

SENATE.

THURSDAY, *March 15, 1906*

Prayer by the Chaplain, Rev. EDWARD E. HALE.
The Journal of yesterday's proceedings was read and approved.

CHIPPEWA INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for inclusion in the Indian appropriation bill for the fiscal year 1907, for completing the necessary surveys within the Chippewa Indian Reservation in Minnesota, including expenses of examining and appraising pine lands under the provisions of the act of April 14, 1889, etc., \$10,000; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. LITTLEFIELD, and Mr. CLAYTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 716. An act granting an increase of pension to Theodore H. Hanson;
S. 721. An act granting an increase of pension to Orange S. Mason;
S. 725. An act granting an increase of pension to William M. Smith;
S. 772. An act granting a pension to Jerusha Hayward Brown;
S. 784. An act granting an increase of pension to George L. Cooley;
S. 790. An act granting an increase of pension to William Benkler;
S. 836. An act granting an increase of pension to Charles A. Fay;
S. 842. An act granting an increase of pension to William A. Eggleston;
S. 859. An act granting an increase of pension to Richard T. Fried;
S. 861. An act granting an increase of pension to Thomas O'Connor;
S. 969. An act granting an increase of pension to Howard Ellis;
S. 1011. An act granting an increase of pension to John E. Woodsum;
S. 1023. An act granting an increase of pension to Peter Shipman;
S. 1130. An act granting an increase of pension to Isalah Mitchell;
S. 1138. An act granting an increase of pension to Albert S. Blake;
S. 1173. An act granting an increase of pension to James M. Fernald;
S. 1227. An act granting an increase of pension to Henry J. Patterson;
S. 1228. An act granting an increase of pension to Julia L. Plimpton;
S. 1230. An act granting an increase of pension to Eugene Gaskill;
S. 1246. An act granting an increase of pension to William F. Wilson;
S. 1251. An act granting an increase of pension to Peter Burns;
S. 1273. An act granting an increase of pension to Eleanora A. Keeler;
S. 1357. An act granting an increase of pension to Orlando C. Pinkham;
S. 1399. An act granting an increase of pension to Henry Jordan;
S. 1418. An act granting an increase of pension to Levi E. Cross;

S. 1420. An act granting an increase of pension to Sarah A. Tyler;
S. 1421. An act granting an increase of pension to Harvey C. Brown;
S. 1437. An act granting an increase of pension to William F. Davis;
S. 1527. An act granting an increase of pension to John M. Odenheimer;
S. 1555. An act granting an increase of pension to Mary C. Bishop;
S. 1624. An act granting an increase of pension to Peter Betz;
S. 1634. An act granting an increase of pension to Solomon R. Ruch;
S. 1645. An act granting an increase of pension to Jacob G. Orth;
S. 1665. An act granting an increase of pension to John C. Estes;
S. 1666. An act granting an increase of pension to George W. Beard;
S. 1834. An act granting an increase of pension to Frederick W. Partridge;
S. 1889. An act granting an increase of pension to Arthur Thompson;
S. 1905. An act granting an increase of pension to Edgar Tibbits;
S. 1908. An act granting an increase of pension to Francesco Del Gindice;
S. 1911. An act granting an increase of pension to Gunnerus Ingebretson;
S. 1978. An act granting an increase of pension to Thomas Edsall;
S. 2044. An act granting a pension to Solomon F. Wehr;
S. 2080. An act granting a pension to Ruth F. Bennett;
S. 2090. An act granting an increase of pension to Sarah E. Adams;
S. 2091. An act granting an increase of pension to John P. Bambush;
S. 2096. An act granting an increase of pension to Nathaniel R. Kent;
S. 2103. An act granting an increase of pension to Lorin R. Bingham;
S. 2142. An act granting an increase of pension to Adelle D. Irwin;
S. 2153. An act granting an increase of pension to Helen B. Read;
S. 2168. An act granting an increase of pension to Isaac B. Hewett;
S. 2182. An act granting an increase of pension to John J. Buffington;
S. 2216. An act granting an increase of pension to David W. Magee;
S. 2250. An act granting an increase of pension to John Rauch;
S. 2332. An act granting an increase of pension to Ashley A. Youmans;
S. 2344. An act granting an increase of pension to Albert C. Andrews;
S. 2346. An act granting an increase of pension to John W. Reed;
S. 2393. An act granting an increase of pension to John L. Clark;
S. 2406. An act granting an increase of pension to Thomas Millman;
S. 2473. An act granting an increase of pension to Charles L. Noggle;
S. 2548. An act granting an increase of pension to Jesse M. Furman;
S. 2735. An act granting a pension to Marceline S. Groff;
S. 2840. An act granting an increase of pension to George L. Jaquith;
S. 2863. An act granting an increase of pension to Garrett Rourke;
S. 2868. An act granting an increase of pension to George W. Flick;
S. 2882. An act granting an increase of pension to Samuel E. Johnson;
S. 2950. An act granting an increase of pension to Joseph E. Stines;
S. 2968. An act granting a pension to George W. Hale;
S. 3029. An act granting an increase of pension to Delia A. Hooker;
S. 3031. An act granting an increase of pension to Frank Westervelt;
S. 3036. An act granting an increase of pension to John O. Thern;

S. 3043. An act granting an increase of pension to Henry D. Hall;
 S. 3121. An act granting an increase of pension to John G. Blessing;
 S. 3125. An act granting a pension to Parthenia W. Baker;
 S. 3132. An act granting an increase of pension to Georgia D. Brown;
 S. 3187. An act granting a pension to John Harper;
 S. 3189. An act granting an increase of pension to Elizabeth Rutherford;
 S. 3199. An act granting an increase of pension to Andrew J. Coulton, alias Samuel Myers;
 S. 3224. An act granting a pension to Nancy A. Teeters;
 S. 3242. An act granting an increase of pension to Daniel Wooley;
 S. 3310. An act granting an increase of pension to Richard M. Ogle;
 S. 3312. An act granting a pension to Oscar F. Reniek;
 S. 3315. An act granting an increase of pension to Henry B. Hamenstaedt;
 S. 3472. An act granting an increase of pension to Lena Sherman;
 S. 3473. An act granting an increase of pension to La Forrest C. Darling;
 S. 3474. An act granting an increase of pension to James B. Kellogg;
 S. 3475. An act granting an increase of pension to Everett S. Fitch;
 S. 3492. An act granting an increase of pension to Catharine Bechtol;
 S. 3539. An act granting an increase of pension to Dominick Cavanaugh;
 S. 3547. An act granting an increase of pension to Stephen M. Davis;
 S. 3575. An act granting an increase of pension to Sargent R. Emerson;
 S. 3588. An act granting an increase of pension to James Lebo;
 S. 3626. An act granting a pension to Catharine Coyle;
 S. 3640. An act granting an increase of pension to Oliver Brenton;
 S. 3714. An act granting an increase of pension to James Ruth;
 S. 3721. An act granting a pension to Mary C. Morgan;
 S. 3751. An act granting an increase of pension to Daniel D. Nash;
 S. 3800. An act granting an increase of pension to Albert D. Cordner;
 S. 3866. An act granting an increase of pension to Samuel J. Burlock;
 S. 3888. An act granting an increase of pension to Susan E. Israel;
 S. 3903. An act granting an increase of pension to John McCoy;
 S. 3905. An act granting an increase of pension to James M. Garritt;
 S. 3932. An act granting an increase of pension to David Rankin;
 S. 3933. An act granting an increase of pension to Sidney R. Smith;
 S. 4000. An act granting an increase of pension to Crosby Pyle Woodward;
 S. 4006. An act granting an increase of pension to Charles S. Parrish;
 S. 4020. An act granting an increase of pension to Henry C. Johnson;
 S. 4096. An act granting an increase of pension to Norman W. Lombard;
 S. 4097. An act granting an increase of pension to Julius T. Williamson;
 S. 4100. An act granting an increase of pension to Carlton A. Wheeler;
 S. 4131. An act granting an increase of pension to John Connor;
 S. 4159. An act granting an increase of pension to Mary P. Johannes;
 S. 4181. An act granting an increase of pension to Margaret Hallett;
 S. 4187. An act granting an increase of pension to Nathaniel E. Skelton;
 S. 4188. An act granting an increase of pension to Frank D. Smith;
 S. 4223. An act granting an increase of pension to Benjamin F. Peirce;
 S. 4226. An act granting an increase of pension to James Cain;

S. 4227. An act granting a pension to John H. McKenzie;
 S. 4229. An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes;
 S. 4280. An act granting a pension to Aurelia Cotten;
 S. 4286. An act granting an increase of pension to Thomas J. Davies;
 S. 4319. An act granting an increase of pension to Frederick C. Sturm;
 S. 4337. An act granting an increase of pension to Barney McGiri;
 S. 4362. An act granting an increase of pension to William Fluegel;
 S. 4381. An act granting an increase of pension to John T. McGarraugh;
 S. 4422. An act granting an increase of pension to Lindsay Kirby;
 S. 4496. An act granting an increase of pension to Alphonso Brooks;
 S. 4507. An act granting an increase of pension to Joseph Chandler, jr.;
 S. 4595. An act granting an increase of pension to Amos McManus;
 S. 4636. An act granting an increase of pension to Henry R. Pease;
 S. 4637. An act granting an increase of pension to Frederick Zimmerman;
 H. R. 431. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory;
 H. R. 4459. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf;
 H. R. 4469. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales;
 H. R. 10101. An act authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota;
 H. R. 11783. An act for the establishment of town sites and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma;
 H. R. 13548. An act to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry; and
 H. R. 15085. An act to set apart certain lands in the State of South Dakota to be known as the "Battle Mountain Sanitarium Reserve."

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the legislature of Massachusetts, favoring the consolidation of the present third and fourth class rates of postage; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Young Men's Christian Association of Keene, N. H., praying for the enactment of legislation to remove the duty on denatured alcohol; which was referred to the Committee on Finance.

He also presented a petition of the East Washington Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the extension into the District of Columbia of the Washington and Marlboro Electric Railway Company's line to connect with the East Washington Heights Traction Railway Company's line; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented resolutions of the legislature of Massachusetts, requesting Congress to consolidate the present third and fourth class rates of postage; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the Record as follows:

COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand nine hundred and six.

Resolutions requesting Congress to consolidate the present third and fourth class rates of postage.

Resolved, That the general court of Massachusetts favors an amendment to the rules and regulations of the Post-Office Department of the United States Government to the effect that what is now known as third and fourth class matter be consolidated at the postage rate of 1 cent for each 2 ounces or fraction thereof.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this Commonwealth.

In senate. Adopted March 2, 1906.

In house of representatives. Adopted in concurrence March 7, 1906.

A true copy. Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. McCREARY presented a petition of the Ancient Order of Hibernians of Paris, Ky., praying that an appropriation be made for the erection of a monument to the memory of the late Commodore Barry; which was ordered to lie on the table.

Mr. SCOTT presented a petition of the Federation of Women's Clubs of West Virginia, and a petition of the Woman's Civic Club of Wheeling, W. Va., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of the Westside Workmen's Club, of the Twentieth Century Club, of the Hartford Social Club, of the Educational Club, of the Civic Club, of the College Club, of the Motherhood Club, of the Good Will Club, and of the Union for Home Work Club, all of Hartford, in the State of Connecticut, praying for the enactment of legislation to regulate child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation to establish forest reserves in the Southern Appalachian Mountains and in the White Mountains of New Hampshire; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation to create a staff of commercial attachés to be connected with American consulates; which was referred to the Committee on Commerce.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Watertown, Wis., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Reedsburg, Wis., remonstrating against the enactment of legislation to consolidate third and fourth class mail matter at the rate of 8 cents per pound; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Milton, Wis., and a petition of sundry citizens of Janesville and Beloit, Wis., praying for the adoption of a certain amendment to the interstate-commerce law relative to the interstate transportation of cigarettes and cigarette papers; which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Soldiers Grove, Bloomington, Rock County, Vernon County, Juneau County, Orfordville, Sauk County, Lodi, Dane County, Deerfield, Cottage Grove, Sun Prairie, and Stoughton, all in the State of Wisconsin, remonstrating against the adoption of the proposed tobacco schedule in the Philippine tariff bill; which were referred to the Committee on the Philippines.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 4109) to increase the efficiency of the Bureau of Insular Affairs of the War Department, reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (H. R. 14808) authorizing the Choctaw-hatchee Power Company to erect a dam in Dale County, Ala., reported it without amendment.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 4957) to correct the military record of Alexander J. MacDonald, reported it with amendments, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 4825) to provide for the construction of a bridge across Rainy River, in the State of Minnesota, reported it with amendments, and submitted a report thereon.

Mr. BLACKBURN, by direction of the Committee on Military Affairs, to whom was referred the bill (H. R. 14467) for the relief of Capt. George E. Pickett, paymaster, United States Army, I report it with an amendment correcting simply the title of the officer's name, changing it from "captain" to "major."

The VICE-PRESIDENT. The report will be placed on the Calendar.

Mr. BLACKBURN, from the Committee on Military Affairs, to whom was referred the bill (S. 4431) for the relief of Maj. George E. Pickett, paymaster, United States Army, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the

bill (S. 4451) for the relief of Maj. George E. Pickett, paymaster, United States Army, reported adversely thereon, and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 4467) removing the charge of desertion from the military record of James B. Boyd, reported it without amendment, and submitted a report thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 794) to remove the charge of desertion against Robert Burnet, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4947) for the relief of Franklin L. Van Auken, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 3638) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 4423) providing for the donation of condemned cannon to the University of Idaho, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 334) to correct the military record of Joseph A. Blanchard, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2058) to correct the military record of Stephen W. Coakley, reported adversely thereon, and the bill was postponed indefinitely.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 1697) confirming to certain claimants thereto portions of lands known as "Fort Clinch Reservation," in the State of Florida, reported it with an amendment, and submitted a report thereon.

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

A bill (S. 4350) for the relief of Arthur A. Underwood; and

A bill (H. R. 10584) for the relief of F. H. Driscoll.

ASSISTANT CLERK TO COMMITTEE ON COAST DEFENSES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the position of messenger to the Committee on Coast Defenses, provided for by resolution of January 23, 1902, be, and hereby is, made assistant clerk at the same compensation as that received by the messenger. This change to take effect March 16, 1906.

HEARING BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. CLARK of Wyoming for Mr. CLAPP, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Indian Affairs of the Senate, February 13, 1906, on the bill (H. R. 5975) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, be paid from the contingent fund of the Senate.

TONNAGE-TAX EXEMPTIONS.

Mr. FRYE. I report back from the Committee on Commerce favorably, without amendment, the bill (S. 4885) relating to tonnage-tax exemptions, and I submit a report thereon. I should like very much to have the bill considered now.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That so much of section 14 of the act approved June 26, 1884, entitled "An act to remove certain burdens from the American merchant marine and to encourage the American foreign trade, and for other purposes," as provides "Provided, That the President of the United States shall suspend the collection of so much of the duty herein imposed on vessels entered from any port in the Dominion of Canada, Newfoundland, the Bahama Islands, the Bermuda Islands, the West India Islands, Mexico, and Central America down to and including Aspinwall and Panama, as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed on American vessels by the government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of the changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply and the rate or rates of tonnage duty, if any, to be collected under such suspension," and section 12 and so much of section 11 of the act of June 19, 1886, entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes,"

as provides, "Provided, That the President of the United States shall suspend the collection of so much of the duty herein imposed on vessels entered from any foreign port as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed in said port on American vessels by the government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply and the rate or rates of tonnage duty, if any, to be collected under such suspension: *Provided further*, That such proclamation shall exclude from the benefits of the suspension herein authorized the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of the country in which such port is situated, or on the cargoes of such vessels; and sections 4223 and 4224, and so much of section 4219 of the Revised Statutes as conflicts with this section, are hereby repealed," and section 1 of the act approved April 4, 1888, entitled "An act to amend the laws relating to navigation, and for other purposes," and section 4232 are hereby repealed.

Sec. 2. That this act shall take effect on and after July 1, 1906.

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

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

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

Mr. FRYE. I ask that the letter of the Secretary of Commerce and Labor accompanying the report on this bill may be printed in the RECORD. It explains the necessity of the bill.

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

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 13, 1906.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

SIR: The Department has received your letter of the 7th instant, inclosing S. 4885, a bill relating to tonnage-tax exemptions. Complying with your request to furnish the committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, I have to state:

The several acts proposed to be repealed provide in brief that the United States will exempt from tonnage dues vessels coming from any foreign country or place in which American vessels are exempt from tonnage dues or equivalent charges. In fact, during the fiscal year ended June 30, 1905, in ports of the United States American vessels paid \$79,578.54 in tonnage dues, while foreign vessels paid \$779,958.05. If the principle of reciprocal tonnage-tax exemption were generally applied American vessels would save about one dollar in tonnage taxes at home for each \$10 saved to foreign vessels. In foreign ports the relative saving would be about the same, though the total amounts saved to shipping abroad would be somewhat greater, as foreign tonnage charges are, as a rule, heavier than American charges. Accordingly, the laws proposed to be repealed by the bill are a plain misapplication of the theory of reciprocity.

The countries with which, under proclamations by the President, reciprocal exemptions from tonnage dues have been established since 1885 are:

1. *Kingdom of the Netherlands*.—Foreign vessels aggregating 778,628 net tons entered the United States from ports in that Kingdom during the fiscal year ended June 30, 1904 (latest figures available). No American vessels entered from or cleared for such ports during that year. The exemption, accordingly, was worth upward of \$40,000 to foreign vessels (rate 6 cents per ton) and not a dollar to American vessels.

2. *Ports in the Dutch East Indies*.—Foreign entries, 89,580 net tons; American entries and clearances, none; saving to foreign shipping (6 cents per ton), about \$5,400.

3. *Copenhagen*.—Foreign entries from Denmark, 91,275 net tons; no American entries or clearances; saving to foreign shipping (6 cents per ton), about \$5,400.

4. *Greytown, Nicaragua; islands of Montserrat and Guadeloupe, West Indies*.—Entries inconsiderable and not separately stated, but mostly foreign.

5. *Province of Ontario*.—Entries not separately stated. Total tonnage entries for Quebec (taxable), Ontario (exempt), and Manitoba (taxable), foreign, 3,002,266; American, 2,590,604 (rate, 3 cents for five entries a year). Value of exemption can not be stated. The actual tonnage taxes collected at lake ports on vessels from the Province of Quebec during the fiscal year 1904 was \$8,829.36. The exemption of vessels from Ontario, accordingly, did not much, if any, exceed \$24,000, divided about equally between American and foreign vessels.

6. *Republic of Panama*.—Vessels from the City of Panama bound to American ports on the Pacific practically without exemption stop at intermediate Central American or Mexican ports, and thus become subject to the tax at present. On the Atlantic side trade is conducted chiefly by our new Government merchant fleet of steamers. Panama, however, so far as this bill is concerned, is not of immediate consequence, as under the treaty Congress will doubtless define precisely the status of the Canal Zone as nonforeign, if not fully American.

The present importance of the bill rests on the possibility of British action. In order to obtain the reciprocal privilege a bill to abolish British light dues failed in 1903 by the close vote of 103 to 114. A similar bill on January 14, 1904, passed the House of Commons by a vote of 68 to 62, but the Government prevented its passage by the House of Lords. It is reasonably probable that in a short time British light dues will be repealed for the benefit of British shipping both at home and in the United States through exemptions from tonnage dues due to the acts to be repealed.

The bill also repeals section 4232 of the Revised Statutes, reading: "The mail steamships employed in the mail service between the United States and Brazil shall be exempt from all port charges and custom-house dues at the port of departure and arrival in the United

States if, and so long as, a similar immunity from port charges and custom-house dues is granted by the Government of Brazil."

As there have been no American mail steamers in trade with Brazil for some years, the law has long been a dead letter. Should it be revived by the establishment of an American mail line under the most favored nation clause other nations, under like conditions, might claim the right to the exemption proposed to be repealed.

The passage of the bill has been recommended in reports of the Commissioner of Navigation for some years past, and the Department concurs in the recommendation.

Respectfully,

V. H. METCALF, *Secretary*.

CAPT. EJNAR MIKKELSEN.

Mr. GALLINGER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4954) authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel, and I submit a report thereon.

Mr. FRYE. The bill is only about five lines long, and there can not possibly be any objection to it. The Geographical Society proposes to make investigations in the Antarctic Sea, and they want this captain, who has filed his intention to become an American citizen, but can not complete his citizenship before the ship will be obliged to sail. They desire to have this man sail on a particular ship, and that ship alone, to the Antarctic Sea.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes Capt. Ejnar Mikkelsen to act as master of any vessel of the United States purchased by him while on an expedition in her to the Beaufort Sea, any act of Congress to the contrary notwithstanding.

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

MISSISSIPPI RIVER DAM.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15649) extending the time for the construction of the dam across the Mississippi River authorized by the act of Congress approved March 12, 1904, to report it favorably without amendment, and I ask for its present consideration. It is a very short bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that subject to all the other provisions contained in the act of Congress entitled "An act permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota," approved March 12, 1904, the time limitation for the construction and completion of the dam authorized by the act shall be extended until December 31, 1908.

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

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. What is the order of business, Mr. President?

The VICE-PRESIDENT. Reports of standing or select committees.

Mr. TILLMAN. I can not present it as the report of a committee because it is not a regulation matter. I wish to submit a report which embodies my own opinions on the rate-regulating bill and also in connection therewith the views of the Senator from Nevada [Mr. NEWLANDS]. I present it and ask that it may be printed.

Mr. ALDRICH. Are the Senator's own views very long?

Mr. TILLMAN. No, sir; not very long.

Mr. ALDRICH. I suggest that they might be read.

Mr. TILLMAN. While I feel complimented that the Senator from Rhode Island should wish to hear my views, I think it probably would be better to have them printed, and then if Senators wish to take any interest in the matter they could follow it by having printed copies.

Mr. ALDRICH. I have naturally had, as a member of the committee, a great deal of curiosity about the Senator's personal views on the bill. I am very much interested in his present attitude with reference to the measure. Therefore I thought perhaps the Senate might desire to hear the paper read.

Mr. TILLMAN. I am perfectly willing to have it read.

Mr. ALDRICH. But if the Senator prefers to have it printed, I withdraw my suggestion.

Mr. TELLER. Let us have it read.

Mr. PATTERSON. Let it be read.

Mr. TILLMAN. Senators seem to wish to hear it. I have no objection to have it read and go into the RECORD.

The VICE-PRESIDENT. The Secretary will read the views submitted by the Senator from South Carolina.

The Secretary read as follows:

Mr. TILLMAN, having reported from the Committee on Interstate Commerce House bill 12987 without amendment, submits his views thereon as follows:

The peculiar circumstances under which this bill was reported to the Senate from the Committee on Interstate Commerce make it a difficult and somewhat embarrassing task to write a report upon it.

Instead of being amended in committee, as is usual, so as to command the indorsement and support of a majority of its members, the bill was brought into the Senate in a form not entirely satisfactory to more than two members. Party lines in the committee were broken down and the bill is in the Senate by reason of the union of five members of the minority party and three members of the majority party in Congress who concurred in reporting it favorably; and while these eight Senators are agreed as to the general purpose and scope of the bill, there are radical differences among them as to the amendments that ought to be incorporated in it to make it fully adequate to meet the demands of the business interests of the country at this time.

This lack of harmony among the supporters of the bill—it would be speaking with more accuracy to say the supporters of the policy involved in the bill—brings about the anomalous situation in which a member of the minority party in Congress is put in charge in the Senate of proposed legislation which is generally regarded throughout the country as the cherished scheme of the President, with whose general policy and principles that member is not in accord. At the same time the bill is designed to carry into effect his own long-cherished convictions and the thrice-reiterated demands of the party to which he belongs.

This condition is without precedent in our legislative history, and brings into prominence the fact that the proposed legislation is non-partisan, and this is emphasized by the further fact that this specific bill received the unanimous support of the minority party, and only lacked seven votes of a unanimous indorsement of both parties at the other end of the Capitol. It therefore follows, if events shall prove that this measure has broken down party lines in both branches of Congress, that the conclusion will be almost inevitable that it will be framed so as to accomplish the results intended or claimed to be intended by both parties, and to this end Democrats and Republicans alike should bend all their energies and lend all that is best in them to perfecting and passing so important a piece of legislation.

There is undoubtedly a widespread demand for immediate action by Congress along this line, and the clamor for action which has been gathering force for several years is now such as to threaten a very cyclone of passionate resentment should the representatives of the people in the House and of the States in the Senate fail in any essential particular to give that relief to the country which is so earnestly demanded. Woe be unto that member of the Senate or of the House whose work in formulating this legislation shall be that of a timeserving politician without earnestness or honesty of purpose and who shall seek to belittle the question or kill the bill by subterfuge and deception. The people want the railroads regulated. The Constitution gives the power to regulate the railroads to Congress. There are many wrongs to right, many grievances to redress, and a great opportunity for beneficent legislation.

The bill as it comes to us from the House is loosely worded and capable of different interpretations, as shown by the debate already had upon it. The subject is complex and deals with one of the most, indeed the most, important matter that affects the industrial development and progress of the nation. The House has sent us a bill which many Senators believe is inadequate. It is the duty of the Senate to take it in hand and make such amendments to it as shall produce the best possible law and relieve the distress and wrong the existence of which no one will deny. In what has already been said and what shall follow the Senator in charge of the bill can claim to give expression to no opinion except his own.

THE PRESIDENT'S ATTITUDE.

The object sought to be obtained by this proposed legislation can be best outlined in the language of the President in his last annual message to Congress:

"The immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the Government such supervision and regulation of the rates charged by the railroads of the country engaged in interstate traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. It must include putting a complete stop to rebates in every shape and form."

"The first consideration to be kept in mind is that the power should be affirmative and should be given to some administrative body created by the Congress."

"In my judgment, the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts."

"A heavy penalty should be exacted from any corporation which fails to respect an order of the Commission. I regard this power to establish a maximum rate as being essential to any scheme of real reform in the matter of railway regulation. The first necessity is to secure it, and unless it is granted to the Commission there is little use in touching the subject at all."

The bill as it is presented to the Senate is the bill that was reported to the House by its Committee on Interstate Commerce and passed by that body without amendment, and it is generally supposed to embody the well-digested views of the Executive and those leaders of his party whose advice he consents to take. There are in it some essential changes of the original interstate-commerce law—the act of 1887. These are designed to place under the jurisdiction of the Commission all switches, terminal facilities, private car lines, elevators, and any and all other facilities for transportation or shipment or storing merchandise, in order to prevent the public carriers from utilizing such instrumentalities for purposes of discrimination or extortion. These amendments to the old law by those who have examined the question closely have been thought necessary to secure the best possible regulation of interstate commerce in a manner to prevent injustice and wrong to shippers.

Another important amendment is the extension of the time required for a change in rates from ten to thirty days' public notice, the require-

ment to be subject to modification by the Commission for good cause shown.

For information as to the parliamentary history of the bill in the House of Representatives and generally concerning the subject discussed reference is made to the House report made by Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce (Report No. 591, Fifty-ninth Congress, 1st session).

THE VITAL QUESTION.

The most radical change proposed in the new legislation is to be found in section 15, in which power is sought to be vested in the Commission "after full hearing upon a complaint made to determine and prescribe what will in its judgment be the just and reasonable and fairly remunerative rate." "to be thereafter observed in such case as the maximum to be charged," and to make an order that the same shall go into effect and remain in force for three years, which order shall "go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction."

Around the first provision the most earnest and exciting contention has arisen and there is great difference of opinion as to the scope of this clause and the executive powers of the Commission under it. On the one hand, it is claimed most positively that Congress can not delegate its powers to the Commission and thus authorize it to fix a rate, while on the other hand it is asserted with equal earnestness and force that this power is indisputable. Whatever may be the results of this discussion in the Senate if the bill becomes a law the final determination of the question at issue must be made by the Supreme Court. The friends of the proposed legislation feel no uneasiness on this point, but in addition there remains the equally great difference of opinion and even greater solicitude upon the question of judicial review.

For the purposes of this report the two contending ideas may be briefly considered. The friends of the proposed legislation are equally earnest with its opponents in desiring to throw every protection around the billions of capital invested in railways of the United States. There is no purpose or desire anywhere to deprive them of the fullest protection of the law or to oppress them in any way. At the same time the cries of the people are most emphatic in demanding relief for producers and shippers against injustice and wrong through oppressive rates and discrimination. It is the duty of Congress to hold an even balance between these conflicting and contending interests.

The friends of the railroads demand the suspension of the remedial order of the Commission pending judicial investigation, while the friends of the producers and shippers strenuously object to such a suspension. It is contended by the former that Congress can not limit the jurisdiction of the circuit courts, and that the right to issue an injunction suspending the rate fixed by the Commission is inherent in those tribunals. On the other hand, it is asserted with equal emphasis that the power to create all courts, other than the Supreme Court, rests alone in Congress, and that such courts being statutory are necessarily limited in their scope and power by the authority which creates them.

I myself incline most confidently to this latter view and have not the slightest doubt that it is possible to properly amend this bill so as to prohibit the circuit courts from interfering with the orders of the Interstate Commerce Commission by any interlocutory order. As has already been observed in connection with the power to fix rates, this question also must be determined by the Supreme Court should the proposed law be enacted. Amendments may be proposed to more clearly define the method of making any court review, which amendments will serve the purpose of having the order of the Commission stand pending litigation.

