvement and giving estimates of what its value

and worth to the country has been per year. That this must grow, that this must increase, that the ratio of benefit to the country must grow year by year, must occur to the most casual observer from a knowledge of the fact that the great increasing wheat fields and cotton fields of the country lie mainly tributary to this great export port. The history of the port of New Orleans, the other great Gulf port, is but a parallel to this, and these two ports have jumped in less than five years to the enormous export of more than \$300,000,000 per year, reaching away up into the great Northwest.

APPENDIX.

[Inclosure No. 2.]

LETTER OF THE GALVESTON (TEX.) CHAMBER OF COMMERCE—EFFECT OF DEEP WATER ON COMMERCE THROUGH GALVESTON.

GALVESTON CHAMBER OF COMMERCE,
Galveston, Tex., December 12, 1903.

MY DEAR COLONEL: As I advised you verbally, it is the hardest thing in the world to make thus hastily an accurate estimate in dollars and cents which the securing of deep water at this port has had on the traffic moving through Galveston. The effect has been so far-reaching that the longer we consider it the more incomprehensible the total grows.

In a general way, it may be said that the increased carrying capacity and superior character of the vessels have now reduced largely the items formerly paid for insurance, pilotage, dockage, and various other port expenses, to say nothing of the entire elimination of lighterage charges. Without specification, it also goes without saying that the rates on all classes of merchandise moving to and from Texas, Indian Territory, Oklahoma Territory, Missouri River, Kansas, Colorado, Utah, New Mexico, Arizona, and California have been very materially reduced. Rates between Atlantic seaboard and all of above territory were formerly made lowest combination of locals through Mississippi River crossings, but now the bulk of the freight, including vast quantities of sugar from New York even to Missouri River points, is handled through Galveston at lower rates than those applying via all rail and other water and rail routes. Indeed, the rates from Atlantic seaboard to California are now precisely the same as those applying from Chicago, while formerly there was quite a difference in favor of the more westerly territory.

However, if we can not give any adequate idea of the entire saving on this account, we may be able to fairly approximate it on a few of our staple commodities, such as cotton, cotton-seed products, grain, and grain products.

Cotton.—The average crop of Texas and Indian and Oklahoma Territories, for the past four seasons, was 3,235,000 bales, but for our purposes let us call it 3,000,000 bales, distributed as follows: To domestic spinning points in Atlantic seaboard, 500,000 bales; to foreign points, 2,500,000 bales. The reduction in rates on domestic shipments since 1890 amounts to 5 cents per 100 pounds, or 25 cents per bale on 500,000 bales—equals \$125,000. The rate reduction on foreign cotton amounts to 10 cents per 100 pounds inland, and 20 cents per 100 pounds ocean, or total of \$1.50 per bale of 500 pounds, equal to \$3,750,000 on 2,500,000 bales.

Cotton-seed products.—Approximating 250,000 tons as the average annual exportation of cotton-seed meal and cake from Texas, with a saving in inland rate of \$1.30 per ton, and in the ocean rate of \$2 per ton since 1890, we get a total saving of \$3.30 per ton on 250,000 tons—equals \$825,000. Approximating 33,750 tons of cotton-seed oil as the average annual export from Texas, at a saving of \$1.75 per ton in the inland rate and \$2 per ton on the ocean rate, we get a saving of \$3.75 per ton on 33,750 tons—equals \$126,560.

Grain and grain products.—It is very difficult to give any adequate idea of the benefit which this port has been to the producer of grain and grain products, for the reason that it is so hard to determine, on short notice, the amount of such grain and grain products which has been exported through other ports.

In Kansas alone the wheat production in year 1900 was 82,488,655 bushels, while the consumption of that State was but 6,617,227 bushels, leaving a surplus for shipment of 75,871,428 bushels. In 1901 the wheat production of Kansas was 93,079,304 bushels, consumption 6,639,066 bushels, leaving a surplus for shipment of 86,440,238 bushels.

Let us take the year 1900 as an average for our purpose. Texas as well as Indian and Oklahoma Territories also had a surplus of wheat in that year; and, whether the entire surplus of Kansas moved through Galveston or not, it is quite certain that the rates applying via this port fixed the price which the farmer secured for his wheat, and to that extent benefited the producer. A very conservative estimate would place the saving in the inland rate from Kansas at 10 cents per 100 pounds, and in the ocean rate from Galveston an equal figure, making a total of 20 cents per 100 pounds, or 12 cents per bushel on 75,871,428 bushels, equals \$9,104,571; this on Kansas wheat alone, to say nothing about the wheat, corn, and flour from other States and Territories tributary to Galveston.

Conservative people estimate that when this port finally gets what is its due in the way of grain shipments, we will export via Galveston not less than 100,000,000 bushels of wheat and 100,000,000 bushels of corn annually.

It will thus be seen that the saving to the farmers of the territory west of the Mississippi River in one year is infinitely more than the entire expenditure of the Federal Government for the purpose of securing and maintaining a deep-water harbor at Galveston.

For your information along this line, I send you herewith extracts from the Galveston News trade edition of September 1, 1902, showing the exports and imports via Galveston. You will notice that while we are fourth in the matter of exports, we rank only thirty-fourth in the matter of imports. However, even in the latter we are gaining right along, and while it will be many years before we hold as high a rank on imports as on exports, still the fact that we now have first-class regular liners from nearly all important European ports, with stated sailing dates, is bound to have its effect in the turning of inbound cargo via this port instead of via Atlantic ports and New Orleans, as heretofore. The ships coming here can bring return cargoes for almost the same rates as are paid to Atlantic ports, and as the inland rates are so much less from here it is confidently expected to favorably and radically influence the situation within the next few years.

For your further information I give you below the mileage of the various railroad systems now entering Galveston.

Harriman system.

Southern Pacific, including Houston and Texas Central	Miles.	8,774
Houston East and West Texas		192
San Antonio and Aransas Pass		687

Union Pacific		9,653
		2,949

Total

<i>Gould system.</i>	
Missouri Pacific and Iron Mountain	5,651
International and Great Northern	1,001
Denver and Rio Grande	1,708
Rio Grande Western	670
Texas and Pacific	1,688
St. Louis Southwestern	1,202
Total	12,030

<i>Santa Fe system.</i>	
Santa Fe	8,584

<i>Missouri, Kansas and Texas system.</i>	
Missouri, Kansas and Texas	2,555

<i>Rock Island system.</i>	
Rock Island	5,780
Choctaw, Oklahoma and Gulf	1,171
To Galveston	290

Total	7,241
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The Rock Island is not yet a Galveston line, but contracts have been let for the construction of the road from Dallas to this port, and I inclose a clipping, taken from McClure's Magazine, showing that they, even now, advertise this port as their chief outlet. Note particularly the figures they give regarding the wheat, corn, cotton, gold, and silver produced in the section of the United States tributary to the Rock Island system.

I trust this brief outline may be of some service to you in presenting the matter in its true light.

Respectfully, yours,

J. H. JOHNSTON,
Secretary.

Col. WALTER GRESHAM,
Deep-Water Committee, Galveston, Tex.

Mr. BURGESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RANDELL of Louisiana. Mr. Chairman, I regret exceedingly that the pending bill is merely an emergency measure carrying a pittance of \$3,000,000. I favor a broad and liberal treatment of our rivers and harbors, and would rejoice if I could speak to-day in support of a bill carrying \$100,000,000 for the improvement of our internal and foreign commerce. A few years ago such a bill might have caused some adverse criticism, but I am convinced that the country is ready and anxious for it now, and would applaud its passage.

HEAVY PUBLIC EXPENDITURES.

Who dreamed of a hundred-million-dollar naval bill ten years ago? Yet we see it passed to-day with the hearty approval of the American people, who would not complain if it were much larger. We also see great increase in every kind of national expense, except rivers and harbors. We see nearly a billion dollars appropriated by every Congress and it does not stagger us, for we are a billion-dollar country. We have seen nearly a billion dollars expended by the military arm of our Government since the beginning of the Spanish war in 1898. Edward Atkinson, perhaps the greatest American statistician, put it thus:

At the lowest and most conservative estimate it is therefore proved that we have spent on the Spanish war \$300,000,000, on criminal aggression and passive warfare in the Philippine Islands \$600,000,000, making a total of \$900,000,000; and that before June 30, 1904, the total will stand at not less than \$1,000,000,000.

We have just decided to construct the Panama Canal at a cost of \$200,000,000. Many think it will be \$300,000,000 to \$400,000,000 before it is completed.

We have recently seen the State of New York vote \$101,000,000 to enlarge the Erie Canal, after having already spent over \$56,000,000 on its original construction and improvements. And only a few years ago Chicago spent \$38,000,000 for a sanitary and ship canal, joining Lake Michigan to the Gulf of Mexico. The American people are not afraid of large sums, but rather like them. Our Republican friends have been lavish—I might say reckless—of expense in everything except rivers and harbors, and as they are constantly returned to power the dear people must be satisfied.

NOT A POLITICAL QUESTION.

Mr. Chairman, I do not intend to interject any politics into this discussion. I am happy to say that the word "politics" is a forbidden one in the rooms of the Committee on Rivers and Harbors; but permit me to say, sir, that the policy I advocate is in perfect accord with the teachings of both great parties. Republicans have always advocated liberal expenditures for all kinds of public improvements. And the Democratic party, having in mind one of its proudest achievements, the purchase of the Mississippi River by its great founder, Thomas Jefferson, inserted in its national platform for the years 1892 and 1896 these words:

The Federal Government shall care for and improve the Mississippi River and other great waterways of the Republic so as to secure for the interior States easy and cheap transportation to tide water. When any waterway of the Republic is of sufficient importance to demand the aid of the Government such aid should be extended with a definite plan of continuous work until permanent improvement is secured.

The Democratic party is therefore as fully committed to a broad and liberal policy on this subject as its Republican opponent.

COMMERCE THE LIFELOOD OF THE NATION.

To my mind there is no more defensible and reasonable object for legislative aid than improving navigation. The lifeblood of a nation is its commerce. For every foot of added depth to the harbors of New York and Boston the farmer on the plains of the West gets an appreciable increase in the price of his wheat and corn, not only on what he ships abroad, but what he sells at home, for it is an axiom of political economy that the price of the surplus fixes the price of the whole. Before the great improvement of lake navigation—say in the sixties—wheat cost 29.61 cents per bushel from Chicago to New York by the Lakes and the Erie Canal and 46.10 cents by the all-rail route.

Now that a magnificent waterway—21 feet at its shallowest part—exists from Duluth and Chicago to Buffalo, the freight on a bushel of wheat from either of those cities to New York is 5.25 cents by lake and canal and 10.60 cents by rail. This is a saving to the farmer of from 25 to 35 cents per bushel on the rates of thirty-five years ago and over 5 cents per bushel on present rail rates. In other words, where it formerly cost 29.61 cents per bushel by water it now costs 5.25 cents—about one-sixth as much—and where rail rates were 46.10 cents they are now 10.60 cents—a little less than one-fourth. The cereal crop of the States immediately adjacent to the Lakes—Illinois, Indiana, Ohio, Wisconsin, Iowa, Minnesota, and Michigan—as shown by the census of 1900, was 2,204,000,000 bushels, and a saving of even 5 cents per bushel thereon in freights to seaboard meant for the farmers of those seven States a gain of \$110,000,000 per annum on the grain crop alone. But for the water transportation furnished by the Lakes and the Erie Canal that immense sum would have gone into the hands of the railroads, and a much greater sum annually from traffic of other kinds.

I have referred to only seven States adjacent to the Lakes, but it is a well-known fact that the Erie Canal, in conjunction with perfected channels in the Detroit, St. Clair, and St. Marys rivers, regulates and controls freights from the Mississippi River to the Atlantic and from the Lakes to the Gulf.

FAR-REACHING EFFECTS OF GREAT LAKES AND ERIE CANAL.

A great railroad man, the late Mr. Albert Fink, one of the highest authorities on transportation in the country, writing to Senator Windom some years ago, said:

DEAR SIR: In your letter of April 29 you asked me to explain the effect of the opening of navigation on the Lakes upon the rates of transportation charged by the railroads extending from the West to the interior of the Gulf States. You are aware that when the rates are reduced between Chicago and New York on account of the opening of the Erie Canal this reduction applies not only to Chicago, but to all interior cities (St. Louis, Indianapolis, Cincinnati) to New York.

If that was not the rule, the result would be that the roads running, say, from St. Louis, Indianapolis, and Cincinnati to Chicago, would carry the freight to Chicago, from which points low rates would take it to the East and leave the direct road from the interior points to the seaboard without any business. Hence, whenever the rates are reduced on account of the opening of navigation from Chicago and lake points, the same reduction is made from all interior cities, not only to New York, where the canal runs, but to Philadelphia and Baltimore. Although the latter cities have no direct water communication with the West, yet they receive the benefit as far as the railroad rates are concerned the same as if a canal were running from the Lakes direct to those cities, because whenever rates from Chicago to New York are reduced, it is necessary to reduce the rate from Chicago to Boston, Philadelphia, and Baltimore; otherwise the business would all go to New York.

The reduction of rates from Chicago and St. Louis to Baltimore causes a reduction in rate on shipments via Baltimore to Atlantic ports—Norfolk, Wilmington, Port Royal, Savannah, Brunswick, and Fernandina, etc.; and from there into the interior of the Atlantic and Gulf States—Augusta, Atlanta, Macon, Montgomery, Selma, etc. The roads running from Chicago and St. Louis via Louisville and Nashville, or Memphis and Chattanooga to the same points are obliged to follow the reductions made via the Baltimore route, and which were primarily made on account of the Erie Canal and the opening of navigation.

The same in regard to the west-bound business. When rates are reduced from New York to Chicago, the roads from New York to Louisville reduce their rates on shipments made by way of Louisville to Memphis, Nashville, Montgomery, Selma, etc., and the southern transportation lines via Norfolk, Wilmington, Charleston, Savannah, etc., have to reduce their rates to meet those made by northern lines to the same points.

It appears from the above statements that the Erie Canal and the lakes exercise their influence over the southern country until it reaches a line where low ocean rates made to the Gulf cities—Mobile, New Orleans, and Galveston—exercise their influence upon the rates to the adjacent interior points, so that it may be said that all the rail rates are kept in check by water transportation.

There need be no fear that extortionate rates will be charged by railroad companies; on the contrary, the fear is that water competition will be so effective as to prevent railroads from securing paying rates.

Very truly, yours,

HON. WILLIAM WINDOM,
Washington, D. C.

ALBERT FINK.

The correctness of this statement of Mr. Fink has never been questioned.

WISE STATESMANSHIP OF NEW YORK.

Now, while the United States has spent less than \$15,000,000 on the Detroit, St. Clair, and St. Marys rivers to perfect lake navigation, the Empire State has spent on the Erie Canal for the benefit of the entire nation, as shown by Mr. Fink, upward of \$56,000,000,

and is about to spend an additional \$101,000,000 to further improve its great waterway. Fairness, however, requires me to say that prior to 1882 tolls were charged on this canal, while the waters improved by Uncle Sam are always free.

It was a bold and marvelous undertaking when De Witt Clinton began the construction of 350 miles of an artificial water course, known as the "Erie Canal," in 1817, to finish it eight years later at a cost of \$7,600,000. But never was there a better investment or more enlightened statesmanship.

The wise men of New York have spent on their canal the enormous sum of \$56,000,000, asking no aid from the National Government, and its effects have been so beneficent that they decided last fall to spend nearly twice as much more—over \$100,000,000 this time—and quadruple its capacity. This sum is the largest single appropriation ever made for any single improvement in the history of the world, and the new canal is the greatest public work ever projected in North America. What a striking example this should be to Uncle Sam and how worthy of emulation.

MR. SMALL. Mr. Chairman, may I interrupt the gentleman a moment?

THE CHAIRMAN. Does the gentleman yield?

MR. RANSDALL of Louisiana. Certainly.

MR. SMALL. The gentleman has referred to the benefits to our internal commerce by opening up these waterways from the Lakes to the seaboard.

MR. RANSDALL of Louisiana. Yes.

MR. SMALL. I would ask the gentleman if he does not think these seaboard States are entitled to the same advantages by the opening up of these inland lines of communication along our coasts for the equalization and maintenance of a reasonable freight rate?

MR. RANSDALL of Louisiana. I rather think so; but I desire to call attention to the fact that the main advantage which Mr. Fink described so eloquently to Senator Windom resulted from the expenditure by the State of New York—not by the General Government—of some \$56,000,000 on the Erie Canal; and that State is going to expend another very large sum upon the same canal.

MR. SMALL. One hundred and one millions of dollars.