The Senate must determine by its vote what shall be its attitude upon the questions of court review and interlocutory suspensions. The whole question at issue as to giving relief to the producing interests of the country revolves around this feature of the bill. If any decision of the Supreme Court shall declare that Congress is powerless to grant speedy relief through a commission, it needs no prophet to tell that an outburst of surprise and indignation will sweep over the country.

Perhaps the most notable feature of the pending controversy is the fact that for ten years the Interstate Commerce Commission exercised the very power which is sought to be restored to it, and it did this without anyone presuming to deny the authority of Congress in granting the power or to impugn the justice or wisdom of its exercise by the Commission. The act creating the Interstate Commerce Commission went into effect in 1887, and it was not until 1897 that the Supreme Court, in the case of the Interstate Commerce Commission v. Cincinnati, New Orleans and Texas Pacific Railway Company (167 U. S., 479), decided that Congress had not granted to the Commission the power to fix remedial rates.

The original act was the result of long-continued contention on the part of the shippers and producers that they were being oppressed by the railroads, and the demand for relief culminated in such legislation. It is nine years since the decision of the Supreme Court practically repealed the law by so emasculating it that it has since been of little or no use to the people. If it was necessary in 1887, how much more necessary is it now. Let a brief comparison of conditions then and now illustrate:

NECESSITY FOR LEGISLATION.

In 1890 the railroads of the country had as follows:

Mileage	163,597
Capitalization	\$8,984,234,616
Gross annual earnings	\$1,000,000,000

In 1904 they had the following:

Mileage	212,243
Capitalization	\$13,213,124,679
Gross annual earnings	\$1,975,174,091

Or, in round numbers:

	Mileage.	Capitalization.	Gross annual earnings.
In 1890	164,000	\$9,000,000,000	\$1,000,000,000
In 1904	215,000	14,000,000,000	2,000,000,000

Dividends in 1888	\$80,000,000
Dividends in 1904	\$222,000,000
Population in 1888	63,000,000
Population in 1904	91,000,000

COMMUNITY OF INTEREST.

Table showing "communities of interest," or steam-railroad groups of financiers controlling nearly 95 per cent of the vital steam-railroad lines and partial control of remainder.

Designation.	Number of corporations.	Mileage.	Capitalization.
Vanderbilt system	132	21,888	\$1,109,196,132
Pennsylvania system	290	19,300	1,822,402,225
Morgan system	225	47,203	2,265,116,350
Gould-Rockefeller system		28,157	1,308,877,540
Harriman-Kuhn-Loeb system	85	22,943	1,321,243,711
Moore, or Rock Island system	91	25,032	1,070,250,959
New England system	7	164,586	9,017,016,907
Nominally independent and smaller systems.		5,532	2,982,983,093
		33,968	
Total in 1902		204,086	12,000,000,000
Total in 1906		215,000	14,000,000,000

These figures are taken from a book about trusts, written by Mr. John Moody in 1904. The following additional extracts are taken therefrom (pp. 441-442):

"We see therefore that the total vital railway mileage of this country amounts to about 177,721 miles. Of this, the six groups or 'communities of interest,' control directly 164,556 miles. They dominate and partially control the balance of 13,165 miles, and it is evidently only a question of two or three years when they will absorb most of the latter. The statement, therefore, that the 'communities of interest' dominate by direct control nearly 95 per cent of the vital railway mileage of the country is shown to be literally true. Furthermore they indirectly dominate and bid fair shortly to directly dominate the remaining 5 or 6 per cent of vital mileage, and they will also ultimately absorb or wipe out most of the 25,779 miles of small disconnected or more or less unprofitable lines.

"But there is a further fact to be noted. Not only is this enormous percentage of railway property dominated by these six groups, but these groups themselves are in many important ways linked one to the other, and the various interests which control them overlap, as it were, into each other's group or circle. In fact, the six groups, with the 'independent' allied lines, are really banded together by the closest of commercial and industrial ties. There are elements in every group which are also parts of other groups. Thus the dominating men in the Morgan group are also important factors in the Gould, Pennsylvania, and the Moore groups, and the Rockefeller-Gould interests are represented to a greater or less degree in every group and also in most of the 'independent' allied lines.

"The whole aggregation thus makes up a gigantic 'community of interest' or railroad trust, being allied together by most remarkable and intricate ties of interdependence and mutual advantage. While nominally controlled and operated by nearly 2,000 corporations, the steam railroads of the country really make up a mammoth transportation trust which is dominated by a handful of far-seeing and masterful financiers.

"The financiers who are at the head of and entirely dominate this railroad trust are J. Pierpont Morgan, John D. and William Rockefeller, W. K. and F. W. Vanderbilt, George J. Gould, A. J. Cassatt, James J. Hill, Edwin Hawley, H. H. Rogers, August Belmont, Thomas F. Ryan, and W. H. and J. H. Moore.

"Not only do these financiers dominate their respective groups, but, as stated above, the most important of them, such as Rockefeller, Morgan, Harriman, Gould, and Vanderbilt, are interested in and more or less dominate all the groups, and in this way knit together the entire railroad system of the country into this greater 'community' or 'trust.' The superior dominating influence of Mr. Rockefeller and Mr. Morgan is felt in greater or less degree in all of the groups."

Following up ever so briefly the line of thought suggested by this narrative the following impressive fact is presented for serious consideration: The gross earnings of the railroads are, in round numbers, \$2,000,000,000. Their net earnings are \$700,000,000.

It will thus be seen that once a year every dollar in circulation in the United States passes through the hands of the railroads, while once in three years every dollar in the United States becomes a part of their net earnings, and these net earnings equal in amount annually the entire expenditures of the United States Government. It is small wonder that, with such princely revenues, the most brilliant legal minds of the country are at their command to conduct legislation, to frame laws and to secure their passage through legislatures and Congress, and to exercise such an overmastering influence over the judiciary and executive departments, both of the States and nation, that the average citizen is almost driven to believe that the fight is hopeless and that the Government, instead of controlling the railroads, is controlled by them, and that the liberties of the people, to say nothing of their rights are in jeopardy.

It is a struggle between the actual man and the artificial man represented in the corporation; it is a struggle between man and money; it is a struggle between citizenship and capital. The final outcome will determine whether or not the people are really capable of self-government and can maintain and transmit to their posterity the priceless heritage that we have had handed down to us by our ancestors. For long years the people have waged an unequal contest, and for the most part they have been indifferent to the vital natures of the issues involved.

Many of the great newspapers of the country are owned outright by the captains of industry, who, through the manipulations of these great properties, the issue of watered stock not representing any real or honest investment, and the enjoyment of monopolies that have grown up under the fostering care of Congress, have accumulated such vast fortunes that the multimillionaires, in a few instances, are grown almost to billions. It is impossible to deny that this great accumulation of wealth in the hands of the few is such a menace to liberty that the honest patriot stands appalled by the outlook.

With the control of the press in many cases that great instrumental-ity is used to begot the issue, to deceive and mislead the people, and to create confusion in the minds of the laboring masses. Once let the people understand and know what is being done and how it is being

done, a remedy will be sure and swift, and the wrongdoer will be punished, however many millions he may have stolen.

OVERCAPITALIZATION.

Equally impressive will be an examination, however brief, of the capitalization per mile of the railroads in 1886 and the capitalization in 1906. Startling facts call for explanation if it can be had. Making all due allowances for the natural increase in value of terminals located in large cities, permanent improvements in which the earnings of the roads have been invested, and every other reasonable increase in value of these great properties during twenty years, it is impossible not to reach the conclusion that there has been an immense amount of overcapitalization deliberately planned and carried out for a specific purpose; and that purpose can be no other than the foisting on the people of railroad securities which have no actual value and the only motive for whose creation and sale was to add to the gains of a coterie of multimillionaires, whose energies are now directed toward compelling the business interests of the country to "make good" by increasing the earnings of the roads with a view to paying dividends upon this fictitious valuation of the properties.

The process is well understood. The controlling element represented in the board of directors of a given railroad property meets and determines to issue more stock or more bonds, the pretense being that it is for the purpose of betterments. These are sold to the investing public at the highest price they will bring, and a large percentage of the proceeds are quietly pocketed by the inner circle of the managers, while the railroad is lucky if one-half is spent for the purpose for which they were said to be issued. The market is manipulated up or down to suit the purposes of these managers and the confiding people who have bought them as investments are in the end induced to sell their holdings at a much lower price than they paid, so that there is every opportunity under the loose legislation on this subject, or the entire lack of it in most instances, for the robbery of the masses.

This system of juggling with railroad properties has been going on for years, and all the while the real ownership and control of the transportation interests of the country have been getting into the hands of an ever-lessening number of rich men, men so rich that they do not know within a score of millions how much they own or, more properly speaking, how much they have seized from the people.

There is one question which this phase of the subject brings into great prominence and importance, and that is the relation to Congress of the increase in capitalization; whether it is the purpose of Congress to compel the business industries, for whose benefit the railroads were primarily built, to pay not dividends upon the real value of these properties, but on the fictitious value which has been sought to be placed upon them by the increased capitalization.

FAIRLY REMUNERATIVE RATE.

There is a dangerous provision in this bill which, in my judgment, ought to be stricken out, and that is in section 15, where the Interstate Commerce Commission is told "to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate," etc. The last words are too elastic and ambiguous and can be construed to mean too much that it could be harmful and dangerous for Congress to enact into a law. "Fairly remunerative rate" on what; the actual value or the fictitious value of the properties? Are railroads which now pay no dividends because of the immense amounts of watered stock to be allowed to compel the producers who use their lines to pay a dividend on the excessive capitalization? Is Congress willing to lend itself to the schemes of the railroad magnates who have brought about this condition wherein they levy tribute on the business industries of the country and compel the payment of the pound of flesh?

Every honest man is willing to treat the railroads justly and fairly, but are not the people entitled to be treated justly and fairly, too? Are we to be driven in the end to government ownership of these great highways of commerce in order to relieve the people from an intolerable condition? It is urged by some that it is too late to save the country from the consequences of this policy of spoliation; that thousands of millions of dollars of railroad securities and bonds are in the hands of innocent purchasers, and that it would be unjust to these purchasers to have their property destroyed or its value greatly reduced by legislation along this line; but it seems to me that this plea is untenable.

There can be no justice in compelling the people as a whole to pay dividends on watered stock primarily for the purpose of increasing the fortunes of men already too rich. The poor dupes who have been led to invest their savings in such stocks can better afford to lose them than to have the labor of the country saddled with the burden of paying perpetual tribute in the shape of dividends on dishonest valuations.

VIEWS OF AN ENGLISH ARISTOCRAT.

In this connection it is well to quote the opinion of a distinguished English publicist and capitalist, the late Duke of Marlborough, in an article in the *Fortnightly Review* of April, 1891:

"There is nothing to control the amount of share capital a group of promoters may print. They print what they please, and they issue it as the public will buy it in the market on the speculation that it is going to receive a dividend, or that the voting value of the stock is worth so much for the purpose of obtaining a control of the system."

"There is, in fact, no limit to the power of a small ring in the United States who have succeeded in obtaining a control of one of the big through systems of communication; and the control once obtained, it is a simple question of time when they will be able to swallow up everything within their reach."

"The people who are really to be wondered at, however, are the citizens of the United States, who continue to permit such a gigantic political abuse as this American railway monopoly to grow up as it is doing in the hands of a group of gigantic capitalists in New York and other great towns of America; * * * that the American public, which prides itself on its democratic institutions, should have allowed this aristocracy to grow up in its midst, which is daily becoming infinitely more powerful and infinitely more dangerous than all the feudal aristocracies of Europe put together. It was easy to get rid of the European difficulty with the guillotine, as the French did, without tearing up the foundations of all social life in the country itself. In America this financial and railway aristocracy is slowly building itself into the very bone and sinew of the people, and it will be a very difficult twentieth-century problem to know how Congress is going to deal with the matter."

"No one who has been to America can fail to be struck with the vastness of the railway interest of that country. It represents the very life and lungs of trade, and at the same time is the predominant factor in preserving political unity of interests between States separated by thousands of miles of intervening plains, rivers, and moun-

tain. The management as well as the mismanagement of these vast systems is one of the marvels of that great continent.

"These systems must continue to grow to meet the wants of increasing population and the large centers of permanent industry and manufacture that exist everywhere. It must be noted, however, that the great main arteries of these systems are now permanently marked out. It will be practically impossible to make new main routes, except at fabulous cost, with approaches to the coast. The strategical positions are seized and occupied, and whoever can possess himself to-day of a controlling interest in a main through route and allied feeders across the great central basin of the Northern States can not be deprived of a gigantic monopoly in the present and in the future."

The farseeing vision of this English aristocrat has drawn us a picture of present conditions that is startling and almost appalling. The problem has ripened much faster than even he considered it possible, and we of this Congress are brought face to face with the settlement of the question. It may not be possible at once to give the full measure of relief and to apply the remedy which is so urgently demanded, but we can take two long steps forward if we shall incorporate provisions in some legislation for compelling the fullest possible publicity in connection with all railroad expenditures and making it impossible for the conspirators, who are plotting to enslave the people, to issue stocks and bonds without value received. We must stop the printing presses from issuing fictitious shares.

All issues of railroad securities in the future on interstate-commerce railroads should be under the control of the Interstate Commerce Commission and there should be a speedy readjustment of capitalized values of these great arteries of commerce while protecting, as far as possible, the innocent holders of watered stock. It may be that these can not be protected under the law and that the holders of first-mortgage bonds and of preferred stock, who will be found in the end to be the multimillionaires who have perpetrated the scheme of injustice, will retain their advantage, while the poor dupes who have been led to buy the products of railway printing presses will lose what they have invested. Whatever else Congress does or fails to do, the producers of the country should be relieved from such danger of being compelled to make good the values of overcapitalized railroads as lurks in this innocent looking and plausible provision about "fairly remunerative rates."

THE WEST VIRGINIA SITUATION.

The necessity for granting, at some time, relief to producers and shippers in several important particulars not provided for in this bill may be wisely considered in connection with the pending discussion. There is no provision, except a most vague and indefinite one, for the anomalous and outrageous condition of affairs disclosed as existing in West Virginia. The letter of Governor Dawson of that State published in the CONGRESSIONAL RECORD of February 8 and the memorial of the Red Rock Fuel Company published in the RECORD of January 29, taken together, disclose a situation that is almost beyond belief. The railroads have seized on the vast mineral wealth of the State in its extensive coal fields and have created a monopoly in that prime necessity of life, fuel.

Landowners who wish to mine and ship their coal are denied access to market, while the roads themselves are engaged extensively in mining and shipping coal; and when private individuals or companies seek to develop their coal lands and send their product to market the railroads deny or refuse to grant them the privilege of engaging in interstate commerce. In the case of the Red Rock Fuel Company physical connection was refused. They would not permit this coal-mining company to join its track with a switch to the track of the Baltimore and Ohio Railroad and thus obtain an outlet. In other cases mines have had to shut down because of the denial of cars by the railroads. The coal output, in effect, is controlled absolutely by the railroads in their own interest, and in the case of this particular State the infamy of the situation is aggravated by the fact, which is practically proven, that the three railroad systems entering West Virginia are controlled by an outside road, the Pennsylvania.

There are many other instances in which the proof has been furnished of even more outrageous abuse of power than in the instance cited of the Red Rock Fuel Company case. Where connections between the mines of private companies were already in existence under arrangements made some years ago, the tracks have been torn up, and virtual confiscation of the property is threatened. Vested with the rights of eminent domain to construct their lines and granted liberal franchises and charters, the railroads, designed to be public carriers for the benefit of the whole people, in the last few years have become rapidly transformed into the veriest band of robbers—highwaymen who do not thrust their pistols in the faces of their victims and demand money or their lives, but who levy tribute in freight rates which are as high as the traffic will bear, deny access to market, monopolize with brazen effrontery one of the prime necessities of life—coal—and in every way show their absolute contempt for the people and the people's rights.

The condition of affairs in West Virginia is even worse in Pennsylvania, and from every part of the country come reports that the railroads have practically already obtained control of almost all the coal lands, and where they have not bought the land itself they have obtained mineral leases and are rapidly carrying out the scheme of monopolizing the fuel supply of \$5,000,000 people. In Pennsylvania it is charged that they have for years controlled absolutely the State government, and they snap their fingers in contempt at any and every effort to enforce the law and the constitution which prohibits the ownership of coal mines by public carriers. It will be a task of immense difficulty to undo the incalculable mischief and wrong that has already been done.

The plea of vested rights and the complications from the secret transfers, the purchase by holding companies and trust companies, the ramifications of partnerships and of trusteeships, and of other subtle agencies contrived by hundreds of the best legal minds in the country, whose services are at the command of these gigantic corporations, will require firmness, perseverance, and patience by Congress to grant relief from existing conditions and safeguard the public interests in the future. It is our bounden duty to amend this bill so as to compel every public carrier to give the freest possible access to market to every producer who wishes to engage in interstate commerce.

We should incorporate an amendment in the bill which will compel all railroads to make connections with any and every other railroad, public or private, and grant just and fair traffic arrangements, so as to put every producer upon an equal footing with every other producer. There should also be a provision incorporated in this bill to divorce absolutely the business of transporting freight as a public carrier and the business of producing freight to be transported. The temptation to discriminate against competitors on the part of a public carrier is too great, and it stands to reason that a producer who con-

trols the means of transportation to market at the same time will discriminate against and will in the end destroy every competitor who is in the same business with him.

DIVORCE PRODUCTION AND TRANSPORTATION.

Inasmuch as the railroads are creatures of the State, brought into being for a specific purpose, the public welfare demands that they shall be compelled to confine their operations and content themselves with pursuing the legitimate business for which they were created and not monopolize and destroy the interests which they were made to serve. It therefore appears to me as a matter of transcendent importance and necessity that no public carrier engaged in interstate commerce shall be allowed to produce and transport any article for sale. Where a railroad owns coal lands it may and should be permitted to mine the coal which it itself consumes, but that is as far as it should be allowed to go.

In concluding this imperfect presentation of my views on this all-important subject I wish to speak a word of caution to the friends of the proposed legislation. Our full expectations may not be realized at the present session of Congress. The opponents of effective legislation are alert, have had large experience, and are thoroughly organized.

The demand of the people for relief from the oppressions and wrongs they now endure may be thwarted by the great influence of the railroad corporations. This influence has hitherto been paramount, and its representatives in the two Houses may feel that it is safe to refuse to redress the grievances and to continue the policy of noninterference. They may ignore popular clamor and either pass no bill at all or enact one that will prove wholly inadequate. They may palter with us in a double sense;

"Keep the word of promise to our ear
And break it to our hope."

Such action on their part will, in my judgment, be very unwise, and will only dam up the water. The issue will be made the paramount one in the next election, and those who are responsible for delay or inadequate legislation will find that when at last the flood gates of popular wrath and indignation are hoisted there will be some fine grinding done. If those most interested in these great properties will not consent to wise legislation to relieve the distress of the people there is danger of more radical policies and leaders coming to the front, with the result that legislation far more drastic and dangerous than anything proposed in this bill and the amendments to be offered will be enacted.

Mr. LODGE. May I ask the Senator from South Carolina how many members of the Committee on Interstate Commerce have united in the report which has just been read?

Mr. TILLMAN. I have not asked any of them to unite in it, and have stated in the report that it is my own individual report.

Mr. LODGE. I was not sure that I understood it.

Mr. TILLMAN. I have no right to report for the committee, because of the peculiar conditions which are explained in the report itself.

The VICE-PRESIDENT. The views of the Senator from South Carolina will be printed among the reports, and numbered.

Mr. TILLMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, being the bill in relation to the regulation of railroad rates. The Senator from Minnesota [Mr. NELSON] is waiting to proceed.

Mr. GALLINGER. The Senator will allow us to conclude the morning business?

Mr. TILLMAN. Certainly; of course. I will withhold the request for the present.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 5115) for the relief of John Thomas Wightman; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 5116) granting a pension to Georgie K. Schofield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 5117) granting an increase of pension to James T. Goode; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5118) for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5119) authorizing the extension of W and Adams streets NW.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. DILLINGHAM introduced a bill (S. 5120) to give the Court of Claims jurisdiction to hear and determine claims for the payment of medical expenses of sick officers and enlisted men of the Army while absent from duty with leave or on furlough; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DRYDEN introduced a bill (S. 5121) granting an increase of pension to James H. Haman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 5122) authorizing a sur-

vey of the Ohio River at Cincinnati, Ohio, for the purpose of establishing an ice harbor; which was read twice by its title, and referred to the Committee on Commerce.

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

A bill (S. 5123) granting an increase of pension to Lucretia L. Flick (with accompanying papers);

A bill (S. 5124) granting a pension to Jacob Plybon; and

A bill (S. 5125) granting an increase of pension to Nancy A. E. Hoffman.

Mr. ELKINS introduced a bill (S. 5126) for the relief of Abraham Currance; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5127) for the relief of Parker Burnham; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 5128) granting a pension to Levi Buckner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 5129) to remove the charge of desertion from the military record of Alexander Todd, and grant him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARNER introduced a bill (S. 5130) for the relief of George W. Ratcliff; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5131) incorporating the Archaeological Institute of America; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. LA FOLLETTE introduced a bill (S. 5132) providing an appropriation for enlarging the Government building at Sheboygan, Wis.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. CARTER introduced a bill (S. 5134) to change the name of Sixteenth street NW., in the city of Washington, D. C., to Executive avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. ANKENY submitted an amendment proposing to appropriate \$1,500,000 to carry into effect the agreement of May 9, 1892, between Indians residing on the Colville Indian Reservation and the commissioners appointed by the President of the United States, relative to the cession of that portion of the Colville Reservation as the Indians might be willing to dispose of, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FORAKER submitted four amendments intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which were ordered to lie on the table, and be printed.

Mr. CARTER submitted an amendment proposing to appropriate \$300 to reimburse Claude Hough for services performed and expenses incurred as stenographer and clerk for the Louisiana Purchase Exposition Commission, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$30,000 for the purchase of heifers and bulls for the Indians on the Northern Cheyenne Indian Reservation, Tongue River Agency, Mont., etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$11,000 for the erection of a guardhouse at Fort Keough, Mont., and also \$110,000 for the erection of two double barracks at Fort Keough, Mont., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF VENEZUELAN-FRENCH ARBITRATION.

Mr. DILLINGHAM submitted the following concurrent resolution; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 1,100 copies of the report of the recent

Venezuelan-French arbitration. Hon. Frank Plumley, of Vermont, umpire, prepared by Jackson H. Ralston; 200 copies of which shall be for the use of the Senate, 400 for the use of the House of Representatives, and 500 for the use of the Department of State.

ENGAGEMENT AT MOUNT DAJO, ISLAND OF JOLO.

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

To the Senate and House of Representatives:

I have received the following letter from the Secretary of War, respecting the recent attack by troops of the United States on Mount Dajo:

WAR DEPARTMENT,
Washington, March 13, 1906.

MY DEAR MR. PRESIDENT: The account of the engagement on Mount Dajo, on the island of Jolo, between our forces and a large band of Moro robbers, in which the fighting lasted for three or four days, showed such a large loss among the Moros as to give rise in a part of the public press to the criticism that there had been a wanton destruction by our troops of Moro lives, including those of women and children. Inquiries were made of me by members of the Senate and House of Representatives in respect to the matter. Accordingly I yesterday directed that the following telegram be sent to General Wood:

"It is charged that there was a wanton slaughter of Moros—men, women, and children—in the fight in Jolo at Mount Dajo. I wish you would send me at once all the particulars in respect to this matter, stating exact facts."

General Wood's answer came to-day. It seems to me to show most clearly that the unfortunate loss of life of the men, women, and children among the Moros was wholly unavoidable, in view of their deliberate use of their women and children in actual battle and their fanatical and savage desire that their women and children should perish with them if defeat were to come. They seem to have exhibited in this fight the well-known treachery of the uncivilized Mohammedan when wounded of attempting to kill those approaching for the purpose of giving aid and relief. General Wood's dispatch is as follows:

"THE MILITARY SECRETARY, Washington:

"In answer to Secretary of War's request for information March 12, I was present throughout practically entire action and inspected top of crater after action was finished. Am convinced no man, woman, or child was wantonly killed. A considerable number of women and children were killed in the fight—number unknown, for the reason that they were actually in the works when assaulted, and were unavoidably killed in the fierce hand to hand fighting which took place in the narrow inclosed spaces. Moro women wore trousers and were dressed, armed much like the men, and charged with them. The children were in many cases used by the men as shields while charging troops. These incidents are much to be regretted, but it must be understood that the Moros, one and all, were fighting not only as enemies but religious fanatics, believing Paradise to be their immediate reward if killed in action with Christians. They apparently desired that none be saved. Some of our men, one a hospital steward, were cut up while giving assistance to wounded Moros by the wounded, and by those feigning death for the purpose of getting this vengeance. I personally ordered every assistance given wounded Moros and that food and water should be sent them and medical attendance. In addition friendly Moros were at once directed to proceed to mountain for this purpose. I do not believe that in this or in any other fight any American soldier wantonly killed a Moro woman or child, or that he ever did it except unavoidably in close action. Action was most desperate, and was impossible for men fighting literally for their lives in close quarters to distinguish who would be injured by fire. In all actions against Moros we have begged Moros again and again to fight as men and keep women and children out of it. I assume entire responsibility for action of the troops in every particular, and if any evidence develops in any way bearing out the charges will act at once.

"WOOD."

Very sincerely, yours,

WM. H. TAFT.

The PRESIDENT.

I have made reply as follows:

"THE WHITE HOUSE,
Washington, March 14, 1906.

"MY DEAR MR. SECRETARY: I have received your letter of March 13, with accompanying cable of General Wood answering my inquiry as to the alleged wanton slaughter of Moros. This answer is, of course, entirely satisfactory. The officers and enlisted men under General Wood's command have performed a most gallant and soldierly feat in a way that confers added credit on the American Army. They are entitled to the heartiest admiration and praise of all those of their fellow-citizens who are glad to see the honor of the flag upheld by the courage of the men wearing the American uniform.

"Sincerely, yours,

"THEODORE ROOSEVELT.

"Hon. WM. H. TAFT,
"Secretary of War."

THEODORE ROOSEVELT.

THE WHITE HOUSE, March 15, 1906.

The VICE-PRESIDENT. The message will be printed and referred to the Committee on the Military Affairs.

Mr. CULBERSON. Mr. President, the message relates to the general subject of the resolution adopted by the Senate yesterday. I desire to ask if there has been any response to that resolution?

The VICE-PRESIDENT. The only messages received have been laid before the Senate.

Mr. CULBERSON. The resolution is directed to the Secretary of War and not to the President. There may have been an answer from the Secretary of War. At least, I desire to ask if there has been any?

The VICE-PRESIDENT. No answer has been received.

Mr. BACON. Mr. President, referring to the inquiry made by the Senator from Texas as to the paper read from the desk,

which the Chair correctly states to be a message from the President, it occurs to me that that could not be intended as a reply to the direction which was made to the Secretary of War, for the reason that if such were the case there would be a very grave omission in the information sought to be obtained. As I understand the resolution which was adopted by the Senate, introduced by the Senator from Texas, it related to all the circumstances which attended this occurrence, which can not be characterized otherwise, in the mildest language, than as most unfortunate and most regrettable; and the particular thing which it seems to me the Senate would desire to know would be what was the occasion for this unfortunate massacre of men, women, and children.

So far as concerns any information conveyed to us through the press, there has been nothing tending to show what was the provocation on the part of these people which led to this wholesale slaughter—and I use this language, Mr. President, which under other circumstances might be considered extreme, because we are told in the press that none escaped, and when none escaped, regardless of age, sex, or participation, it can not be correctly designated, whether justifiable or not, by any other language, certainly none less comprehensive, than the word "slaughter."

I think we are entitled to know whether it be true that there was provocation on the part of these people which justified this assault on the part of the American commander with his troops and this killing. If there was provocation for it, it is certainly proper that we should know it. Speaking for myself, in all candor and sincerity, I hope that the facts when known will show that there was provocation, and great provocation, which led to such extreme action on the part of the American commander.

Mr. LODGE. Mr. President, nothing has come from the scene of that action except the cables. The news that has appeared in the newspapers has been without exception from Manila, which is four or five hundred miles away. The only direct news has been conveyed in the cables which have been furnished by the War Department. The Secretary of War is absent in New York at this moment, I believe. I do not suppose there is any information that he could possibly give the Senate until enough time has elapsed to bring reports from the islands here. This long dispatch which has been read at the desk was a cable from General Wood, and I think it is the only full official account that has been received from the islands at all.

I have not the slightest question that as soon as the Secretary can have time to secure the information he will send it in as a matter of course, but until—

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. I wish to call the attention of the Senator to the fact that the resolution was introduced only yesterday.

Mr. LODGE. I know it was introduced only yesterday.

Mr. WARREN. And the Secretary of War was then absent.

Mr. LODGE. And the Secretary of War was then absent, and he is still absent.

Mr. CULLOM. The message does not make any pretense of being an answer to the resolution.

Mr. LODGE. It makes no pretense of being in answer to the resolution, and no answer can be made to the resolution until there is time to get the information from the islands. All we know about those islands in the past is that there have been bands of outlaws there and bandits who have devastated the islands in the time of the Spaniards and in our own time—

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I should like to finish my sentence.

And until we know the facts it seems to me it is just as well not to enter into a condemnation of the American soldiers and the American officers who have been charged with it. We know nothing direct, as a matter of fact, except the dispatch from General Wood, and when we do know the facts then it will be time enough to talk about massacres, if the facts justify it, which I do not believe for one moment they will.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I am through.