MR. RANSDALL of Louisiana. Yes; I am speaking now particularly of the Erie Canal. The State of New York has been doing something for the National Government. The whole nation is benefited. The Government has not done it. The Government did not feel able to do it.

MR. SMALL. I take it the gentleman is not advancing the proposition that it is the duty of the States to undertake these internal improvements?

MR. RANSDALL of Louisiana. No, sir; not at all.

MR. SMALL. The gentleman admits that the National Government should do that?

MR. RANSDALL of Louisiana. Yes.

MR. SMALL. I would ask him, in view of the fact that our coastwise trade is limited so largely by the hazards, for instance, on the North Carolina coast and other dangerous points on the Atlantic coast, if he does not think these inland waterways should be opened, so as to give these seaboard States the advantage of this cheap communication and lower traffic rates?

MR. RANSDALL of Louisiana. I think it would be a very good idea to do that when we get our expenditures and improvements to a point where we can do it. I am trying to reach that conclusion in my speech. I wish to see a very large increase of expenditures, and if we can get to that point I think we can take care of all these great projects that are really worthy of national assistance. I would like to see that done. I think this nation is great enough and strong enough and has money enough to take care of all of them.

MR. SMALL. Then, if the limit of our expenditures for river and harbor improvement can be increased, the gentleman thinks that these waterways along the Atlantic Ocean should be opened?

MR. RANSDALL of Louisiana. I do most assuredly. I believe it should be done.

GREAT ENTERPRISE OF CANADA IN CANALS.

Another shining example from the same locality, but across the Canadian border, and one it behooves the United States to watch with jealous eyes, is the project of the Montreal, Ottawa and Georgian Bay Canal Company to construct a waterway 22 feet deep from Lake Huron, through Georgian Bay and the Ottawa River, to the St. Lawrence River, near Montreal.

This will place all points on Lakes Michigan and Superior 400 miles nearer to the sea than by any other existing water route, and will enable seagoing vessels to ply between the Great Lakes and the ocean—to load their cargoes at Chicago, Milwaukee, or Duluth and discharge them at Liverpool, Hamburg, or Hongkong. The company expects to begin this herculean work during

the coming year, and will spend from eighty to ninety millions on it. When completed, New York, Boston, Philadelphia, and Baltimore can look well to their laurels as shipping points.

Moreover, it is well to bear in mind the splendid canal system which our Canadian friends now have in operation between the Lakes and the St. Lawrence. The Wall Street Journal of April 13 last credits to Hon. A. Trefontaine, minister of marine and fisheries in the Dominion cabinet, this pregnant statement:

Canada has secured the grain trade of the West for the St. Lawrence route, and no improvement that the State of New York will introduce will prevent Canada from holding her opportunities that have been secured this year (1903) over the ports of New York, Boston, and Philadelphia. It will take the State of New York at least ten years to construct a new canal, and by that time the improvements along the St. Lawrence shall have been so marked that a still greater amount of trade will be brought through to Montreal.

This is a serious menace to our supremacy and one that should give us pause for sober reflection and spur us to prompt and vigorous action.

NATIONAL CONSCIENCE ASLEEP.

Mr. Chairman, when I reflect on these things—the extreme generosity and broad enlightenment with which our Canadian brethren have treated their commerce, the truly royal sums of over \$156,000,000 which our Empire State has spent and is spending on its own and part of the nation's commerce—and further reflect that our great Republic, proud arbiter of the Western Hemisphere, has spent on the commerce of 80,000,000 of the most intelligent and progressive people on earth only \$431,000,000 during the whole period of its history as a nation, I feel, sir, that something is wrong; that the national conscience is asleep; that it must be awakened and aroused to the true state of affairs, and that a marked change must be made in our commercial policy.

PRACTICAL RESULTS OF DEEPENING HARBORS.

Returning now to the line of thought interrupted by my digression into New York and Canada, let me ask: How about the millions spent to deepen harbors on the seaboard? Do the farmers and manufacturers of the interior derive any benefit from them? Unquestionably, yes. Let us take Boston, as a fair sample, on whose harbor five millions have been spent. In 1880 the average vessel entering there drew 22½ feet, carried twenty-five hundred tons, and charged 8 to 10 cents per bushel on grain to Liverpool. To-day the average vessel draws 30 feet, carries seventy-five hundred tons, and charges 2 to 3 cents per bushel on grain. Of course all other charges on incoming and outgoing freights have been reduced in proportion—a reduction of nearly 400 per cent in twenty years. This was the direct and immediate result of the deepened channel, which permitted the passage of boats of large capacity—three times as large as those of 1880—capable of earning more net profit on 2 to 3 cents per bushel than their competitors of twenty-four years ago on 8 to 10 cents.

Think of what that means to the American people, a saving of 6 cents on every bushel of wheat or corn, a saving of \$38,279,260 on the wheat crop of 1903 and \$134,650,560 on the corn crop, a saving of \$2 on every bale of cotton, or \$20,000,000 on the cotton crop of 1903, a total saving on these three items—wheat, corn, and cotton—of \$192,929,810 in one year. And yet you ask if the farmer of Minnesota and Louisiana is interested in the five millions spent on Boston Harbor? Would to Heaven the other great expenses of Government were of like interest to the people of Minnesota and Louisiana. It has been well said that “the hundreds of millions appropriated in other bills are like myriads of rain drops falling on the parched sands of the desert, only to pass at once from sight without leaving a trace behind, while the limited sums so grudgingly given for internal improvements remain to bless and enrich the country for all time.”

CLOSING OF THE MONONGAHELA A NATIONAL CALAMITY.

It is the same with improvements on our rivers. The Monongahela has cost the Government about \$6,694,827.40, and its annual commerce is 10,000,000 tons. The Rivers and Harbors Committee gave a hearing last January to friends of this river, and among the speakers was Mr. B. F. Jones, of Jones & Laughlin, Pittsburg, very large manufacturers. Mr. Jones testified that his firm employed from 7,500 to 8,500 men, used from 6,000 to 7,000 tons of coal per day, or 1,500,000 tons per annum, most of which was received by river, at a freight cost of 3.5 to 4 cents per ton, and that when traffic ceased on the Monongahela, owing to freezes or other causes, the railroads charged 44 cents per ton—eleven to twelve times as much as the water rate. He also said it was utterly impossible to get his supply of coal by rail owing to the lack of transportation facilities.

Here, then, is a case which any doubting Thomas can investigate, where rail rates on a great commerce of 10,000,000 tons annually are actually eleven to twelve hundred per cent higher than water rates; and where, if all this commerce should be carried by rail, the excess charges over water rates would be the immense sum of \$4,000,000 a year. Some of the locks on the Monongahela are now threatened with destruction and urgent appeals for aid

have come to us. Let those locks cease to work and the coal supply of Pittsburg will be shut off; the iron mines in Minnesota—1,200 miles distant—will cease to hum with activity; the splendid fleet of 2,000 ore steamers on the Lakes will rust in their docks; the construction of our great Navy will stop for the lack of steel; the sugar planters of far-off Louisiana who burn Pittsburg coal will suffer irreparable loss; in short, every part of our common country will feel the evil effects. This picture may seem overdrawn, but I defy any business man who is familiar with the enormous manufacturing interests of the Pittsburg district, the largest on earth, to show that a total stoppage of traffic on the Monongahela would be less disastrous than I depict. We must preserve the commerce of this river at any cost.

THE GREAT OHIO RIVER AND VALLEY.

Pittsburg and the country around it is the greatest manufacturing center on the continent, and is so because of its situation on water courses and its proximity to raw materials—coal and iron—which can be brought to it by water at a minimum of cost. The valley of the Ohio River from Pittsburg to Cairo, upward of 900 miles, is a perfect beehive of industry and activity. Taken as a whole it is the most populous and prosperous part of the United States. This valley has been the center of population in our country since 1850, when it was near Parkersburg, W. Va.; a little south of Chillicothe, Ohio, in 1860; halfway between Chillicothe and Cincinnati in 1870; at Cincinnati in 1880; 40 miles west of Cincinnati in 1890, and at Columbus, Ind., in 1900.

In this valley are several of our greatest cities and thousands of smaller towns. Its agricultural and mineral wealth are close seconds to its wonderful manufactures. The whole world pays tribute to it, and on its products in ocean transit to the marts of earth the sun never sets. It was the necessity of an outlet to the sea for the people and products of this valley that caused the father of Democracy—Thomas Jefferson—to buy Louisiana from France and add an empire to our domain. Would it not be treason to neglect such a river as the Ohio? Yet it needs vast sums—possibly sixty millions—to improve it properly, and complete the development of its marvelous resources.

Its main tributaries, the Tennessee and the Cumberland, are long rivers whose valleys teem with inexhaustible timber, mineral, agricultural, and manufactured wealth, which are but in the infancy of their development—indeed, which have scarcely been touched—and the magic wand of a few millions spent on each of them would open treasures to the nation and repay the Government a thousandfold for the comparatively small expense of making them navigable the year around.

THE MIGHTY RIVER OF THE WEST.

Let us cross the continent now and examine conditions on the mighty river of the West, the great Columbia, which in time of flood carries nearly as much water as the Mississippi, its discharge being a million and a half feet per second. It needs about six millions to overcome obstructions which are a complete bar to navigation at The Dalles. In its upper valley are the richest wheat fields of the West, capable of producing enormous crops of that cereal. The farmers of that region now pay 11½ cents per bushel on their wheat to Portland or Seattle, and with the Columbia properly improved they could get it to the sea for 5 cents, a saving of 6½ cents over the actual rates now paid. This would mean an annual saving on the present wheat crop of the Columbia Valley of some \$2,600,000, and of course there would be a proportionate reduction on other incoming and outgoing freights.

It is perfectly safe to say that the saving in freights resulting from this improvement would every year equal the total cost of the project, and would result in a wonderful development of the great Northwest region. I think it is the bounden duty of the Government to relieve this great river as soon as possible, and I would cheerfully vote any reasonable sum for it.

THE CHICAGO AND ST. LOUIS SHIP CANAL.

Returning toward the East I am attracted to the proposed 14-foot canal from Chicago to St. Louis. The splendid business men of Chicago have already spent upward of \$38,000,000 on their sanitary and ship canal connecting Lake Michigan and the Illinois River, and to complete this project, which is being rapidly pushed, will cost them \$12,000,000 additional, making the total cost \$50,000,000.

Had they desired only the sewerage of their city, less than \$18,000,000 would have sufficed, but they wished to lay the foundation of a great ship canal between Lake Michigan and the Gulf of Mexico, so deep and strong that the Government would feel compelled to complete it. We know not what it will cost, but certainly not a third as much as the one hundred million New York is now spending on the Erie. Indeed, the trustees of the Sanitary District estimate it can be completed for \$27,000,000, and such a canal would be a marvelous carrier of commerce and regulator of freights for the entire basin of the Lakes, with its myriads of people, its splendid cities, and its countless wealth. No man can

estimate the effect on the commercial relations of our vast interior of that canal, joining in indissoluble union the Great Lakes and the Gulf.

I am no prophet, yet methinks I shall live to see the day when stately vessels loaded at Buffalo, Cleveland, Detroit, Milwaukee, Duluth, and Chicago with the rich products of the mines, the factories, and the fields of the great North and West will float through that canal and down the Father of Waters to Memphis, Vicksburg, New Orleans, Mobile, and Galveston, returning thence laden with the commerce of the sunny South and the whole earth, coming to our shores from Europe across the Atlantic, and through the new Panama Canal from far-off Asia, South America, our western coast, and the islands of the seas. Who will hesitate or delay in the promotion of such a project? Not any American who has at heart the best interests and pride of his country. [Applause.]

Mr. CLARK. Will the gentleman allow me a question?

Mr. RANDELL of Louisiana. Certainly.

Mr. CLARK. Is not a bushel of wheat raised in the valley of the Missouri River just as valuable for purposes of consumption as a bushel raised in the Columbia River Valley?

Mr. RANDELL of Louisiana. I think it is.

Mr. CLARK. Well, then, why not take the great artery of commerce that nature fixed to drain seven States on the Missouri River, as well as take the Columbia River?

Mr. RANDELL of Louisiana. I think it ought to be done.

Mr. CLARK. Why has not the committee provided for that?

Mr. RANDELL of Louisiana. I can not answer that question.

Mr. CLARK. It would have done so if our section was fairly represented on the committee.

Mr. RANDELL of Louisiana. I think the committee has done the best it could for all these projects. I speak particularly of the Columbia River because there was a definite project before us for that river. The engineers know exactly what the conditions are on that river; they know what locks and dams are required, and how the navigation of the river will remain after it is once perfected. As I understand it, we have spent a good deal of money trying to aid the navigation of the Missouri River. I understand that at one time there was considerable navigation on that river which does not exist there now. There has never been any through navigation on the Columbia River because boats could not pass the Dalles. At that place is an absolute obstruction which nature has placed there; those great rocks have been in the way and boats could not pass. When they are removed or a canal is made around them there will be a big commerce. So on the St. Marys River there was a natural obstruction; boats could not pass. It was necessary to build locks and dams; they have been built, and an enormous commerce has developed.

Now, I believe that if the gentleman from Missouri could show the Rivers and Harbors Committee that the Missouri River can be improved within the bounds of reasonable cost the committee would be willing to spend all that is necessary for that purpose. It wishes to take care of every river that deserves such care; and I desire as one of the minority of the committee to say that if there has ever been any unfairness shown to any portion of the country I have never seen it or heard of it. I have already stated that there was no politics in the committee, and there has been absolutely no sectionalism. I think the gentleman is mistaken when he says that if his section had had a representative on the committee it would have fared better. I do not think that it would have obtained one dollar more than it has received already.

Mr. CLARK. The gentleman will allow me to say that the committee is made up so that it takes care of the south Mississippi and the Lake region and the ocean, and practically leaves out the rest of the country.

Mr. SMALL. We do not think that it takes proper care of the Atlantic side.

Mr. RANDELL of Louisiana. I think the gentleman from Missouri is under a misapprehension; but I must go on with the regular line of my remarks, as my time is limited.

THE MISSISSIPPI RIVER.

Akin to this canal and closely allied to it is the improvement of the Mississippi from St. Paul to St. Louis. The work from St. Louis down is well under way, but needs several millions to complete it and a large annual sum for maintenance. Above St. Louis much will have to be done, and the cost will probably reach \$15,000,000, but it should be done without delay. Nature, our wise mother, intended this great river for our use, and it is strange that man should have so neglected it.

As an instance of the vast benefit of the river as a freight regulator, let us take grain from St. Louis to New Orleans as an example. The average ton-mile rate on wheat by river from St. Louis to New Orleans, for a period of twenty years, 1881-1900, was 1.63 mills. The average ton-mile rate by rail to the seaboard for the same commodity during the same period was 4.97 mills. The average rail rate on wheat for this long period of time was

therefore more than three times that of the rate by water even under the adverse conditions of water transportation that prevailed. A careful analysis of freight rates will show that the rates by water are usually one-third of those by rail; that is, it costs three times as much to convey freight by rail as by water. Therefore, whenever we have a water course susceptible of improvement within bounds of reasonable cost it is our duty to improve it and save our people two-thirds of the cost of transportation. Persons living on navigable streams can not appreciate this fact, as the water route forces the railroads to give water rates, but it should and does appeal strongly to those in the interior, who are entirely at the mercy of the railroads.

Let any man of the interior who doubts this statement compare his freights with those on a water course. In my immediate section, on the banks of the Mississippi River, in Louisiana, cotton is shipped to New Orleans, a distance of 300 miles, by river or by rail, for \$1 per bale, while 40 miles in the interior, too far to haul to the river, the rail rate is \$2.25 per bale. Our Texas friends are very clamorous for the improvement of the Trinity River at a cost of four and a half millions, and well they may be, for the bale of cotton that costs the farmer of the Mississippi Valley \$1 to ship 300 miles to the seaboard costs his Texas brother \$3. When you reflect that Texas makes about 3,000,000 bales of cotton and that the rich crops of Oklahoma and Indian Territory, as well as lower Kansas, would also be greatly benefited by the Trinity River improvement, it is not strange that such strong appeals for this river are made to us.

THE REMEDY.

Now, what is to be done? In my judgment, we must change our tactics and spend more money. The average annual appropriation for rivers and harbors for the past twenty years was, how much say you? Twenty-five, thirty, thirty-five millions a year? No, gentlemen, not near so much; only \$14,096,267. I know this statement surprises you, but it is true. Our great nation, the richest and grandest on the globe, has spent to develop its foreign and domestic commerce—that commerce which is so justly called the lifeblood of the nation—only fourteen millions a year for twenty years, and only an average of \$18,124,098 a year for the past ten years. What a pitiful sum compared to our needs and the dignity and wealth of our country. The projects for river and harbor work now knocking at the door of Congress and earnestly begging relief call for about \$600,000,000, most of which has been approved by the Chief of Engineers. Nearly all of them are meritorious and the majority are deserving of prompt relief.