Mr. CULBERSON. Mr. President, I simply desire to say, in answer to the suggestion of the Senator from Massachusetts, that that is exactly the purpose, and was the purpose, of the

resolution—for the Senate to have the official correspondence, and have it before it when it undertook to consider the question presented. As a consequence, the resolution calls for copies of all official communications which have passed between the War Department and any officials of the United States in the Philippine Islands with reference to this subject. I do not assume even that all we see in the papers on the subject is correct, but the Senate is entitled to the official correspondence, and that is all the resolution seeks.

Mr. LODGE. No correspondence could have passed. There has not been time to get anything from the Philippines, except these cable dispatches.

Mr. CULBERSON. There have been official reports by cable of General Wood, commanding in the Philippine Islands, and there have been responses to those communications by the War Department, and copies of those are what we insist upon having under the resolution.

Mr. LODGE. Those have been printed, as I understand.

Mr. CULBERSON. That is all we desire.

Mr. SPOONER. Will the Senator from Texas allow me to ask him a question?

Mr. CULBERSON. Certainly.

Mr. SPOONER. Is there anything before the Senate which indicates the slightest indisposition on the part of the Secretary of War to comply fully with the Senate resolution which was passed yesterday upon this subject?

Mr. CULBERSON. Certainly not, Mr. President, and I observe from the question of the Senator that he, and I assume also that the Senator from Massachusetts, are laboring under a misapprehension as to my purpose, at least. I simply rose and stated that the message of the President referred to the same general subject covered by the resolution, and then I inquired if the Secretary of War had answered the resolution, and sat down. That is all I desired to know.

Mr. LODGE. In what I said, if the Senator will allow me, I was not replying to the Senator from Texas, whose inquiry was a perfectly proper one, and which inquiry I have no doubt will be answered the moment the Secretary of War returns from New York to the Department. He has not yet personally received it. My remarks were addressed—

Mr. CULBERSON. Very well.

Mr. LODGE. My remarks were addressed to the Senator from Georgia, who got up and began to talk about massacres and slaughters before he knew anything official whatever.

Mr. CULBERSON. That is all I have to say, Mr. President.

Mr. BACON. Mr. President, the remarks of the Senator from Massachusetts seem to be predicated upon a misapprehension of what I premised to what I said. I do not know whether or not the Senator from Massachusetts had his attention directly called to what I said in the beginning. There was a message read from the President of the United States upon this subject.

Mr. LODGE. Yes; I heard it.

Mr. BACON. The Senator from Texas then inquired whether or not it was a reply to the resolution which had been introduced by him.

Mr. LODGE. That I also heard.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. With pleasure.

Mr. CULBERSON. It is not very material, but the Senator from Georgia misapprehended my inquiry. I did not assume that the message was an answer to the resolution, but I stated that, as the message referred to the same subject covered by the resolution, I desired to know whether the resolution itself had been answered by the Secretary of War; that is all.

Mr. BACON. The Senator is doubtless correct. I was not, it appears, correctly quoting him.

I simply said that it was evident that it was not intended by the President to be such answer, for the reason that it failed to cover the ground which the resolution itself contemplated; and I then went on to say that we did not simply desire to know the facts of this unfortunate occurrence, but the important thing for us to know was what led to this unfortunate and regrettable occurrence; and I went on further to say that I should myself be extremely gratified if when we got the entire facts it should be shown that there was such provocation on the part of these people as justified this wholesale killing.

Mr. President, I do not presume to pass upon the correctness of the action on the part of the commanding officer. I need not say, as reference has been made to the Secretary of War, that nobody for a moment attaches to him any responsibility for this occurrence, from the fact that we know from his own statement as published in the newspapers that he was ignorant of what

had preceded it, further than that he did have knowledge of the fact that General Wood had cabled him a few days previously that he was going to this place, where this most deplorable action occurred, and that was all the information he had of anything which preceded this unfortunate affair.

Mr. President, that it is a regrettable affair I suppose the Senator from Massachusetts will very cordially agree with me.

Mr. LODGE. I do, entirely.

Mr. BACON. That it is important that, if a matter so much to be regretted did occur, we should know why it occurred, and that we should be extremely solicitous, if there be justification for it, that we should know the fact, I presume the Senator agrees with me also. Those, with one other, are the only propositions I have suggested. First, that it is an extremely regrettable affair. Second, that it is important that we should know what was the provocation for it; and third, that it is very greatly to be hoped that when all the facts are disclosed it will be shown that there was ample justification for it.

If the Senator from Massachusetts disagrees with me on either of those three propositions, then, of course, we are at issue. If he agrees with those three propositions, we are as one.

Mr. LODGE. I agree with the Senator from Georgia in regretting that there should be any necessity for any fighting of that sort, but I am not yet prepared to condemn the American officers and Army.

Mr. BACON. Neither have I condemned them.

Mr. LODGE. I do not want to do as the Senator seems inclined to do—on taking up a new subject, take my first step by making up my mind. I want to hear the facts before I make up my mind.

DEPARTMENTAL INFORMATION AFFECTING MARKETS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULBERSON. I move that the Senate insist upon its amendments and agree to the conference asked for.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON were appointed.

POSTAGE ON CERTAIN PERIODICAL PUBLICATIONS.

Mr. STONE. Mr. President, I gave notice several days ago that after the routine morning business to-day I would call up Senate resolution No. 82, instructing the Committee on Post-Offices and Post-Roads to ascertain and determine if the construction of the Post-Office Department of the law as to postage on certain publications of alumni of colleges as second-class matter, etc., is correct, etc. But after some consultation with the Senator from South Carolina [Mr. TILLMAN], and in view of the fact that the Senator from Minnesota [Mr. NELSON] is entitled to the floor and desires to proceed in the discussion of the rate bill, I wish to say that when the Senator shall have completed his remarks I will ask unanimous consent of the Senate to call up the resolution and have it disposed of.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I move that the Senate resume the consideration of the unfinished business, being the rate bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. NELSON. Mr. President, like the Senator from Massachusetts [Mr. LODGE] and the Senator from Ohio [Mr. FORAKER] my speech will be a manuscript speech, and for that reason I ask that the same courtesy be accorded to me that was accorded to those Senators when they spoke—that is, that I may not be interrupted until the close of my speech. At the close of it I shall be glad to answer any question that may be put to me so far as I may be able to answer it.

I desire further to say that in the remarks I am about to make my first purpose is to call attention to what has been accomplished in the various States of the Union in the way of securing railway-rate legislation as to local traffic. I propose to give a brief genesis of that and in connection with it the decisions of our Supreme Court and to show the judicial revolution that has taken place in that court.

ON RAILWAY RATE LEGISLATION.

The man whose chief acquaintance with the problem of railway rate legislation is derived from riding in a Pullman car,

drawing dividends on railway stock, and clipping coupons from railway bonds looks at the problem in an entirely different light from the farmer, the merchant, and the shipper at a noncompetitive point who is subject to high rates and unjust discriminations. To the latter it is a continuing, ever present, and most vital issue, continually pressed home on him in his daily avocation and daily experience from which there is no retreat.

Had there never been any undue exactions or unjust discriminations, there would, in all probability, have been a scant demand for rate regulation. It is because the railways of the country, to a greater or less degree, in spite of remedial legislation, have persisted, and still persist, in their exactions and discrimination that the public come to Congress to seek protection and relief.

Why have the railways persisted and why do they still persist in evading the laws and in evading the just rights of the public? I should like to have those who are hostile to railway rate legislation explain and account for such conduct. Did the railways never offend they might justly complain of the public demand, but as long as they persist in offending they can not complain because the public seeks relief. To stigmatize those who, under such circumstances, come to Congress for relief as using "a knock-down-and-drag-out argument" is unworthy of the subject and is belittling a just cause. Even those who thus taunt the public admit that there are some evils and some wrongs to redress.

In their infancy and at the outset, when the railways first sought to secure right of way through the power of eminent domain and their right was disputed, they put their claim on the ground that it was a public enterprise and for a public use, and the courts accorded them the right on these grounds. The following early cases furnish illustrations of this: *Beekman v. Saratoga, etc., Railway Company* (N. Y., 1831; 3 Paige, ch. 45-75), in which the opinion was given by Chancellor Wallworth, and *Louisville, etc., Railway Company v. Chappell* (S. C., 1838; 1 Rice (S. C.), 383). These early cases laid down the doctrine that the railways were entitled to secure right of way through the power of eminent domain, because they were quasi public corporations and were devoted to a public service and a public use; that they were obliged to serve the public, and that they were subject, in consequence, to public control.

Chancellor Walworth, in *Beekman v. Saratoga and Schenectady Railroad Company*, says—and I may state that this is a case where resistance was made to the securing of the right of way for the company:

The objection that the corporation is under no legal obligation to transport produce or passengers upon this road, and at a reasonable expense, is unfounded in fact. The privilege of making a road and taking tolls thereon is a franchise as much as the establishment of a ferry or a public wharf and taking tolls for the use of the same. The public have an interest in the use of the railroad, and the owners may be prosecuted for the damage sustained, if they should refuse to transport an individual, or his property, without any reasonable excuse, upon being paid the usual rate of fare. The legislature may also from time to time regulate the use of the franchise and limit the amount of toll which it shall be lawful to take, in the same manner as they may regulate the amount of tolls to be taken at a ferry, or for grinding at a mill, unless they have deprived themselves of that power by a legislative contract with the owners of the road.

The Munn case and the so-called "Granger cases" of 1876 (94 U. S.) only amplified and reiterated this doctrine and policy laid down by the early cases in New York and South Carolina in 1831 and in 1838.

As railway expansion extended from the seaboard to the Mississippi Valley at rapid pace, the public soon found that, though they were anxious to secure railroad facilities and appreciated the advantages thereof, and were willing to bear the ordinary burdens incident thereto, the exactions and discriminations, both as to persons and places, of the railways ran riot and soon became intolerable. And this resulted in the early seventies in a great uprising among the people of the upper Mississippi Valley in an effort to secure legislative relief. The people first turned for relief to their State legislature, and these responded by enacting rate laws, some operating directly upon the railways, but in most instances, after laying down general rules, through railway rate-making commissions. This was notably so in the States of Wisconsin, Iowa, Minnesota, and Illinois. The railways first resisted the enactment of these laws and then they resisted, through all legal resources, their enforcement on the ground that they were invalid and unconstitutional.

In 1831 to 1838 the railways insisted upon the right of exercising the power of eminent domain for securing right of way upon the ground that they were quasi public corporations that were rendering a public service and exercising a public duty on behalf of the state. In the seventies they insisted that they were nothing but private moneyed corporations and as such immune from public control. "These railways are the private

property of our stockholders; what business has the legislature to say how we shall perform the service and what rate we shall charge? It is utterly preposterous. The public is utterly unfit to judge of these things. Our own judgment and our own policy are all-sufficient. What business has the legislature to meddle anyway?" This was the railway slogan in those days.

From this issue cases soon came into the courts, first in the State courts, and in due course, but slowly and tardily, into the Supreme Court of the United States. That court arose to the great occasion as never before or since in all its history. In the *Munn* case and in the *Granger* railway cases of 1876 (94 U. S.) that court pronounced those grand and magnificent opinions, famous in the annals of the court. The right of public control was vindicated and placed on the broad foundations of the common law, and as to local traffic, the power was held to be plenary and final with the State legislature, and the commission by it created. This was held to be due process of law; for due process of law is not, under all circumstances nor in all cases, necessarily to be had and obtained in a court of law.

Mr. President, it is refreshing even now to quote from those grand opinions that read like gospel from the mount. And so I crave the indulgence of the Senate in order that Senators may see the common-law doctrine laid down by the Supreme Court of the United States, which from that day to this has never been overturned by the court except as to the point that the rate fixed by the legislature or the Commission was final and conclusive.

In *Munn v. Illinois* (94 U. S., 113) Chief Justice Waite says:

It is claimed that such a law is repugnant—

3. To that part of amendment 14 which ordains that no State shall "deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

We will consider the last of these objections first.

Every statute is presumed to be constitutional. The court ought not to declare one to be unconstitutional unless it is clearly so. If there is doubt the express will of the legislature should be sustained.

The Constitution contains no definition of the word "deprive" as used in the fourteenth amendment. To determine its significance, therefore, it is necessary to ascertain the effect which usage has given it when employed in the same or a like connection.

While this provision of the amendment is new in the Constitution of the United States, as a limitation upon the powers of the States, it is old as a principle of civilized government. It is found in *Magna Charta*, and, in substance if not in form, in nearly or in quite all the constitutions that have been from time to time adopted by the several States of the Union. By the fifth amendment it was introduced into the Constitution of the United States as a limitation upon the powers of the National Government, and the fourteenth amendment as a guaranty against any encroachment upon an acknowledged right of citizenship by the legislatures of the States.

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the preamble of the constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private (Thorpe v. R. & B. Railroad Co., 27 V. T., 143), but it does authorize the establishment of laws requiring each citizen to so conduct himself and so use his own property as not unnecessarily to injure another. This is the very essence of government, and has found expression in the maxim *sic utere tuo ut alienum non laedas*. From this source comes the police powers which, as was said by Mr. Chief Justice Taney in the *License* cases (5 How., 583) "are nothing more or less than the powers of government inherent in every sovereignty."

That is to say, the power to govern men and things. Under these powers the Government regulates the conduct of its citizens one toward another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the fifth amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate the rates of wharfage at private wharves, the sweeping of chimneys, and to fix the rates of fees therefor, and the weight and quality of bread" (3 Stat., 587, sec. 7), and, in 1848, "to make all necessary regulation respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen and wagoners, cartmen and draymen, and the rates of commission of auctioneers" (9 Id., 224, sec. 2).

From this it is apparent that down to the time of the adoption of the fourteenth amendment it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law. Under some circumstances they may, but not under all. The amendment does not change the law in this particular; it simply prevents the States from doing that which will operate as such a deprivation.

This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what without its operative effect. Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private property is "affected with a public interest, it

ceases to be *juris privati* only." This was said by Lord Chief Justice Hale more than two hundred years ago, in his treatise *De Portibus Maris* (1 Harg. Law Tracts, 78), and has been accepted without objection as an essential element in the law of property ever since. Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control.

From the same source comes the power to regulate the charges of common carriers, which was done in England as long ago as the third year of the reign of William and Mary, and continued until within a comparatively recent period. And in the first statute we find the following suggestive preamble, to wit:

"And whereas divers wagoners and other carriers, by combination amongst themselves, have raised the prices of carriage of goods in many places to excessive rates, to the great injury of the trade: Be it, therefore, enacted," etc. (3 W. & M., c. 12, p. 24; 3 Stat. L. (Great Britain), 481.)

Common carriers exercise a sort of public office, and have duties to perform in which the public is interested. (New Jersey Navigation Company v. Merchants Bank, 6 How., 382.) There business is, therefore, "affected with a public interest," within the meaning of the doctrine which Lord Hale has so forcibly stated.

But we need not go further. Enough has already been said to show that when private property is devoted to a public use it is subject to public regulation. It remains only to ascertain whether the warehouses of these plaintiffs in error, and the business which is carried on there, come within the operation of this principle.

It is insisted, however, that the owner of property is entitled to a reasonable compensation for its use, even though it be clothed with a public interest, and that what is reasonable is a judicial and not a legislative question.

As has already been shown, the practice has been otherwise. In countries where the common law prevails, it has been customary from time immemorial for the legislature to declare what shall be a reasonable compensation under such circumstances, or, perhaps more properly speaking, to fix a maximum beyond which any charge made would be unreasonable. Undoubtedly, in mere private contracts, relating to matters in which the public has no interest, what is reasonable must be ascertained judicially.

But this is because the legislature has no control over such a contract. So, too, in matters which do affect the public interest, and as to which legislative control may be exercised, if there are no statutory regulations upon the subject, the courts must determine what is reasonable. The controlling fact is the power to regulate at all. If that exists, the right to establish the maximum of charge, as one of the means of regulation, is implied. In fact, the common-law rule which requires the charge to be reasonable is itself a regulation as to price. Without it the owner could make his rates at will and compel the public to yield to his terms or forego the use.

But a mere common-law regulation of trade or business may be changed by statute. A person has no property, no vested interest, in any rule of the common law. That is only one of the forms of municipal law and is no more sacred than any other. Rights of property which have been created by the common law can not be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will or even at the whim of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. To limit the rate of charge for services rendered in a public employment, or for the use of property in which the public has an interest, is only changing a regulation which existed before. It establishes no new principle in the law, but only gives a new effect to an old one.

We know that this is a power which may be abused; but that is no argument against its existence. For protection against abuses by legislatures the people must resort to the polls, not to the courts.

After what has already been said, it is unnecessary to refer at length to the effect of the other provision of the fourteenth amendment which is relied upon, viz, that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Certainly it can not be claimed that this prevents the State from regulating affairs of hackmen or the charges of draymen in Chicago unless it does the same thing in every other place within its jurisdiction. But, as has been seen, the power to regulate the business of warehouses depends upon the same principle as the power to regulate hackmen and draymen, and what can not be done in the one case in this particular can not be done in the other.

In the case of *Peik v. Railway Company* (94 U. S., 164) Chief Justice Waite says:

5. As to the claim that the courts must decide what is reasonable, and not the legislature. This is not new in this case. It has been fully considered in *Munn v. Illinois*. Where property has been clothed with a public interest the legislature may fix a limit to that which shall in law be reasonable for its use. This limit binds the courts as well as the people. If it has been improperly fixed, the legislature, not the courts, must be appealed to for the change.

Mr. President, the doctrine laid down in these early cases has not been departed from except in one particular. In that case and in the *Granger* cases, which were heard and decided at the same term, the court practically held that the jurisdiction of the legislature in fixing rates was exclusive, and that the court had nothing to say as to whether the legislature acted within constitutional limits or not. Except as to this point the doctrine laid down in this case is still the doctrine and law of the Supreme Court.

These decisions acted as a quieting and restraining force, both upon the public and the railways. The public, conscious of the power to regulate, became more moderate and less insistent, while the railways became, for a time at least, much more considerate of the rights of the public, although they still persisted in overturning these decisions.

The first intimation of a departure from these cases came in a suggestion ten years afterwards in the so-called "Railway Commission cases," *Stone v. Farmers', etc., Company* (Miss., 1886; 116 U. S., 307). This was followed by the case of *Dow v. Beidleman* (Ark., 1887; 125 U. S., 680), in which the court assumed to pass upon the reasonableness of the rate, and held that while the income might be very small it could not be deemed confiscatory, and hence it was valid, and did not amount to a denial of "due process of law."

In the meantime the legislature of Minnesota, in the light of and relying upon the *Munn* and the *Granger* cases, had enacted a rate law, making the order of the commission final. Out of this law came the so-called "Minnesota Milk case" of 1890, the case of the *Railway Company v. Minnesota* (134 U. S., 418). Here the court clearly overruled the *Munn* and *Granger* cases and held that the rate fixed by the railway commission was not final, but was subject to review in the court upon the facts as well as the law, and that the finding of the Minnesota railroad commission was not "due process of law." Three of the judges dissented and in the dissenting opinion clearly stated that the majority of the court had overruled and departed from the doctrine of the early cases.

Mr. Justice Bradley (with whom concurred Mr. Justice Gray and Mr. Justice Lamar), dissenting, said:

I can not agree to the decision of the court in this case. It practically overrules *Munn v. Illinois* (94 U. S., 113) and the several railroad cases that were decided at the same time. The governing principle of those cases was that the regulation and settlement of the fares of railroads and other public accommodations is a legislative prerogative and not a judicial one. This is a principle which I regard as of great importance. When a railroad company is chartered it is for the purpose of performing a duty which belongs to the State itself. It is chartered as an agent of the State for furnishing public accommodation. The State might build its railroads if it saw fit.

It is its duty and its prerogative to provide means of intercommunication between one part of its territory and another. And this duty is devolved upon the legislative department. If the legislature commissions private parties, whether corporations or individuals, to perform this duty, it is its prerogative to fix the fares and freights which they may charge for their services. When merely a road or a canal is to be constructed, it is for the legislature to fix the tolls to be paid by those who use it; when a company is chartered not only to build a road, but to carry on public transportation upon it, it is for the legislature to fix the charges for such transportation.

In this case the court not only overruled those cases, but also overruled that class of cases, of which there is a considerable number, which hold that "due process of law" is not necessarily limited to a court of law or equity, but may be had and take place before another tribunal.

The term "due process of law," as found in the fourteenth amendment, has the same meaning as the term "law of the land" in *Magna Charta*. What the term necessarily implies has never been clearly defined by the courts. On the contrary, courts have abstained from laying down a general rule or definition as to what is or is not "due process of law." This is so stated by Mr. Justice Lillier in the case of *Davidson v. New Orleans* (96 U. S., 97):

"Due process of law" is not in all cases or under all circumstances limited to proceedings in a court of law or equity. It may, in some cases and under some circumstances, be had before a board, officer, or authority, not a court. Thus it has been held that the auditing of the account of a collector of customs and certifying a balance due from him by the officers of the Treasury Department, and the levying of a distress warrant for such balance and a sale of real estate under such warrant is altogether "due process of law."

That is one of the early leading cases on the subject, the case of *Murray v. Hoboken*. (18 Howard, U. S., 274.)

The valuation of imported merchandise by custom officers as a basis and for the purpose of collecting duties, though made final and conclusive by statute, is nevertheless "due process of law." (*Hilton v. Merritt*, 110 U. S., 97.)

Proceedings for the assessment, levy, and collection of taxes, though not brought in court, are nevertheless "due process of law." (*Kelly v. Pittsburg*, 104 U. S., 78.)

That is a remarkable case. A farmer living in the outskirts of Pittsburg had a farm of 80 acres. The legislature passed a law attaching his 80 acres to the city of Pittsburg, and then, without laying out or opening any streets on it, or building any sewers, or furnishing any lights or waterworks, the assessing authorities of Pittsburg proceeded to assess the property for city improvements as though it had had these benefits, and the assessment was most outrageously high. And yet in that case the Supreme Court held that the assessment by the assessing officers was final, and that it was due process of law.

The distraint and sale of personal or real property to pay Federal income taxes is "due process of law." (*Springer v. United States*, 102 U. S., 586.)

In that case the court not only sustained that mode of procedure as due process of law, but they held what they have not

held subsequently, that an income tax was a valid tax, and could be levied in the form which it was levied under the law of 1864 and 1865, if I remember correctly.

Requiring railways to pay expenses of railway commissions held to be "due process of law." (*Charlotte C. & A. Co. v. Gibbs* (S. C.), 142 U. S., 386.)

The assessment and levy of taxes by assessing officers is held to be "due process." (*Glidden v. Harrington* (Mass.), 189 U. S., 255, and many cases therein cited. In the same line are the cases *Pittsburg v. Backus*, 154 U. S., 425; *King v. Mullins*, 171 U. S., 404.)

The foregoing and many other cases of a similar nature go to show that "due process of law" is not necessarily and in all cases confined to a court of justice. It may be had before other bodies and tribunals, so long as due hearing and consideration is given the case. Taxation is taking private property for a public use against the will of the owner and the only compensation given is that which is common to the taxpayer and the non-taxpayer alike, the protection and advantages of an organized government.

The power of taxation is as open and liable to abuse as the exercise of many other powers of government, even as the rate-making power, and there is no greater necessity for judicial intervention in one case than in the other.

I do not refer to all these cases for the purpose of criticising the court, but rather for the purpose of calling attention to the judicial evolution that has taken place in connection with railway rate legislation, and to show that the court has not only reversed the Interstate Commerce Commission, but also itself, and that by its own showing it is not always infallible.

In the case of *Regan v. Farmers L. & T. Co.* (154 U. S., 395) the court laid down many important rules relative to State regulation. It held (1) that the State legislature could, under general rules, confer the rate-making power upon a so-called "railway commission;" that this was not a delegation of legislative, but merely of administrative, power, and that such a commission was merely an administrative board; (2) that a court of equity such as the circuit court of the United States could, in an original suit, pass upon the reasonableness of the rate fixed by such commission, and if the court found the rate unreasonable and unjust it could enjoin the same, but that the court could not fix or make a rate de novo, because that was a legislative function; and (3) that while the courts could enjoin the enforcement of a given rate, it could not enjoin the commission from taking further action. On the first point—that is, the delegation of legislative authority—the court said in the opinion delivered by Mr. Justice Brewer:

There can be no doubt of the general power of a State to regulate the fares and freight which may be charged and received by a railroad or other carrier, and that this regulation can be carried on by a commission. Such commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislation. * * * No valid objection, therefore, can be made on account of the general features of this act, etc.

To the same effect is the *Railway Commission* case, in 116 United States, 336.

Many railway rate cases have been passed upon by the State courts and by our Supreme Court, and in none of them has it ever been denied or questioned that such power, under general legislative rules, could be conferred on a railway commission.

In the following well-considered cases the point has been directly raised and decided in favor of the power:

Georgia Railway Co. v. Smith, 70 Ga., 694;
Chicago Railway Co. v. Jane, 149 Ill., 361;
State v. Railway Co., 38 Minn., 281;
Tilly v. Savannah, 5 Fed. Rep., 641, by Judge Wood. Judge Wood is one of the able circuit judges of this country; and
Chicago Railway Co. v. Day, 35 Fed. Rep., 866, by Justice Brewer.

So far as the Federal Government and the power of Congress is concerned, this right of delegation has been settled by the Supreme Court in the *Tea* case. (*Buttfield v. Strandhan*, 192 U. S., 470.)

The case last quoted, the *Tea* case, clearly establishes the principle that, as to interstate traffic, Congress can confer upon the Interstate Commerce Commission the like rate-making power, under general rules and regulations, as the several State legislatures have conferred upon State railway commissions in respect to local traffic or traffic wholly within a single State.

In the case of the *Minneapolis and St. Louis Railway Company v. Minnesota* (186 U. S., 257), the court decided that a State commission under legislative authority could, in the proper case, fix and make joint rates between two or more carriers, and what a State commission can do under legislative authority manifestly the Interstate Commerce Commission can do under Congressional authority. There can be no difference in princi-

ple. And there is manifestly as much occasion and necessity for such power in respect to interstate traffic as there is in respect to local traffic. Goods are as likely to be routed and carried over more than one carrier in the one case as in the other, and there can be no more intrinsic hardship in the one case than in the other, and it is difficult to see why as much and as broad relief should not be obtained in the one case as in the other.

In the case of *Smythe v. Ames* (169 U. S., 466; 1898) the court lays down the rules which govern the court in reviewing the rates fixed by the legislature or a State commission. And these rules show that the court does not, as the Senator from Ohio intimated, limit itself to mere confiscatory rates. The following quotations from the syllabus in this case specify the rules governing the court in reviewing and passing upon a legislative or commission rate. This is what the syllabus states, and it is a fair statement of what is involved in the case:

A State enactment, or regulations made under the authority of a State enactment, establishing rates for the transportation of persons or property by railroad that will not admit of the carrier earning such compensation as under all the circumstances is just to it and to the public, would deprive such carrier of its property without due process of law and deny to it the equal protection of the laws, and would therefore be repugnant to the fourteenth amendment to the Constitution of the United States.

I read further:

While rates for the transportation of persons and property within the limits of a State are primarily for its determination, the question whether they are so unreasonably low as to deprive the carrier of its property without such compensation as the Constitution secures, and, therefore, without due process of law, can not be so conclusively determined by the legislature of the State or by regulations adopted under its authority that the matter may not become a subject of judicial inquiry.

A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State. Its authority to exercise the right of eminent domain and to charge tolls was given primarily for the benefit of the public. It is, therefore, under governmental control—subject, of course, to the constitutional guaranties for the protection of its property. It may not fix its rates with a view solely to its own interests and ignore the rights of the public; but the rights of the public would be ignored if rates for the transportation of persons or property on a railroad were exacted without reference to the fair value of the property used for the public or of the services rendered, and in order simply that the corporation may meet operating expenses, pay the interest on its obligations, and declare a dividend to stockholders.

If a railroad corporation has bonded its property for an amount that exceeds its fair value, or if its capitalization is largely fictitious, it may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuations or fictitious capitalization; and the apparent value of the property and franchises used by the corporation, as represented by its stocks, bonds, and obligations, is not alone to be considered when determining the rates that may be reasonably charged.

The basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public; and in order to ascertain that value the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stocks, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration and are to be given such weight as may be just and right in each case. What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience, and, on the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.

I quote thus fully from this case because this is practically the last doctrine of the court on this subject, and it shows how complete the power of review is, and it shows on what broad grounds it is put. It does not put it on the ground, as has been intimated in this Chamber, that the court can not interfere unless it is a confiscatory rate. It puts it on the broad ground that the court can interfere whenever the rate is of that character that it does not afford the railroad just compensation for its property, which is the constitutional rule.

To sum up on these points, the early cases I have quoted lay down the general fundamental and basic doctrine of the right of public regulation and control. The *Minnesota Milk* case and the *Reagan Texas* case define the limitation upon such power, and the *Smyth-Ames* case describes the scope of judicial review. This case (*Smyth v. Ames*, 169 U. S., 516), as well as the case of *Reagan v. F. L. & T. Co.* (154 U. S., 362), settles that the right of review exists independent of statute and establishes the principle that no legislative authority is needed to give the circuit court authority to review or pass upon the rate fixed. That power is inherent in the court by virtue of the Constitution and the laws establishing the court and can not be taken away by statute.