How are we, at the rate of eighteen millions a year, to provide for projects costing \$600,000,000 and also maintain and preserve existing works? Mr. Chairman, it is an impossibility. We must change our rate of appropriations.

Far be it from me to propose a raid on the Treasury for any purposes, no matter how worthy; but when I see so many and such deserving, such absolutely necessary, works delayed and delayed, year after year and year after year, I feel impelled to call on all friends of river and harbor work from Maine to Florida; from Key West to the Rio Grande; from southernmost California to the golden shores of far-away Yukon; from the Columbia to the Hudson and the Penobscot; from the Delaware to the St. Johns and the Tombigbee; from the Great Lakes of the North, through the innumerable rivers between the Alleghenies and the Rockies that pour their waters in resistless flood down the Mississippi into the Gulf of Mexico, to join hands in a crusade for the speedy improvement of every just, proper, and legitimate river and harbor project in our land. [Applause.]

ONE HUNDRED MILLIONS FOR RIVERS AND HARBORS.

Again I repeat that we must have a river and harbor bill carrying at least \$100,000,000, and even that amount will not begin to suffice for our immediate and pressing needs. Remember these bills are not passed every year, as are the other great appropriations, but they come only every two or three years; so if we pass a \$100,000,000 bill it will not give even fifty millions annually. Remember that we have been exceedingly liberal to other things, and it is now time for rivers and harbors to receive a little generosity. We gave during the past ten years an average annually of \$52,148,387.50 to the Navy, \$59,645,386.50 to the Army, \$6,474,899.50 to fortifications—\$118,268,672.50 annually to the arts of war—\$3,523,845 to the Indians, \$109,924,500.50 to the post-office, \$144,025,442 to pensions, a total of \$380,742,459 per year, most of which has disappeared as smoke without leaving any trace behind. Whereas out of the annual pittance of \$18,124,098 for rivers and harbors many magnificent monuments have been constructed which will last for ages and continue to bless and benefit mankind long after their projectors have been mingled with the dust.

I appeal to you, my brethren of the Fifty-eighth Congress, and to your constituents through the length and breadth of the Re-

public, to reflect seriously on these problems so feebly laid before you, and when you return here next fall, fresh from the sod that gave you birth, come to the rooms of the Rivers and Harbors Committee and say to us: "Onward with steady stride; the country watches you with anxious eyes; it looks for and expects its giant commerce at home and abroad to be fostered by you; it will sustain you in any reasonable expenditures, and while it would not complain at more it considers a bill carrying at least \$100,000,000 for our rivers and harbors as indispensably necessary." [Loud applause on the Democratic side.]

I yield the remainder of my time to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, 95 per cent of the territory embraced in the several counties which form the Congressional district which I represent lies in the Yazoo Delta and is subject to overflow from the Mississippi River. From this statement it will be readily understood that the question of the improvement of the lower Mississippi River is the one feature in the river and harbor appropriations which, in my opinion, is the most important.

It is not possible in the limited time allotted me to discuss all the phases of this very complex and equally important subject. There are a few features of it, however, which I wish to direct attention to, because for some reason they are so little understood, or perhaps it would be more accurate to say so much misunderstood.

At the last annual meeting of the American Society of Civil Engineers one of the subjects for discussion was, "In the treatment of the Mississippi River, is the levee theory justified by experience?" And to this subject I intend to address my remarks.

I do not deem it necessary or even wise to consume the time of this House in a discussion of the engineering problems involved in the subject of levees, because I think that matter is one that must and should be determined by those whose education, experience, and professional training qualify them for a proper solution of it. It is the policy of the Rivers and Harbors Committee of this House, and a policy which is to be commended for its wisdom, never to undertake any project for the improvement of any river or harbor until it has first been examined into and reported on by the Engineer Corps of the Army; and I believe that the findings of fact by the officers who make these preliminary surveys, so far as they relate to the technical questions of engineering, are universally concurred in by the committee.

It was in pursuance of this very wise policy that the Mississippi River Commission was created in 1879, composed of officers from the Engineer Corps of the Army, the Coast and Geodetic Survey, and from engineers of known ability and high standing in civil life. This commission, after twenty-five years of experience; after most careful and critical investigation of the subject; after many tours of inspection along the whole length of the river in all its stages, from low water to the highest flood, and after a long series of experiments in every phase of the question, have reached the conclusion, from the standpoint of the engineer, that in the treatment of the Mississippi River the levee theory is justified by experience.

It is not my intention to enter into any discussion of the question, but simply to state the opinion of the engineers, based upon many observations and after careful and most searching investigation, that the popular theory that the levees have caused the raising of the bed of the river is a fallacy, and that on the contrary the result has been a deepening of the channel and the establishment of a more uniform regimen in the bed of the river. This opinion is not based upon mere a priori conclusions evolved from an academic discussion of a theory in the abstract. It is the deliberate judgment of most skillful engineers who, to a deep learning in the technical science of their profession, have added a store of practical facts pertinent and most necessary to any intelligent conclusion.

Speaking of this matter in an address delivered before the interstate levee convention at New Orleans last fall, Hon. R. S. Taylor, of Indiana, now and for many years past a member of the Mississippi River Commission, and a man whose opinion, in my judgment, is entitled to as much weight on this subject as the opinion of any other living man, said rather sarcastically:

I have been gravely informed a hundred times by persons who knew nothing about the subject that it was futile to attempt to prevent overflow by levees, because the concentration of the flood discharge is necessarily to raise the bottom of the river as fast as the tops of the levees are raised. I often wonder how so many people get hold of that idea who have so few others. But a belief so widely entertained deserves consideration, and the fact if it be one, is so important that the Mississippi River Commission has taken pains, by the application of all tests within its power, to get at the truth upon the subject.

In 1881, 1882, and 1883 the Mississippi River Commission, with a view to ascertaining if possible the facts in this matter, made an elaborate survey of the bed of the river, establishing fixed levels or bench marks by means of which they could definitely ascertain

in the course of the years whether the bed of the river was raised or not. Soundings were made on lines crossing the river, one for every quarter of a mile of its length, from Cape Girardeau south, and seventy-five soundings were made to each of these cross sections, so that the bottom of the river was carefully and scientifically ascertained and platted. In 1895 and 1896 a resurvey along identical lines was made of that part of the river lying between the mouth of the White River, in Arkansas, and Donaldsonville, La., a distance of 472 miles. This reach of the river was selected because while the levees had not been completed on both sides of the river they had been comparatively effective in confining the floods since the first survey, and therefore would offer the most accurate tests. The conclusion of the Commission from both of those surveys was that the bed of the river had, as a matter of fact, been lowered instead of raised.

This same theory has been advanced as to many, if not, indeed, to all, of the great rivers of the world which have adopted the levee system as a means of confining the flood tide to the channel, and if it were a valid theory certainly there should be no lack of proof. True, it certainly is, that the beds of some rivers have risen in the course of the years, and this without reference to whether they were held to their proper channels by levees or not.

The levee theory is certainly no new one. There has been in the history of the world ample opportunity to demonstrate its success or its failure. It has been resorted to in all the ages of which we have authentic history as a protection to those who have lived in the great valleys of the world. We are told that the waters of the Tigris and of the Euphrates were confined to their banks by a system of levees in the days when the good Queen Saramamis was dazzling the Assyrian nobles with the gorgeous splendor of her court and enslaving the hearts of those young gallants with the luster of her wondrous eyes.

We know that the Yellow River, in China, perhaps aptly called "China's sorrow," has been leveed from the time whence the memory of man runneth not to the contrary. So has the Rhine, and the Po, and the Vistula, and the Arno, and many others, and if it be true that the natural and inevitable result of levee building is to raise the bed of the river, it should be an easy matter to get "confirmation strong as proofs of Holy Writ."

Let us investigate the subject very briefly; in fact, simply glance at it, because I have no time to do more.

It has been said, and, in fact, said so frequently that it is almost common belief, that the attempt to confine the Yellow River to its channel by levees has raised its bed until it has at last reached a point higher than the adjacent territory. Abbé Huc was perhaps the first to express this opinion with reference to the Yellow River in his *Travels in Tartary*, etc., and his statement has been accepted and repeated by other writers of more or less note.

Gen. J. H. Wilson, of the United States Army, has traveled extensively in China and made a most careful and critical examination of the Yellow River, with particular reference to this theory of Abbé Huc's.

Appreciating the fact that his views would therefore be entitled to particular respect and weight, the Mississippi River Commission in 1890 addressed him a letter, asking his opinion on that subject. He concluded his reply in the following language:

In conclusion, I do not hesitate to say that I can not but believe that Abbé Huc was entirely mistaken in regard to the silting up of the channel and that an exhaustive survey would prove beyond a doubt that no such silting as to raise any part of the bed above the adjacent country has ever taken place.

In his very instructive and interesting book, *Travels in the Middle Kingdom*, he says:

There is no doubt that the water [speaking of the Yellow River] could be easily concentrated into one channel, or that such concentration would deepen the channel.

And again:

With a watchful supervision and honest administration, under one responsible head, it is quite certain that comparative immunity from devastating floods could be obtained.

I submit the opinion of General Wilson, with the confident belief that this House and this country will accept it in preference to the opinion of Abbé Huc or of anyone else who simply chronicles the legends and traditions of a people among whom he happens to travel.

Accurate observations have been made on the River Po since 1720, and General Comstock, one of the most eminent engineers this country ever had, after a most minute examination into all the facts obtainable from these observations and otherwise with reference to that river, summed up his conclusions in the following words, taken from the report of the Mississippi River Commission in 1890:

From the examination of the Po and Rhine it may be concluded that if their beds rise in the leveed portions—which is not certain from the data—it is at so slow a rate as not to be an important factor in the maintenance of a levee system.

With levees 10 feet high, if the bed rose at the rate of 1 foot in a hundred years, the cost of raising a line of levees having the length of the present

Mississippi system—about 1,300 miles—by the 1 foot, would be but about \$4,000,000, distributed over the country, or \$40,000 per annum, which is a small part of the annual cost of the system. On the Mississippi the records, while not extending over a period long enough to give final results, do not, so far as they go, indicate that the bed has risen.

If the bed of the Mississippi River, contrary to the opinion of all the engineers who have examined the question, has risen in the same manner, it will be four thousand years before its bed reaches the level of the adjacent country, as the Yellow River and other silt-bearing streams have done in the popular fables of Abbé Huc and his disciples.

In the twenty-five years of its existence there have been numerous changes in the personnel of the Mississippi River Commission, but through all those changes it has always been the judgment of a majority of its members, and is now, and for a number of years past has been, the unanimous opinion of the commission that the effect of a complete and perfect system of levees will be to lower instead of raise the bed of the river. The opinion of General Wilson and that of a great number of other prominent engineers was given before a Senate committee in 1890, when they were investigating this particular subject. Fourteen years' experience since that day has added strength to the opinions which were then held by the commission, and what was then a theory has gradually ripened into a conviction as the years have gone by. To use the very apt language of a very sweet singer:

Time but the impression deeper makes,
As streams their channels deeper wear.

It is sometimes insisted that even granting that the confining of the river to its channel in times of flood does have the effect to scour out the bottom and so aid in the improvement of its navigation that it is nevertheless not possible to build a levee or a system of levees that will withstand the floods such as we had in 1897 and 1903. It should be a sufficient answer to this to quote the last annual report of the Mississippi River Commission. After discussing the flood of 1903 in all its phases, that report concludes:

The past flood showed more clearly than has any previous one both the importance and practicability of a complete and efficient levee system. In its present condition—incomplete both as regards extension and dimensions—it gave substantial protection to three-fourths of the alluvial valley and its interest, which, under equal flood conditions, without levees would have been a lake from 20 to 80 miles wide from Cairo to the Gulf. The improvement made during the past six years has reduced the number of crevasses between Cairo and New Orleans from 38 to 6. Of the area overflowed this year, five-eighths was the direct result of back water from the lower ends of the basin and overflow through unbuilt parts of projected lines, and only three-eighths from breaks in the levee, notwithstanding their unfinished condition as regards both grade and section.

In other words, of the 26,000 square miles of territory which a perfect system of levees could protect against a flood equal to that of 1903, 23,000 square miles were actually protected.

My own Congressional district is not an exception, but a type of the valley protected by the levees. What is true of it is equally true of the whole delta. In it there are 6,000 square miles which would be overflowed without the protection of the levees whenever the river reached the 48-foot stage at Cairo. The full force of this statement will be appreciated when you recall that within the past twenty years the river has passed the 48-foot stage at Cairo fourteen times, and within the week just ended it passed above 49 feet on that gauge.

In other words, that magnificent area, sweet to-day with the odors of a full-blown spring, where thousands and tens of thousands of acres of the most fertile soil in all this world are warming into budding beauty, seed that have "fallen upon good ground," peopled, as I believe, with the very salt of the earth, happy in the hope that the seed so sown will, in the fullness of God's providence, bring forth an hundredfold—this great valley, but for the levees along the lower Mississippi, would to-day be a lake from 1 to 10 feet deep and from 20 to 60 miles wide, stretching from Memphis to Vicksburg.

It would be a very difficult matter, Mr. Chairman, to convince those people to-day that in the treatment of the Mississippi River the levee theory is not justified by experience.

In 1882, before the Government had ever appropriated any money for the construction or maintenance of levees, and when the levees then in existence had been built exclusively by the States and levee boards and individuals, there were 282 crevasses, which destroyed 54 miles of levees. In 1897 the number of crevasses was 38, which destroyed 8.7 miles of levees, and in 1903, the last and in many respects the greatest of all the floods, there were 6 crevasses, which destroyed 2.5 miles of levees. When it is remembered that the crevasses in 1903 occurred after the river had reached its highest point, and that out of the total of 1,390 miles of levees only 2.5 miles were destroyed by that flood, I submit that those who insist that it is not possible to confine the river to its channel or to build a system of levees that will withstand the ravages of the great river are running their theories counter to the facts. It is, however, the opinion of the Missis-

issippi River Commission and of all the engineers of all the levee boards from Cairo to the Gulf that the levee theory in the treatment of the Mississippi River has been justified by experience in all its aspects, and this should be sufficient warrant for this House to act upon.

There is another objection sometimes interposed by those who are opposed to appropriating money for the improvement of the Mississippi River—that the construction of levees is not for the purpose of improving the channel of the river, and thereby aiding in its navigation, but that the riparian landowners are the favored few who derive the benefit from its expenditure. True it is, these owners are especially benefited. It is not different, however, in this regard from all other appropriations, either for the common defense or for internal improvements. This unearned increment is always present wherever the Government spends any considerable sum of money for any public work or improvement. The whole people are interested in and benefited by the construction and maintenance of a great navy, by the erection of public buildings throughout the country, and by the improvement of the rivers and harbors everywhere, but in every instance there are a few who, by reason of their profession, their trade, or their location, are more particularly benefited than the citizens at large. This, however, is no reason why improvements otherwise proper should not be made.

There is one thought, however, I want to suggest here. It has been asserted that by reason of the construction of these levees by the Government land values have risen from \$2 and \$5 to \$20 and \$50 per acre, and that the people who are reaping this harvest should be required to build the levees. In the first place, there is no more reason why the riparian landowners, in order to protect their property from floods, should pay for building levees which incidentally improve the navigation of the Government's river than there is that the Government, in order to improve the navigation of its river, should build levees which incidentally protect the property of the riparian landowners. The benefits are mutual. The burdens should also be mutual, and so it has been. The people of my Congressional district have raised \$13,000,000 by taxes on every species of property protected by those levees, and have put that money into the construction and maintenance of the levees along the Mississippi River since 1882. During that same period the Government has put into these same levees a little less than \$5,000,000. You see we are holding up our end.

In the second place, it is not an accurate statement to say that the enormous rise in land values is the direct result of the construction of the levees. The levees protect the lands from over, flow and render them thereby susceptible of profitable cultivation—but they do not jump at once to \$50 or even to \$20 per acre; but as the land comes under the plow, as houses are built upon it, as ditches are dug, as fences are built, and as the wilderness is converted into the blossoming field, then value is given to lands which had none before the levees were built; but that value comes, in large part, of the toil and the sweat and the brain and the muscle of the men who go out into the earth in strict compliance with the biblical injunction to "replenish and subdue it."

Let me submit a few facts which show how well this money which has been put into the levees has been invested. When the Government first decided to lend a helping hand in the building of levees along the Yazoo Basin, which is the Congressional district which I represent, there were no railroads and never would have been, because the Delta was then really what it was called, "the swamp." Since it has become definitely settled that the levees are to be maintained, railroads have penetrated every county, and there are now more than 1,000 miles of road in operation.

The assessed value of taxable property in 1902 was \$42,000,000, an increase of more than 60 per cent, and this did not include railroad valuations.

In 1884, when the levee boards were created, there were two banks in the two levee districts, with a total capital of \$350,000. There are now thirty banks, representing an investment of \$2,300,000, and with deposits of a little more than \$6,000,000.

Twenty years ago there were two oil mills. There are now twenty-eight mills, representing an investment of \$2,100,000, and eight compresses, representing nearly \$900,000. The population in 1880 was 94,672 and in 1900 was 195,346, an increase of more than 100 per cent. In 1879 the counties composing the two districts—not including the fractional portions of De Soto, Tallahatchie, Holmes, and Yazoo—produced 185,868 bales of cotton, valued at \$9,293,400. I am advised by the Secretary of Agriculture that the cotton crop for the same territory for 1902 was 426,414 bales of 500 pounds each and of a total value of \$21,661,852.

The facts I give, remember, are for my Congressional district only, which comprises a very small portion of the great alluvial valley of the Mississippi River, but what is true of it will hold good for the entire area. It will, therefore, be interesting to note

the extent of the area which has been reclaimed and made habitable by the construction of levees along the Mississippi River. There are 29,000 square miles of territory protected from floods of the Mississippi by the levees. This alluvial land is perhaps the most fertile in the world. Certainly there are no cotton lands and no sugar lands superior to it anywhere.

We can perhaps appreciate more fully the real extent of this territory by comparing it with other territories with which we are all familiar. It is greater in area than Delaware, Maryland, Connecticut, Rhode Island, and Massachusetts combined. It is greater by one-third than the two States of New Hampshire and Vermont. It is nearly equal in area to the State of Maine, to South Carolina, and to the Indian Territory, and is larger than the State of West Virginia. It is equal to the combined areas of Haiti, Jamaica, Martinique, Porto Rico, and Trinidad. It lacks only one-tenth of being equal to the entire area of the new-born Republic of Panama. It is equal to the combined areas of the Kingdoms of Belgium and Denmark; greater than the Kingdoms of Greece and Servia, and the equal of the Kingdom of the Netherlands and the Republic of Switzerland combined.

It is three-fourths as large as the island of Cuba, to protect which we fought the war with Spain, and let me add that the rule of the Don was not half as ruthless as the rule of the Father of Waters, and it cost very much more to subdue him. It is one-third the size of Korea, for which Russia and Japan are to-day waging a cruel and bloody war. It is one-fourth as large as the Philippine Islands, for which we have paid so much in blood and treasure, and nearly four times as large as the Hawaiian Islands, to possess which we forsook the traditions of a century and embarked upon a policy that has led us around the world. [Applause.] When we remember the bitter tears the French have shed at their loss and recall the bloody story of the Franco-Prussian war, you may be astonished to know that this magnificent valley is nearly five times as large as Alsace-Lorraine.

If as an original proposition this vast area, peopled as it is with American citizens, blood of our blood and flesh of our flesh, animated by the same hopes, inspired by the same traditions, impelled by the same aspirations, and knit together by a common history and a common purpose—I say if, as an original proposition, the question were submitted to this Congress whether this area should be added to the Union at the price which is now necessary to permanently reclaim it, how many would hesitate for a moment to vote for it? [Applause.] If the great States which I have mentioned were threatened with destruction by a tidal wave from the ocean and could be saved by the expenditure of \$4,000,000 a year for five years, who would doubt that it was a proper subject for governmental aid? Who would insist that it was a local question?

And when we reflect that it has been wrested from the rule of this restless monarch by the foresight of those who have preceded us in these Halls; when we remember that it has come to us without the sound of a cannon, without the flash of a sword, that it is the rich fruition of a wise and generous statesmanship, attended by none of the pomp and glorious circumstance of war, we can in a fuller measure appreciate the truth and the wisdom of the old adage, "Peace hath her victories no less renowned than war." [Loud applause on the Democratic side.]

Mr. RANDELL of Louisiana. If I have any time left, I yield it to the gentleman from North Carolina [Mr. SMALL].

The CHAIRMAN. The gentleman has four minutes remaining. Mr. RANDELL of Louisiana. I was just going to yield to the gentleman from North Carolina.

[Mr. SMALL addressed the committee. See Appendix.]

Mr. BURTON. Mr. Chairman, I believe there is one minute remaining. I ask unanimous consent to extend my remarks in the RECORD, by the addition of some tables, etc.

The CHAIRMAN. The gentleman from Ohio asks permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill by sections.

The Clerk read as follows:

Be it enacted, etc., That the sum of \$3,000,000 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the following purposes and under the limitations herein set forth, to wit: For the restoration or maintenance of channels, or of river and harbor improvements, established or made by the Government, where the usual depth of such channels or customary use of such improvement has become, or may be, impaired and there is no sufficient fund available for such restoration or maintenance, with a view to preserve in their normal condition of efficiency existing channels and improvements: *Provided*, That allotments from the amount herein named shall be made by the Secretary of War, and no such allotment shall be made unless the necessity for such restoration or maintenance shall have arisen since the passage of the river and harbor act of June 13, 1902, and the same shall be recommended by the local engineer having such channel or improvement in charge and the Chief of Engineers, respectively: *Provided further*, That no single channel or improvement shall be allotted a sum greater than \$50,000, nor any portion of the said appropriation, unless the same is necessary in the interest of navigation.

Mr. HAMLIN. Mr. Chairman, I desire to offer an amendment. The Clerk read as follows:

Amend section 1 by adding immediately after the word "respectively," in line 10 on page 2, the following:
"Provided, That for continuing the improvement of the Missouri River by cleaning out and deepening the harbors of Herman and Washington and by cleaning, deepening, and confining the channel and by doing revetment work on the banks between the mouth of said river and Kansas City, Mo., \$500,000, or so much thereof as may be necessary, to be expended under the direction, orders, and superintendence of the Secretary of War, and to be immediately available."

Mr. BURTON. I reserve the point of order upon that.

Mr. CLARK. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. CLARK. I want to be heard on the amendment.

Mr. BURTON. I have no objection to the gentleman proceeding. I reserved the point of order.

Mr. CLARK. Mr. Chairman, I do not want to be contentious about this business, or be put in the attitude of criticising the committee. I do not blame a man for taking care of his own. Now, an examination of the list of the committee would show that every Member of it either lives on the Gulf coast or the Great Lakes or the oceans. Here is the committee: Mr. THEODORE E. BURTON, of Ohio; Mr. BLACKBURN B. DOVENER, of West Virginia; Mr. ROSWELL P. BISHOP, of Michigan; Mr. ERNEST F. ACHESON, of Pennsylvania; Mr. DE ALVA S. ALEXANDER, of New York; Mr. GEORGE P. LAWRENCE, of Massachusetts; Mr. JAMES H. DAVIDSON, of Wisconsin; Mr. JAMES MCLACHLAN, of California; Mr. WILLIAM LORIMER, of Illinois; Mr. WESLEY L. JONES, of Washington; Mr. J. ADAM BEDE, of Minnesota; Mr. RUFUS E. LESTER, of Georgia; Mr. JOHN H. BANKHEAD, of Alabama; Mr. STEPHEN M. SPARKMAN, of Florida; Mr. JOSEPH E. RANDELL, of Louisiana; Mr. GEORGE F. BURGESS, of Texas, and Mr. BENJAMIN G. HUMPHREYS, of Mississippi.

Mr. DALZELL. I would like to suggest to the gentleman from Missouri that the gentleman from Washington [Mr. CUSHMAN] has a copyright on the speech the gentleman is now going to make.

Mr. CLARK. No; I am not going to make that speech. I say this, and I am not undertaking to flatter anybody, that the number of Members considered, there is not a better committee in the House of Representatives from the standpoint of ability, and I am on good personal terms with every one of them. But it so happens, by a curious kind of an arrangement, that while there are seven great States through which the Missouri River flows or past which it flows, that not a single man from any of those seven States is on this committee or can get on it. For three Congresses we have tried to have a Missouri on that committee. Whether Kansas, Nebraska, Iowa, or any of the other States has undertaken to do so, I do not know.

I give it as my opinion, and I am neither a sailor nor a ship-builder, that it is absolutely preposterous to abandon such a great stream as the Missouri River. If any other nation on the face of the earth possessed that river it would be made navigable for ocean steamers, if there had to be a granite dike built on both sides of the river. Holland was entirely reclaimed from the sea by a dike. At this moment they are spending \$99,000,000 to reclaim the bed of the Zuyder Zee. Last fall, to the astonishment of everybody, the State of New York, by an overwhelming majority, voted to appropriate \$101,000,000 to improve and deepen and widen the Erie Canal.

Now, my friend from Louisiana, who made a very elegant speech, talks about how much it will bring down freight on wheat on the Columbia River by the improvement of that river. I asked him, and I ask it again, Is not a bushel of wheat which is raised in the Missouri River Valley of as much value for food purposes as a bushel of wheat that is raised in the Columbia River Valley? And if it is a good thing to appropriate Government money to reduce freight rates on wheat in the Columbia Valley, is it not an equally good thing to appropriate money to bring down freight rates on wheat in the Missouri River Valley? He talks about that Chicago ditch, which has already cost \$18,000,000, I believe, and is going to cost \$12,000,000 more. That is to say, the people of the United States are asked to start in on a plan of making a ship canal from Chicago to the Mississippi River, digging every foot of it, when there is a great natural waterway, the Missouri River, which, if that much money were spent upon it, could float ocean steamers to Kansas City and St. Joe.

Of course they let Pittsburg in, because it has got to come in to share every pie that is cut up in this House. [Laughter.] But taking out the town of Pittsburg and the Ohio and Monongahela rivers the rest of the country is left out in the cold, except the large harbors on the Lakes, the oceans, the Gulf coast, and the south end of the Mississippi River, which is taken into it. Now, what is the rest of the country in the center of it going to get in the matter of the improvement of the waterways?

I give fair notice right now that if it is possible for industry to

accomplish anything in this country, I intend to organize the people of the seven States that border the Missouri River to seek their share in a way that the Committee on Rivers and Harbors and the Congress of the United States will hear. [Applause on the Democratic side.] Here we are annexing a leper colony, the Sandwich Islands, to furnish farms for our children—

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK. We are annexing the Sandwich Islands on the pretext that we want homes for our children. We gobbled up the Philippines on the pretext that we wanted homes for our children. We annexed Guam on the same pretext. We took Porto Rico for the same reason. And yet, Mr. Chairman and gentlemen, there is more farming land out of which to make homes for our children—and, what is more, the best farming land on the surface of the globe—that is overflowed and destroyed and made barren by the floods in the Missouri River than you can find in the Sandwich Islands, the Philippine Islands, Guam, and Porto Rico all combined.

They say that a penny saved is a penny earned. Why not, then, protect this rich land that we have at home, where a white American can live and where a white American wants to live, instead of squandering money to hold the Filipinos in subjection, squandering money to educate the Hawaiians, squandering money to carry the mail at an exorbitant price to the cannibals of the Fiji Islands? We had better be taking care of this land we have right at home. I understand that this committee is confronted with a very grave and difficult problem. I always listen to the gentleman from Cleveland, Judge BURTON, both with pleasure and instruction, and the immensity of the projects or proposals for river and harbor improvements compared with what can be done is appalling.

The gentleman says you can not use the jetty system on the Missouri River. That is the only system that you can use on the Missouri or any other river that has the kind of banks which that river has—sandy, loamy, that are eternally caving in. The jetty system would confine the waters of that great river to a channel of reasonable width; and if that is ever done once, there is water enough in that river the year around to float large steamers, if not ocean steamers, to St. Joe and Kansas City.

One of two things ought to be done in this matter: Either these appropriations ought to be confined entirely to the improvement of harbors for the purposes of great shipping, and all the rivers abandoned and be through with it—that would be an honest plan, but an unwise one—or every river of any considerable consequence which is capable of being made navigable should be taken under the care of the Government of the United States; and I am in favor of this half-million-dollar amendment that my colleague from Missouri [Mr. HAMLIN] has offered. The House would have gotten off more easily had it accepted my proposition the other day for an appropriation of a quarter of a million dollars.

I only extended it to Boonville, and he extended it to Kansas City. My amendment went out on the point of order, and I am not so certain but what this one is doomed to the same fate. This is all I have to say about it at this particular time, but I serve notice on the House now. You must either give us these appropriations or I intend to make an annual address in this House as long as I stay here of from an hour to an hour and a half, and you had better give us this appropriation than listen to that address.

Mr. BEDE. We prefer to hear you talk.

Mr. SMALL. Mr. Chairman, I do not wish to say anything at length upon the amendment which is pending, because I do not know enough about it. I do understand, however, that some people go to sleep on one side of the Missouri River and sometimes wake up in the morning and find themselves on the other side and in another State, the channel is so shifting, but the gentleman from Missouri [Mr. CLARK] who has just spoken can take care of that subject. There is another phase of this matter, Mr. Chairman, as some criticism has been indulged in in regard to the Committee on Rivers and Harbors, which, it seems to me, is quite pertinent to express at this time.

There was an occasion in our legislative history not so many years ago when the river and harbor bills were euphoniouly termed the great "pork bills" of Congress. It was said during those times that the bill was a conglomeration of provisions for new surveys and for appropriations which had been made under pressure of personal influence by Members upon both sides of this Chamber, frequently with entire disregard to the merits of the improvements sought or to the merits of the project for which it was intended to expend the money.

During the period of the incumbency of the distinguished chair-

man of this committee, the gentleman from Ohio [Mr. BURTON], who now graces that position, and of the other Members who have cooperated with him in the formation of river and harbor legislation, an entirely different policy has been inaugurated, and has been thoroughly engrafted upon the legislation of this House. We now have a settled policy for river and harbor appropriations. I believe that no amount of personal influence coming from any Member of this House, no matter how distinguished the position he may occupy, would weigh sufficiently with the committee to induce it to make an appropriation if the merits of the proposition do not justify the appropriation.

I have troubles of my own, as has the gentleman from Missouri [Mr. CLARK]. The State of North Carolina, which I have the honor in part to represent, might well lodge some complaints against this committee, but I consider that no project which has been recognized by this committee is without merit, and if any meritorious projects have been neglected they have been ignored upon the ground that the limits of appropriations were not sufficient. However I may have disagreed with the committee upon the latter proposition, it is a pleasure to state, and I believe I voice the sentiment of the Members of this House in so doing, that it is extremely difficult, if not impossible, for a proposition without merit to obtain an appropriation or a provision for a survey in any river and harbor bill framed by this committee.

I think that in the midst of the criticisms that have been made the voice of Members of this House should be raised in recognition of the merit which has come, which has elevated this bill from that popularly known as a "pork" bill to a bill which, when presented every year or every two years, is now recognized by the country as one which is abounding in meritorious propositions, and which is intended to accomplish the purpose of fostering and improving the great internal highways of commerce and the great rivers and harbors upon our coast, the Atlantic, the Pacific, and the Gulf. [Applause.]

Mr. BURTON. Mr. Chairman, I insist upon the point of order. There is no report upon any project at Hermann or Washington that gives any basis for an appropriation for those places.

The CHAIRMAN. The amendment offered is as follows:

Amend section 1 by adding immediately after the word "respectively," in line 10, on page 2, the following:

"Provided, For continuing the improvement of the Missouri River by cleaning out and deepening the harbors of Hermann and Washington, and by cleaning, deepening, and confining the channel and by doing revetment work on the banks between the mouth of said river and Kansas City, Mo., \$500,000, or so much thereof as may be necessary to be expended under the direction, orders, and superintendence of the Secretary of War, and to be immediately available."

Section 1 of this bill is confined to enterprises which have already been authorized by law. Not only that, but it is confined to the work of the restoration or maintenance of those enterprises which have been authorized by law, and the amendment here is neither for the restoration or maintenance of an enterprise, but for the continuing of an enterprise, in the words of the amendment, which has not been authorized by law. For these reasons the Chair sustains the point of order.

Mr. COCHRAN of Missouri. Mr. Chairman, I desire to offer an amendment by striking out the words "Kansas City" and inserting the words "Sioux City."

Mr. BURTON. Mr. Chairman, I would make the same point of order to that. I think it is clearly included in the ruling of the Chair just made.