State legislatures have not limited the relief given to excessive rates, unjust discriminations, or undue rebates, but have given relief in many cases where the public would have been helpless and at the mercy of the railways but for such legis-

lative relief; and this power to regulate and control by the State legislatures as to local traffic has not only been sustained as to rates, rebates, and discriminations, but also as to the following, among other, subjects:

(a) Compelling railways at their own expense to make proper road and street crossings (Connecticut). (*Railway Co. v. Bristol*, 151 U. S., 556.)

(b) Requiring railway companies to pay the salaries of State railway commissioners (South Carolina). (*Railway Co. v. Gibbes*, 142 U. S., 386.)

(c) Requiring railways to stop their passenger trains at county seats (Minnesota). (*Gladson v. Minnesota*, 166 U. S., 427.)

(d) Prohibiting railways from relieving themselves from common law or statutory liability by bill of lading, contract, or receipt (Iowa). (*Railway Company v. Solan*, 169 U. S., 133.)

(e) Requiring track connection to be made between intersecting railways, so that loaded cars can be transferred from one intersecting road to another (Minnesota). (*W. M. & P. Rwy. Co. v. Jacobson*, 179 U. S., 287.) This is one of the most important cases.

(f) Requiring three passenger trains each way, if so many are run, to stop at stations of over 3,000 people (Ohio). (*Lake Shore Railway Co. v. Ohio*, 173 U. S., 285-302.)

(g) A law allowing double damages for stock killed through the failure of the railway company to fence has been held valid (Iowa). (*Minneapolis Railway Co. v. Beckwith*, 129 U. S., 29-36.)

(h) Requiring viaduct crossings to be kept in repair by a railway company. (Chicago, etc., *Railway Company v. Nebraska*, 170 U. S., 57, Nebraska.)

(i) Requiring a railway company to establish and maintain a station at a proper locality (Minnesota). (*M. & St. L. Rwy. Co. v. Minnesota*, 193 U. S., 52.) To the same effect is the case of *Beasy v. Texas* (191 U. S., 492).

(k) Prohibiting railways from abandoning stations once established (Bluffton depot case, 96 N. W. R., 81). (Twentieth Avenue, Duluth, case, 89 Minn., 363.)

Those cases never went to the Supreme Court of the United States, but were decided by the supreme court of the State of Minnesota, and the railway companies took no appeal.

It thus appears, Mr. President, that many States have secured legislative relief against excessive rates and unjust discriminations as to local traffic; and it may, with truth and justice, be said that in those States where rate-making laws have been for any length of time enforced much good has inured therefrom to the public, and no hardship and injustice has been inflicted upon the railways. The public and the railways have gotten along much better than they did before without such laws. It has proved a restraining and conservative force to both. This has been our experience in Minnesota, of which I beg leave to submit to you the following example and illustration:

MINNESOTA RAILROAD-RATE LAW AND PROCEEDINGS UNDER THE SAME.

By the act of March 5, 1885, the legislature of Minnesota created a railroad and warehouse commission of three members; first appointive, now elective.

By the act of March 7, 1887, this commission was given rate-making power in cases where complaint was made, and this power covered joint as well as single rates.

By the act of March 22, 1897, the commission was given power to move on its own initiative where good grounds existed.

Since the commission was given the rate-making power—over eighteen years ago—it has considered and disposed of the cases described in the following statement, prepared for me at my request by A. C. Clausen, secretary of the Minnesota railroad and warehouse commission.

This statement shows that the commission has considered and disposed of thirty-four cases upon complaints made by shippers or in their behalf.

Reduction of rates or other relief was granted to the satisfaction of the complainants in twenty-five of these cases by mutual agreement with the railway companies without the entry of a formal order by the commission.

In six cases the commission made orders reducing and fixing rates, and of these, three cases were appealed to the courts. One of these cases was appealed to the State district court, where it was reversed for defect of parties; one case was appealed to the State district and supreme courts and reversed in both courts, but in the meantime the railway company had made a reduction even lower than the commission originally ordered; and the third case was appealed to the State district and supreme courts, and to the Supreme Court of the United States, and the order of the commission was sustained in all the courts.

In one of the cases the relief asked for was denied, and in two cases the complaints were withdrawn.

In addition to this, the commission informally and on its own initiative, by mutual agreement with the railway companies, brought about a reduction of rates in eleven cases.

In five cases the railways made application for leave to raise rates. Three of these were coal cases, and the relief asked for was granted in whole or in part to conform with the rates on other roads. One was a lumber case, where the matter was amicably adjusted between the shipper and the railway company, and the fifth was a live-stock case, where the relief asked for was denied.

All of which goes to show that the people have gotten relief in several cases and the railways have not been harassed or oppressed.

Mr. President, this shows what the people of Minnesota know, that the effect of a railway-rate law in that State has been to afford the people relief in a great many cases, and that it has not proven harassing and oppressive to the railway companies. In fact—and that will be the result if you clothe the Interstate Commerce Commission with this power—in most cases that have any real merit, if complaint is made to the Commission and the Commission calls the attention of the carrier to that fact, if it is a just and fair complaint, the carrier will grant the necessary relief without any further litigation. That has been the experience in States where they have State railway commissions, and that will be the experience if you give the rate-making power to the Interstate Commerce Commission.

And to us, in the light of this experience, it seems, to say the least, shocking to term "revolutionary and drastic," as the Senator from Ohio in the opening of his very able speech does, the effort to give the Interstate Commerce Commission, as to interstate traffic, similar power to fix rates as is given a State railway commission as to local rates.

After many States had secured legislative relief as to local traffic, the public felt that this relief was too local and too limited, and that complete relief could not be obtained until Congress intervened and gave similar relief as to interstate traffic. In partial and incomplete obedience to this demand, Congress in 1887 passed the so-called "interstate-commerce law," establishing, among other things, a railway commission.

I need not go into details as to this law. Its provisions are familiar to most of us. For a time the public at large, as well as the Commission, supposed and believed that the Commission had the rate-making power, and this belief had a quieting, wholesome, and restraining effect. But by and by the Supreme Court dispelled this notion and belief. In 1896, nine years after the interstate-commerce law was passed, the court, in the case of *Railway Company v. Interstate Commerce Commission* (162 U. S., 184), intimated, though not expressly deciding, that the Commission had no rate-making power. But finally, one year later, in 1897, in a case in which the Commission had assumed the right to exercise the power—the case of the *Interstate Commerce Commission v. Railway Company* (167 U. S., 479)—the court expressly held that the Commission had no rate-making power. Ever since this decision the public have felt, to a greater or less extent, that Congress had not dealt fairly with them in 1887, and had not given them the full relief to which they were entitled, and they have ever since, with more or less persistence, sought to secure from Congress what they expected and supposed they had gotten in 1887—the investiture of the Commission with rate-making power.

It is this relief—the relief which was omitted from the act of 1887—that is now sought in the pending bill, and the pertinent question is: Why should not Congress grant as ample a relief for interstate commerce as State legislatures have for local commerce, and has not Congress the power to grant such relief?

We are first of all confronted with the argument of the great seriousness of the case and the lack of necessity for such legislation because of the apparently low rates, as compared with the rates in other countries. Attention is also called to the great number of railway employees and the large number of bondholders and stockholders who may be affected by such legislation. No fair-minded man wants to inflict any hardship or injury on these classes. I for one am not actuated by any such purpose, and I do not believe anyone else in this Chamber is, but assume that these classes number in the aggregate, say, five or at the utmost ten million people, which I think is a most liberal estimate. Are not the other seventy-five or eighty millions of our people, who furnish the revenues and the traffic for our railways, also entitled to at least equal consideration?

On the one side stand the railways, representing their stockholders and bondholders, seeking to obtain as much revenue as possible, on the other side stand the great body of the public, furnishing the traffic and the revenue, anxious and desirous to obtain as low and fair rates as possible.

These interests will manifestly clash, to a greater or less extent. In the nature of the case they are, to some extent, adverse to each other, and disputes have arisen in the past and will often arise in the future between them. Now, is it fair, is it just, does it accord with the principle of natural justice, to make one of the parties to any controversy that may thus arise the sole judge and umpire in such a controversy? Does it not better accord with the fundamental rights of organized society and with the elemental principle of justice and fair play to provide an impartial umpire to pass upon and adjust the differences?

It is said that the rate-making power is not necessary, because

rates are lower here than abroad. Granting that this is true in the aggregate, it does not follow that there may not be many isolated cases of unjust and excessive rates to be remedied and cured.

But the comparison of rates, in gross, in this country, mainly based, I might say, upon the work of Professor Meyer, of the Chicago University, with the gross rates in foreign countries is entirely fallacious, deceptive, and untrustworthy. In his estimates of rates in this country neither the carriage of mail nor express is included, items in which the proportion of the freight rate to the tonnage carried is the highest of all. Our railways receive some \$44,000,000, or over, annually for carrying the mail, and the rate is based largely on the weight. No cars carrying freight of any kind earn so high a sum per car as the mail cars. Millions, too, are earned for carrying express matter. How many millions I don't know, perhaps as much as for the mails.

Then it should be borne in mind that distances are much shorter for even long-distance freight in such countries as England, Germany, and France. Most of the traffic there is carried for short distances, from 50 to 150 miles, and little of their long-distance traffic exceeds 400 or 500 miles. Now, with us it is the reverse. The great bulk of our traffic, like corn, cotton, flour, wheat and coarse grains, lumber, and coal is long-distance traffic, little of it under 500 miles and most of it from 1,000 to 1,500 miles. Such long-distance traffic of such commodities is always and of necessity at a low traffic rate. Now, it is by pooling the tonnage and revenue of such immense long-distance traffic with the high-rate short-distance traffic on other commodities, and by excluding the carriage of mail and express, that such apparent low rates for the aggregate of our traffic are figured out. The proper comparison would be to compare the short and long distance traffic in the foreign countries named with the rates of traffic of similar goods and distance in this country, and if such a comparison were made I have no doubt but what our rates are higher as a rule than abroad, and I am borne out in this by the following report made by Privy Councillors Hoff and Schwabach to the Prussian Government, which I beg leave to quote:

OUR RAILWAYS IN BAD LIGHT—PRUSSIAN RATES ARE LOWER AND FEWER PEOPLE ARE KILLED.

BERLIN, February 11, 1906.

Privy Councillors M. Hoff and F. Schwabach, whom the Prussian Government sent to the United States in 1904 to study American railroad systems, have just published an exhaustive work on their findings which is attracting much attention in the German press. Herren Hoff and Schwabach make many striking comparisons of the American and Prussian railroads, often to the disadvantage of the former. They quote official statistics showing that per million passengers carried the American roads killed six times and wounded twenty-nine times as many of them as the Prussian roads.

The writers found that the average passenger rate in America was 2.02 cents per mile, against 0.98 cent in Prussia, while freight rates nominally average 0.78 cent per ton mile in the United States, against 1.36 cents in Prussia. This comparison, the authors affirm, is fallacious, because it ignores some essential facts. The American statistics, they say, include freight carried for the railways themselves, while the Prussian statistics show only pay freights. On the other hand, the American statistics exclude high-class goods carried by express companies, which class is included in the Prussian figures. Furthermore, they say, the American roads receive immense sums for carrying the mails and the Prussian lines almost nothing, and besides the latter carry a volume of postal packages for which the American roads get large extra sums from the express companies.

If conditions were equalized at all on these points, Herren Hoff and Schwabach figure that the American average for freight would be 1.44 cents per ton per mile and that of Prussia 0.95.

The original cost of construction of the Prussian lines was 65 per cent higher per mile than that of the American roads.

There you have the opinion of these gentlemen who have investigated the subject and their reasons for their conclusions. I will offset that against the opinion of Professor Meyer.

It is conceded, and can not fairly be disputed, that the railways are still guilty of undue rates and undue discriminations, both as to persons and places, even since the enactment of the Elkins law. If the spirit of Mammon still tends to make the railways evade the rigid provisions of the Elkins law, how much more likely is the same spirit to tempt them to charge excessive rates when there is little or no regulative restraint.

We are all of us justified in dismissing the notion, if any such there be, that there are no wrongs to right and no evils to cure. If there were none, there would not be such universal, persistent, and long-continued demand for relief.

That Congress is the only authority that can grant full and ample relief in the premises can not with good reason be denied or questioned. The regulation of commerce is by the Constitution committed to Congress. This is the language of the Constitution:

The Congress shall have power . . . to regulate commerce with foreign nations, and among the several States, and with Indian tribes. (Sec. 8, Art. I.)

And not the courts, as the Senator from Ohio contends. And

the transportation of goods and passengers is, according to Justice Miller, commerce; and Chief Justice Marshall says:

To regulate commerce is to prescribe the rules by which commerce is to be governed.

The Supreme Court of the United States have settled, as fully as anything can be settled by judicial decisions, two propositions:

(1) That as to local or intrastate commerce, a State legislature, directly or through the intervention of a commission, has, subject to the limitation of the fourteenth amendment, the full rate-making power.

(2) That Congress has as full and complete power and control over interstate commerce as a State legislature has over local commerce, subject to the limitations of the fifth amendment, and that this includes the rate-making power as much in the one case as in the other.

In the light of the decisions of our Supreme Court, from and including the case of *Gibbons v. Ogden* down to the present day, it is clear that this power of Congress embraces the right to regulate and prescribe the rates and conditions under which interstate traffic may be conducted. It is unnecessary to quote the numerous decisions of our Supreme Court on this point. They are familiar not only to lawyers, but even to many laymen.

The fixing of rates is "prima facie," and in the first instance a legislative and administrative function, and not a judicial function. It is not the province of the court to initiate rates, but only to see that no excess, as respects the constitutional inhibition, is committed.

The only limitation and check on the power of Congress is that contained in the fifth amendment, in these words:

Nor shall any person * * * be deprived of property without due process of law; nor shall private property be taken for public use without just compensation.

This does not deprive Congress of the power to regulate; it simply provides a brake upon the exercise of that power.

The Senator from Ohio in his able argument admits that railways are subjects of rate regulation, but insists in the face of the plain provision of the Constitution which I have quoted, that the courts are the only regulating authority. The Constitution makes it plain that Congress is, *prima facie*, the regulating authority, and that the only province of the court is to see that Congress exercises this power in a constitutional manner or within the pale of the fifth amendment. All statutory enactments are, in some form and to some extent, rules of conduct and ultimately subject to review by the court, but because of such right of review it does not follow that Congress can not act in the first instance or that the courts should have the initiative.

The Senator from Ohio further insists that the court can grant ample relief, and hence that there is no occasion for conferring the rate-making power upon the Interstate Commerce Commission. But is this true in its practical operation—and that is really the test? The Commission, under the pending bill and the law to which it is amendatory, can not only veto as unjust an existing rate, but can prescribe a fair and just rate for the future. The court can not do this; it can only veto and enjoin an existing rate; that is the limit of its power. The court may, for example, enjoin a rate of 10 mills per ton per mile on freight from Chicago to Boston as being unreasonable. The carrier can immediately, without violating the injunction, reduce the rate one-tenth of a mill; but this rate, too, may be unreasonable and too high, and may entail another suit for its injunction. The carrier again makes a slight reduction, another one-tenth of a mill, just enough to be outside of the pale of the injunction, and this rate also is too high, and may entail another suit; and so on the process may be continued almost indefinitely. Now, it may turn out that the fair and reasonable rate in the case would be 8 mills per ton per mile; but how many rates could not the carrier make between these two extremes of 10 and 8 mills, and every one of these intermediate rates would involve a separate and distinct restraining suit, unless the shipper would silently submit to the undue and excessive rate. And thus full and ultimate relief could not be secured without a multiplicity of suits. Now, as a general rule, equity abhors a multiplicity of suits, but in this instance the court would be powerless to prevent such multiplicity.

It is only by conferring the rate-making power upon the Commission that such an injustice can be prevented. To remit the shipper to a system of relief such as I have described, and which is involved in the contention of the Senator from Ohio, would be most tantalizing, impracticable, and abortive. It would, in substance, be like passing to a hungry man asking for bread a stone. The Senator's contention makes a plausible theory, but does not solve or meet a crying condition.

The Senator from Ohio further contends that though Con-

gress itself may make a rate it can not confer the rate-making power on a commission; that this is a delegation of legislative power, and hence not permissible. As to this contention it may be said, first of all, that if Congress can not act through a commission the power to fix rates is, for all practicable purposes, of no value. How could Congress, as constituted and as operating, enter into, investigate, and try all the details involved in rate complaints? Unless the railways reform and become more abstemious than they have been in the past there would be many cases, and it would be a physical and moral impossibility for Congress to act. This suggestion is even worse than the court suggestion of the Senator from Ohio.

The cases I have heretofore quoted establish the principle that when a legislative body lays down clearly and plainly the rules and principles of action and commits their application to a commission, that is not a delegation of legislative power, and that the commission is merely an administrative body. I have found no decision in any of the law reports—and I have made some search for them—holding a contrary view. The Supreme Court of the United States has settled the principle involved in this contention in the case of *Buttfield v. Stranahan* (192 U. S., 470), the tea case. The court has in that case gone even further than it is necessary to go in the matter involved in this legislation. In that case the board not only passed upon the quality of the tea imported to ascertain whether it conformed to the standard, but the board also fixed and made the standard. In the legislation now under consideration Congress fixes and lays down the standard, leaving only to the Commission the application of this standard to existing and supposed rates.

The doctrine contended for by the Senator from Ohio would block and stop the administrative wheels of our Government. Congress lays down general rules for the disposal of our public lands, but the Commissioner of the General Land Office and the Secretary of the Interior apply those laws under rules and regulations prescribed by them. Congress could not well ascertain and decide whether a homestead settler has complied with all the conditions requisite for final entry and patent. General rules are laid down by Congress for the collection of duties and customs, but their application and enforcement is left to collectors, boards of appraisers, and the Secretary of the Treasury, and in some cases their judgment is final.

Congress and State legislatures commit to the various municipal corporations and their various boards or councils not only administrative work but also much of a quasi legislative character. Here under the very dome of the Capitol, in this District, we have committed much important work to the three Commissioners of the District, which I have not time to describe in detail. Without the delegation of such administrative powers the Government would be at a standstill, although the legislative department were in perpetual session.

To me it is inscrutable why the railways, or some of them, seem to be in such mortal terror of having their cases passed upon by such a body as the Interstate Commerce Commission.

The question whether a given rate is reasonable and fairly remunerative is a question of fact, a business proposition, and not a question of law. I have no hostility to the courts. When I have not held public office I have lived in a rural atmosphere of law and made my living as a country lawyer.

We commit the trial of issues of fact in most important cases, involving thousands and millions of dollars, to an ordinary jury of twelve men, hardly ever experts or superior to the ordinary mass of humanity. In the case before us we commit the issue to be tried to a board of seven good men of fair business ability and experience. In integrity and business ability they will average well up with the great body of our judges. A judge may oftentimes be a great and profound lawyer, but a very poor and indifferent business man. I have known many such instances. Even the best of judges have indicated how important it is to get the aid and judgment of a good business man in such cases. In the case of *Railway Company v. Tompkins* (176 U. S., 167), a railway-rate case from South Dakota, Judge Brewer admits this. Here is what he says:

We think, therefore, there was error in the failure to find the cost of doing the local business, and that only by a comparison between the gross receipts and the cost of doing the business, ascertaining thus the net earnings, can the true effect of the reduction of rates be determined.

The question then arises, What disposition of the case shall this court make? Ought we to examine the testimony, find the facts, and from those facts deduce the proper conclusion?

It would doubtless be within the competency of this court on an appeal in equity to do this, but we are constrained to think that it would not (particularly in a case like the present) be the proper course to pursue. This is an appellate court, and parties have a right to a determination of the facts in the first instance by the trial court. Doubtless if such determination is challenged on appeal it becomes our duty to examine the testimony and see if it sustains the findings, but if the facts found are not challenged by either party then this court need not go beyond its ordinary appellate duty of considering whether such facts

justified the decree. We think this is one of those cases in which it is especially important that there should be a full and clear finding of the facts by the trial court. The questions are difficult, the interests are vast, and therefore the aid of the trial court should be had.

The writer of this opinion appreciates the difficulties which attend a trial court in a case like this. In *Smyth v. Ames*, supra, a similar case, he, as circuit judge presiding in the circuit court of Nebraska, undertook the work of examining the testimony, making computations, and finding the facts. It was very laborious, and took several weeks. *It was a work which really ought to have been done by a master.* Very likely the practice pursued by him induced the trial judge in this case to personally examine the testimony and make the findings. We are all of opinion that a better practice is to refer the testimony to some competent master to make all needed computations and find fully the facts. It is hardly necessary to observe that, in view of the difficulties and importance of such a case, it is imperative that the most competent and reliable master, general or special, should be selected, for it is not a light matter to interfere with the legislation of a State in respect to the prescribing of rates, nor a light matter to permit such legislation to wreck large property interests.

We are aware that the findings made by the master may be challenged when presented to the trial court for consideration, and it may become its duty to examine the testimony to see whether those findings are sustained, as likewise, if sustained by the trial court, it may become our duty to examine the testimony for the same purpose. But before we are called upon to make such examination we think we are entitled to have the benefit of the services of a competent master and an approval of his findings by the trial court. As we have said, those findings may not be challenged by either party, and if so, a large burden will be taken from the appellate court.

Here is one of the ablest judges of the Supreme Court who confesses how important it is to have a case of this kind passed upon, not by the judge, but passed upon in the first instance by what we call a "master in chancery," a business man, not necessarily a lawyer. We propose in the pending legislation not one single master in chancery, but we propose to have it passed upon by seven masters in chancery—the Interstate Commerce Commission.

It has been the practice of some railway attorneys not to present their side of the case fully to the Interstate Commerce Commission—and the Supreme Court has taken occasion to criticize this practice—for the purpose of getting the Commission reversed in the court by producing further and additional evidence not presented to the Commission. In such cases, when all the facts are not fully and fairly presented and argued, the Commission can not be blamed for making mistakes. If I had a case of real merit, I should rather submit it upon the facts to the adjudication of these seven men than to a single judge of a United States circuit court or three judges on a court of appeal.

If this bill becomes a law, it will not be as difficult as heretofore for the Commission, if the facts are fully presented, to pass upon the question of rate. Heretofore it has been a question as to whether a given rate was reasonable or not; and the term "reasonable" has been applied in the same sense as the term "quantum meruit" at common law, involving a somewhat complex question. By the terms of the bill the rate fixed must not only be "just and reasonable," but it must also be "fairly remunerative." And this is a distinct gain in favor of the railways. They can now insist upon what they could not always and under all circumstances insist upon before, that the rate fixed must be a "fairly remunerative rate."

And in case of a review by the court the findings of the Commission will be of great value and assistance to the court. They will surely be of more value, of more help, and of more weight than the mere findings of a single master in chancery. It is of great advantage both to the litigants and the court to have such cases first pass through such a Commission—a body that devotes itself exclusively to such cases. To an ordinary trial judge, who must give his attention to a variety of complex cases, it is no easy matter, single and alone, to take up a complex rate case, especially if he has had no business experience or training. He is more likely to err upon a question of fact than seven intelligent men of business training and experience.

The presumption in favor of the honesty, integrity, and fairness of these men can not, with any reason, be deemed less than that of our Federal judges, who come from the same appointing power. They are, in fact and in substance, a tribunal of a high order, though not technically a court; and why some of the railways and their friends are so averse and hostile to such a tribunal I can not fully fathom or comprehend.

While the bill does not, in express terms, give the right of appeal or judicial review, such right nevertheless inheres and exists to an extent ample for all the purposes of justice.

The Interstate Commerce Commission not being a court in the strict sense of the term, an appeal, in the technical sense, as from a lower to a higher court, can not be taken. A judicial review of the rate fixed by the Commission can only be obtained in the form of an original action, instituted in the circuit court of the United States, which court, if the matter in dispute exceeds the value of \$2,000, as it always would in such cases,

would have ample jurisdiction under the act of March 3, 1887. (24 Stat., 552.) And if the Commission has made a rate that is not "just and reasonable and fairly remunerative"—a rate which, in the language of the fifth amendment, does not afford "just compensation," which is the only rate the Commission has authority to make—then the court has ample power to enjoin the same, both by interlocutory or temporary and by final injunction; and an interlocutory or temporary injunction can only be granted upon notice and for due cause—*prima facie* made out—and not as a matter of course.

The notion that the court can not intervene unless the rate fixed amounts to a confiscatory rate is unfounded. The court can always intervene and stay where the rate fixed, in the language of the fifth amendment, does not afford "just compensation." "Just compensation" must, under all circumstances, be the criterion, both for the Commission and the court.

The review amendments suggested, in one form or another, all proceed upon the same theory, the theory upon which appeals in courts are allowed, to wit, that anyone aggrieved may, without in the first instance showing any valid cause, take an appeal and get a stay of proceeding pending the trial of the appeal. This would enable the railways, indiscriminately, even if a bond or other security were required, to tie up and suspend in court for an indefinite time every rate made by the Commission as soon as made, without showing any valid ground or justification for such stay pending suit, the only ground being some form of proposed security.

No such general and unlimited right of review with stay ought, under any circumstances, to be granted without—

(1) Showing good, valid, and sufficient cause for the stay, and the cause shown should, among other things, specify to what extent the Commission rate would, in the aggregate, work a diminution from the former rate pending the period of review; and

(2) Without an ample bond or deposit of money equal in amount to the total diminution in rate alleged as a ground for stay, and such bond or deposit, in case the Commission rate is sustained, to inure to the benefit of those who have, pending the review, paid freight in excess of the Commission rate to reimburse them for such excess.

Without such conditions, an unlimited right of review, with stay during the pendency of the review proceedings with but a formal or limited security, would be equivalent to saying that no Commission rate shall be enforced or deemed valid until it has also become a court rate, a most dilatory, tantalizing, and obstructive method. It would practically entirely neutralize and destroy the rate-making power which the bill aims to confer upon the Commission. We all know at what sluggish and time-killing rate litigation ordinarily proceeds through the various courts. The practical effect would be that no Commission rate would go into effect, however valid on its merits it might be, until from one to two years after the Commission had made the order.

A third course was suggested by the Senator from South Carolina, the Senator from Texas, and also by some Senators in the discussion yesterday, to wit, to deprive the court of all power to grant a stay pending the review proceedings. This could only be done, if at all, by depriving the court of its right to grant an interlocutory injunction or stay in such cases. This is a right which has always been inherent in a court of equity, upon a proper showing, and, to say the least, I question and doubt the power of Congress to take away this right.

The granting of a temporary or interlocutory injunction is as much a part of judicial remedy as the granting of a final or permanent injunction, and to take away from the court the power to grant a temporary or interlocutory injunction, upon proper and valid grounds, I fear would be held by our Supreme Court to be unconstitutional, as a denial of "due process of law," guarded against in the fifth amendment.

It would, to my mind, be very unfortunate to inject into this most meritorious bill a provision of such doubtful and questionable validity. As an earnest and sincere friend of rate legislation I trust I may not be misunderstood or my motives questioned on this point.

As at present advised—and I have given the matter considerable consideration—I prefer the pending bill as it stands. The right of review by an original action—the only way in which a review can be had—is left untrammelled; and if the rate fixed by the Commission does not afford, in the language of the Constitution, "just compensation," it is unconstitutional and the rate can be stayed and vetoed by the court, under its inherent power as a court of equity to grant interlocutory as well as final injunction. The granting of an indiscriminate and more enlarged scope of review than this, with stay, upon no valid cause shown, would not only, as I have stated, tie up all

Commission rates in the court for an indefinite time, but would also indirectly transfer, in the first instance, a part of the rate-making power to the court. The court ought not to have greater power conferred on it—even if it could be done—than the power to see that Congress and the Commission have not transcended the limitations of the fifth amendment, for that furnishes the true and only boundary line between the legislative and the judicial departments. If Congress does not transcend this limit and boundary, what right has the court to intervene or trench, directly or indirectly, upon the power committed by the Constitution to Congress?

And now, in conclusion, allow me to add a few words about our brave, energetic, and vigilant President. He has been criticised in many quarters for the great interest he has taken in railway rate legislation. To my mind he deserves more credit for this than any other act of his Administration. Upon some questions I have not always found it so easy to agree with him as upon this. Four years ago I introduced in this body a bill giving the Interstate Commerce Commission the rate-making power, upon petition after due hearing. It seemed to receive scant attention at that time, and I found little encouragement. I make no complaint or criticism of this, but merely refer to it as an historical incident. The President has drawn the attention of Congress to this subject in a more forceful and effective way than anyone else could or would have done. There are some glasses so constructed that they gather and focus the rays of the sun upon a given subject so as to produce combustion. In like manner has the President gathered and focused the public sentiment upon this all-important, but hitherto neglected, subject, so as to produce sufficient legislative combustion, I hope, to pass this bill. For all this, a patient and long-forbearing public can not but feel, and do feel, under great obligation to him.

The House, in closer and more immediate touch with public sentiment, because they oftener and more directly have to "go to the country" than the members of this body, have, with great unanimity, responded to the call of the President and the call of the country. Can we afford to be derelict under these circumstances and on this occasion?

ADJOURNMENT TO MONDAY.

Mr. STONE obtained the floor.

Mr. ALDRICH. Before the Senator from Missouri proceeds, I should like to call the attention of the Senator from South Carolina to the fact that there are several Senators on this side of the Chamber who are preparing speeches on the pending bill and who are not yet ready to speak. So far as I know, no one here desires to speak to-morrow; and if the same condition exists on the other side, I suggest to the Senator from South Carolina that we take an adjournment until Monday. I think it would result in more substantial progress in the consideration of the matter than would any other course.