The CHAIRMAN. Certainly the point of order would be sustained for the same reason that the Chair sustains it as to the original amendment.

Mr. COCHRAN of Missouri. I understand the parliamentary ruling, then, is fatal to the amendment?

The CHAIRMAN. Yes.

Mr. COCHRAN of Missouri. That ends it, then.

Mr. COWHERD. Mr. Chairman, I move to strike out the last word. I take this occasion, Mr. Chairman, to put before the House the situation in regard to the condition of the mouth of the Kaw, which, with all due deference to the chairman of the committee, I do not think was entirely fairly stated this morning in his remarks.

Kansas City is situated on the border line of the two States, Missouri and Kansas. The city, with its environs, has a population of about 300,000, two-thirds of which is on the Missouri side of the line and one-third in Kansas. This of course results in two cities, one known as Kansas City, Mo., and the other Kansas City, Kans., the State line being the dividing line between them. The Kansas-Missouri line starts practically from the east bank of the Kansas River at its mouth and runs due south from the Kansas River, which meanders off to the west. Where the Kansas River breaks through the bluffs into the Missouri River, it runs through a bottom about a mile to a mile and a half wide and about 4 to 5 miles long within the two cities.

A portion of this bottom is in Kansas City, Mo., a larger portion of it in Kansas City, Kans. The Missouri city sits on the

east bluff above the bottom, the Kansas city on the west. This Kansas River bottom is the most valuable land in either of the two cities. In this small bottom are situated all the great packing plants, constituting in the volume of business done the second largest industry of that kind in the world. Here also is located the Kansas City stock yards, second in size and number of live stock handled only to the Chicago market.

In this bottom likewise are located all the great warehouses for the agricultural-implement manufacturers of the country, this city being the largest distributing depot for goods of that kind in the world. In this bottom also are located all but one of the large wholesale grocery houses of the city and a large part of the heavy wholesale business in other lines. By reason of this location of the heavy business, and also on account of the conformation of the country, every railroad reaching or passing through Kansas City traverses this bottom, and many of them have their terminals located there. So that a flood such as we had last spring not only causes enormous damage to that immediate community, destroying for months the market for that entire territory, but puts out of business the railroads carrying the commerce of the entire Southwest.

The flood of last year destroyed thousands of houses, many thousand railroad cars, hundreds of miles of track, and in Kansas City alone sixteen bridges. The money damage was estimated at from twenty to thirty million dollars. It was of course impossible to estimate it accurately, and no estimate was attempted on the loss by reason of the months during which the railroad companies in that immediate locality and the great industries dependent upon them were practically out of business. The bridges across the Kansas River destroyed by this flood were iron superstructures resting upon stone piers. The superstructures were lifted off the piers and dropped in the bed of the stream, where they lie to-day, the sand and silt collecting in and behind them, forming bars stretching practically across the entire bed of the river, so that even an ordinary rise in the river would probably result in disaster to the city. The railroads refuse to remove them and the Government insists that it has no authority to compel them to do so if they choose to abandon their property rights in the wreck.

This is the situation, on account of which we are asking immediate relief. There is before the Committee on Rivers and Harbors a report of a board of engineers sent by the Secretary of War to establish harbor lines in the Missouri and Kansas rivers and ordered to report on the subject of "obstructive bridges across and of flood conditions in the Kansas River at and near its mouth." From this report you will find that the Kansas River was formerly navigated by boats at least up as far as Fort Riley. In fact, the material for the building of the fort was carried up the river by boat, and I am informed by Colonel Van Horn, for many years editor and publisher of the Kansas City Journal, that before the days of the railroads boats made regular trips upon the river, and the schedule of their time was carried as one of the standing advertisements in his paper. In law the Kansas River to-day is a navigable stream; but in fact, by reason of the obstructions placed in it, it is not navigated except by barges and small boats carrying sand down the river, taken from the bed of the stream.

In 1864 the legislature of Kansas declared the stream nonnavigable. The courts of the United States refused to recognize the authority of the legislature to pass such an act, and the same was repealed in 1868, when the statutes were revised. The Government has frequently recognized its right of control over the river. It has twice reported upon the feasibility and advisability of work on the stream in the interest of navigation. In 1886 Congress passed an act granting to a street-railroad company the authority to construct a bridge over the river. In 1898 \$20,000 was appropriated to be expended in widening and cleaning out the mouth of the Kansas River where it empties into the Missouri River, at Kansas City. Notwithstanding the fact that the Government has never relinquished its control over the river (and the Government still holding that control, neither the State of Kansas nor the cities affected by floods could exercise any authority over obstructions placed in the river), yet the Government has never exercised any supervision over the bridges built across the Kansas River.

Encroachment on the channel by riparian owners has been going on for many years until its former average width of 850 feet, as shown by the meander lines of 1856, has been reduced to an average of about 590 feet, with a minimum in one place, and that near its mouth, of only 420 feet. There are seventeen bridges across the river near its mouth, all of them iron superstructures with from two to four piers in the river. These piers are not carried down to bed rock, but rest upon piles cut off but little if any below low water, and in order to protect the foundations from scouring large quantities of riprap stone have been thrown into the river around the piers until each is surrounded by a mound of rock, the slope from one pier meeting the slope from the other, thus forming a complete stone dam or dike across the river, and effectually preventing it from scouring in times of flood.

Besides these obstructions, stone dikes have been built from time to time, extending into the stream from both sides, to prevent erosion. The engineers estimate that the capacity of the natural channel of the river to carry floods has been diminished about one-half. As the Government has never relinquished its control of the river, and neither the city nor State had the right to compel the removal of these obstructions without that relinquishment, we contend that these acts, which are the direct cause of the flood and the damage resulting therefrom, are practically attributable to governmental neglect and ought to be remedied by the General Government.

The Government says it can not compel the railroads owning those superstructures to take them out of the stream. The cities can not compel them to do so. The city of Kansas City, Mo., can not even appropriate money for such a purpose, for they lie entirely within the jurisdiction of the smaller city of Kansas City, Kans. With that stream still a navigable stream in law, with the Government of the United States still in control of it, as reported by its Board of Engineers, it declines to compel the removal of the obstructions, but, on the contrary, permits that stream to be dammed at will, to our destruction.

I submit, Mr. Chairman, that under those circumstances we ought to have relief from the Committee on Rivers and Harbors.

Mr. BURTON. Mr. Chairman, I can not agree with the gentleman from Missouri [Mr. COWHERD] that the General Government is at all to blame for the very deplorable conditions existing at Kansas City. Forty years ago an act was passed by the legislature of Kansas declaring this stream nonnavigable. It matters not whether that was a valid statute or not; it makes no difference whether it was omitted in a later codification of the statutes, for from that day to this there has been practically no navigation on that river—I may almost say absolutely none. Possibly some barges have taken loads of sand for a few rods. No one interested in the Kaw River has sought to promote navigation upon it. No appropriation has been made for its improvement except immediately at the mouth.

Now, is it the duty of the Government of the United States, through its engineering department, which is overburdened with work, to search out streams in the country that might by some possibility be made navigable, and assert authority there, when no man requests it to do so?

In the meantime bridge after bridge has been erected over that stream without asking the consent of Congress, save with one exception—one of the seventeen. The owners of property abutting on the stream have extended the land out into the river, narrowing it until it is, perhaps, not more than half as wide as it was formerly.

Any day citizens could have gone into the courts and obtained an injunction against this infringement on the river, either by bridges or by extending the boundary line of the banks. The gods help those who help themselves. The remedy during all of these years was with themselves, and it is now. I want to say, however, most heartily to the gentleman from Kansas City that any relief that can be granted by the Committee on Rivers and Harbors, or anything pointing toward relief by recommendation, we shall be very glad to give. And yet I do not quite see how we have jurisdiction over a stream that is not now and for twenty years has not been navigable.

The condition is bad enough, and it would certainly afford me gratification if the Secretary of War would say that no structure shall be built across that river unless careful provision is made not to impede the flow of the water, and that no private proprietor, grasping or not grasping, shall extend his line out into the stream without the consent of the Department. Certainly there will be no objection to its passage if any feasible measure is brought in here. I should most certainly object to the granting of an appropriation, because no precedent could be created that would be worse.

The sole object would be the prevention of flood damage. Everyone knows that they are not seeking the navigation of the river, but simply some means of obviating the danger of future floods.

I believe there is no amendment pending except the formal one to strike out the last word.

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn.

Mr. HERMANN. Mr. Chairman, I submit the following amendment, to be inserted in line 11, on the first page, after the word "Government."

The Clerk read as follows:

Insert, after the word "Government," line 11, page 1, the following: "Or in other portions of the same navigable channel not established or made by the Government."

Mr. BURTON. I reserve the point of order on that, Mr. Chairman, as not germane, as not based upon existing law.

Mr. HERMANN. I ask the gentleman to suspend his point of order pending an explanation.

Mr. BURTON. Certainly; I reserve the point of order.

Mr. HERMANN. I offer this amendment not so much for the purpose of suggesting anything original concerning the merits of the proposition as to obtain the interpretation of the chairman of the Committee on Rivers and Harbors as to the meaning of certain words used in this section. The words to which I refer are the following:

For the restoration or maintenance of channels, or of river and harbor improvements, established or made by the Government, where the usual depth of such channels or customary use of such improvement has become, or may be, impaired—

And so forth.

Now, sir, the question of doubt, as to which I ask the gentleman's interpretation, is in the words—

Established or made by the Government.

I can illustrate to the gentleman by citing a case like this, where, in the channel way of Coos Bay, a magnificent harbor in the district which I have the honor to represent, there is a well-recognized channel for the passage of ships of trade from the wharves and from the manufactories out onto the high seas.

Portions of that channel have been made or established by the Government. Other portions of that channel have never been made or established by the Government, but remain just as nature made them. Now, I submit that this trouble may arise, that some impairment of that channel never before improved may occur, as has occurred there by the shoaling of the channel way. According to this language as it may be construed, no aid or relief whatever can be afforded under the provisions of this bill.

Now, as I have said, there is a well-recognized waterway over which all the ships of commerce pass, and merely because at this particular part of that well-established channel an impairment has occurred no relief can be afforded under this bill, for the reason that at that particular point of the main channel the Government has never undertaken any works of improvement, or, in other words, has not "established or made" the channel in the words of this particular bill.

I therefore submit to the gentleman, if this should be the interpretation, that there evidently has been an oversight on the part of the framer of this phraseology; for surely it could not be meant that simply because the Government has not technically undertaken the improvement of one particular reach in the channel which in other points it has attempted to improve, it shall not also improve the one place not before improved by it if an obstacle shall form at that point.

Why, sir, I can conceive of such an emergency, and, indeed, some very serious ones. There may be a great wreck in the harbor of the port of Boston by some great ship foundering at right angles to the entrance of that particular harbor, barring passage to the high seas, and if, perchance, the Government engineers have never heretofore provided for some project of improvement at this point, therefore an emergency at this point can not be relieved or an obstacle removed with funds herein appropriated because there is no authority for it in this bill.

For another instance take the case of a bar harbor with impaired navigation over the bar at the entrance to the seas. There the Government has entered upon a particular improvement. Jetties have been established and are completed, or partially completed, there under a law providing for the project. The Engineer Corps of the Government have attempted to make an improvement of navigation there. It has, I will admit, "established" a channel way, or "improved" the channel way, in the language in this bill. Now, then, assume there is not a sufficient appropriation to complete that particular channel way. Wrecks are happening there. The original appropriation provided for the completion of the work.

The partial completion of the scheme exhausted all of the regular appropriation, and this bill leaves the question in doubt as to whether any of this money can be expended for such a contingency as that upon a bar harbor entrance. Does that come under the operation of this bill, which makes an appropriation of \$3,000,000 to be appropriated or expended to the extent of the maximum of \$50,000 upon any single restoration or maintenance? I do not wish to propose this amendment, and thereby encumber the bill, if the gentleman can make a plain statement as to the meaning of the phraseology there used, with assurance that the relief I seek can be secured; and I will also ask the gentleman, in my time, to kindly say whether it can or not.

Mr. BURTON. I will state to the gentleman that it would be very objectionable to adopt this amendment. It would mean that even if only a small portion of the river were under improvement by the Government, money could be expended in any portion of the channel which was navigable, whether there had been any improvement by the Government or not. Suppose there should be a river 100 miles long, and for 10 miles of that length improvements had been made. The money could be expended, according to this provision, for any portion of the other 90 miles.

Mr. HERMANN. But I will say to the gentleman that is not a

fair illustration, but will suppose there are two points in a well-recognized channel way, in the same harbor, that the Government has attempted to improve, or improved the channel at two points distant 3 or 4 or 10 miles from each other. Now, along the reach connecting these two points a shoal forms or a wreck happens. The Government has never attempted any project for improving or establishing a channel within those points, but nature has established that channel, perhaps better than it could have been established by the Government. Now, that particular reach becomes impaired by some accident. I will ask the gentleman wherein is there any remedy in this bill for such a case as that?

Mr. BURTON. I will state, in answer to the gentleman, that he is on one horn or another of a dilemma. If it is intended to expend the money where it has not been authorized on projects not adopted by the Government, then this amendment is certainly out of order. If it is in the line of an improvement made by the Government, there is no use for it whatever.

Mr. HERMANN. That is just the point I desired to bring out.

Mr. BURTON. I would state in regard to that, Mr. Chairman, that while I would not like to seek to control or influence the discretion of any executive officer, the course of the Department has been liberal in such cases as this. This is a case in point: There is a bar, and then there is a channel which has been excavated for 3 miles to the interior of the harbor and the wharves. At the time the excavation was made there was a sufficient channel way over the bar, and that has become impaired.

Mr. HERMANN. That is right.

Mr. BURTON. Now, usually a liberal policy has been pursued in such a case. If it should be not very expensive improvement to make that channel complete by clearing away the bar, it would be done. I think that can be relied upon.

Mr. HERMANN. The answer, then, is that by construction the gentleman would define these particular channels or reaches to be the one and the same channel?

Mr. BURTON. Certainly; it was intended to be a channel from this bay out to the sea.

Mr. HERMANN. And it is one and the same channel?

Mr. BURTON. I would not want to undertake to say what the War Department would do, but as a matter of opinion, provided it could be done at a comparatively small expense—

Mr. HERMANN. I understand.

Mr. BURTON. Of course not entering upon a great project requiring a survey or estimate. In that case it would not be.

Mr. HERMANN. I understand, and further know that in another law there is an emergency provision whereby a sum equaling \$200,000 is left to the discretion of the Engineer Corps, and from which sums not exceeding \$10,000 upon any one particular project during the fiscal year funds may be apportioned and may be expended for a sudden emergency, as I understand.

Mr. BURTON. This bill, however, is much broader and more liberal than the appropriation which that makes. That is limited to a condition amounting to an emergency.

Mr. HERMANN. Now, then, in the particular case which I have in hand, the Government has attempted to make a proper repairment of the injuries in this particular case and it has expended an amount equaling the \$10,000 and—

Mr. BURTON. On the bar at that place?

Mr. HERMANN. At this particular point of obstruction or shoal; but having reached the maximum amount limited by law in the same fiscal year it is without authority to extend a single dollar beyond it to complete the improvement. Now, I purpose to know whether additional relief might be had under this bill?

Mr. BURTON. I will say to the gentleman that if they have expended any part of an emergency fund on it they certainly can expend a portion of this appropriation under this bill.

Mr. HERMANN. Then, Mr. Chairman, having obtained the object I desired, the chairman having interpreted the language as I hoped he would and which I feel sure the Department and Engineer Corps will follow, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be considered withdrawn.

The Clerk read as follows:

Sec. 2. That in all cases in which appropriations or authorizations have heretofore been made for the completion of river and harbor works the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, apply such amounts as have been appropriated or authorized for the prosecution of such work

Mr. BURTON. Mr. Chairman, as I understand the Clerk has completed the reading of the bill, I move that the committee do now rise and report the bill with the recommendation that it do pass.

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise and report the bill with a favorable recommendation to the House.

The motion was adopted; and the committee accordingly rose, and the Speaker having resumed the chair, Mr. GRAFF, Chairman of the Committee of the Whole House on the state of the Union,

reported that that committee had had under consideration the bill (H. R. 14754) providing for the restoration or maintenance of channels, or of river and harbor improvements, and for other purposes, and had directed him to report the same back with a recommendation that the bill do pass.

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

On motion of Mr. BURTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows: To Mr. PINKNEY for ten days, on account of important business.

To Mr. GRIGGS indefinitely, on account of sickness in family.
To Mr. SPERRY for four days, on account of death in the family.

VIEWS OF MINORITY.

Mr. WILLIAMS of Mississippi. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. I want to ask that the gentleman from Georgia [Mr. BARTLETT] have leave to file the minority views in connection with the bill H. R. 4831 within the next five days from and after to-day—that is, with the consent of the committee which has reported the bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that his colleague [Mr. BARTLETT] be granted five days from and after to-day in which to file the views of the minority on the bill H. R. 4831. Is there objection? [After a pause.] The Chair hears none.

TRANSFERRING CERTAIN PROPERTY TO THE COLUMBIA MILITARY ACADEMY.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13509) authorizing the Secretary of War to transfer to the Columbia Military Academy certain property in Maury County, Tenn.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to convey, by deed duly and properly executed, to Columbia Military Academy, an educational corporation organized under the laws of the State of Tennessee, and its successors, the property situated in the ninth civil district of Maury County, State of Tennessee, belonging to the Government of the United States, formerly used as an arsenal, and known as the "Columbia Arsenal property," the same comprising about 66 acres and generally bounded by the Hampshire pike, the Louisville and Nashville Railroad, the Mount Pleasant pike, and a public road connecting the two pikes above named, said conveyance to provide, however, that the estate thereby created shall continue so long only as the said property shall be used for educational purposes only and in conformity with the terms of this act.

SEC. 2. That the Secretary of War shall require the grantee to file in the War Department an acceptance of said property stipulating that the same shall be dedicated and used for all time for educational purposes and no other.

SEC. 3. That the Secretary of War shall be a visitor to said school and have and exercise full rights of visitation, and he shall have the right and authority, in his discretion, if the public interest requires, to prescribe the military curriculum of said school and to enforce compliance therewith, and upon refusal or failure of the authorities of said school to comply with the rules and regulations so prescribed by the Secretary of War or with the terms of this act he is authorized to declare that the estate of the grantee has determined, and the property shall revert to the United States, and the Secretary of War is authorized thereupon to take possession of said property in behalf of the United States. The deed mentioned in section 1 and the acceptance mentioned in section 2 of this act shall so stipulate and shall further reserve to the United States the right to use such lands for military purposes at any time on demand of the President of the United States.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, reserving the right to object—

Mr. DALZELL. May I ask the gentleman from Tennessee what committee reported this bill?

Mr. PADGETT. The Committee on Military Affairs.

Mr. DALZELL. Is it a unanimous report?

Mr. PADGETT. Yes, sir; and it has the approval of the Secretary of War and General Chaffee.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question. Has this reservation been abandoned?

Mr. PADGETT. Yes, sir.

Mr. LACEY. How long since?

Mr. PADGETT. It was abandoned about three years ago as an arsenal, and the Secretary of War is going to abandon it. He has had about forty or fifty soldiers there—

Mr. LACEY. But it has not been turned over to the Department of the Interior as an abandoned reservation?

Mr. PADGETT. No, sir; it has not.

Mr. WILLIAMS of Mississippi. Did this land cost the Government of the United States anything?

Mr. PADGETT. No; not anything. It was donated by the citizens of Columbia to the Government of the United States for arsenal purposes, and the Government then abandoned it as an

arsenal, and the persons who contributed the money for the purchase ask for this disposition of it.

Mr. WILLIAMS of Mississippi. This is not to cede back this land to the people who gave it to the Government, but to somebody else?

Mr. PADGETT. No, sir; the people who gave it ask that it be transferred in this way.

Mr. WILLIAMS of Mississippi. Who asked this?

Mr. PADGETT. The citizens of Columbia.

Mr. WILLIAMS of Mississippi. Was it given by the citizens of Columbia; did they subscribe as a body to buy it, or was it given by individual citizens of Columbia?

Mr. PADGETT. It was given by individual citizens.

Mr. WILLIAMS of Mississippi. And instead of going back to those citizens now they request that it go to some educational institution?

Mr. PADGETT. Yes, sir; and that request is in writing and filed with the papers in the case.

Mr. WILLIAMS of Mississippi. And all of the parties to the original cession join in it?

Mr. PADGETT. I so understand.

Mr. WILLIAMS of Mississippi. Is the gentleman sure of that?

Mr. PADGETT. I think so. I have not verified it as to every detail. There may be some who gave, say, \$5, or something of that kind.

Mr. WILLIAMS of Mississippi. What were the conditions upon which the original cession was made?

Mr. PADGETT. None at all. It was an absolute deed in fee to the Government, without limitation.

Mr. WILLIAMS of Mississippi. Without any condition that if the Government ever ceased to use it for public purposes it should revert to the donors?

Mr. PADGETT. It had no such condition. It was an absolute deed to the Government.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

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

RELIEF OF CERTAIN SETTLERS UPON WISCONSIN CENTRAL RAILROAD AND THE DALLES MILITARY ROAD LAND GRANTS.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the Committee on Public Lands be discharged from the further consideration of the bill S. 987, and that the same be considered at this time. I shall send the same to the desk and ask to have it read.

The Clerk read as follows:

Be it enacted, etc., That all qualified homesteaders who, under an order issued by the Land Department, bearing date October 22, 1891, and taking effect November 2, 1891, made settlement upon and improved any portion of an odd-numbered section within the conflicting limits of the grants made in aid of the construction of the Chicago, St. Paul, Minneapolis and Omaha Railway and the Wisconsin Central Railroad, and were thereafter prevented from completing title to the land so settled upon and improved by reason of the decision of the Supreme Court in the case of Wisconsin Central Railroad Company against Forsythe (159 U. S., p. 46); and all qualified homesteaders who made settlement upon and improved any portion of an odd-numbered section within the conflicting limits of the grants made in aid of the construction of the Northern Pacific Railroad and The Dalles military wagon road, under orders issued by the Land Department treating such lands as forfeited railroad lands, and were thereafter prevented from completing title to the land so settled upon and improved by reason of the decision of the Supreme Court in the case of Wilcox against Eastern Oregon Land Company (176 U. S., p. 51) shall, in making final proof upon homestead entries made for other lands, be given credit for the period of their bona fide residence upon and the amount of their improvements made on the lands for which they were unable to complete title: *Provided*, That no such person shall be entitled to the benefits of this act who shall fail to make entry within two years after the passage of this act: *And provided further*, That this act shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead law since being prevented, as aforesaid, from completing title to the lands as aforesaid settled upon and improved by him.

Passed the Senate March 30, 1904.

The SPEAKER. Is there objection to its present consideration? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

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

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

Mr. LACEY. Mr. Speaker, the bill H. R. 9163, the House bill on the same subject, I think ought to be laid on the table.

The SPEAKER. Without objection, it is so ordered.

TRANSFER OF MERCHANDISE IN BONDED WAREHOUSES.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10425) to restrict the unlimited transfer of merchandise in bonded warehouses, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That where the right, title, or interest in and to any imported dutiable goods, wares, and merchandise remaining in bonded warehouses for which warehouse receipts have been issued has been pledged, sold, or otherwise transferred as security for debt by the record owner of said goods, wares, and merchandise, one and only one such transfer of any right, title, or interest in and to such goods, wares, and merchandise shall be recognized by the customs officer having charge of the same: *Provided, however,* That a retransfer of such right, title, or interest to the original transferor and owner shall be recognized by said customs officer: *And provided further,* That no such pledge, sale, or transfer shall operate to divest the Government of its lien against the first record owner of such goods, wares, and merchandise and against his transferee for the payment of the lawful duties and charges accruing thereon at the time of withdrawal.

Mr. SHERLEY. Mr. Speaker, without desiring to object at this time, I would like to have some explanation of the bill and the reason why a bill of that nature should come up at this time under unanimous consent.

Mr. WANGER. Mr. Speaker, the legislation is asked for by the National Association of Bonded Warehouses. It is recommended by the Secretary of the Treasury, and I understand that the bill was unanimously reported by the Committee on Ways and Means.

Mr. DALZELL. Mr. Speaker, that is true. The Committee on Ways and Means unanimously reported the bill.

Mr. SHERLEY. Mr. Speaker, I do not consider that a bill of that kind, relating generally to the right of the transfer of property, ought to be passed in this manner. I do not know that I want to object to the bill, but I do not believe that it is proper to put a bill of that kind through the House in this manner.

Mr. WANGER. Mr. Speaker, I will say to the gentleman from Kentucky [Mr. SHERLEY] that at the present time the customs officers will not recognize any transfer of the right to import merchandise. I mean that they will not make any record on their books, and it has occasionally happened that after the owner has received a fair share of the value of that merchandise it has been required to be reexported and the warehouseman who has advanced his receipt for the goods has been defrauded out of the amount of his advancement. The Treasury Department finds it would be impracticable to note all transfers, and not knowing just where to draw a line, declined to establish any regulation unless there is legislation. They very cordially recommend, as my friend will see if he will examine the report, the enactment of this bill, which would limit the transfer to one such transfer and note thereof and then permit a retransfer if that was desired by the office.

Mr. SHERLEY. I have no doubt that all the gentleman says may be true, but I have also no doubt that there are not ten men on this floor who know anything about it. Now, this is a general law changing the rights of property and transfers, and I do not think it ought to be passed here without any further consideration than a statement of that sort.

Mr. TAWNEY. Will the gentleman from Kentucky [Mr. SHERLEY] permit me to make a statement? This is a receipt for goods in bond.

Mr. SHERLEY. I understand that.

Mr. TAWNEY. It is personal property. The owner or holder of that receipt can not use it at the present time because of the fact that the Department will make no record of the transfer. The owner of that property is unable to use it; he can not negotiate a loan. It is of no value whatever in the negotiation of a loan that he may desire to make on it while the actual property is lying in bond.

The case is analogous to that of an elevator receipt, such as an elevator receipt for grain. Such receipts are made negotiable in many of the States, especially in my own State.

Mr. SHERLEY. I understand fully the commercial practice of handling receipts of this sort. In my city a great deal of business is done in the handling of warehouse receipts for whisky in bond. But my point is simply this: Nobody knows exactly what this bill provides. For instance, I do not see why it should be limited to a single transfer; I think we ought not to pass general legislation of this sort on no fuller statement than we have in regard to this bill.

Mr. DALZELL. The gentleman will allow me to say that this bill was very exhaustively discussed in the Committee on Ways and Means. We spent some considerable time upon it, and it has been recommended to the House by the unanimous vote of that committee.

The reason why not more than one transfer is allowed is because of the objection of the Secretary of the Treasury. He is perfectly willing to concede the right to make one transfer and have it recorded on the books of the custom-house, but he is unwilling to go into bookkeeping arrangements that would be necessitated by allowing a number of such transfers.

The bill allows a man having goods in bond to raise money upon an assignment of his certificate, and then, when the money is repaid, the certificate may be reassigned. That is as far as the Secretary of the Treasury is willing to go.

Mr. SHERLEY. Does it relate only to goods in bond at the custom-house?

Mr. DALZELL. It does not relate to general warehousemen at all.

Mr. WANGER. It relates only to imported goods in bond.

The SPEAKER. Is there objection? The Chair hears none.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. WANGER, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES COURTS IN IOWA.

Mr. WADE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14673) to create a new division of the eastern judicial district of Iowa and to provide for terms of court at Davenport, Iowa, and for a clerk for such court, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the counties of Scott, Muscatine, Washington, and Keokuk shall constitute a division of the eastern judicial district of Iowa.

Sec. 2. That terms of the circuit and district courts of the United States for the said eastern district of Iowa shall be held twice in each year at the city of Davenport, Iowa, and that until otherwise provided by law the judges of said courts shall fix the times at which said courts shall be held at Davenport, of which they shall make publication and give due notice.

Sec. 3. That all civil process issued against persons resident in the said counties of Scott, Muscatine, Washington, and Keokuk, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Davenport, Iowa, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States courts at the city of Davenport, Iowa: *Provided,* That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

Sec. 4. That the clerks of the circuit and district courts of said district shall maintain an office, in charge of themselves or a deputy, at the said city of Davenport, Iowa, for the transaction of the business of said division.

Suitable quarters for the maintenance of said clerk's office and for holding said court shall be furnished without expense to the United States.

The amendments reported by the Committee on the Judiciary were read, as follows:

On page 1, line 4, strike out the word "eastern" and insert in place thereof the word "southern."

On page 1, line 5, add, after the word "Iowa," the words "to be known as the Davenport division of said court."

On page 1, line 7, strike out the word "eastern" and insert in lieu thereof the word "southern."

There being no objection, the House proceeded to the consideration of the bill.

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.

Mr. WADE. I ask unanimous consent that the title of the bill be amended by striking out "eastern" and inserting "southern."

There being no objection, the amendment was agreed to.

The bill was then passed.

On motion of Mr. WADE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALLOTMENTS OF LAND TO INDIANS.

Mr. BROWN of Wisconsin. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 1974) was read, as follows:

A bill amending the act of Congress approved January 26, 1895, entitled "An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes."

Be it enacted, etc., That the act of Congress approved January 26, 1895 (28 Stat., 641), entitled "An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes," be, and the same is hereby, amended so as to read as follows:

"That in all cases where it shall appear that a double allotment of land has heretofore been, or shall hereafter be, wrongfully or erroneously made by the Secretary of the Interior to any Indian, by an assumed name or otherwise, or where a mistake has been or shall be made in the description of the land inserted in any patent, said Secretary is hereby authorized and directed, during the time that the United States may hold the title to the land in trust for any such Indian, and for which a conditional patent may have been issued, to rectify and correct such mistakes and cancel any patent which may have been thus erroneously and wrongfully issued whenever in his opinion the same ought to be canceled for error in the issue thereof, and if possession of the original patent can not be obtained, such cancellation shall be effective if made upon the records of the General Land Office; and no proclamation shall be necessary to open to settlement the lands to which such an erroneous allotment patent has been canceled, provided such lands would otherwise be subject to entry: *And provided,* That no conditional patent that shall have heretofore or that may hereafter be executed in favor of any Indian allottee, excepting in cases hereinbefore authorized, and excepting in cases where the conditional patent is relinquished by the patentee or his heirs to take another allotment, shall be subject to cancellation without authority of Congress.

There being no objection, the House proceeded to the consideration of the bill.

The following amendment, reported by the committee, was read:

On page 2, line 16, after the word "entry," insert the following: "And provided further, That such land shall not be open to settlement for sixty days after such cancellation; and further."

The amendment was agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the conference report on the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes, be recommitted to the conference committee.

BRIDGE OVER THE MISSISSIPPI, ITASCA, MINN.

Mr. BEDE. Mr. Speaker, I ask unanimous consent for the passage of the bill which I send to the desk.

The bill (H. R. 14750) authorizing the county of Itasca, in the State of Minnesota, to construct a wagon and foot bridge over the Mississippi River, in section 22, township 55 north, range 27 west of the fourth principal meridian, was read.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BEDE, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE RECORD.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am going to suggest a correction of the RECORD.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. On last Saturday, April 9, there was a ye-and-nay vote upon a motion to lay on the table the resolution of the gentleman from New York [Mr. COCKRAN]. That vote was recapitulated. This shows with what carelessness things of this sort are dealt with at the desk, I am sorry to say.

I find from that vote, on page 4589 of the RECORD, that the gentleman from Ohio [Mr. MORGAN] is recorded as having voted "yea," and I find that the gentleman from West Virginia [Mr. DOVENER] is also recorded as having voted "yea." I find upon the same page that the gentleman from Ohio [Mr. MORGAN] is recorded as having been paired with his colleague from Ohio [Mr. SNOOK], and I find on the next page that the gentleman from West Virginia [Mr. DOVENER], who voted, is recorded as having been paired with the gentleman from Kentucky [Mr. TRIMBLE]. I furthermore find, upon page 4590, that neither Mr. SNOOK nor Mr. TRIMBLE voted, and, as a matter of fact, neither one of them was here. The vote as announced was—yeas 103, nays 100.

I ask a correction in the RECORD, and that the names of Mr. MORGAN and Mr. DOVENER be taken from the list of yeas and put among the list of those answering "present" and paired. That will leave the vote 101 to 100.

Mr. DALZELL. Mr. Speaker, does the gentleman from Mississippi say that Mr. DOVENER and Mr. MORGAN did not vote?

Mr. WILLIAMS of Mississippi. I say that they are recorded as voting. Mr. DOVENER and Mr. MORGAN both voted, and neither Mr. TRIMBLE nor Mr. SNOOK voted; and they are recorded here on the same page, both Mr. DOVENER and Mr. MORGAN, as being paired.

Mr. DALZELL. That may be, but they both voted, and their votes can not be stricken from the RECORD. To make the change which the gentleman suggests would not be to correct the RECORD, but to mutilate it.