Mr. TILLMAN. I have inquired of Senators on this side to find whether any of them is ready to proceed, and I find the same condition exists here that the Senator from Rhode Island has just mentioned with respect to the other side of the Chamber; that is, that a good many are preparing and getting ready and thinking about speaking, but they are not ready to go on. I therefore see no reason why we should not give the two days between now and Monday to such preparation and study as Senators see fit, with the hope that on Monday we will resume the debate and press it actively. We are getting light every day, and I hope we will get an early vote. I do not want to press the bill unduly. Therefore it is perfectly agreeable to me to let the matter go over until Monday.

Mr. ALDRICH. All right. I think it is—

Mr. CULBERSON. Before the matter passes over, at the suggestion of the Senator from Rhode Island, if it is to pass over, I desire a moment or two.

Mr. ALDRICH. I was only going to make the motion that when the Senate adjourn to-day it be to meet on Monday next.

Mr. TILLMAN (to Mr. CULBERSON). He is not going to move that the Senate adjourn now. The Senator from Missouri is going to have full opportunity to discuss his matter.

Mr. CULBERSON. I understand, but the Senator from Missouri has kindly consented to give me a moment on the rate question.

Mr. ALDRICH. I was merely going to move that when the Senate adjourn to-day it be to meet on Monday next, not that we adjourn now.

Mr. CULBERSON. Very well.

Mr. ALDRICH. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

REGULATION OF RAILROAD RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. FORAKER. I wish to offer certain amendments to the pending bill, and I ask that they be printed and lie on the table.

The VICE-PRESIDENT. It will be so ordered.

Mr. STONE. I now yield to the Senator from Texas.

Mr. CULBERSON. With the permission of the Senator from Missouri, I will take a moment of the time of the Senate just now.

Mr. President, on Monday, during and after the close of some remarks I submitted, the Senator from Ohio [Mr. FORAKER] read an extract from the opinion of the Supreme Court in 91 United States, page 72, I believe, to the effect that the act of July 1, 1862, incorporating the Union Pacific Railroad Company, and kindred acts were not passed by Congress under its authority to regulate commerce. I suggested that the authority of Congress to pass those acts was that arising, certainly in part, under its authority to regulate commerce.

I desire to read a brief extract from the case of *California v. Pacific Railroad Company*, reported in 127 United States, the extract being at page 39 of the volume. It construes the act of July 1, 1862, to which the Senator from Ohio alluded. Said the court on that proposition:

It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws. The power to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce. This power in former times was exerted to a very limited extent, the Cumberland or National road being the most notable instance. Its exertion was but little called for, as commerce was then mostly conducted by water, and many of our statesmen entertained doubts as to the existence of the power to establish ways of communication by land. But since, in consequence of the expansion of the country, the multiplication of its products and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed, and led to the conclusion that Congress has plenary power over the whole subject.

At the time the Senator from Ohio called attention to the case in 91 United States I had a note of the decision to which I have just called attention, but the book was not accessible and it was not read. I have taken occasion now to read it so as to place the question, as I think, beyond doubt, it being a later opinion than the one from which the Senator read, and it being the opinion concurred in by the entire court as then constituted.

Mr. FORAKER. Mr. President, if the Senator will bear with me just a moment, I stated at the time when I read from the opinion in 91 United States that I was aware that the Supreme Court had in some other cases used expressions such as the Senator has just now read, but I said they had not been used in the decision of any question that was before the court. The Senator will find that what he has read has no relation whatever to what was being decided by the court. It is pure obiter. The fact which, it seems to me, is absolutely controlling is the statute itself, which declares under what power the Government was proceeding, and the opinion of the Supreme Court in the case that I read from and in other cases, where the question before the court was what was the power that the Government was exercising.

POSTAGE ON CERTAIN PERIODICALS.

Mr. STONE. Mr. President, I desire, with the consent of the Senate, to call up Senate resolution 82. I ask to dispense with the reading of it—it has been read once—and to offer the modification which I send to the desk.

Mr. GALLINGER. Let the title at least be read.

The VICE-PRESIDENT. The Secretary will state the title.

The SECRETARY. Table Calendar, Order of Business 9, Senate resolution 82, resolution instructing the Committee on Post-Offices and Post-Roads to ascertain and determine whether the construction of the Post-Office Department of the law as to postage on certain publications of alumni of colleges as second-class matter, etc., is correct, etc.

Mr. STONE. Mr. President, it will require only a short time to say what I think is necessary in explanation of this resolution. I would not take the time of the Senate to say anything, but ask a vote at once, except that some of my constituents are very much interested in the subject to which the resolution relates, and, if the resolution is to be adopted, I desire to put some statements of fact in the Record for the benefit of that committee to which it will go.

Something less than a year ago the publication of a periodical was begun at Columbia, Mo., under the auspices of the Alumni Association of the university of that State. It is a magazine in form, published quarterly. Application was made to the postmaster to have the publication admitted to the mail as second-class matter. This was referred to the Post-Office Department, and under the ruling of that Department the application was denied.

The editor of the periodical then addressed me on the subject, and I had some correspondence with him and with the Post-Office Department with regard to the matter. Soon after I came to Washington, in December, I saw the Third Assistant Postmaster-General, Mr. Madden, and his chief clerk, and discussed the subject with them, and also had some correspondence with them.

A little later I offered a resolution in the Senate, which was adopted, calling upon the Postmaster-General to inform the Senate whether under the construction he placed upon the law publications of the character indicated were excluded from the mail as second-class matter, and also to inform the Senate whether it was true that under the practice of the Department there was discrimination in the admission of some publications of this character, while others of like character were excluded.

The answer made to the resolution by the Postmaster-General was not satisfactory, it was not explicit, and the information sought was not given with that degree of candor and clearness which I think ought to have characterized the reply of a Cabinet officer. I doubt, however, if the Postmaster-General ever personally knew very much about the matter.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly.

Mr. GALLINGER. As I understand the matter, this resolution relates simply to periodicals published by alumni associations of colleges.

Mr. STONE. This resolution does not; it is somewhat broader than that.

Mr. GALLINGER. I think it ought to be broader. The same complaint has come to me during several years past from churches, and recently from business colleges that publish little periodicals which are sent through the mails, and likewise a recent complaint came to me from a temperance organization that was issuing a little periodical and was having it distributed, I think, through the charitable contributions of persons interested in that cause. I think the whole subject relating to publications of that character ought to be inquired into, and perhaps the Senator's resolution is broad enough for that. I hope it is.

Mr. STONE. The resolution I introduced in December, to which I adverted a moment ago, related only to these alumni publications, but this resolution, I think, is broad enough, and it was intended to be broad enough, to authorize and direct an inquiry into all kinds of publications such as the Senator from New Hampshire referred to. At least it covers all college publications.

Mr. GALLINGER. I am very glad that is the case.

Mr. STONE. And I broadened it in that way because of letters I received and interviews I had following the action taken by the Senate on my earlier resolution.

I wish to call attention, Mr. President, very briefly to the law governing the admission of second-class matter to the mails. In March, 1879, an act was passed by Congress, which I desire to read so far as it is applicable to the present consideration. I read as follows:

That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals and as frequently as four times a year, and are within the conditions named in sections 12 and 14 of this act.

Section 12 is not applicable to this particular question, and it is not necessary to read it. Section 14 provides as follows:

That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers.

I call attention especially to this paragraph:

It must be originated and published for the dissemination of information of a public character.

I call special attention to that paragraph, because a recent departmental construction of that paragraph is the occasion for the complaints to which I am endeavoring to direct attention.

Under that law of 1879 application was made to the Post-Office Department, by publications such as the Senator from New Hampshire refers to and such as I am referring to, for admission to the mails under the pound rate. A number of such publications were admitted; but afterwards—just when I do not know, but some time before 1893—the Postmaster-General construed, or reconstrued, the law so as to very materially restrict the publications which might be admitted to the mails as second-class matter. Under this new ruling many publications which had been admitted or which might have been admitted under the former ruling were now excluded.

There was a widespread public protest against this restrictive ruling, and in 1893 a bill was introduced in the House on the subject, enlarging the provisions of the law so as specifically to admit publications by colleges, churches, literary and scientific societies, benevolent societies, etc.

While that bill was pending before the House Committee on the Post-Office and Post-Roads the committee asked the opinion of the Postmaster-General as to the wisdom of passing it, and, in a letter which he addressed to the chairman of the committee, he vigorously opposed the passage of the bill. He said it would admit a large number of publications then excluded under the departmental ruling, and he feared it would result in overburdening the mails. He said if the bill became a law it would admit as second-class matter the publications of benevolent and fraternal societies, charitable societies, societies connected with churches and religious organizations, and institutions of learning, such as colleges and universities, schools of theology, medicine, law, science, etc., and he protested against the passage of the bill.

While that bill was pending and before it was acted upon the post-office appropriation bill came before the House, and Mr. Springer, of Illinois, offered the bill, in a modified form, as an amendment to the appropriation bill. This was in 1894. The form in which Mr. Springer offered the amendment was as follows:

That from and after the passage of this act all periodical publications issued from a known office of publication at stated intervals and as frequently as four times a year by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter and the postage thereon shall be the same as on other second-class matter and no more: *Provided further*, That such matter shall be originated and published to further the objects and purposes of such society, order, trades union, or institution of learning, and shall be formed of printed paper sheets without board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications.

A point of order was made against the amendment and it was debated at length in the House. During the debate Mr. CANNON, the present Speaker of the House, said that he was a member of the Committee on Post-Office and Post-Roads in 1879, when the original act was passed; that he was chairman of the subcommittee which had that measure in charge at that time, and was also in charge of the bill while it was being considered in the House. In the course of his remarks he said:

It never entered the minds of that committee—

The Committee on Post-Office and Post-Roads—

to suppose that that legislation—

Of 1879—

would be so construed as to exclude from the mails this class of papers.

That is, such publications as were being excluded under the ruling of the Department, and for the exclusion of which the complaints were made.

The point of order was overruled by the Chair on the ground that it was a legislative interpretation or construction of the existing law and not a change of the law. The amendment proposed by Mr. Springer was agreed to, and is the present law.

Now, Mr. President, after the passage of this amendatory act of 1894 over the protest of the Postmaster-General, that officer accepted this action of Congress, as he should have done, as an instruction to him. He accepted the construction which this amendment made of the original act of 1879, and accordingly all these classes of publications were admitted into the mail and carried as second-class matter from 1894, without objection, up to about 1901. Then the Postmaster-General saw proper to change the law and the practice of the Department by a new and arbitrary ruling, under the operation of which a large number of publications which had been previously admitted were now excluded, and other publications thereafter begun, which might have been admitted, and which were entitled to admission under the previous ruling, were now denied admission as mailing matter of the second class.

With reference to the particular class of publications in which I am immediately interested—I mean these college publications—the Postmaster-General went back to the act of 1879 and construed that clause of the act, which reads "it must be originated and published for the dissemination of information of a public character," in such a way as to exclude these college magazines, on the ground that they did not meet that requirement of the law. But in doing that, Mr. President, the Postmaster-General reversed the previous ruling of the Postmaster-General, reversed the practice of the Department followed for years, and, as I think, ruled against the express letter of the law.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly.

Mr. GALLINGER. If the Senator will permit me, if I remember correctly the Department, too, has laid great stress upon the words in the law that they must have a bona fide list of subscribers.

Mr. STONE. Yes, sir.

Mr. GALLINGER. The law does not say how many subscribers they shall have. In one or two instances that I am familiar with they had a limited list of subscribers and then public-spirited citizens had made contributions and sent in names. But that was not recognized by the Department as meeting the requirements of the law. I have thought it was an assumption of the power on the part of the Department that was unwarranted in that particular.

Mr. STONE. In 1902 this same question was before the Senate, and a resolution not dissimilar from the one now pending was passed, calling upon the Postmaster-General for information. I desire to read a brief extract from his letter in reply to that resolution, which shows his position. He said:

Directly answering the inquiry in the resolution, I have to say that the present position of the Post-Office Department toward publications issued by the institutions named in the resolution—

That is, publications by churches, parishes, literary and other associations, and the like—

is that when their contents consist wholly or mainly of matter relating to those institutions, and not of matter of a general public character, that they do not come within the scope of the law; that is to say, they have not the inherent qualities of genuine newspapers or periodical publications "originated and published for the dissemination of information of a public character" in the sense contemplated by law. Hence they may not be admitted to the second class.

The publications just referred to are merely bulletins or circulars for transmitting information pertaining to the institutions in whose interest they are published.

I pause to say that if that is all they were, mere circulars, there would be good reason for not admitting them as second-class matter.

The information they contain is not of a public character in the broad sense of the statute, and usually the circulation of such alleged periodicals is almost wholly to the membership of the institutions.

That gives the reasons, as I understand them, that the Postmaster-General had for changing the practice of the Department and excluding publications that had been previously admitted under the former rulings of the Department.

Under that ruling magazines like these college periodicals were denied admission to the mail as second-class matter. This [exhibiting] is a copy of the December number of the Missouri Alumni Quarterly. It is a magazine having over seventy pages of printed matter. Nearly the whole of it, as Senators may see, is reading matter, not advertisements, and most of it is original, though there is some selected matter, and most of it is matter of general public interest. Here is another number of the same magazine [exhibiting].

Mr. President, under this later ruling of the Postmaster-General all college or school publications are excluded, except such as are published immediately under the auspices and in the interest of State universities, or by what I am told the Department denominates eleemosynary educational institutions; that is to say, institutions that are not profit-sharing institutions, such as Harvard and Yale. Publications by all other classes of colleges and by college societies are denied admission to the mails as second-class matter.

I ask Senators whether publications of this kind ought, under the terms of the law, to be admitted to the mails as second-class matter? If the construction the Postmaster-General places upon the statute is correct, then ought not the law to be changed so that publications like these I have here may be admitted? It seems to me that if the Police Gazette and Town Topics, with all its chapters of "Fads and Fancies," are admitted into the mails as second-class matter, we might admit publications issued by societies associated with our great universities and colleges.

At all events, there ought to be no discrimination in the admission of publications of the same class.

I have here what I think are, and what I assert to be, identically the same character of publications as the Missouri Alumni Quarterly. This one [exhibiting] is entitled the "Wisconsin Alumni Magazine." Senators can observe that in form, make-up, and in matter it is substantially the same as the Missouri publication.

Mr. GALLINGER. Is that magazine, I will ask the Senator from Missouri, admitted to the mails as second-class matter?

Mr. STONE. It is admitted to the mails as second-class matter. I have here the Alumni Register, printed under the auspices of the Alumni Association of the University of Pennsylvania. Here [exhibiting] is the Michigan Alumni, and here [exhibiting] are the Brown Alumni Monthly and the Harvard Graduates' Magazine. All these are going into the mails as second-class matter. They are published under the same circumstances, by the same kind of societies, and the matter in them, while not the same, of course, is of like character. Some of these magazines have been going through the mails for as long as ten or eleven years, and are going through the mails now unless they have been stopped within the last few weeks.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. I yield.

Mr. GALLINGER. I will ask the Senator if he has called the attention of the Post-Office Department to this matter, which looks like discrimination as between publications of various colleges; and if so, what is the explanation?

Mr. STONE. I called the attention of the Post-Office Department to it and received a letter from Third Assistant Postmaster-General Madden, in which he says:

POST-OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, December 7, 1905.

Hon. W. J. STONE,

United States Senate, Washington, D. C.

SIR: Referring to your personal call yesterday relative to the recent denial of admission of "The Missouri Alumni Quarterly" to the second class of mail matter at Columbia, Mo., I have the honor to inform you that, judged by the copy of the September, 1905, issue submitted with the application, this publication clearly comes within the class referred to in the inclosed marked copies of Circulars II and XIII as inadmissible to the second class of mail matter.

The law (act of March 3, 1879) does not prohibit the admission of publications published by or for colleges, schools, etc., as a class, but only those whose scope is restricted to such an extent that they are merely local bulletins of personal information, and not information of a public character in the particular sense contemplated by the law.

The claim made by the publisher that other publications apparently similar in character are passing in the mails at the second-class rates of postage is undoubtedly well founded, but this is one of the abuses of the second-class mailing privileges which this office is endeavoring to correct as speedily as the circumstances in each particular case warrant.

The letter addressed to you by the editor of "The Missouri Alumni Quarterly" is returned herewith, as requested.

Respectfully,

EDWIN C. MADDEN,
Third Assistant Postmaster-General.

And here is the circular—No. II—which Mr. Madden sent me. It is dated in 1902. It seems that an application was made to the postmaster of Chicago to have a magazine, evidently a college magazine, admitted as second-class matter. The application was referred to the Post-Office Department and denied. Mr. Madden, writing in 1902 to the postmaster at Chicago, said:

The Department has uniformly held that publications like . . . published by students and whose columns are composed almost entirely of purely local items concerning the students themselves, or the university, college, or school to which they are attached—no different, indeed, from newspapers or periodicals published by the employees of any mercantile establishment by themselves and for the dissemination among themselves of items of interest solely to them—are not published "for the dissemination of information of a public character" within the meaning of the law; nor are they "devoted to literature, the sciences, arts, or some special industry;" and, inasmuch as their purpose and object are not such as the provisions of the law prescribe to entitle them to the subsidized second-class rates of postage, they are, therefore, not admissible to the second class of mail matter.

Then he says:

The claim that publications similar in character to this publication are passing in the mails as second-class matter is no doubt well founded, but the mailing thereof at the subsidized second-class rate of postage is one of the many abuses of the second-class mailing privilege which the Department is endeavoring to eradicate as speedily as possible and as the circumstances in each individual case will warrant.

Almost in the very language used in the letter to me of two or three months ago this officer admits that he knew that periodicals had been admitted which, under his new ruling, were not entitled to the privilege. Mr. President, it seems to me that after the attention of the Post-Office Department had been called to the fact that publications of this kind were going into the mails as second-class matter as much as four years ago, that ought to have been time enough to have eradicated that abuse, if it be an abuse.

When application was made by the editor of the Missouri University Alumni Quarterly last year to have that publication admitted as second-class matter, the attention of the Post-Office Department was directly called to the fact that the very publications I have exhibited here to-day were being admitted into the mails as second-class matter, and yet, when months afterwards I called upon him and wrote to him in regard to it he writes me just as he did the postmaster at Chicago four years before, that it was an abuse which would be eradicated as soon as it could be done.

I think, Mr. President, that publications of this character ought to go into the mails as second-class matter. If the Postmaster-General thinks otherwise and if the Senate thinks otherwise, then there ought certainly to be no difference of opinion or controversy as to this proposition, that every college and university and every alumni association should be treated as every other one is treated; that there should be absolute equality and impartiality in the treatment of all; and if it be true that these publications ought not to go into the mails as second-class matter, if it be true that this Missouri publication should be excluded from the privileges of the mails as second-class matter, then the other magazines of the same kind which are going through the mails should be excluded, and excluded at once; they should not be permitted to enjoy this privilege from month to month and from year to year when the mails are closed against other publications of the same kind.

I do not wish to be understood as desiring to attack the publications now going through the mails or to ask that they be shut out of the mails. I think they ought to go in, but I think the others ought to be admitted also. My insistence is that there must be impartiality in the administration of the law.

I have said enough already, but before I sit down there is one other thing. I desire to read a letter, or part of a letter, that I received from W. W. Elwang, editor of the Missouri University Alumni Quarterly.

Mr. ALLISON. Is that the magazine which is now transmitted through the mails?

Mr. STONE. It is not admitted to the mails; it is denied admission to the mails. Mr. Elwang says:

You will, of course, be amply able to discover the weaknesses of the Post-Office Department's position, as defined in the Postmaster-General's letter. I shall not, therefore, occupy your valuable time in calling your attention to its inconsistencies. I wish now merely to add certain facts to your stock of information about our publication.

Now, I ask the Senate to listen to this:

1. It is a bona fide publication catering to "a genuine public."
2. That public can scarcely be defined as a "group of individuals having a mere personal interest in one another's affairs." That public is, rather, the entire past student corps of the university, numbering thousands of men and women, and scattered all over the globe. The magazine goes to Europe, the Philippines, Porto Rico, and most of the States. The subscribers include members of the class of 1846 and all the way down the line to 1905.
3. It has "a legitimate list of subscribers, as required by law." Naturally the list is not a very long one as yet—

For the first issue was only in September last—

but it is growing all the time and now numbers over 400, at the fixed price of \$1.50 per annum for four numbers—not a mere "nominal sum."

In the language of the Postmaster-General:

4. This is not a money-making scheme for anybody. The editor receives no remuneration. The business manager will receive \$200 for his work, provided the business can clear that much during the first year. The establishment, conduct, and prosperity of the magazine is a labor of love on our part for a great and growing public institution.
5. Naturally, the first issue was restricted in the scope of its contents to things directly connected with the university. The second number had articles more general in their nature. It is our earnest purpose to broaden our scope as our strength increases. But even now we are certainly "devoted" to "some special industry," that being education as represented and exemplified by the crown of Missouri's system of public schools, the university. We therefore claim that our magazine was distinctly "originated" and is "published for the dissemination of information of a public character."

Now, Mr. President, I do not think it necessary to enlarge upon this subject. I have said enough, and unless some Senator desires to be heard, I should like to have a vote upon the resolution.

The VICE-PRESIDENT. The resolution involves some expense, and it is the opinion of the Chair that it is necessary to refer it to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ALLISON. I was about to make that suggestion to the Chair. I have no doubt that must be done. I think, with the Senator from Missouri, that there ought to be uniformity as respects this class of publications. I can see no reason why a publication of the University of Missouri should be excluded from the mails at the rate of 1 cent a pound and that the University of Wisconsin should have a similar magazine admitted to the mails at that rate. The only way that I can account for the discrimination is that the publication of the

University of Wisconsin is an old one, and, probably, under some prior decision of the Postmaster-General, was admitted.

Mr. STONE. I have no doubt that is true.

Mr. ALLISON. And that this Missouri publication is now in its infancy. I think the number we have seen here is No. 2 of that publication.

This is a very important subject, however, taken in its larger sense. The proposition of the Senator from Missouri is that this publication, which is just beginning its career, prosperous or otherwise, has already advanced so far that it is now circulated throughout Europe and has reached the Philippines and other distant possessions of which we have more or less control.

Mr. STONE. If the Senator will permit me, that has been done at the expense to the publication of a much higher rate of postage than is charged on similar publications.

Mr. ALLISON. Yes; I understand that. Of course the object which the Senator has in view is a laudable one. It is a laudable object for the University of Missouri, and for all universities where such publications are issued—and they are of very great interest, especially to educated persons and those who desire to become so—that they should go as cheaply as possible in the mails. I agree with the Senator as to that.

But I do not agree with him that we are called upon to extend the privilege of the mails to these publications at very large expense to the Government. It would probably cost 15 cents, certainly it would cost 10 cents, to transmit a pound of this publication to the Philippines, and yet the Government would only receive for it a cent a pound.

We at this time have the largest deficiency in our postal revenues as compared with our expenditures that we have ever had. This arises, it is said, very largely from the extension of the rural delivery service. The appropriations asked for this year by the Post-Office Department, if I remember rightly, are about \$10,000,000 more than the appropriations for the current year.

I think one reason why a more rigid rule is gradually being established as respects the interpretation of this law is because it is perfectly well known that this deficiency in the postal revenues arises from the fact that we carry second-class matter at about one-sixth or one-eighth of its cost; and it embraces practically the great bulk of the mails.

In another place, with which we are all familiar, this matter is being now very carefully examined in great detail, with a view, if possible, in some way to minimize this deficit.

So I think the inquiry which the Senator now proposes to institute is a very worthy one, and I should be glad to see it adopted. I should like, however, to have his consent to add to his resolution what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa to the resolution of the Senator from Missouri will be stated.

The SECRETARY. After the word "character," where it last occurs, it is proposed to insert:

And also the cost per pound, as near as may be, of transmitting second-class matter through the mails.

Mr. ALLISON. I hope the Senator will not object to that.

Mr. STONE. I have no objection to that.

The VICE-PRESIDENT. The resolution as modified will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. STONE. Before that is done, Mr. President, I should like to say I have no objection to the modification, but I suppose the expense involved grows out of the second resolution empowering the committee to send for witnesses.

Mr. ALLISON. It does. That requires the resolution be referred. The first resolution, without the second, would not require a reference.

Mr. STONE. As a matter of fact, there would be no expense connected with this investigation. If there should be need for any expenditure, that could be arranged for at the instance of the committee. I would prefer to withdraw the second resolution and have the matter disposed of now.

The VICE-PRESIDENT. The Senator from Missouri withdraws the second resolution proposed by him, and asks unanimous consent for the consideration of the first resolution as modified. The Secretary will state the resolution as modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads be, and hereby is, instructed to make inquiry to ascertain and determine whether, in the opinion of said committee, the construction placed upon existing law by the Post-Office Department, under which periodical publications published by university and college associations and by regularly incorporated institutions of learning are denied admission to the mails as second-class matter, is a correct construction thereof, and, second, to ascertain in what cases and to what extent discriminations and preferences have been authorized or permitted in allowing certain pe-

radicals of the character named admission to the mails as second-class matter, while denying the like privilege to other publications of the same character; and also the cost per pound, as near as may be, of transmitting second-class matter through the mails.

The resolution as modified was agreed to.

ABANDONMENT OF WIVES AND MINOR CHILDREN.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 14515) making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances.

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

Mr. SPOONER. I wish to ask the Senator who has this bill in charge about its origin—where it was drawn.

Mr. GALLINGER. As stated in a communication from the District Commissioners to us—

The bill was prepared and presented to the Commissioners by the board of managers of the Associated Charities and has the approval of the Commissioners, the corporation counsel, and other officials who would have to do with its enforcement in case it should become a law.

There are in the District, I understand, an extraordinary number of cases of abandonment of dependent wives and children, and the Associated Charities, which is doing a remarkable work here by voluntary contributions, has taken up this matter and has urged it upon me personally for several years. I said to them if they would have drawn a proper law, which I myself did not feel competent to draw, we would give it consideration. It went to the House first, and they have passed the bill. The Senator from Oregon [Mr. GEARIN], who is not here to-day, gave it very careful consideration and reported to the committee that he thought it was in good form, and that there could be no objection to it.

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

TERMS OF COURT AT EUREKA, CAL.

Mr. PERKINS. I ask unanimous consent to call up for present consideration the bill (H. R. 15521) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.

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

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

MISSISSIPPI RIVER DAM AT PIKE RAPIDS, MINNESOTA.

Mr. NELSON. I ask unanimous consent for the consideration at this time of the bill (S. 4726) permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn.

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

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

GRANT OF LANDS TO DURANGO, COLO.

Mr. PATTERSON. I ask unanimous consent to call up for present consideration the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 2, line 13, before the word "Tempest," to strike out "local meridian" and insert "location monument;" so as to read:

United States location monument Tempest bears, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the word "or, to strike out "Lake United States, or under" and insert "Lakeside Lake, subject to;" so as to read:

Reservoir No. 3, or Lake Lily, and reservoir No. 4, or Lakeside Lake, subject to any former grant or conveyance.

The amendment was agreed to.

The next amendment was, on page 3, line 7, after the word "utilize," to insert "protect from pollution;" so as to read:

And in making such improvements as may be necessary to store, utilize, protect from pollution, and enjoy the waters, etc.

The amendment was agreed to.

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

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

MAJ. GEORGE E. PICKETT.

Mr. BLACKBURN. I ask unanimous consent for the consideration at this time of the bill (H. R. 14467) for the relief of Capt. George E. Pickett, paymaster, United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 4, before the name "George E. Pickett," to strike out "Captain" and insert "Major;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. George E. Pickett, paymaster, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of \$1,456.17.

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.

The title was amended so as to read: "A bill for the relief of Maj. George E. Pickett, paymaster, United States Army."

DONATION OF OBSOLETE CANNON TO UNIVERSITY OF IDAHO.

Mr. HEYBURN. I ask unanimous consent for the immediate consideration of the bill (S. 4423) providing for the donation of condemned cannon to the University of Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 5, before the word "cannon," to strike out "condemned" and insert "obsolete;" and after the word "cannon," in the same line, to insert "with their carriages and equipments;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to turn over to the University of Idaho, at Moscow, Idaho, two obsolete cannon, with their carriages and equipments, now in possession of said University of Idaho, to become the property of the said university for ornamentation of the grounds of the said university.

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

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

The title was amended so as to read: "A bill providing for the donation of obsolete cannon, with their carriages and equipments, to the University of Idaho."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 115) amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 51) to create a juvenile court in and for the District of Columbia; and it was thereupon signed by the Vice-President.

ORDER OF BUSINESS.

Mr. ALLISON. I ask for the regular order.

The VICE-PRESIDENT. The Senator from Iowa asks for the regular order.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. ALLISON. I will for the purpose I think the Senator has in view, namely, to ask for the consideration of pension bills.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the Calendar, and also unobjected bills to correct military records.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from North Dakota?

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. I yield.

Mr. FULTON. I wish simply to make a report from the Committee on Claims.

The VICE-PRESIDENT. Before that is done, the Chair wishes to lay before the Senate a House joint resolution.

Mr. FULTON. Very well.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 115) amending joint resolution instructing

the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906; which was read the first time by its title.