Mr. WILLIAMS of Mississippi. It seems to me that it would be preferable to have the RECORD agree with itself.

Mr. DALZELL. The question of pairs is a matter with which the House has nothing at all to do. It is simply a question of personal honor as between Members; and as the gentleman from Mississippi [Mr. WILLIAMS] admits that both these gentleman voted—

Mr. WILLIAMS of Mississippi. I know one of these gentlemen, the gentleman from West Virginia [Mr. DOVENER], very intimately, warmly, and well. I do not know as a matter of fact whether he did vote or not. I think the chances are that if he was paired he did not vote. I do not enjoy as close an acquaintance with the gentleman from Ohio [Mr. MORGAN], but I am willing to believe that if he was paired he would not vote, and as a matter of fact did not vote.

Mr. DALZELL. I do not believe that Mr. DOVENER or Mr. MORGAN knew that they were paired. I know from personal knowledge that Mr. DOVENER voted. This matter of pairs, of course, is a matter which may very easily get astray. There is no presumption arising out of the fact of a mere announcement of pairs that a gentleman did not vote; on the contrary, the RECORD shows that these gentlemen did vote. It would be impossible to strike out their names from the list of yeas, because to do so would be to misstate what actually occurred.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am informed that the pairs were recorded.

Mr. GIBSON. Mr. Speaker, I should like—

The SPEAKER. The Chair will state to the gentleman from

Mississippi that the statement of pairs in the RECORD is purely an unofficial statement. The statement of a vote is official. The gentleman can see at once that where pairs are made, not infrequently—

Mr. WILLIAMS of Mississippi. Mr. Speaker—

The SPEAKER. Not infrequently pairs are off without the pair clerk being informed.

Mr. WILLIAMS of Mississippi. Mr. Speaker, just one word.

The SPEAKER. Yes.

Mr. WILLIAMS of Mississippi. The Speaker understands that neither the gentleman from Ohio [Mr. SNOOK] nor the gentleman from Kentucky [Mr. TRIMBLE] voted, and that both those gentlemen had pairs on record—one with the gentleman from West Virginia and the other with the gentleman from Ohio.

The SPEAKER. And yet the Chair will say—

Mr. WILLIAMS of Mississippi. But I am not coming to that. I want to call the attention of the House now, and I want to call the attention of the country again to the facts as they exist. Suppose that vote, instead of having been 103 to 100, had been 101 to 100.

The SPEAKER. And yet—

Mr. WILLIAMS of Mississippi. Then we would have been left in this position—if we could not correct the RECORD in accordance with the fact—that both parties in this House would be left in doubt hereafter as to whether a pair were or were not to be respected when a vote is closed.

The SPEAKER. One moment. And yet the Chair—

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Missouri [Mr. LLOYD].

The SPEAKER. The gentleman has nothing to yield.

Mr. DALZELL. I would make the suggestion that this is a matter that ought not to be called up in the absence of Mr. DOVENER and Mr. MORGAN.

The SPEAKER. The Chair was about to state that the statement of the pairs in the RECORD is purely nonofficial matter, and it does not, in the opinion of the Chair, lie in the mouth of any Member upon either side to criticize the vote of any other Member.

Mr. WILLIAMS of Mississippi. I am not criticising anybody; I am just criticising the record.

The SPEAKER. The record is made up as the memoranda were given, and a nonofficial statement can not avail to affect the official statement.

Mr. GAINES of Tennessee. Mr. Speaker, I want to state that I voted on Saturday—

Mr. WILLIAMS of Mississippi. I have the floor, and I yield a moment to the gentleman from Missouri.

The SPEAKER. The gentleman hardly has the floor in the way that he arose to a question of privilege.

Mr. WILLIAMS of Mississippi. I want the country and the House to understand how that vote was cast.

The SPEAKER. The gentleman rose to state what he supposed was a privileged question.

Mr. GIBSON. Regular order.

The SPEAKER. Now, then, for what purpose does the gentleman from Missouri rise?

Mr. LLOYD. As the person looking after the pairs on the Democratic side, I think I can straighten this matter up in a very short time.

The SPEAKER. Without objection, the gentleman will be heard.

Mr. LLOYD. I do not think either the gentleman from Ohio [Mr. MORGAN] or the gentleman from West Virginia [Mr. DOVENER] intended to do anything other than what it was right to do; and as I am informed, while the pairs are written, they were written up at the desk and not signed by the parties. It is possible that neither Mr. DOVENER nor Mr. MORGAN ever thought they were written up or paired, and until these individuals have an opportunity to appear and explain the condition of affairs I feel that there ought to be no censure against either one of them.

Mr. TAWNEY. Let me say—

Mr. WILLIAMS of Mississippi. I hope I will not be understood by the gentleman from Missouri, or by the Speaker, or by anybody else as having any desire to cast censure upon anybody. [Cries of "Regular order!"] I know nothing about which to censure. All I want is for the country to know how this vote was cast.

Mr. TAWNEY. Mr. Speaker, I wish to make a brief statement in regard to the pair of Mr. MORGAN and respecting the pair of Mr. DOVENER.

The SPEAKER. Without objection, the gentleman will be permitted to make a statement.

Mr. TAWNEY. Mr. MORGAN left the city the day before this vote was taken, or a day or so before, and left instructions at the pair clerk's desk to protect him while he was away. The pair clerk, not hearing him answer to his name on roll call and not knowing that he had voted, put up a pair with his colleague [Mr.

SNOOK] on the theory that he was absent. As to Mr. DOVENER'S pair, I know nothing about it. He is out of the city, and can explain to the House when he returns about voting when the RECORD shows he was paired.

Mr. GAINES of Tennessee. Mr. Speaker, on looking over the RECORD a few minutes ago I found that I am recorded as paired with my good friend from Maine [Mr. POWERS]. I was not aware that I was paired, although I had agreed with him to pair when he went away. I did not know that he had gone away, nor did I know that the pair was up, or I would have gladly kept it. I greatly regret that I voted, inasmuch as I was paired.

I was very anxious to vote against the motion to lay this pension order on the table, but should have observed the pair if I had known of its existence. You will remember, Mr. Speaker, that I called your attention during the recapitulation of the vote Saturday to the fact that I had been informed by my friend General GROSVENOR that I was announced as paired, and I was informed by the Chair that the pair announced was that of the gentleman from West Virginia [Mr. GAINES].

DISPOSAL OF UNSOLD LOTS IN FORT CRAWFORD MILITARY TRACT,
WISCONSIN.

Mr. BABCOCK. I call up the following bill.

The Clerk read as follows:

A bill (H. R. 14821) for the disposal of the unsold lots in the Fort Crawford military tract at Prairie du Chien, Crawford County, Wis.

Be it enacted, etc., That all lots in the Fort Crawford military tract at Prairie du Chien, Crawford County, Wis., not heretofore sold under the act entitled "An act to provide for the disposal of certain lands therein named," approved March 3, 1863, shall be disposed of and patented to the occupants and settlers thereon under bona fide title thereto who shall apply therefor within one year from the passage of this act and furnish proof of such occupation and settlement under claim of title and pay therefor the appraised value heretofore placed thereon. All lots in said tract not so disposed of at the expiration of one year from the passage of this act shall be subject to sale at private entry at not less than the said appraised price.

The amendments recommended by the committee were read, as follows:

Add after the word "thereon," in line 12, the following: "together with interest on said appraised value at the rate of 5 per cent per annum from the date of said appraisement;" and also by changing the period after said word "thereon," in said line, to a comma.

At end of bill change the period to a comma, and add the following: "with interest thereon at the rate of 5 per cent per annum from the date of said appraisement."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

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

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

LOUISIANA PURCHASE EXPOSITION.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11135.

The bill was read, as follows:

A bill (H. R. 11135) amending an act approved March 3, 1901, entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri."

Be it enacted, etc., That section 10 of the act approved March 3, 1901, entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri," is hereby amended so as to read as follows:

"Sec. 10. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition building or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided,* That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption."

Mr. DALZELL. Has this bill the approval of the Secretary of the Treasury?

Mr. TAWNEY. The Secretary of the Treasury sent this bill to the Committee on Industrial Arts and Expositions, and at the request of the Secretary of the Treasury the chairman introduced the bill.

I will say that the only change in the existing law is in respect to withdrawal of goods for sale and immediate consumption. On the withdrawal the goods are to be appraised, and in estimating the value for the purpose of fixing the rate of duty the appraiser is to take into consideration the deterioration in value, if any,

which may have occurred by reason of the articles having been on exhibition as a part of the exposition, which diminution has necessarily resulted from exposure or from other cause.

Mr. HEPBURN. Mr. Speaker, why should that be?

Mr. TAWNEY. At the Columbian Exposition there was a regulation of the Treasury Department, which regulation covered exactly the same provision. The representatives of foreign Governments called at the Treasury Department and asked to have a similar regulation adopted with reference to their exhibits at this exposition.

After examining the law the Secretary concluded that he did not have authority to make the regulation in force at Chicago. He therefore sent this bill with a letter, recommending that the bill be passed. The only change, I will say, in the existing law is in the last two lines, which I have underscored, and if the Clerk will read those last two or three lines of the bill the House will see exactly what change is made.

The Clerk read as follows:

And on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure.

Mr. HEPBURN. What I want to know is this—I understand that provision. Why should the Government of the United States extend that law? Why should you impose upon the Government the difficulties and the possible frauds that will result from attempting to ascertain the diminished value of these goods? Now you have a certain standard; the foreign value fixed in the invoice or the opinion of the appraisers; you are throwing the whole matter open.

Mr. TAWNEY. The law as it stands to-day requires the appraisers to fix the value as of the time of the exportation.

Mr. HEPBURN. Yes.

Mr. TAWNEY. Now, the representative of the German embassy and the representative of the French embassy said to us a few days ago that many articles will be exhibited that will suffer materially by reason of exposure to light and to the air, and they feel that they ought to have this privilege of paying duty if their exhibitors sell, and only in the event that imported articles are withdrawn for sale and consumption would this act become effective. They ought to have the privilege of paying the duty based upon the value of the article at the time of sale rather than at the time of importation, especially when the article is imported for exhibition and not for sale.

These gentlemen who appeared before us to illustrate the necessity for this spoke of the exhibition of carpets and rugs which after being on exhibition for six or seven months would necessarily, by reason of handling, by reason of exposure, exhibition, etc., deteriorate materially in value. Silks would be the same and textiles of every kind, and it is not the purpose of the Government to assess or levy duties upon articles belonging to people who have brought them here for the purpose of exhibiting them on this occasion, except upon their actual value at the time of withdrawal for sale and consumption. That has always been the practice heretofore.

It was a regulation of the Department at the Columbian Exposition and would have been the regulation here had the present Secretary of the Treasury construed the law as the Secretary of the Treasury construed the law during the time of the Columbian Exposition. It leaves the valuation of the articles in the hands of the Secretary of the Treasury, which valuation must be ascertained by him through the office of the appraisers.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, in drafting this bill I find the Department omitted the last three lines of the existing law, and I think as a matter of extra precaution they ought to be reenacted, inasmuch as this proposes to take the place of the existing section 10 of that law, and I offer those lines as an amendment to the bill.

The Clerk read as follows:

At the end of the bill insert:

"And all penalties prescribed by law shall be applied and enforced against a person who may be guilty of any illegal sale or withdrawal."

The amendment was agreed to.

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

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING OF CERTAIN LANDS TO OREGON FOR A FISH HATCHERY.

Mr. WILLIAMSON. Mr. Speaker, I desire to ask unanimous consent of the House for the present consideration of the bill S. 1607.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 1607) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery.

Be it enacted, etc., That the following described premises, to wit: The southeast quarter of section 19, the northwest quarter of the southwest quarter of section 20, and the northwest quarter of the northeast quarter of section 30, all in township 2 north, of range 41 east of the Willamette meridian, in the State of Oregon, be, and the same are hereby, granted to the State of Oregon for the use of said State in maintaining and operating thereon a fish hatchery: *Provided*, That in case said State of Oregon shall at any time for a period of five years fail to maintain and operate a fish hatchery on said premises, or on some part thereof, then the grant hereinbefore made of said premises to said State shall terminate, and said premises, and the whole thereof, shall revert to the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and empowered to ascertain and determine whether or not such hatchery is being maintained and operated on said premises, and if he shall at any time determine that, for a period of two years subsequent to the passage of this act, the State of Oregon has failed to maintain and operate a fish hatchery on said premises, he shall make and enter an order of record in his Department to that effect, and directing the restoration of said premises, and the whole thereof, to the public domain, and such order shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operation of the grant aforesaid.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. GALLINGER, and Mr. COCKRELL as the conferees on the part of the Senate.

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. 9985. An act providing for the donation of lots A, B, K, and L in block 39, in Fort Dalles military addition to The Dalles, Oreg., as shown on the plat of the city of The Dalles and surroundings, and filed in the local land office at The Dalles, Oreg., to the Oregon Historical Society;

H. R. 7474. An act granting an increase of pension to Fannie C. Morey;

H. R. 12460. An act granting a pension to Annie M. Powell;

H. R. 9135. An act for the relief of F. R. Lanson; and

H. R. 2010. An act for the relief of the heirs of John A. Dolan.

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10004. An act to authorize the Vulcan Coal Company, West Virginia, to bridge the Tug Fork of the Big Sandy River at Vulcan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky;

H. R. 13674. An act to amend an act approved December 16, 1878, and to authorize the Secretary of the Interior to grant additional water rights to hotels and bath houses at Hot Springs, Ark., and for other purposes;

H. R. 5811. An act to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia;

H. R. 10669. An act to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia;

H. R. 7392. An act making Vinalhaven, Me., a subport of entry;

H. R. 13212. An act for the establishment of Dayton, Ohio, as a port of delivery;

H. J. Res. 143. Joint resolution amending the law relating to the printing of the statutes;

H. J. Res. 126. Joint resolution providing for the extension of the time for the removal of the temporary dam and construction of locks in Bayou Lafourche, State of Louisiana;

H. R. 2947. An act granting an increase of pension to William F. Thompson;

H. R. 11711. An act granting an increase of pension to Jerome J. Hinds;

H. R. 691. An act granting an increase of pension to Rebecca C. Shurlock; and

H. R. 3011. An act granting an increase of pension to Phillip Duttenever.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1788. An act granting a pension to Sarah E. Nichols—to the Committee on Invalid Pensions.

S. 5088. An act to aid the Western Alaska Construction Company—to the Committee on the Territories.

S. 5047. An act granting certain lands to the diocese of Duluth for mission purposes—to the Committee on the Public Lands.

S. R. 68. Joint resolution to provide for opening to the public free of charge the Lincoln Museum, in the District of Columbia—to the Committee on the District of Columbia.

S. 5438. An act making an appropriation to supply a deficiency in the contingent fund of the United States Senate—to the Committee on Appropriations.

S. 3035. An act supplemental to and amendatory of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900—to the Committee on the Territories.

S. 4119. An act to refer the claims for the *Saugus* and *Napa* to the Court of Claims—to the Committee on War Claims.

S. 4334. An act for the relief of the administrator of the estate of Gotlob Groezinger—to the Committee on Claims.

S. 4375. An act to amend section 24 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce"—to the Committee on Interstate and Foreign Commerce.

S. 4938. An act regulating the use of telegraph wires in the District of Columbia—to the Committee on the District of Columbia.

WESTERN ALASKA CONSTRUCTION COMPANY.

Mr. BRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13774) to aid the Western Alaska Construction Company, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That it shall be lawful for the Western Alaska Construction Company to hereafter operate its railroad in the district of Alaska for a period of five years after the passage of this act without the payment of the license fee of \$100 per mile per annum on each mile operated, as provided in section 29, chapter 1, of the act entitled "An act for making further provisions for a civil government for Alaska, and for other purposes," approved June 6, 1900.

The following amendment was read:

Provided, however, That this exemption from said license fees is upon the condition that said company shall build at least 10 miles of railroad each year; but if more than 10 miles be built in any one year it shall be credited to the work of the succeeding year.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, it strikes me as a matter of too much importance to pass without full consideration. I object.

The SPEAKER. The gentleman from Mississippi objects.

RETURN OF A BILL.

The SPEAKER. The Chair lays before the House the following resolution from the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 372) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers.

The SPEAKER. Without objection this request will be granted.

There was no objection.

ISSUE OF DUPLICATE MEDALS.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent for the present consideration of the following Senate joint resolution, authorizing the issue of duplicate medals where the originals have been lost or destroyed, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That in any case where the President of the United States has heretofore, under any act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is hereby authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate joint resolution.

The resolution was ordered to be read a third time, read the third time, and passed.

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

DETAILING RETIRED OFFICERS OF THE ARMY AND NAVY TO ASSIST IN MILITARY INSTRUCTION IN SCHOOLS.

Mr. GARDNER of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1399) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools, which I will send to the desk and ask to have read.

The Clerk read as follows:

Whereas the national defense must depend upon the volunteer service of the people of the several States; and

Whereas those schools which shall adopt a system of military instruction are entitled to the assistance of the Government in order to secure to the United States such a knowledge of military affairs among the youth of the country as will render them efficient as volunteers if called upon for the national defense: Therefore,

Be it enacted, etc., That section 1225 of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail, under the provisions of that act, and in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of said act, such retired officers and noncommissioned officers of the Army and Navy of the United States as in his judgment may be required for that purpose to act as instructors in military drill and tactics in schools of the United States where such instructions shall have been authorized by the educational authorities thereof, and where the services of such instructors shall have been applied for by said authorities.

SEC. 2. That no detail shall be made under this act to any school unless it shall pay the cost of commutation of quarters of the retired officers or noncommissioned officers detailed thereto and the extra-duty pay to which they may be entitled by law to receive for the performance of special duty: *Provided*, That no detail shall be made under the provisions of this act unless the officers and noncommissioned officers to be detailed are willing to accept such position: *Provided further*, That they shall receive no compensation from the Government other than their retired pay.

The amendments recommended by the committee were read, as follows:

Strike out the preamble, which is as follows:

"Whereas the national defense must depend upon the volunteer service of the people of the several States; and

"Whereas those schools which shall adopt a system of military instruction are entitled to the assistance of the Government in order to secure to the United States such a knowledge of military affairs among the youth of the country as will render them efficient as volunteers if called upon for the national defense: Therefore."

Add after the word "pay," at the end of line 19, page 2 of the bill, the following:

"SEC. 3. That the Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government and which can be spared for that purpose, upon the approval of the governors of the respective States, such number of the same as may be required for military instruction and practice by such school, and the Secretary shall require a bond in each case for double the value of the property for the care and safe-keeping thereof and for the return of the same when required."

Also strike out the figure "3" in line 20, page 2 of the bill, and insert in lieu thereof the figure "4," making it read "Sec. 4."

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, reserving the right to object, I would ask if this bill carries an appropriation, or if it will carry one?

Mr. GARDNER of Michigan. No; it does not entail any additional expense on the General Government. It allows the detail of noncommissioned officers in addition to commissioned officers to give instruction in secondary schools, provided the men can be spared and that these schools bear all expense.

Mr. WILLIAMS of Mississippi. I have no objection.

Mr. BAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Then, on motion of Mr. DALZELL (at 5 o'clock and 4 minutes p. m.), the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Postmaster-General, referring to the necessity of an appropriation for mechanical facilities in the Chicago post-office—to the Committee on Appropriations, and ordered to be printed.

A letter from the president of the Louisiana Purchase Exposition, transmitting an invitation to the Congress to participate in the opening of the exposition—to the Select Committee on Industrial Arts and Expositions, 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. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 4331) to im-

prove currency conditions, reported the same with amendment, accompanied by a report (No. 2349); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3596) to amend section 2327 of the Revised Statutes of the United States, concerning mineral lands, reported the same without amendment, accompanied by a report (No. 2350); which said bill and report were referred to the House Calendar.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13481) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect, reported the same with amendment, accompanied by a report (No. 2355); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13300) granting certain rights and privileges to the commissioners of waterworks in the city of Erie, Pa., reported the same with amendment, accompanied by a report (No. 2356); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRICK, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 6791) to enable naval courts-martial and courts of inquiry to secure the attendance and testimony of civilian witnesses, reported the same without amendment, accompanied by a report (No. 2357); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6792) to provide for the convening of general courts-martial at remote naval stations, reported the same without amendment, accompanied by a report (No. 2358); which said bill and report were referred to the House Calendar.

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 2816) to amend section 3095 of the Revised Statutes of the United States, relating to manner of importation, reported the same without amendment, accompanied by a report (No. 2359); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13626) to amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," reported the same with amendment, accompanied by a report (No. 2360); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the Senate (S. 5173) for the relief of the heirs of D. C. McCan and Edward Conery, sr., reported the same without amendment, accompanied by a report (No. 2351); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 4279) for the relief of Copiah County, Miss., reported the same without amendment, accompanied by a report (No. 2352); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 5004) for the relief of Abram G. Hoyt, reported the same without amendment, accompanied by a report (No. 2353); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 14522) directing the issue of a check in lieu of a lost check drawn by Col. John V. Furey, assistant quartermaster-general, United States Army, in favor of John Wanamaker, reported the same with amendment, accompanied by a report (No. 2354); 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 bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 14182) granting a pension to Susan C. Schucking—

Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14791) making an appropriation for building, equipping, and maintaining an asylum for the insane in the Indian Territory—Committee on Indian Affairs discharged, and referred to the Committee on Appropriations.

A bill (H. R. 13885) granting an increase of pension to Michael Staley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6092) granting an increase of pension to Isaac Kelley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14146) for the relief of William Fletcher—Committee on Claims discharged, and referred to the Committee on War Claims.

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. CURTIS: A bill (H. R. 14968) permitting the Ozark and Cherokee Central Railroad Company and the Arkansas Valley and Western Railroad Company, and each or either of them, to sell and convey their railroads and other property in the Indian Territory to the St. Louis and San Francisco Railroad Company or to the Chicago, Rock Island and Pacific Railroad Company, and for other purposes—to the Committee on Indian Affairs.

By Mr. ROBERTS: A bill (H. R. 14969) to provide suitable medals for officers and men of the Navy and Marine Corps who participated in certain engagements of the civil war—to the Committee on Naval Affairs.

By Mr. RIXEY (by request): A bill (H. R. 14970) to establish primary schools of agriculture in the Territories of the United States—to the Committee on Agriculture.

Also (by request), a bill (H. R. 14971) to create a bureau of agricultural education—to the Committee on Agriculture.

By Mr. BRICK: A bill (H. R. 14972) defining the power of the academic board at the Naval Academy with regard to the admission of candidates and the retention of deficient midshipmen—to the Committee on Naval Affairs.

By Mr. TAWNEY: A bill (H. R. 14973) to amend sections 4924 and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

Also, a bill (H. R. 14974) to amend sections 4924, 4925, 4926, and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. MUDD: A bill (H. R. 14975) for the widening of the Bladensburg road, and for other purposes—to the Committee on the District of Columbia.

By Mr. WILLIAMSON: A bill (H. R. 14976) to provide for the sale of the unsold portion of the Umatilla Reservation, and for other purposes—to the Committee on the Public Lands.

By Mr. ALLEN: A resolution (H. Res. 317) to pay Joel Grayson for services and expenses incurred by him in compilation of the antitrust laws—to the Committee on Accounts.

By Mr. LIND: A resolution (H. Res. 318) requesting the Secretary of the Interior to report to the House the action taken upon the report transmitted to Congress by the President's message of March 7, 1904—to the Committee on Indian Affairs.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 319) for the consideration of bill H. R. 14623—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 14977) granting an increase of pension to Aaron West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14978) granting a pension to Mary Jane Benn—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 14979) granting a pension to Mary M. Varble—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 14980) granting a pension to Ellen Downs—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 14981) for the relief of Frank M. Jenkins—to the Committee on Claims.

By Mr. BOUTELL: A bill (H. R. 14982) to correct and amend the military record of Capt. Alexander McDonald, of Company I, Seventeenth Wisconsin Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 14983) granting an increase

of pension to Horace C. Webber—to the Committee on Invalid Pensions.

By Mr. COCKRAN of New York: A bill (H. R. 14984) for the relief of the estate of Charles L. Perkins—to the Committee on Claims.

By Mr. CONNELL: A bill (H. R. 14985) granting an honorable discharge to John Depew—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 14986) granting an increase of pension to J. E. Merrifield—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 14987) granting a pension to Mary E. Haren—to the Committee on Pensions.

By Mr. HILDEBRANT: A bill (H. R. 14988) granting a pension to Mary L. Nash—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 14989) for the relief of James M. Stephenson—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 14990) for the relief of Andrew J. Wells—to the Committee on War Claims.

Also, a bill (H. R. 14991) for the relief of J. W. McConnell—to the Committee on War Claims.

By Mr. McMORRAN: A bill (H. R. 14992) granting an increase of pension to Phoebe W. Daw—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 14993) granting a pension to John Walter—to the Committee on Pensions.

Also, a bill (H. R. 14994) granting a pension to Dora Weathersby—to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 14995) to enable Samuel H. Jenkins, formerly of New York, N. Y., and now of Chattanooga, Tenn., to make application to the Commissioner of Patents for the extension of letters patent—to the Committee on Patents.

By Mr. MURDOCK: A bill (H. R. 14996) granting an increase of pension to Joseph J. Hedrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14997) granting an increase of pension to Jonathan McMurry—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 14998) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Annie R. Cheseldine, administratrix of the estate of Biscoe Cheseldine, deceased, for destruction of property—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 14999) granting a pension to Annie C. Almond—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 15000) granting an increase of pension to Isabel Nichols—to the Committee on Pensions.

By Mr. SHULL: A bill (H. R. 15001) granting an increase of pension to John Watkins—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 15002) granting a pension to Mary J. Visscher—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15003) removing the charge of desertion against James H. Thomas—to the Committee on Military Affairs.

Also, a bill (H. R. 15004) granting an increase of pension to William N. Meacham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15005) granting an increase of pension to Malcolm L. McMullen—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 15006) for the relief of the legal representatives of John C. Trice, deceased—to the Committee on War Claims.

By Mr. WACHTER: A bill (H. R. 15007) providing for the refunding of taxes paid on cigars, tobacco, whisky and other liquors, and so forth, destroyed in the fire at Baltimore on February 7 and 8, 1904, which was not covered by insurance—to the Committee on Ways and Means.

By Mr. WEISSE: A bill (H. R. 15008) granting an increase of pension to Engelhardt Roemer—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of the Tenth Street Methodist Episcopal Church, of Erie, Pa., in favor of the passage of the bill H. R. 4072—to the Committee on the Judiciary.

By Mr. BEDE: Petition of Victor Kahn, J. B. Sattler, and 58 others, of Duluth, Minn., against passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BENTON: Papers to accompany bill granting a pension to Mary M. Varble—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 14794, to pay the heirs of John Sevier, sr., for certain property taken by the United States

(by mistake referred to the Committee on War Claims on April 7)—to the Committee on Claims.

By Mr. BURKETT: Petition of General Custer Circle, Ladies of the Grand Army of the Republic, Department of Nebraska, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, paper to accompany bill for the relief of Frank M. Jenkins—to the Committee on Claims.

By Mr. BURLEIGH: Resolution of Pomona Grange, Patrons of Husbandry, of Waldo County, Me., in favor of a good-roads bill—to the Committee on Agriculture.

By Mr. CAPRON: Resolution of the Maritime Association of the port of New York, favoring the further improvement of Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolution of the Rhode Island Horticultural Association, in favor of the bill in aid of experiment stations; petition of the Sarah E. Doyle Club, of Providence, R. I., in favor of the bill for a national forest reserve in the White Mountains in New Hampshire; resolutions of Union Grange, No. 13, Patrons of Husbandry, of North Smithfield, R. I., in favor of the bill in aid of agricultural experiment stations—to the Committee on Agriculture.

Also, resolution of John A. Logan Circle, No. 1, Ladies of the Grand Army of the Republic, of Rhode Island, in favor of the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, resolution of the New England Jewelers and Silversmiths' Association, protesting against the passage of the so-called "eight-hour law"—to the Committee on Labor.

Also, resolution of the town council of Narragansett, R. I., in favor of the passage of the Brownlow bill—to the Committee on Agriculture.

Also, resolutions of Grange No. 22, Patrons of Husbandry, of Lime Rock, and Grange No. 10, Patrons of Husbandry, of Kingston, R. I., in favor of experiment stations—to the Committee on Agriculture.

By Mr. DINSMORE: Petition of citizens of Springdale, Ark., in favor of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER: Petition of J. W. Schamp and 105 others, of Minnie, W. Va., in favor of a parcels-post and post-check bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bill H. R. 14957, for the relief of the trustees of the Methodist Episcopal Church South, at Clarksburg, W. Va.—to the Committee on War Claims.

By Mr. ESCH: Petition of F. W. Brinker and others, in favor of a parcels-post and a post-check bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of E. B. Wolcott Post, No. 1, Grand Army of the Republic, of Milwaukee, Wis., and Milwaukee Chapter, Daughters of the American Revolution, in favor of bill H. R. 4699—to the Committee on the Judiciary.

By Mr. FRENCH: Petition of 218 citizens of Boise, Idaho, in favor of the eight-hour and anti-injunction bills—to the Committee on Labor.

Also, petitions of citizens of Harrisburg, Pocatello, and Kendrick, Idaho, in favor of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GOLDFOGLE: Resolution of the board of directors of the Maritime Association of the Port of New York, favoring further improvement of the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. GRIFFITH: Petition of the National Union of Shipwrights, Joiners, and Calkers of America, of Madison, Ind., in favor of the eight-hour and anti-injunction bills—to the Committee on the Judiciary.

Also, papers to accompany bill granting an increase of pension to George Mitchell—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of Arthur S. Henderson, pastor of the Congregational Church, and others, of Shenandoah, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOGG (by request): Petition of W. S. Follansbee and 115 others, of Paonia, Colo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KNAPP: Petition of Fred M. Newton, of Barnes Corners, N. Y., in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of Watertown, N. Y., and vicinity, for the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Adams Center (N. Y.) Grange, No. 590, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Mr. LAWRENCE: Petition of residents of Cummington, Mass., favoring certain postal reforms—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTAUER: Petition of William R. Norris and others, of Fort Ann, N. Y., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. LOUD: Petition of voters of West Top, Mich., in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MURDOCK: Petition of J. S. Bennett and other civil-war veterans of Arlington, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PORTER: Resolution of Local Union No. 66, International Union of Steam Engineers, in favor of an eight-hour bill and an anti-injunction bill—to the Committee on the Judiciary.

By Mr. RIXEY (by request): Memorial of Col. Edward Daniels, urging the establishment of a school of agriculture and industrial art in memory of the late George Mason, of Virginia—to the Committee on Agriculture.

By Mr. RYAN: Petition of the Outdoor Art League, of California, protesting against erecting buildings on the Mall—to the Committee on Public Buildings and Grounds.

By Mr. SHERMAN: Petition of the New Century Club, of Utica, N. Y., in favor of bill H. R. 6784, to create the Colorado Cliff Dwellings National Park—to the Committee on the Public Lands.

By Mr. SHULL: Paper to accompany bill H. R. 1436, for the relief of Richard Blay—to the Committee on Military Affairs.

By Mr. SMITH of Texas: Petition of residents of San Angela and Ballinger, Tex., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOOK: Petition of David Hites, of Bucyrus, Ohio, in favor of bill H. R. 5760—to the Committee on Invalid Pensions.

By Mr. SPALDING: Resolution of a mass meeting held at Wetumka, Ind. T., in favor of bill S. 3625, relative to statehood—to the Committee on the Territories.

Also, petition of John L. Millar and others, of St. John, N. Dak., in favor of a parcels-post and a post-check bill—to the Committee on the Post-Office and Post-Roads.

By Mr. TAWNEY: Petitions of A. B. Gould and 25 others, of Zumbro, Minn.; S. L. Bear and 13 others, and W. F. Cobb and 4 others, of Lyle, Minn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Olmstead County Good-Roads Association, in favor of good-roads legislation—to the Committee on Agriculture.

By Mr. WEEMS: Petition and papers to accompany bill H. R. 9285, granting a pension to S. Amanda Mansfield—to the Committee on Invalid Pensions.

Also, petitions of the Christian Church of Flushing, Ohio; 360 citizens of Monroe County, Ohio; Asa Pinn and 5,500 members of Yearly Meeting of Friends, held August 3, 1903, at Mount Pleasant, Ohio, and H. B. Miller and 80 others, of Barnesville, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Harry Hale Post, No. 427, Grand Army of the Republic, Department of Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, April 12, 1904.

Prayer by the Rev. ULYSSES G. B. PIERCE, of the city of Washington.

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

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

ESTIMATES OF APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting estimates of appropriations for inclusion in the sundry civil appropriation bill covering certain items for support of United States penitentiary at Fort Leavenworth, Kans., and the United States penitentiary at Atlanta, Ga., for the fiscal year 1905, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Elias J. Riley, administrator of John Riley, deceased, v. The United States; which, with the accompanying