Mr. TILLMAN. Ordinarily, of course, the joint resolution would go to the Committee on Interstate Commerce, but it relates to a matter with which the Senate is very familiar. I spoke on it three days ago. I refer to the President's message about giving additional power to the Interstate Commerce Commission. While there was a difference of opinion, as there almost always is when I have controversies with my friends here, and I do not believe there is any necessity for any additional power, I have conferred with members of the Interstate Commerce Committee, and we would like to have the joint resolution taken up and put on its passage without reference. I ask unanimous consent that that be done.

Mr. LODGE and Mr. SPOONER. Let the joint resolution be read.

The VICE-PRESIDENT. The joint resolution will be read. The joint resolution was read the second time at length, as follows:

Resolved, etc., That joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906, is hereby amended by adding the following thereto:

Ninth. To enable the Commission to perform the duties required and accomplish the purposes declared herein, the Commission shall have and exercise under this joint resolution the same power and authority to administer oaths, to subpoena and compel the attendance and testimony of witnesses and the production of documentary evidence, and to obtain full information, which said Commission now has under the act to regulate commerce, approved February 4, 1887, and acts amendatory thereof or supplementary thereto now in force or may have under any like statute taking effect hereafter. All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce and by "An act in relation to testimony before the Interstate Commerce Commission in cases under or connected with an act entitled 'An act to regulate commerce,' approved February 4, 1887, and amendments thereto," approved February 11, 1893, shall also apply to all persons who may be subpoenaed to testify as witnesses or to produce documentary evidence in pursuance of the authority herein conferred.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of the joint resolution. Is there objection?

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

The joint resolution was reported to the Senate without amendment.

Mr. TILLMAN. Mr. President, I merely desire to say a word. I am still of the opinion that no additional power is necessary, because the Commission already has the power, but inasmuch as the President has cast suspicion on the authority, and the parties to be investigated will take advantage of that and will go into court with the great prestige of his name and influence to resist the efforts of the Commission, I think we had better pass the joint resolution so as to put the matter at rest once for all.

Mr. SPOONER. Mr. President, I am still of the opinion that the original joint resolution was entirely defective, and without the amendment made to it by the House of Representatives would have failed to accomplish the purpose which was intended by its author and by the Senate. Therefore, as it has been corrected and put in a form in which it will probably be efficient, I hope it will be passed without further delay.

The joint resolution was ordered to a third reading, read the third time, and passed.

CUSTER COUNTY, MONT.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. I yield.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4736) for the relief of the county of Custer, State of Montana, to report it favorably without amendment.

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

Mr. LODGE. A good many of us have been cut off, and I do not see why these constant exceptions should be made.

Mr. CARTER. I suggest that this is a House bill.

Mr. LODGE. We all have bills we would like to have passed.

Mr. CARTER. I withdraw the request.

The VICE-PRESIDENT. The bill will go to the Calendar.

GALON S. CLEVINGER.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R.

1056) granting a pension to Galon S. Clevenger having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,

N. B. SCOTT,

JAS. P. TALIAFERRO,

Managers on the part of the Senate.

H. C. LOUDENSLAGER,

GEORGE R. PATTERSON,

Managers on the part of the House.

The report was agreed to.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I now renew my request that the Senate proceed to the consideration of unobjected pension bills on the Calendar and also unobjected bills to remove military disabilities or to correct military records.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases and unobjected cases correcting military records. Is there objection? The Chair hears none, and it is so ordered.

ALEXANDER J. McDONALD.

Mr. GALLINGER. There is a bill correcting a military record which I would ask action upon later, but as I must necessarily leave the Chamber, I will ask that it be considered now. It was reported this morning.

Mr. McCUMBER. I yield to the Senator from New Hampshire for the purpose of calling up the bill indicated by him.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4957) to correct the military record of Alexander J. MacDonald. It comes under the order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 5, to strike out the name "MacDonald" and insert "McDonald;" and at the end of the bill to strike out the period and insert a colon and the following:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Alexander J. McDonald, late first Lieutenant, Fifth Regiment United States Artillery, and grant him an honorable discharge as of January 30, 1867: Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to correct the military record of Alexander J. McDonald."

FREDERICK BIERLEY.

The VICE-PRESIDENT. The Secretary will state the first bill in order under the unanimous-consent agreement.

The bill (H. R. 12948) granting an increase of pension to Frederick Bierley was announced as the first business in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Frederick Bierley, late of Company G, Seventieth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

DANIEL T. FERRIER.

The bill (H. R. 12903) granting an increase of pension to Daniel T. Ferrier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel T. Ferrier, late of Company K, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

CHARLES M. PRIDDY.

The bill (H. R. 9593) granting a pension to Charles M. Priddy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Priddy, late of Company M, Nineteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$12 per month.

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

GEORGE W. JACKSON.

The bill (H. R. 7478) granting a pension to George W. Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Jackson, late chief musician, Twenty-third Regiment Kansas Volunteer Infantry, war with Spain.

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

WILLIAM MILLER.

The bill (H. R. 6936) granting an increase of pension to William Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Miller, late of Captain Horton's company, Third Regiment North Carolina Volunteers, Cherokee Indian disturbance, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

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

THOMAS B. DAVIS.

The bill (H. R. 10353) granting a pension to Thomas B. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas B. Davis, late of Company I, Thirty-third Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

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

VICTORIA BISHOP.

The bill (H. R. 11415) granting an increase of pension to Victoria Bishop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Victoria Bishop, widow of Empson Bishop, late of Captain Hudson's company Tennessee Militia, war of 1812, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

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

JAMES SHAFFER.

The bill (S. 975) granting an increase of pension to James Shaffer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Shaffer, late of Company E, Second Regiment Ohio Volunteer Cavalry; Company H, One hundred and fifth Regiment Ohio Volunteer Infantry, and Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

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.

JOHN BROWN.

The bill (S. 4689) granting an increase of pension to John Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brown, late of Captain Mount's company, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

JOHN W. HALL.

The bill (S. 4146) granting a pension to John W. Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hall, late en-

rolling officer and deputy provost-marshal ninth district of Illinois, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

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

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

EDWARD M. BARNES.

The bill (S. 4233) granting an increase of pension to Edward M. Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Barnes, late first lieutenant Company A, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

JAMES GANNON.

The bill (S. 829) granting an increase of pension to James Gannon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Gannon, late of Company G, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

WILLIAM P. MARSHALL.

The bill (S. 3641) granting an increase of pension to William P. Marshall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Company H, One hundredth Regiment Pennsylvania Volunteer Infantry;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Marshall, late of Company D, Ninth Regiment Indiana Volunteer Infantry, and Company H, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

LYMAN J. SLATE.

The bill (S. 3766) granting an increase of pension to Lyman J. Slate was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman J. Slate, late of Company H, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

DANIEL C. EARLE.

The bill (S. 1349) granting an increase of pension to Daniel C. Earle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike

out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel C. Earle, late of Company A, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

JOSEPH H. BEALE.

The bill (S. 341) granting an increase of pension to Joseph H. Beale was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "B" and insert "D;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Beale, late of Company D, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

ADA A. THOMPSON.

The bill (S. 3520) granting a pension to Ada A. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada A. Thompson, widow of Charles W. Thompson, late first lieutenant Company G, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Ada A. Thompson."

JOHN A. STOCKWELL, ALIAS JOHN STOCKWELL.

The bill (S. 1667) granting an increase of pension to John A. Stockwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Stockwell, alias John Stockwell, late of U. S. S. Cumberland and North Carolina, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to John A. Stockwell, alias John Stockwell."

JAMES H. NOBLE.

The bill (S. 4324) granting an increase of pension to James H. Noble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Noble, late of Company A, Twentieth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JABEZ MILLER.

The bill (S. 4325) granting an increase of pension to Jabez Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jabez Miller, late of Company K, Eighteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOHN T. BROTHERS.

The bill (S. 3839) granting an increase of pension to John T. Brothers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Brothers, late of Company I, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

NETTIE E. TOLLES.

The bill (S. 4424) granting an increase of pension to Nettie E. Tolles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nettie E. Tolles, widow of William R. Tolles, late lieutenant-colonel One hundred and fifth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

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

LENER M'NABB.

The bill (H. R. 1809) granting a pension to Lener McNabb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lener McNabb, widow of Lewis W. McNabb, late captain Company K, Forty-ninth Regiment United States Volunteer Infantry, war with Spain, and to pay her a pension of \$20 per month and \$2 per month additional on account of each of the minor children of said Lewis W. McNabb until they reach the age of 16 years.

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

JAMES WHITE.

The bill (H. R. 3811) granting an increase of pension to James White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James White, late of Company H, Thirtieth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MARY C. SPANGLER.

The bill (H. R. 8218) granting an increase of pension to Mary C. Spangler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Spangler, widow of Adam L. Spangler, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

ROBERT M'ANALLY.

The bill (H. R. 2264) granting an increase of pension to Robert McAnally was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert McAnally, late of Company K, One hundred and fifty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

SELDEN C. CLOBRIDGE.

The bill (H. R. 2344) granting an increase of pension to Selden C. Clobridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Selden C. Clobridge, late of Company G, One hundred and fifteenth Regiment New York Volunteer Infantry, and to pay him a pension of \$55 per month in lieu of that he is now receiving.

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

AGNES FLYNN.

The bill (H. R. 2749) granting an increase of pension to Agnes Flynn was considered as in Committee of the Whole. It pro-

poses to place on the pension roll the name of Agnes Flynn, widow of Patrick Flynn, late of Company B, Eighty-fourth Regiment New York Volunteer Infantry, and One hundred and thirty-first Company, Second Battalion Veteran Reserve Corps, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

JOHN H. H. SANDS.

The bill (H. R. 10399) granting an increase of pension to John H. H. Sands was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. H. Sands, late of Company F, Seventy-first Regiment New York Volunteer Infantry, Company C, Fifth Regiment, and Company G, Seventh Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

KATHERINE WILLS.

The bill (S. 4106) granting an increase of pension to Katherine Wills was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine Wills, widow of Charles W. Wills, late major One hundred and third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

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.

LYDIA ANN JONES.

The bill (S. 337) granting an increase of pension to Lydia Ann Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Ann Jones, widow of John P. Jones, late of Company B, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

Mr. KEAN. I will state to the Senate that this widow is totally blind and, I think, is entitled to a pension of \$25, as originally proposed in the bill. The amendment of the committee would give a very small sum for a person totally blind.

Mr. McCUMBER. It is almost impossible to immediately give the reasons for the rate being fixed at a certain amount. We follow rather strictly certain rules. It will be seen that this was not the war widow of a soldier, but she was married somewhere about 1870, was she not?

Mr. KEAN. She was married to the soldier September 21, 1861, and is now 69 years of age and is totally blind.

Mr. McCUMBER. Then I had in mind another bill. I will ask the Senate to pass this bill over and go on with others, and I will look at it and give the Senator the reasons for the action of the committee.

Mr. KEAN. Very well; let it be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. KEAN subsequently said: The Senator from North Dakota is now ready to return to the bill (S. 337) granting an increase of pension to Lydia Ann Jones.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending question is on the amendment of the committee, in line 8, before the word "dollars," to strike out "twenty-five" and insert "sixteen."

Mr. KEAN. I trust the Senator from North Dakota will not insist on that amendment. The widow is totally blind and is entirely destitute.

Mr. McCUMBER. I simply wish to say in reference to the amount allowed in this case that, as will be seen by the report, the soldier enlisted April 23, 1861, and served until July 31, 1861, a period of a few days more than three months. He reenlisted again in March, 1865, and served about another three months.

Mr. KEAN. When he was honorably discharged.

Mr. McCUMBER. Yes; when he was honorably discharged. So his service during the war period was probably but a little over three months.

It has been the rule of the committee to consider the length of service of a soldier as one of the features in fixing the amount of pension that will be granted to him by a private bill. The soldier would have been allowed under this showing about \$30 per month. It has been our rule to grant the widow about half what would ordinarily be granted the soldier. The law itself recognizes about that distinction throughout.

I have no objection, from the Senator's statement to me a short time ago, to strike out "twenty-five" and insert in lieu thereof the word "twenty," if the Senator from New Jersey will accept it.

Mr. KEAN. I agree to that.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 8, before the word "dollars," it is proposed to amend the amendment of the committee by striking out "sixteen" and inserting "twenty."

The amendment to the amendment was agreed to.

The amendment as amended 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.

WILLIAM C. QUIGLEY.

The bill (S. 4180) granting an increase of pension to William C. Quigley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Quigley, late of Company K, Eighty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOSEPH E. SCOTT.

The bill (H. R. 550) granting an increase of pension to Joseph E. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph E. Scott, late of Company K, Seventy-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOHN SNOUSE.

The bill (H. R. 3418) granting an increase of pension to John Snouse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Snouse, late of Company G, Forty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

NICHOLAS CHRISLER.

The bill (H. R. 3397) granting an increase of pension to Nicholas Chrisler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas Chrisler, late of the Norfolk Brigade Band, United States Volunteers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

GEORGE W. MOWER.

The bill (H. R. 2443) granting an increase of pension to George W. Mower was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Mower, late of Company K, Tenth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

JEREMIAH KINCAID.

The bill (H. R. 12565) granting an increase of pension to Jeremiah Kincaid was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Kincaid, late of Company H, Nineteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

MARTIN NOLAN.

The bill (H. R. 13165) granting a pension to Martin Nolan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Nolan, late of Company K, Sixteenth Regiment United States Infantry, and to pay him a pension of \$10 per month.

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

CYNTHIA A. EMBRY.

The bill (H. R. 13161) granting a pension to Cynthia A. Embry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia A. Embry, widow of Jesse M. Embry, late of Captain Smith's company, First Regiment Texas Mounted Volunteers, war with Mexico, and to pay her a pension of \$8 per month.

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

WILLIAM EVANS.

The bill (H. R. 13166) granting an increase of pension to William Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Evans, late of Company H, Ninth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

THOMAS LOWRY.

The bill (H. R. 1506) granting an increase of pension to Thomas Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Lowry, late of Company D, Second Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

LYMAN CRITCHFIELD, JR.

The bill (H. R. 12955) granting a pension to Lyman Critchfield, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lyman Critchfield, jr., late of Company D, Eighth Regiment Ohio Volunteer Infantry, war with Spain.

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

JAMES S. RANDALL.

The bill (H. R. 12516) granting a pension to James S. Randall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Randall, minor child of James S. Randall, late of Company K, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of \$10 per month until he reaches the age of 16 years.

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

GENERAL M. BROWN.

The bill (H. R. 2614) granting a pension to General M. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of General M. Brown, late of Company H, Fifth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

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

LYDIA B. BEVAN.

The bill (H. R. 13282) granting a pension to Lydia B. Bevan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia B. Bevan, widow of James M. Bevan, late second lieutenant, Artillery Corps, United States Army, and to pay her a pension of \$15 per month and \$2 per month additional on account of the minor child of said James M. Bevan until he reaches the age of 16 years.

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

DAVID L. FINCH.

The bill (H. R. 628) granting a pension to David L. Finch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David L. Finch, late scout and guide, United States Volunteers, and to pay him a pension of \$12 per month.

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

JESSE A. THOMAS.

The bill (S. 4612) granting a pension to Jesse A. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse A. Thomas, late of Company A, Eighth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Jesse A. Thomas."

FRANCIS M. LYNCH.

The bill (S. 2577) granting an increase of pension to F. M. Lynch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "F." and insert "Francis;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Lynch, late of Company K, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Francis M. Lynch."

THOMAS A. MAULSBY.

The bill (S. 4775) granting an increase of pension to Thomas A. Maunsby was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of Captain" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Maunsby, late captain, Maunsby's Independent battery, Virginia Volunteer Light Artillery, and pay him a pension at the rate of \$55 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

PARKER PRITCHARD.

The bill (S. 2574) granting an increase of pension to Parker Pritchard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Regiment," to insert "Potomac Home Brigade;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Parker Pritchard, late of Company F, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

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.

THOMAS W. WAUGH.

The bill (S. 2575) granting an increase of pension to Thomas W. Waugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Regiment," to insert "Potomac Home Brigade;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas

W. Waugh, late of Company F, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

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.

FRANCIS J. KEFFER.

The bill (S. 3653) granting an increase of pension to Francis J. Keffer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis J. Keffer, late of Company F, United States Voltigeurs, war with Mexico, and captain Company N, Seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

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.

ELLEN A. GIBBON.

The bill (S. 4717) granting an increase of pension to Ellen A. Gibbon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen A. Gibbon, widow of James S. Gibbon, late of Company F, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

WILLIAM MAYER.

The bill (H. R. 484) granting a pension to William Mayer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Mayer, late of Company H, Ninth Regiment United States Infantry, and to pay him a pension of \$10 per month.

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

WILLIAM H. BANTOM.

The bill (H. R. 485) granting an increase of pension to William H. Bantom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Bantom, late of Company E, Eighty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ELIZABETH MURRAY.

The bill (H. R. 1569) granting a pension to Elizabeth Murray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Murray, widow of Christopher Murray, late of Company K, Ninety-first Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month.

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

JAMES WILLIAMS.

The bill (S. 2736) granting an increase of pension to James Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Williams, late of Company I, First Regiment Iowa Volunteer Infantry, and Companies F and B, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

TROY MOORE.

The bill (H. R. 2245) granting an increase of pension to Troy Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Troy Moore, late

second lieutenant Company F, Thirty-second Regiment, and captain Company E, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

WILLIAM MERIDETH.

The bill (H. R. 2736) granting a pension to William Merideth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Merideth, late of Company M, First Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$12 per month.

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

FRED DILG.

The bill (H. R. 2244) granting an increase of pension to Fred Dilg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fred Dilg, late first lieutenant Company B, Ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

SEWALL A. EDWARDS.

The bill (H. R. 2088) granting an increase of pension to Sewall A. Edwards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sewall A. Edwards, late of Company C, Twenty-fifth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

DAVID C. HOWARD.

The bill (S. 3893) granting an increase of pension to David C. Howard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Howard, late second lieutenant Company F, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

ALFRED F. SEARS.

The bill (S. 249) granting an increase of pension to Alfred F. Sears was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred F. Sears, late first major First Regiment New York Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

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.

PHILIP GAVIN.

The bill (S. 1837) granting an increase of pension to Philip Gavin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Gavin, late of the U. S. S. Boston, United States Navy, and pay him a pension at the rate of \$20 per month, such pension to be in lieu of the disability and service pension he is now receiving.

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.

JAMES W. LINNAHAN.

The bill (S. 4409) granting an increase of pension to James W. Linnahan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Linnahan, late of Company A, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

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.

THOMAS CLAIBORNE.

The bill (S. 1338) granting an increase of pension to Thomas Claiborne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Claiborne, late first lieutenant Company D, United States Mounted Rifles, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

LOUISE M. WYNKOOP.

The bill (S. 1919) granting an increase of pension to Louise M. Wynkoop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise M. Wynkoop, widow of Edward W. Wynkoop, late major, First Regiment Colorado Volunteer Cavalry, and to pay her a pension of \$25 per month in lieu of that she is now receiving.

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

JAMES M. M'CORKLE.

The bill (S. 3676) granting an increase of pension to James M. McCorkle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. McCorkle, late of Company K, First Regiment United States Veteran Volunteer Engineers, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MARY L. BURR.

The bill (S. 2953) granting an increase of pension to Mary L. Burr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Burr, widow of Lafayette Burr, late first lieutenant and adjutant, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

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.

HARRIET WILLIAMS.

The bill (S. 1105) granting an increase of pension to Harriet Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Williams, widow of James E. Williams, late major, Third Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

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.

HANNAH C. PETERSON.

The bill (S. 4473) granting a pension to Hanna Caroline Peterson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah C. Peterson, dependent mother of Matthew R. Peterson, late major and commissary of subsistence, United States Volunteers, war with Spain, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting a pension to Hannah C. Peterson."

WILLIAM E. ANDERSON.

The bill (S. 4288) granting an increase of pension to William E. Anderson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to strike out "Company" and insert "Battery;" in line 7, before the word "and," to insert "war with Mexico;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Anderson, late of Battery H, Third Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

MARY JANE SCHNURE.

The bill (S. 3232) granting an increase of pension to Mary Jane Schnure was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Schnure, widow of John C. Schnure, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

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.

SYDNEY A. ASSON.

The bill (H. R. 2080) granting an increase of pension to Sydney A. Asson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sydney A. Asson, widow of William T. Asson, late major and additional paymaster, United States Volunteers, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

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

GEORGE C. MYERS.

The bill (H. R. 1962) granting an increase of pension to George C. Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Myers, late of Company H, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

HENRY F. LANDES.

The bill (H. R. 2991) granting an increase of pension to Henry F. Landes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry F. Landes, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOHN C. KEENER.

The bill (H. R. 4219) granting an increase of pension to John C. Keener was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Keener, late of Company D, First Regiment North Carolina

Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

HARVEY J. FULMER.

The bill (H. R. 1553) granting an increase of pension to Harvey J. Fulmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey J. Fulmer, late of Company I and second lieutenant Company C, Second Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

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

LIZZIE BELK.

The bill (H. R. 11416) granting an increase of pension to Lizzie Belk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizzie Belk, widow of William L. Belk, late of Companies I and B, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

KATE E. YOUNG.

The bill (S. 1614) granting a pension to Kate E. Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate E. Young, widow of George W. Young, late of ram Lioness, Mississippi Marine Brigade, United States Volunteers, and pay her a pension at the rate of \$8 per month, and \$2 per month additional on account of the minor child of said George W. Young until she reaches the age of 16 years.

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.

MARTHA E. WARDLAW.

The bill (S. 3618) granting an increase of pension to Martha E. Wardlaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Wardlaw, widow of John B. Wardlaw, late of Captain Tally's company, First Regiment Georgia Drafted Militia, Creek Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

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.

ANTOINETTE A. DARNALL.

The bill (S. 2351) granting an increase of pension to Antoinette A. Darnall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "widow of," to strike out the name "Marion" and insert the letter "M;" in line 8, before the word "and," to strike out "Spanish-American war;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Antoinette A. Darnall, widow of M. Duke Darnall, late paymaster's clerk, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

HENRY W. PERKINS.

The bill (H. R. 2705) granting an increase of pension to Henry W. Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Perkins, late of Capt. Robert Bullock's independent

company, Florida Mounted Volunteers, Florida and Seminole Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

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

ABRAHAM M. KAUFMAN.

The bill (H. R. 1137) granting an increase of pension to Abraham M. Kaufman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham M. Kaufman, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

WILLIAM K. KEECH.

The bill (H. R. 1071) granting an increase of pension to William K. Keech was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William K. Keech, late of Company E, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, Captain Myers's independent company Pennsylvania Emergency Militia Cavalry, and unassigned, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

MARIA ELIZABETH POSEY.

The bill (H. R. 10677) granting a pension to Mary Elizabeth Posey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Elizabeth Posey, helpless and dependent daughter of Carnot Posey, late lieutenant, Company B, First Regiment Mississippi Volunteers, war with Mexico, and to pay her a pension of \$8 per month.

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

JAMES WILSON.

The bill (H. R. 11748) granting an increase of pension to James Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wilson, late of Company B, Seventh Regiment New York State Militia Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

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.

ALICE B. HARTSHORNE.

The bill (H. R. 13010) granting an increase of pension to Alice B. Hartshorne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice B. Hartshorne, widow of William Ross Hartshorne, late first lieutenant and adjutant Forty-second Regiment and colonel One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

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.

WILLIAM H. MORROW.

The bill (H. R. 14358) granting an increase of pension to William H. Morrow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Morrow, late of Company A, Sixty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ISAIAH COLLINS.

The bill (H. R. 7412) granting an increase of pension to Isaiah Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah Collins, late of Company E, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

DANIEL WARD.

The bill (H. R. 6395) granting an increase of pension to Daniel Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Ward, late of Company I, Ninth Regiment West Virginia Volunteer Infantry, and Company D, First Regiment West Virginia Veteran Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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

ALEXANDER KINNISON.

The bill (H. R. 1775) granting a pension to Alexander Kinnison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Kinnison, late of Company M, First Regiment United States Infantry, and to pay him a pension of \$12 per month.

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

JOHN M'KEEVER.

The bill (H. R. 3981) granting an increase of pension to John McKeever was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McKeever, late of Company A, First Regiment Colorado Volunteer Infantry, and Company I, Second Regiment Colorado Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

THOMAS W. SALLADE.

The bill (H. R. 3435) granting an increase of pension to Thomas W. Sallade was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas W. Sallade, late of Company K, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and Company I, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

LEVI PICK.

The bill (H. R. 3553) granting an increase of pension to Levi Pick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Pick, late of Company D, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JAMES B. WILKINS.

The bill (H. R. 3557) granting an increase of pension to James B. Wilkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Wilkins, late of Company K, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

GOTTLIEB SPITZER, ALIAS GOTTFRIED BRUNER.

The bill (H. R. 14123) granting an increase of pension to Gottlieb Spitzer, alias Gottfried Bruner, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gottlieb Spitzer, alias Gottfried Bruner, late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$72 per month in lieu of that he is now receiving.

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

ANTHONY SHERLOCK.

The bill (H. R. 2763) granting an increase of pension to Anthony Sherlock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony Sherlock, late of Company C, Third Regiment New Hampshire

Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

HORACE E. BROWN.

The bill (H. R. 2766) granting an increase of pension to Horace E. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace E. Brown, late captain Company A, Fifteenth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

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

ANSEL K. TISDALE.

The bill (H. R. 2982) granting an increase of pension to Ansel K. Tisdale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ansel K. Tisdale, late of Company H, Thirteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JEREMIAH CALLAHAN.

The bill (H. R. 3284) granting an increase of pension to Jeremiah Callahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Callahan, late of Company E, Fourteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOHN FARRELL.

The bill (H. R. 2060) granting an increase of pension to John Farrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Farrell, late of Company L, Fourth Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ROSWELL J. KELSEY.

The bill (H. R. 1331) granting an increase of pension to Roswell J. Kelsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Roswell J. Kelsey, late of Company K, Ninth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JAMES O. TOBEY.

The bill (H. R. 3685) granting an increase of pension to James O. Tobey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James O. Tobey, late of Company B, Thirty-first Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOSEPH E. MILLER.

The bill (H. R. 3698) granting an increase of pension to Joseph E. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph E. Miller, late of Company A, Ninth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

HARRIET E. GROGAN, FORMERLY PRESTON.

The bill (H. R. 1911) granting an increase of pension to Harriet E. Grogan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet E. Grogan, formerly Preston, late nurse, Medical Department, United States Volunteers, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

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

HIRAM WILDE.

The bill (H. R. 2100) granting an increase of pension to Hiram Wilde was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Wilde, late of Company A, Seventeenth Regiment New York Volunteer

Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

JULIA A. POWELL.

The bill (H. R. 1912) granting a pension to Julia A. Powell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia A. Powell, widow of Albert M. Powell, late lieutenant-colonel First Regiment Missouri Volunteer Light Artillery, and captain, Thirty-first Regiment United States Infantry, and to pay her a pension of \$20 per month.

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

ISAAC M. WOODWORTH.

The bill (H. R. 11353) granting an increase of pension to Isaac M. Woodworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac M. Woodworth, late of Company A, First Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

MARTHA J. WILSON.

The bill (H. R. 11000) granting an increase of pension to Martha J. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Wilson, widow of Braman J. Wilson, late of Company I, Ninth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

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

JAMES D. HUDSON.

The bill (H. R. 11536) granting an increase of pension to James D. Hudson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Hudson, late captain Company K, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

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.

JOHN H. CRANE.

The bill (H. R. 12404) granting an increase of pension to John H. Crane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Crane, late of Company A, Ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

BENJAMIN H. DECKER.

The bill (H. R. 3384) granting a pension to Benjamin H. Decker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin H. Decker, late of Company M, Fifteenth Regiment New York Volunteer Engineers, and to pay him a pension of \$6 per month, or such higher rate of pension as he may hereafter show himself to be entitled to, the same to be paid him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

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

FLORENCE B. KNIGHT.

The bill (H. R. 2006) granting a pension to Florence B. Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Florence B. Knight, widow of Cyrus W. Knight, late acting assistant surgeon, United States Army, and to pay her a pension of \$8 per month.

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

SANFORD C. H. SMITH.

The bill (H. R. 1997) granting an increase of pension to Sanford C. H. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sanford C. H. Smith, late of Company H, Seventh Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

SAMUEL P. BIGGER.

The bill (H. R. 1205) granting an increase of pension to Samuel P. Bigger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel P. Bigger, late of Company I, Sixty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

ALPHONSO H. HARVEY.

The bill (H. R. 1058) granting an increase of pension to Alphonso H. Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alphonso H. Harvey, late of Company A, Second Regiment Wisconsin Volunteer Infantry, and Company F, First Regiment Minnesota Veteran Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JACOB M'GAUGHEY.

The bill (H. R. 3452) granting an increase of pension to Jacob McGaughey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob McGaughey, late of Company I, One hundred and forty-ninth Regiment, and Company I, One hundred and fifteenth Regiment, Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOHN W. BURTON.

The bill (H. R. 1243) granting an increase of pension to John W. Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Burton, late of Company I, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

HERMANN LIEB.

The bill (H. R. 7622) granting an increase of pension to Hermann Lieb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hermann Lieb, late major, Eighth Regiment Illinois Volunteer Infantry, colonel Fifth Regiment United States Colored Volunteer Heavy Artillery, and brevet brigadier-general, United States Volunteers, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

SARAH A. PITT.

The bill (H. R. 2093) granting a pension to Sarah A. Pitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Pitt, former widow of Caleb C. Haney, late of Company G, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay her a pension of \$12 per month.

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

SARAH DUFFIELD.

The bill (H. R. 12720) granting a pension to Sarah Duffield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Duffield, dependent mother of William H. H. Duffield, late of Company B, First Regiment Colorado Volunteer Cavalry, and to pay her a pension of \$12 per month.

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

GEORGE GAYLORD.

The bill (H. R. 7765) granting an increase of pension to George Gaylord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Gaylord, late of Company K, Eleventh Regiment Illinois Volunteer

Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

HELEN P. MARTIN.

The bill (H. R. 10770) granting a pension to Helen P. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen P. Martin, widow of Harman H. Martin, late of Company A, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$8 per month.

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

ALICE ROURK.

The bill (H. R. 4704) granting a pension to Alice Rourk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Rourk, widow of Francis Rourk, late acting assistant surgeon, United States Army, and to pay her a pension of \$8 per month.

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

WILLIAM E. SMITH.

The bill (H. R. 2150) granting an increase of pension to William E. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Smith, late of Company H, Fifth Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

LYDIA C. WOOD.

The bill (H. R. 2151) granting an increase of pension to Lydia C. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia C. Wood, widow of Gustavus A. Wood, late colonel Fifteenth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

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

WILLIAM T. SCANDLYN.

The bill (H. R. 1888) granting a pension to William T. Scandlyn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Scandlyn, late of Company G, Twenty-ninth Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

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

JOHN R. STALCUP.

The bill (H. R. 13976) granting an increase of pension to John R. Stalcup was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Stalcup, late of Captain Murray's company, Haskell's regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

NANCY F. SHELTON.

The bill (H. R. 13348) granting an increase of pension to Nancy F. Shelton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy F. Shelton, widow of William A. Shelton, late captain Company D, First Regiment Missouri State Militia Cavalry, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

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

JOHN REYNOLDS.

The bill (H. R. 13402) granting a pension to John Reynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Reynolds, late of Company E, Fifth Regiment United States Infantry, and to pay him a pension of \$12 per month.

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

HENRY GUY.

The bill (H. R. 8202) granting an increase of pension to Henry Guy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Guy, late of Company G, Forty-eighth Regiment Indiana Volunteer

Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JAMES M. BUSBY.

The bill (H. R. 6507) granting an increase of pension to James M. Busby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Busby, late of Company G, Twelfth Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

WILLIAM F. BOTTOMS.

The bill (H. R. 8048) granting an increase of pension to William F. Bottoms was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Bottoms, late of Company F, Sixtieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

SAMUEL PRESTON.

The bill (H. R. 10632) granting an increase of pension to Samuel Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Preston, late of Company I, First Regiment East Tennessee Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MARY J. McCONNELL.

The bill (H. R. 8376) granting an increase of pension to Mary J. McConnell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. McConnell, widow of Samuel M. McConnell, late sergeant-major First Regiment Georgia Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

JOHN HAMILTON.

The bill (H. R. 10914) granting an increase of pension to John Hamilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hamilton, late chaplain One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

BURGESS COLE.

The bill (H. R. 7770) granting an increase of pension to Burgess Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Burgess Cole, late of Company C, One hundred and first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JAMES D. BILLINGSLEY.

The bill (H. R. 11745) granting an increase of pension to James D. Billingsley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Billingsley, late of Companies C and A, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOSEPH C. GRISSOM.

The bill (H. R. 12289) granting an increase of pension to Joseph C. Grissom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph C. Grissom, late of Company B, Eighth Regiment Indiana Volunteer Cavalry, and captain Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

J. FREDERICK EDGEELL.

The bill (H. R. 12391) granting an increase of pension to J. Frederick Edgell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of J. Frederick Edgell, late of Company E, Fifty-fourth Regiment New York National Guard Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

WILLIAM CLOUGH.

The bill (H. R. 13611) granting an increase of pension to William Clough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Clough, late of Captain Staple's company, Fourth Regiment Louisiana Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

DAVIS W. HATCH.

The bill (H. R. 13643) granting an increase of pension to Davis W. Hatch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Davis W. Hatch, late of Captain Walker's independent company, Texas Mounted Rangers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

JOHN E. BALL.

The bill (H. R. 7396) granting an increase of pension to John E. Ball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Ball, late captain Company E, Forty-ninth Regiment Missouri Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

EMMA C. ANDERSON.

The bill (H. R. 1977) granting a pension to Emma C. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma C. Anderson, widow of Carl A. Anderson, late of Company G, Fourteenth Regiment New York Volunteer Infantry, war with Spain, and to pay her a pension of \$12 per month.

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

JOSEPH BAKER.

The bill (H. R. 1967) granting an increase of pension to Joseph Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Baker, late of Battery B, First Regiment New Jersey Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOHN MONROE.

The bill (H. R. 1968) granting an increase of pension to John Monroe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Monroe, late of Company F, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

WILLIAM B. PHILBRICK.

The bill (H. R. 3225) granting an increase of pension to William B. Philbrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Philbrick, late of Eighth Independent Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

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

MATILDA E. LAWTON.

The bill (H. R. 1440) granting an increase of pension to Matilda E. Lawton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda E. Lawton, widow of Elbridge Lawton, late chief engineer, United States Navy, and to pay her a pension of \$40 per month in lieu of that she is now receiving.

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

CHARLES W. RENELL.

The bill (H. R. 1460) granting an increase of pension to Charles W. Renell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Renell, late of Company L, Second Regiment New York Veteran Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

MARTHA S. CAMPBELL.

The bill (H. R. 10886) granting an increase of pension to Martha S. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha S. Campbell, widow of James A. Campbell, late of Company C, Second Regiment New York Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

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

DELIGHT A. ALLEN.

The bill (S. 4817) granting an increase of pension to Delight A. Allen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Delight," to strike out the letter "R" and insert "A;" and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of Delight A. Allen, widow of Augustus M. Allen, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Delight A. Allen."

LEWELLEN T. DAVIS.

The bill (S. 1435) granting an increase of pension to L. T. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the letter "L" and insert "Lewellen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewellen T. Davis, late of Company D, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Lewellen T. Davis."

JOHN F. WHITE.

The bill (S. 4551) granting an increase of pension to John F. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. White, late of Company D, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

EPHRAIM WINTERS.

The bill (S. 3811) granting an increase of pension to Ephraim Winters was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim Winters, late of Company G, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

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.

ALBERT B. LAWRENCE.

The bill (S. 1203) granting a pension to Albert B. Lawrence was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dependent," to insert "helpless and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert B. Lawrence, helpless and dependent son of Edward Lawrence, late of Company G, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

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

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

THOMAS B. WHALEY.

The bill (S. 2638) granting an increase of pension to Thomas B. Whaley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Whaley, late of Company F, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and Company I, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

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.

GEORGE THOMAS.

The bill (S. 4386) granting a pension to George Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Thomas, late of Company G, Fifth Regiment, and Company G, Sixth Regiment, West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

CASSY COTTRILL.

The bill (S. 306) granting a pension to Cassy Cottrill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Cavalry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cassy Cottrill, widow of Augustine J. Cottrill, late of Company B, Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

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

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

SAMUEL DERRY.

The bill (S. 1434) granting an increase of pension to Samuel Derry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "twenty-eight" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Derry, late of Company D, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

ROBERT AUCOCK.

The bill (H. R. 8275) granting an increase of pension to Robert Aucock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Aucock, late of Companies F and E, Seventy-seventh Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ELIZABETH A. MASON.

The bill (H. R. 8826) granting a pension to Elizabeth A. Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Mason, widow of Peter Mason, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and to pay her a pension of \$8 per month.

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

WILLIAM H. UHLER.

The bill (H. R. 7827) granting an increase of pension to William H. Uhler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Uhler, late of Company G, First Regiment Maryland Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

DANIEL DILTS.

The bill (H. R. 7883) granting an increase of pension to Daniel Dilts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Dilts, late of Company G, Thirtieth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

HENRY P. WILL.

The bill (H. R. 6148) granting a pension to Henry P. Will was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry P. Will, late of Company E, Eighteenth Regiment United States Infantry, and to pay him a pension of \$12 per month.

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

JOHN W. DAVIS.

The bill (H. R. 5383) granting an increase of pension to John W. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Davis, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

DOMINICK ARNOLD.

The bill (H. R. 4989) granting an increase of pension to Dominick Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dominick Arnold, late of Company A, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

BARNES B. SMITH.

The bill (H. R. 11259) granting an increase of pension to Barnes B. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Barnes B. Smith, late of Company I, Eleventh Regiment West Virginia

Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

GEORGE W. ELLICOTT.

The bill (H. R. 10047) granting an increase of pension to George W. Ellicott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Ellicott, late of Troop L, Sixth Regiment United States Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MARY EDNA CAMMERON.

The bill (H. R. 10920) granting a pension to Mary Edna Cammeron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Edna Cammeron, widow of Henry De Haven Cammeron, late of Troop C, New York Volunteer Cavalry, war with Spain, and to pay her a pension of \$12 per month.

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

ALLEN E. WILLIAMS.

The bill (H. R. 11071) granting an increase of pension to Allen E. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen E. Williams, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

GEORGE W. REED.

The bill (H. R. 11408) granting an increase of pension to George W. Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Reed, late of Company I, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

WILLIAM C. ROBISON.

The bill (H. R. 11625) granting a pension to William C. Robison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Robison, late of Company E, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$12 per month.

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

BENSON H. BOWMAN.

The bill (S. 4541) granting an increase of pension to Benson H. Bowman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benson H. Bowman, late of Company F, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

THOMAS F. CAREY.

The bill (S. 97) granting an increase of pension to Thomas F. Carey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Carey, late of Company F, Twelfth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

HENRY CRANDELL.

The bill (H. R. 8642) granting an increase of pension to Henry Crandell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Crandell, late of Company C, Seventieth Regiment New York Volunteer Infantry, and Troop D, Second Regiment United States Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

ISAAC L. RERICK.

The bill (H. R. 9127) granting an increase of pension to Isaac L. Rerick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac L. Rerick, late of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

GEORGE W. ALLISON.

The bill (H. R. 7547) granting an increase of pension to George W. Allison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Allison, late captain Company D, Seventeenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOHN P. MOORE.

The bill (H. R. 6508) granting an increase of pension to John P. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Moore, late of Company A, Thirty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOHN HAACK.

The bill (H. R. 6177) granting an increase of pension to John Haack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Haack, late of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

FRANK CRITTENDEN.

The bill (H. R. 10827) granting an increase of pension to Frank Crittenden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Crittenden, late of Company C, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

WILLIAM J. RILEY.

The bill (H. R. 10894) granting an increase of pension to William J. Riley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Riley, late of Company H, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ISAAC DEEMS.

The bill (H. R. 10897) granting an increase of pension to Isaac Deems was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Deems, late of Company H, Eighty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

GEORGE S. TAYLOR.

The bill (H. R. 1803) granting a pension to George S. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. Taylor, late of Company M, Seventh Regiment United States Volunteer In-

fantry, war with Spain, and to pay him a pension of \$30 per month.

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

HANNAH A. PRESTON.

The bill (H. R. 14719) granting an increase of pension to Hannah A. Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah A. Preston, former widow of Eugene F. Norwood, late of Company D, Eighty-fifth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

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

CHARLES W. SHEDD.

The bill (S. 3035) granting an increase of pension to Charles W. Shedd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Shedd, late of Company H, Fourteenth Regiment Vermont Volunteer Infantry, and Company M, Twenty-sixth Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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.

ALDEN FULLER.

The bill (S. 4124) granting an increase of pension to Alden Fuller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alden Fuller, late of Company C, Fifteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MILFORD W. OXLEY.

The bill (S. 2209) granting a pension to Milford W. Oxley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milford W. Oxley, late of U. S. S. Franklin, United States Navy, and to pay him a pension of \$12 per month.

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

FRANK N. GRAY.

The bill (H. R. 8739) granting an increase of pension to Frank N. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank N. Gray, late of Company D, Fifty-ninth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ELIZABETH C. HOWELL.

The bill (H. R. 8836) granting an increase of pension to Elizabeth C. Howell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth C. Howell, widow of Caleb H. Howell, late of Company D, Forty-eighth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

ALICE M. DURNAY.

The bill (H. R. 4257) granting an increase of pension to Alice M. Durney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice M. Durney, widow of Francis Durney, late of Company D, Sixth Regiment New York Volunteer Heavy Artillery, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

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

JOHN G. C. MACFARLANE.

The bill (H. R. 4823) granting an increase of pension to John G. C. Macfarlane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. C. Macfarlane, late lieutenant-colonel Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

GEORGE SAXE.

The bill (H. R. 9887) granting a pension to George Saxe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Saxe, late of Company B, One hundred and second Regiment New York Volunteer Infantry, and to pay him a pension of \$12 per month.

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

EDGAR W. CALHOUN.

The bill (H. R. 10322) granting an increase of pension to Edgar W. Calhoun was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar W. Calhoun, late of Company II, Second Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

WILLIAM H. JOSLYN.

The bill (H. R. 11196) granting an increase of pension to William H. Joslyn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Joslyn, late of Company K, Thirteenth Regiment New York Volunteer Infantry and first lieutenant Company H, Twenty-first Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

CLINTON A. CHAPMAN.

The bill (H. R. 11557) granting an increase of pension to Clinton A. Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clinton A. Chapman, late of Company D, Fifteenth Regiment, and Company E, Twentieth Regiment, Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ANNA FRANCES HALL.

The bill (S. 3254) granting an increase of pension to Anna Frances Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private in" and insert "of;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Frances Hall, widow of Caleb Hall, late of Company E, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

LOUISA ARNOLD.

The bill (S. 4301) granting an increase of pension to Louisa Arnold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, after the word "and," to strike out "of;" in line 9, before the word "Corps," to strike out "Relief" and insert "Reserve;" and in line 10, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Arnold, widow of Edwin W. Arnold, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and Company F, Thirteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

ALICE A. ARMS.

The bill (S. 2077) granting an increase of pension to Alice A. Arms was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out

"thirty" and insert "seventeen;" and in line 10, after the word "additional," to strike out "during the minority of her son" and insert "on account of the minor child of the said Charles J. Arms until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice A. Arms, widow of Charles J. Arms, late first lieutenant Company B, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of the said Charles J. Arms until he reaches the age of 16 years.

The amendments were agreed to.

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

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

LYDIA JONES.

The bill (S. 1354) granting a pension to Lydia Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Jones, widow of Lewis Jones, late of Company H, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

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

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

SAMUEL H. FOSTER.

The bill (S. 1012) granting an increase of pension to Samuel H. Foster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Foster, late of Company I, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

STEPHEN D. HOPKINS.

The bill (H. R. 6216) granting an increase of pension to Stephen D. Hopkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen D. Hopkins, late of Company I, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

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.

JOEL S. WEISER.

The bill (S. 4228) granting an increase of pension to Joel S. Weiser was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel S. Weiser, late of Company I, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

JACOB A. FIELD.

The bill (S. 3484) granting an increase of pension to Jacob A. Field was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob A. Field, late first lieutenant Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

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.

ALEXANDER ESLER.

The bill (S. 1415) granting an increase of pension to Alexander Esler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Esler, late of Captain Boyd's company, District of Columbia Volunteer Militia, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

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.

ANNA K. CARPENTER.

The bill (S. 3532) granting an increase of pension to Anna K. Carpenter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna K. Carpenter, widow of Thomas H. Carpenter, late captain, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

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.

THEODORE M'CLELLAN.

The bill (S. 1910) granting an increase of pension to Theodore McClellan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Infantry," to strike out "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore McClellan, late of Company A, Sixth Regiment United States Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

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.

HENRY RITTENHOUSE.

The bill (H. R. 6158) granting an increase of pension to Henry Rittenhouse was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Rittenhouse, late of Company G, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

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.

JOHN N. HENRY.

The bill (S. 3524) granting a pension to John N. Henry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company I" and insert "hospital steward;" in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" and in line 9, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Henry, late hospital steward, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to John N. Henry."

SAMUEL H. HANCOCK.

The bill (S. 3987) granting an increase of pension to Samuel H. Hancock was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Sharpshooters," to insert "Volunteer;" in line 8, before the word "Regiment," to strike out "A, Second" and insert "B, Third;" and in line 9, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Hancock, late of Company A, Second Regiment United States Volunteer Sharpshooters, and Company B, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

DAVID TREMBLE.

The bill (S. 2033) granting an increase of pension to David Trimble was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Trimble" and insert "Tremble;" and in the same line, after the word "late," to strike out "of" and insert "first lieutenant and captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Tremble, late first lieutenant and captain Company K, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to David Tremble."

AARON J. BURGET.

The bill (S. 4691) granting an increase of pension to A. J. Burget was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the letter "A" and insert "Aaron;" and in the same line, after the words "late of," to strike out "Company" and insert "Companies D and C;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron J. Burget, late of Companies D and C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Aaron J. Burget."

AMANDA O. WEBBER.

The bill (S. 4877) granting an increase of pension to Amanda O. Webber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanda O. Webber, widow of James H. Webber, late of Company K, Sixty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

PATRICK BURK.

The bill (S. 3296) granting an increase of pension to Patrick Burk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Burk, late of Company K, Thirty-second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

GEORGE CONKLIN.

The bill (S. 3297) granting an increase of pension to George Conklin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Conklin, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

LUTHER M. ROYAL.

The bill (S. 3835) granting an increase of pension to Luther M. Royal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luther M. Royal, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

WALTER GREEN.

The bill (S. 3257) granting an increase of pension to Walter Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter Green, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

GEORGE W. LUCAS.

The bill (S. 2102) granting an increase of pension to George W. Lucas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Lucas, late of Company D, Twenty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MARY COBURN.

The bill (H. R. 8063) granting an increase of pension to Mary Coburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Coburn, widow of William C. Coburn, late first lieutenant Company F, Eighteenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

KATE H. KAVANAUGH.

The bill (H. R. 9235) granting an increase of pension to Kate H. Kavanaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate H. Kavanaugh, widow of Delaney Kavanaugh, late captain Company A, and major, Sixth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

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

JOSEPH W. FOSTER.

The bill (H. R. 7631) granting an increase of pension to Joseph W. Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Foster, late captain Company K, Forty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

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

HEINRICK KRUMDICK.

The bill (H. R. 6918) granting an increase of pension to Heinrich Krumdick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Heinrich Krumdick, late of Company H, Ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

ELIZA B. WILSON.

The bill (H. R. 6921) granting a pension to Eliza B. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza B. Wilson, widow of William N. Wilson, late of Company H, Fifteenth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$8 per month.

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

ASA TOUT.

The bill (H. R. 5026) granting an increase of pension to Asa Tout was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa Tout, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

WILLIAM H. MARSDEN.

The bill (H. R. 6453) granting an increase of pension to William H. Marsden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Marsden, late of Company E, Fourth Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JONATHAN DAUGHENBAUGH.

The bill (H. R. 1742) granting an increase of pension to Jonathan Daughenbaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan Daughenbaugh, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

HENRY W. YATES.

The bill (H. R. 4832) granting an increase of pension to Henry W. Yates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Yates, late of Company D, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOSEPH H. HIRST.

The bill (H. R. 9860) granting an increase of pension to Joseph H. Hirst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Hirst, late of Company D, Fifty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

WILLIAM A. BARNES.

The bill (H. R. 10217) granting an increase of pension to William A. Barnes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Barnes, late first lieutenant Company D, Twenty-fourth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

WILLIAM M'GOWAN.

The bill (H. R. 10478) granting an increase of pension to William McGowan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McGowan, late of Company H, Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ROBERT M. YOUNG.

The bill (H. R. 11849) granting an increase of pension to Robert M. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert M. Young, late of Company B, Third Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

THOMAS E. KEITH.

The bill (S. 2970) granting an increase of pension to Thomas E. Keith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Keith, late of Company A, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

CATHARINE R. MITCHELL.

The bill (H. R. 9216) granting an increase of pension to Catharine R. Mitchell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "widow of," to strike out the name "Absolom" and insert "Absalom;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine R. Mitchell, widow of Absalom R. Mitchell, late of Company K, Fifth Regiment Louisiana Militia Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

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.

JOHN MATHER.

The bill (S. 2725) granting an increase of pension to John Mather was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "sergeant" and insert "of;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Mather, late of Company E, Seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

DANIEL A. PROCTOR.

The bill (H. R. 8207) granting an increase of pension to Daniel A. Proctor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel A. Proctor, late of Companies A and C, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ELI BRAINARD.

The bill (H. R. 8208) granting an increase of pension to Eli Brainard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Brainard, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

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

JAMES HINES.

The bill (H. R. 8917) granting an increase of pension to James Hines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hines, late master at arms U. S. S. *Norwich* and *North Carolina*, United States Navy, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

ALONZO DOUGLAS.

The bill (H. R. 8161) granting an increase of pension to Alonzo Douglas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Douglas, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ALBERT H. LEWIS.

The bill (H. R. 6066) granting an increase of pension to Albert H. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert H. Lewis, late of Company C, Nineteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JENNIE LITTLE.

The bill (H. R. 5215) granting an increase of pension to Jennie Little was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie Little, widow of George E. Little, late of the band of the Forty-first Regiment Ohio Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

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

JOHN P. VANCE.

The bill (H. R. 11052) granting an increase of pension to John P. Vance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Vance, late commissary-sergeant Twenty-second Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOSEPH POLLARD.

The bill (H. R. 11065) granting an increase of pension to Joseph Pollard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Pollard, late of Company G, First Regiment, and Company G, Twelfth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

ROSA ZURRIN.

The bill (H. R. 11078) granting a pension to Rosa Zurrin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rosa Zurrin, widow of John Zurrin, late of Company C, Second Regiment United States Infantry, and to pay her a pension of \$12 per month.

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

WILLIAM E. FRITTS.

The bill (H. R. 11107) granting an increase of pension to William E. Fritts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Fritts, late of Company E, Twenty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

REUBEN I. TURCKHEIM, ALIAS JOSEPH ADLER.

The bill (H. R. 12229) granting an increase of pension to Reuben I. Turckheim, alias Joseph Adler, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben I. Turckheim, alias Joseph Adler, late of Company H, Second Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOHN FOLTZ.

The bill (H. R. 12351) granting an increase of pension to John Foltz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Foltz, late of Company F, First Regiment Ohio Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

KATE GILMORE.

The bill (S. 4606) granting an increase of pension to Kate Gilmore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Gilmore, widow of John Gilmore, late of Company A, First Regiment Virginia Volunteer Cavalry, and One hundred and nineteenth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

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.

HENRY GOLDER.

The bill (S. 3222) granting an increase of pension to Henry Golder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Company B" and insert "Captain Jones's company," and in line 9, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Golder, late of Captain Jones's company, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were 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.

WILLIAM D. JOHNSON.

The bill (S. 520) granting an increase of pension to William D. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Troops" and insert "Volunteer Infantry;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Johnson, late of Company G, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

ARTHUR HAIRE.

The bill (H. R. 8607) granting an increase of pension to Arthur Haire was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur Haire, late of Captain Morgan's company, Georgia Volunteers, Creek Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

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

THOMAS G. MASSEY.

The bill (H. R. 7208) granting an increase of pension to Thomas G. Massey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas G. Massey, late of Company M, Third Regiment Arkansas Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOHN COLEMAN, JR.

The bill (H. R. 5615) granting an increase of pension to John Coleman, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Coleman, jr., late of Company E, Eighty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

EDGAR SCHROEDERS.

The bill (H. R. 5616) granting an increase of pension to Edgar Schroeders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar Schroeders, late second lieutenant Company D, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

WILLIAM O. GILLESPIE.

The bill (H. R. 5724) granting an increase of pension to William O. Gillespie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William O. Gillespie, late of Company F, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

WILLIAM T. HARRIS.

The bill (H. R. 5727) granting an increase of pension to William T. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Harris, late of Company D, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

BENJAMIN FRENCH.

The bill (H. R. 10723) granting an increase of pension to Benjamin French was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin French, late of Company B, One hundred and second Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

DAVID BRUCE.

The bill (H. R. 10724) granting an increase of pension to David Bruce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Bruce, late of Company F, Seventieth Regiment New York Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

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

JAMES W. BAKER.

The bill (H. R. 9955) granting a pension to James W. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Baker, late of Company H, Forty-seventh Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$6 per month.

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

JAMES HUTCHINSON.

The bill (H. R. 12396) granting an increase of pension to James Hutchinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hutchinson, late of Company E, Seventy-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

BENJAMIN W. VALENTINE.

The bill (S. 2667) granting an increase of pension to Benjamin W. Valentine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin W. Valentine, late of Company G, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

WILLIAM V. VAN OSTERN.

The bill (H. R. 6401) granting an increase of pension to William V. Van Ostern was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William V. Van Ostern, late second lieutenant Companies B and K, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

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.

JOHN J. HUGHES.

The bill (H. R. 4596) granting an increase of pension to John J. Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Hughes, late of Company I, Second Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

WILLIAM COOK.

The bill (H. R. 9267) granting an increase of pension to William Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Cook, late of Troop K, United States Mounted Rifles, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

JOHN L. EDMUNDSON.

The bill (H. R. 9447) granting an increase of pension to John L. Edmundson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Edmundson, late of Company E, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ETTA D. CONANT.

The bill (H. R. 10725) granting an increase of pension to Etta D. Conant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Etta D. Conant, widow of William L. Conant, late first lieutenant Company F, and captain Company H, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving and \$2 per month additional on account of a minor child of said officer until such child shall arrive at the age of 16 years.

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

CHARLES H. CULVER.

The bill (H. R. 11742) granting an increase of pension to Charles H. Culver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Culver, late of Company F, Eleventh Regiment Michigan Volunteer Cavalry, and Company D, Twenty-third Regiment Veteran

Reserve Corps Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

CALVIN D. WEATHERMAN.

The bill (H. R. 11927) granting an increase of pension to Calvin D. Weatherman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin D. Weatherman, late of Company F, First Regiment Arkansas Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

MARY M. STARK.

The bill (H. R. 12090) granting an increase of pension to Mary M. Stark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary M. Stark, widow of William H. Stark, late captain Company I, and lieutenant-colonel Twenty-fourth Regiment Missouri Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

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

MARGARET LEWIS.

The bill (S. 3817) granting an increase of pension to Margaret Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Lewis, widow of Richard F. Lewis, late of Captains Coffee and Fisher's companies, Florida Volunteers, war with Mexico, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

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

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

JESSE ALDERMAN.

The bill (S. 1952) granting an increase of pension to Jesse Alderman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Alderman, late of Captains Hooker, Lesley, and Kendrick's companies, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

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.

PETER QUERMBECK.

The bill (S. 3584) granting an increase of pension to Peter Quermbeck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Quermbeck, late of Company B, Twentieth Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

THOMAS E. BISHOP.

The bill (H. R. 8176) granting an increase of pension to Thomas E. Bishop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Bishop, late first lieutenant Company B, Twenty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JAMES T. BUTLER.

The bill (H. R. 9248) granting an increase of pension to James T. Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Butler, late of Company H, First Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

JOSEPH D. TATE.

The bill (H. R. 7615) granting an increase of pension to Joseph D. Tate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph D. Tate, late of Company C, Fourth Regiment Arkansas Volunteer Cavalry, and to pay him a pension of \$100 per month in lieu of that he is now receiving.

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

HENRY R. HILL.

The bill (H. R. 7984) granting a pension to Henry R. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry R. Hill, late of Captain Lesley's company, Florida Mounted Volunteers, and Captain Sparkman's independent company, Florida Mounted Volunteers, Florida and Seminole Indian war, and to pay him a pension of \$8 per month.

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

MAGGIE D. RUSS.

The bill (H. R. 13035) granting an increase of pension to Maggie D. Russ was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maggie D. Russ, widow of Charles P. Russ, late first lieutenant, Eleventh Regiment United States Infantry, and to pay her a pension of \$25 per month in lieu of that she is now receiving and \$2 per month additional on account of the minor child of said Charles P. Russ until she reaches the age of 16 years.

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

RICHARD S. CROMER.

The bill (H. R. 9249) granting an increase of pension to Richard S. Cromer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard S. Cromer, late of Company C, Second Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

ELIZABETH MORGAN.

The bill (H. R. 10166) granting an increase of pension to Elizabeth Morgan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Morgan, widow of Nicholas D. Morgan, late of Captain Dawson's company, First Regiment Georgia Volunteers, Creek Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

THOMAS CHANDLER, ALIAS THOMAS COOPER.

The bill (H. R. 11335) granting an increase of pension to Thomas Chandler, alias Thomas Cooper, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Chandler, alias Thomas Cooper, late of Company E, Sixth Regiment United States Infantry, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

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

TILLMAN T. HERRIDGE.

The bill (H. R. 12354) granting an increase of pension to Tillman T. Herridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Tillman T. Herridge, late of Company B, Sixteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

GEORGE T. HILL.

The bill (H. R. 12292) granting an increase of pension to George T. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George T. Hill, late of Troop H, Second Regiment United States Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

CHARLES B. FOX.

The bill (S. 3284) granting an increase of pension to Charles B. Fox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Fox, late musician, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

MINARD VAN PATTEN.

The bill (S. 2973) granting an increase of pension to Minard Van Patten was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minard Van Patten, late of Company F, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

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.

THOMAS MARTIN.

The bill (S. 563) granting an increase of pension to Thomas Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Martin, late of Company A, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

JOHN CARPENTER.

The bill (S. 3566) granting an increase of pension to John Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Carpenter, late of Company K, Thirtieth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MATT FITZPATRICK.

The bill (H. R. 11687) granting an increase of pension to Matt Fitzpatrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matt Fitzpatrick, late of Company C, Forty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

SLATER D. LEWIS.

The bill (H. R. 7229) granting an increase of pension to Slater D. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Slater D. Lewis, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

ISAAC N. RAY.

The bill (H. R. 3255) granting an increase of pension to Isaac N. Ray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N.

Ray, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOSEPH M. WEST.

The bill (H. R. 1787) granting an increase of pension to Joseph M. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. West, late of Company E, Fortieth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

EMELINE MALONE.

The bill (H. R. 1857) granting a pension to Emeline Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emeline Malone, widow of Thomas Malone, late of Company G, Seventh Regiment Missouri Volunteer Infantry, and second lieutenant Company I, Fifth Regiment United States Colored Volunteer Heavy Artillery, and to pay her a pension of \$8 per month.

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

GEORGE W. BEDIENT.

The bill (H. R. 1685) granting an increase of pension to George W. Bredient was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Bredient, late of Company G, Thirty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

BYARD H. CHURCH.

The bill (H. R. 11689) granting an increase of pension to Byard H. Church was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Byard H. Church, late of Company A, Fifth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

ISAAC J. HOLT.

The bill (H. R. 8289) granting an increase of pension to Isaac J. Holt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac J. Holt, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

GEORGE BLAIR.

The bill (H. R. 7223) granting an increase of pension to George Blair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Blair, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

THOMAS G. COVELL.

The bill (H. R. 7815) granting an increase of pension to Thomas G. Covell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas G. Covell, late of Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

SEYMOUR COLE.

The bill (H. R. 6988) granting an increase of pension to Seymour Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Seymour Cole, late of Company F, One hundredth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

OLIVER L. KENDALL.

The bill (H. R. 5553) granting an increase of pension to Oliver L. Kendall was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Oliver L. Kendall, late second lieutenant Company I, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ALBERT G. CLUCK.

The bill (H. R. 5564) granting an increase of pension to Albert G. Cluck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert G. Cluck, late of Company G, Fifteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MARQUIS D. L. STALEY.

The bill (H. R. 11516) granting an increase of pension to Marquis D. L. Staley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marquis D. L. Staley, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

WILLIAM W. WEST.

The bill (H. R. 4616) granting an increase of pension to William W. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. West, late of Company B, Forty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JANE E. BULLARD.

The bill (H. R. 4759) granting an increase of pension to Jane E. Bullard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane E. Bullard, widow of Benjamin M. Bullard, late of Company A, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving, and \$2 per month additional for each of the two minor children of the soldier until they arrive at the age of 16 years.

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

JEROME GOODSSELL.

The bill (H. R. 4810) granting an increase of pension to Jerome Goodsell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerome Goodsell, late of Company D, Sixty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOHN A. SHERWOOD.

The bill (H. R. 4816) granting an increase of pension to John A. Sherwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Sherwood, late of Company D, Fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

STEPHEN G. SMITH.

The bill (H. R. 10271) granting an increase of pension to Stephen G. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen G. Smith, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

WILLIAM J. MORGAN.

The bill (H. R. 10817) granting an increase of pension to William J. Morgan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Morgan, late of Company E, One hundred and twelfth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

SOLOMON R. TRUEBLOOD.

The bill (H. R. 11886) granting an increase of pension to Solomon R. Trueblood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon R. Trueblood, late of Company F, Sixty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

VERELLE S. WILLARD.

The bill (H. R. 12275) granting an increase of pension to Verelle S. Willard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Verelle S. Willard, widow of Manfred Willard, late captain Company H, Sixtieth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

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

WILLIAM A. MURRAY.

The bill (S. 1302) granting an increase of pension to William A. Murray was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Murray, late of Company H, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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.

BENJAMIN S. MILLER.

The bill (S. 2540) granting an increase of pension to Benjamin S. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin S. Miller, late first lieutenant and quartermaster, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The VICE-PRESIDENT. This completes the Pension Calendar.

JOSEPH A. BLANCHARD.

Mr. KEAN. There are some bills reported from the Committee on Military Affairs to correct military records which should be considered.

The VICE-PRESIDENT. Were they reported to-day?

Mr. KEAN. There was one that was reported to-day, to correct the military record of Joseph A. Blanchard. I happen to be interested in that case.

The VICE-PRESIDENT. There was one bill to correct a military record reported to-day, which was passed upon the request of the Senator from New Hampshire [Mr. GALLINGER].

Mr. KEAN. There was also another military-record bill reported to-day which I did not ask to have considered at the time the report was made.

The VICE-PRESIDENT. It does not appear on the printed Calendar.

Mr. KEAN. No; I am aware of that Mr. President. I ask unanimous consent for the present consideration of the bill (S. 334) to correct the military record of Joseph A. Blanchard.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles, and to grant him an honorable discharge to date from July 26, 1864; but no pay, bounty, or other allowances shall become due and payable by reason of the passage of this act.

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

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, March 19, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 15, 1906.

CONSUL.

George Eugene Eager, of Illinois, to be consul of the United States at Barmen, Germany, vice Theodore J. Bluthardt, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 15, 1906.

SURVEYOR OF CUSTOMS,

Robert Calvert, of Wisconsin, to be surveyor of customs for the port of La Crosse, in the State of Wisconsin.

RECEIVER OF PUBLIC MONEYS.

George D. Orner, of Oklahoma, to be receiver of public moneys at Alva, Okla.

REGISTER OF THE LAND OFFICE.

Andrew J. Ross, of Oklahoma, to be register of the land office at Alva, Okla.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Kirtland Warner Perry to be a captain, to rank as such from March 5, 1906, in the Revenue-Cutter Service of the United States.

Second Lieut. Charles Satterlee to be a first lieutenant, to rank as such from March 5, 1906, in the Revenue-Cutter Service of the United States.

Third Lieut. George Ellender Wilcox to be a second lieutenant, to rank as such from March 5, 1906, in the Revenue-Cutter Service of the United States.

POSTMASTER.

NEW YORK.

Edward D. Tompkins to be postmaster at Middletown, in the county of Orange and State of New York.

WITHDRAWAL

Executive nomination withdrawn March 15, 1906.

John Embry, of Oklahoma, to be United States attorney for the district of Oklahoma, vice Horace Speed, removed.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 15, 1906.

The House met at 12 o'clock noon.

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

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

WAR CLAIMS.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that Thursday, the 22d instant, be set apart for the consideration of bills on the Private Calendar reported from the Committee on War Claims instead of to-morrow.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that Thursday, the 22d instant, be set apart instead of to-morrow for consideration of bills on the Private Calendar reported from the Committee on War Claims. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 14, 1906:

H. R. 13674. An act to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902."

On March 15, 1906:

H. R. 13673. An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve.

RAILWAY DISCRIMINATIONS AND MONOPOLIES.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent for the present consideration of joint resolution 115.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 115) amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906.

Resolved, etc., That joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906, is hereby amended by adding the following thereto:

Ninth. To enable the Commission to perform the duties required and accomplish the purposes declared herein, the Commission shall have and exercise under this joint resolution the same power and authority to administer oaths, to subpoena and compel the attendance and testimony of witnesses and the production of documentary evidence, and to obtain full information, which said Commission now has under the act to regulate commerce, approved February 4, 1887, and acts amendatory thereof or supplementary thereto now in force or may have under any like statute taking effect hereafter. All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce and by "An act in relation to testimony before the Interstate Commerce Commission in cases under or connected with an act entitled 'An act to regulate commerce,' approved February 4, 1887, and amendments thereto," approved February 11, 1893, shall also apply to all persons who may be subpoenaed to testify as witnesses or to produce documentary evidence in pursuance of the authority herein conferred.

Tenth. The sum of \$50,000 is hereby appropriated and added to the appropriation of the Interstate Commerce Commission for the present fiscal year.

The committee amendments were read, as follows:

On page 2, in line 19, after the word "dollars," insert "be, and the same;" and in line 22, after the word "appropriated," insert "out of any money in the Treasury not otherwise appropriated."

On page 2, in line 23, strike out the words "and added," and insert in lieu thereof "in addition."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNSEND. Mr. Speaker, I understand that the Interstate Commerce Commission is ready to proceed with this investigation and are now preparing to submit estimates as to the expense of the investigation, and that the Committee on Appropriations is to look after the appropriation. I therefore move to amend the resolution by striking out lines 21 to 25, inclusive, on page 2.

The SPEAKER. The gentleman from Michigan moves to strike out the lines specified.

Mr. TAWNEY and Mr. MANN rose.

Mr. MANN. I would like to have the amendment reported to the House.

The SPEAKER. The Clerk will report the lines proposed to be stricken out.

The Clerk read as follows:

Strike out the last paragraph of the resolution, which reads as follows: "Tenth. The sum of \$50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in addition to the appropriation of the Interstate Commerce Commission for the present fiscal year."

Mr. TAWNEY. Mr. Speaker, if the gentleman will yield for a moment, I wish to state for the information of the House that the Secretary of the Interstate Commerce Commission called upon the Committee on Appropriations yesterday, under direction of the chairman of the Commission, and stated that they were preparing estimates as to the cost of this investigation, and that, roughly speaking, these estimates will show that cost to be at least \$150,000; that \$50,000 would not be sufficient. Upon inquiry I learn that the Interstate Commerce Commission could make a reasonably certain estimate and that it will submit its estimate to the Committee on Appropriations or to Congress asking for an appropriation covering the entire investigation.

Thinking that is the better plan, for the reason that then in the future we can pass upon the expenditure of this money, we have requested that the matter be left for the Committee on Appropriations to handle. We can then provide for the entire amount estimated for by the department for this purpose and also attach certain limitations in regard to reporting the expenditures from the appropriation to Congress.

Mr. DALZELL. I desire to ask the gentleman a question. It seems to me from a cursory examination of this resolution that this is merely a reenactment of these two acts.

Mr. TOWNSEND. I would say to the gentleman from Pennsylvania that this is in accordance with the suggestion of the President of the United States.

Mr. DALZELL. I understand that.

Mr. TOWNSEND. In which he suggests that the resolution which we adopted with relation to the Interstate Commerce Commission did not through the amendment confer the power that we sought to confer upon the Commission. And, while we do not assent to the statement that the power does not already exist, we do feel that it is better, inasmuch as the President and the Attorney-General has suggested a doubt, to remove that doubt by enacting an amendment making it perfectly plain.

Mr. DALZELL. I see.

Mr. MANN. Will the gentleman yield to me for a few minutes?

Mr. TOWNSEND. Certainly.

Mr. MANN. Mr. Speaker, I do not oppose the amendment to the resolution or this amendment to this resolution; but in my judgment it is entirely unnecessary. I think the President had been badly informed when he sent to the Congress the message which he did, connected with the statement that he had signed the original resolution. Section 12 of the interstate-commerce act provides that—

The Commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.

Mr. Speaker, under that section of the law the Interstate Commerce Commission under the original law had authority to inquire into every act of the common carriers whether engaged in the transportation of coal or oil or any other commodity. It was given an extensive power, as extensive as it is possible to give by words in the English language. The Commission under the act could have instituted this inquiry on its own motion under the law as it existed. The original resolution passed by this House was simply a direction to the Commission to exercise the law already upon the statute books. Full power was given to the Commission to make an investigation, to subpoena witnesses, to call before the Commission not only witnesses who are railroad officials, but witnesses who might know anything about the subject, from whatever business in life; and, in my judgment, the President was illy informed in reference to the existing law when he sent his message to Congress.

Now, personally, Mr. Speaker, I think the Commission ought to be engaged in other business. I certainly think it is wise to have an investigation at any time for the acquirement of information; but I believe with most gentlemen who have considered this subject, probably including the gentleman who now presents it to the House himself, that the Commission ought to be engaged in enforcing other provisions of the law and let somebody else investigate these charges in relation to railroads being controlled in the interest of coal and oil trusts.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. MANN. Why, certainly.

Mr. CRUMPACKER. Does the gentleman not get the impression from the President's message upon the Tillman resolution that the President is of the opinion that the resolution contemplated an independent investigation, both of the coal and oil industries, without any regard to transportation?

Mr. MANN. Well, I can not say what the impression of the President might be; but undoubtedly the purpose of Congress in passing the resolution was to have an investigation of the coal and oil business as related to transportation. We have another Department of the Government given the power under existing law to make an investigation of the coal and oil business apart from transportation. That is the Bureau of Corporations, in the Department of Commerce and Labor; and I understand that it has already made an investigation of the oil business, and has had under consideration an investigation of the coal combine.

Mr. CRUMPACKER. I can not understand why the President should treat the resolution in the manner that he did, unless he gave it the interpretation that I have suggested.

Mr. MANN. Well, I do not know why the President treated it as he did. From my experience of departmental methods, I suppose some \$1,000 clerk in the Department of Justice gave an opinion, without knowing what the law was, that the resolution was not sufficiently broad, and this opinion, in the course of its peregrinations, reached the Attorney-General and the President and was given out. We all know that sort of thing is constantly happening. It is not the fault of any official, and certainly not of the President.

Mr. TOWNSEND. I wish to say just a word in answer to the gentleman from Illinois. I agree with the gentleman in what he has said upon the original resolution; but I believe

that, inasmuch as the President has taken the position that the original resolution was not broad enough, it is evidently the part of wisdom for us to make no mistake in withholding ample authority. The Commission ought to have the power necessary to perform the duties which we impose upon it. It may have, and I am inclined to believe does have, such power now, but it will be better to reconfer it in express terms than to take any chances. And now that a doubt has been raised by so high an authority let us resolve it by passing this resolution.

The SPEAKER. The question is upon agreeing to the amendments.

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

FRANKING PRIVILEGE.

Mr. SIBLEY. Mr. Speaker, I am directed by the Committee on the Post-Office and Post-Roads to submit a report in accordance with House resolution No. 120, on the subject of alleged abuses of the franking privilege. I move the adoption of the report.

The SPEAKER. The Chair understands that the resolution was referred to the Committee on the Post-Office and Post-Roads.

Mr. OVERSTREET. Mr. Speaker, a resolution of the House directed the Committee on the Post-Office and Post-Roads to make a certain investigation. That investigation has been made and the committee reports back.

The SPEAKER. The Clerk will read the report.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER. Does the gentleman desire the report to be read?

Mr. OVERSTREET. The report is not long, and it should be read.

Mr. WILLIAMS. I will ask the gentleman from Pennsylvania if this is the unanimous report of the committee?

Mr. SIBLEY. It is the unanimous report of the committee, Mr. Speaker.

The SPEAKER. The Clerk will read the report.

The Clerk proceeded with the reading of the report. Having read all except the exhibits attached thereto—

Mr. SIBLEY said: Mr. Speaker, I ask unanimous consent that further reading of the report be dispensed with and that the entire report be printed in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that the report be printed in the RECORD.

Mr. SIBLEY. The report and the testimony accompanying it.

The SPEAKER. And the testimony accompanying the report.

Is there objection?

Mr. MANN. Mr. Speaker, will this be printed as a document

in the regular order?

The SPEAKER. It will be.

Mr. MANN. It is difficult to read in the small type in which

it appears in the RECORD.

The SPEAKER. The Chair hears no objection to the request.

The question is on agreeing to the motion that the committee be

discharged from further consideration of the resolution.

The report was read, as follows:

[House Report No. 2332, Fifty-ninth Congress, first session.]

On January 4, 1906, the House of Representatives adopted the following resolution:

"Resolved, That the Committee on the Post-Office and Post-Roads be, and hereby is, instructed to investigate whether or not there are or have been abuses of the franking privilege by Members of Congress or in the name of Members of Congress."

At the time of the consideration of the resolution in the House, as appears from the RECORD of January 4, 1906, at page 673 of the CONGRESSIONAL RECORD, what purported to be an editorial printed in the Washington Post was read and made a part of the record. This editorial was in the following language:

"We quite agree that something ought to be done for the relief of the Post-Office Department. Its work is simply tremendous and, by an interesting coincidence, its usefulness is quite as great. There is no section of the governmental machinery more important or more accurately and satisfactorily conducted. But the burden put upon Mr. Cortelyou and his coadjutors can be materially lightened without impairing its efficiency. It is our opinion, indeed, that the people and the Government both would be better off if the franking privilege were abolished utterly.

"That this privilege has been outrageously abused is a fact of universal knowledge. Congressmen load the postal cars with all sorts of freight—furniture, libraries, kitchen utensils, the family wash, pianos, poultry, barnyard animals, etc., without limit. They frank a cow, a washtub, or a churn as glibly as they do a letter or a speech that no one ever heard. They go further; they lend their franks in large, uncounted bunches to societies and propagandas that would flourish on the public Treasury, as they already thrive upon the people's discontent. The whole system has been converted to the most abominable ends. It presents the perfected spectacle of graft. But its worst expression is to be found in the lumbering up of the mail cars, the preposterous

demands upon the Department's resources of transportation, and the corresponding and concurrent crippling of the postal service in all its proper and legitimate activities.

"We note the presentative of an alternative arrangement, an arrangement under the operation of which Members of Congress will receive a direct allowance for the purpose of conducting their official correspondence without cost to themselves. The expedient is most commendable. We quite agree that Members of Congress, who are but ill-paid public servants, should be spared the constant drain upon their resources involved in postage and the like. They should at least be left entirely free of artificial taxes and protected in the complete enjoyment of what small emolument has been assigned them. But this franking concession, which has grown to the proportions of insolent and predeceous graft, this should be contracted within the limits of common decency and transformed into an explicit allowance, no matter how generous and liberal it may be.

"We think there are very few Congressmen who would care to oppose this adjustment in full view of the public gaze. Why not try it, gentlemen?"

Acting under the direction of the resolution, and presuming that the editorial above referred to was the basis for said resolution, the Committee on the Post-Office and Post-Roads communicated with the Postmaster-General requesting such information as he might be able to give, the committee relative to the subject-matter of the resolution. The correspondence with the Postmaster-General in full is attached hereto and made a part of this report.

The committee also requested the managing editor of the Washington Post to inform the committee of the name of the writer of the editorial, and later had before it for examination Mr. John R. McLean, managing editor of the Washington Post, and Mr. Richard Weightman, an editorial writer on the Post. The examination in full of both of these witnesses is attached hereto and made a part of this report.

In his letter to the committee the Postmaster-General said in reference to the subject-matter of the resolution:

"I have the honor to inform you that there have been from time to time instances in which, as the law was construed by the Department, franks have been improperly used, but so far as known the irregularities have been corrected promptly when attention has been drawn to them. There is no penalty for violation of the franking privilege.

"Franked matter is ordinarily under seal, and therefore is not subject to scrutiny. The recipient of the matter, judging for himself, often alleges abuse when such may not be the fact. No doubt this circumstance accounts in a measure for some of the criticism on the subject."

In the examination of both the managing editor of the Washington Post and Mr. Weightman, who admitted that he wrote the editorial in question, it appeared that neither one of these gentlemen had any information whatever of a single instance wherein any Member of Congress had at any time violated the law relative to the franking privilege. It appears that Mr. Weightman had no idea that the statements which were contained in the editorial were based upon facts, but the editorial was written in a spirit of exaggeration. The managing editor of the paper stated that he directed the publication with that idea only, and with no thought of the statements made being accepted by the reading public as statements of facts.

The committee being unable to ascertain any tangible proof which it might use as a basis for further investigation, and believing that the editorial which prompted the resolution was not founded upon facts, as admitted by its writer and the managing editor of the paper, believes no further investigation under the terms of the House resolution is necessary.

While Mr. Weightman, who wrote the editorial, may have intended it as a semihumorous editorial written in an exaggerated style, and while Mr. McLean, the managing editor of the Post, may not have thought that the editorial would be accepted as a true statement of facts, the reading public, which saw the editorial printed in the Washington Post or as copied in numerous papers throughout the country, appears to have taken the editorial more seriously.

It is unfortunate that greater care is not exercised by public journals in presenting their criticism of public men so as to base such criticism upon fact instead of fancy.

In the editorial in question the charges definitely describe misuse of the mails, specifically enumerating articles transmitted under frank by Members, and that these abuses are so common as to be a matter of "universal knowledge," and indulged in to an extent by Members of Congress that "it presents the perfected spectacle of graft."

In a message from the President of the United States, delivered to Congress under date of March 7, 1906, he says: "Publicity can by itself often accomplish extraordinary results for good, and the courts of public judgment may secure such results where the courts of law are powerless." The editor who wrote the article and the managing editor who gave it his official sanction were before the committee as witnesses and both disclaim knowledge of any facts affording basis of justification for the publishing of the editorial.

The Washington Post has not been regarded as a sensational journal. Published at the seat of Government, it is recognized generally by the press of the country as a mirror fairly reflecting events transpiring in national life more minutely than is possible by papers otherwise located. By common consent its editorial page is acknowledged as exceptionally bright, crisp, and sparkling, and the publication, taken altogether, an up-to-date journal. Its owner and managing editor is not a novice in journalism, but has successfully cultivated this field for many years, and in the domain of journalism, of business, of social and political life, has attained prominence.

Therefore, if "the court of public judgment" to which the President refers is to accomplish results for good "where courts of law are powerless," public judgment must be enlightened judgment, and must be formed upon correct and truthful presentation of facts. A misinformed and misdirected public judgment is responsible for the greatest tragedies marking human history. This article, reflecting upon the general integrity of Congress, has probably been copied in the newspapers of every Congressional district in the Federal Union, and must necessarily tend to a contempt for law; for if the public mind be imbued with the belief that those who make the laws are venal and their action "presents the perfected spectacle of graft," then the honest citizen may well doubt the permanence of free institutions or blessings to flow therefrom when the fountain sources are polluted and the people's interests so shamelessly betrayed by those empowered to stand as their representatives in public life.

There have been epochs in American journalism where the bias of partisan rancor was reflected in editorial utterances, but the editors of the past who have been illustrious in American journalism were conspicuous for their ability in the marshalling of facts, not in the manufacturing of facts.

Your committee believes and admits that all our official actions are proper subjects for criticism by the press, and that it is entitled to illuminate and enlarge upon our mistakes, but we most respectfully submit that the press which stands as the censor of official conduct and affords an opportunity for the formation of an enlightened public judgment to secure "results of good where courts of law are powerless," owe it not alone to the public, but to itself that when a general indictment is drawn, challenging the integrity of Congress, there should be a substantial basis of facts before Congress be arraigned at the bar of public opinion.

It appears by the testimony that after the publication of these charges, and when Congress had ordered the Committee on the Post-Office and Post-Roads to make investigation and determine who, if any, of its membership was guilty of these offenses, a subsequent editorial appeared in the Washington Post stating that these charges were not to be taken seriously, but rather in the spirit of pleasantry and exaggerated humor, having for its object the abolishment of the franking privilege. It is known that the original charges have been widely copied, but it does not appear that the subsequent editorial explaining that the charges were to be taken in a humorous sense has been copied by the press. Therefore the injury lies in this, that throughout the country there has been instilled the impression that the franking privilege has been abused and that Congress "presents the perfected spectacle of graft," because one of the foremost journals of the nation, in a spirit of pleasantry, has charged as a fact of "universal knowledge" that these abuses do exist.

The committee requests that it be discharged from further consideration of the subject.

[House resolution No. 120, Fifty-ninth Congress, first session.]

Resolved, That the Committee on the Post-Office and Post-Roads be, and hereby is, instructed to investigate whether or not there are or have been abuses of the franking privilege by Members of Congress or in the name of Members of Congress.

JANUARY 9, 1906.

HON. GEORGE B. CORTELYOU,
Postmaster-General, Washington, D. C.

SIR: By direction of the Committee on the Post-Office and Post-Roads of the House of Representatives, I inclose herewith copy of a resolution adopted by the House of Representatives on the 4th day of January, 1906, and referred for consideration to this committee, and request that you send to me, for use of the committee, at as early a date as possible, any information which you may have relative to the use of the franking privilege by Members of Congress in violation of law.

Very respectfully,

JESSE OVERSTREET, Chairman.

JANUARY 11, 1906.

HON. GEORGE B. CORTELYOU,
Postmaster-General, Washington, D. C.

SIR: Supplementing my letter of yesterday to you, in reference to House resolution of January 4, 1906, I wish to say further that the committee has no intention at this time of considering the general subject of the franking privilege with reference to changes in existing law or existing practices under the law. We intend to confine the present inquiry directly to the resolution and do not desire any information except such as you may be able to give touching violations of the law by Members of Congress in the use of the franking privilege.

Yours, respectfully,

JESSE OVERSTREET, Chairman.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 22, 1906.

MY DEAR SIR: Referring to your letters of the 9th and 11th ultimo, with the former of which was inclosed a copy of a resolution adopted by the House of Representatives on January 4, 1906, instructing your committee to investigate "whether or not there are or have been abuses of the franking privilege by Members of Congress or in the names of Members of Congress," I have the honor to inform you that there have been from time to time instances in which, as the law was construed by the Department, franks have been improperly used, but so far as known the irregularities have been corrected promptly when attention has been drawn to them. There is no penalty for violation of the franking privilege.

Franked matter is ordinarily under seal, and therefore is not subject to scrutiny. The recipient of the matter, judging for himself, often alleges abuse when such may not be the fact. No doubt this circumstance accounts in a measure for some of the criticism on the subject.

While possibly not altogether germane to the resolution, as interpreted in your communications of the above dates, I feel that some attention should be given to the practice of permitting the use of franks by organizations in no way connected with any branch of the Government and that it should be greatly restricted, if not altogether prohibited.

Neither the resolution nor your inquiry calls for any further suggestions on this subject, but I deem it proper to invite attention to the recommendations contained in my annual report, under the head of "Government free matter," which had in view a system of accounting whereby the Post-Office Department should receive credit for work performed for the other Departments and branches of the Government. It is the judgment of this Department that such a system would correct in some degree what may not improperly be regarded as abuses of both the penalty and franking privileges.

Very respectfully,

Geo. B. CORTELYOU, Postmaster-General.

HON. JESSE OVERSTREET,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

JANUARY 9, 1906.

MANAGING EDITOR WASHINGTON POST,
Washington, D. C.

SIR: I am directed by the Committee on the Post-Office and Post-Roads, of the House of Representatives, to which committee has been referred for consideration a resolution, copy of which I herewith inclose, to request of you the name of the person who wrote the editorial appearing in a recent issue of your paper, copy of which, as appears in the CONGRESSIONAL RECORD of the day of January 4, I also inclose. The committee desires the name of the writer for the purpose of re-

questing his appearance before the committee to testify relative to the statements made in that editorial.
Very respectfully,

JESSE OVERSTREET, *Chairman.*

JANUARY 15, 1906.

MANAGING EDITOR, WASHINGTON POST,
Washington, D. C.

SIR: I have had no reply to my letter to you, under date of January 9, asking the name of the person who wrote a certain editorial in your paper.

Will you kindly advise me of the name of this gentleman, in order that I may ask him to appear before the Committee on Post-Office and Post-Roads to testify under the resolution, a copy of which I sent you in my other communication?

Very respectfully,

JESSE OVERSTREET, *Chairman.*

JANUARY 18, 1906.

Hon. JESSE OVERSTREET: The name of the writer is Mr. Richard Weightman. If you will kindly let me know in advance of the time you will want to see him I will let him know and he will call.

Very truly,

J. R. McLEAN.

FEBRUARY 24, 1906.

Mr. RICHARD WEIGHTMAN,
Washington Post, Washington, D. C.

MY DEAR SIR: Under instructions from the Committee on the Post-Office and Post-Roads of the House of Representatives, I request that you appear before that committee at 10.30 o'clock a. m., Tuesday, February 27, to be heard with respect to the resolution of the House under date of January 4, 1906, a copy of which I herewith inclose.

Very respectfully,

JESSE OVERSTREET, *Chairman.*

THE WASHINGTON POST,
Washington, D. C., February 26, 1906.

Hon. JESSE OVERSTREET, *Chairman, etc.*

DEAR SIR: I am in receipt of your favor of the 24th instant, and in reply beg to say that I shall report at the place and time mentioned, if the illness now visiting my family permits. I know nothing personally about abuses of the franking privilege and can say simply that and nothing more when I appear before the committee. It seems to me that I should not be required to leave a sick bed, where I am needed at that particular hour, merely to explain that I have nothing to say. Please believe that I have no desire to disoblige you or to exhibit anything but sincere respect for the committee. The fact is, however, that I am in some distress at home just now, and, naturally, have no burning appetite for comedy.

Very respectfully,

RICHD. WEIGHTMAN.

MARCH 6, 1906.

Mr. JOHN R. McLEAN,
Managing Editor the Washington Post, Washington, D. C.

MY DEAR SIR: I am directed by the Committee on Post-Office and Post-Roads to request your attendance at the room of the committee at the Capitol at 11 a. m., March 7, 1906.

The committee desires to interrogate you with reference to a resolution adopted by the House of Representatives on January 4, 1906, a copy of which resolution I herewith inclose, the basis for which resolution was an editorial appearing in the Washington Post, a copy of which editorial as printed in the CONGRESSIONAL RECORD of the date of January 4, 1906, I also inclose.

Very respectfully,

JESSE OVERSTREET, *Chairman.*

Hearing before the Committee on Post-Office and Post-Roads of the House of Representatives on the resolution submitted by Mr. SIMS in regard to alleged violations of the franking privilege. Tuesday, March 7, 1906.

COMMITTEE ON THE POST-OFFICE AND POST-ROADS,
HOUSE OF REPRESENTATIVES,
Tuesday, March 6, 1906.

The committee met at 10.50 o'clock a. m., Hon. JESSE OVERSTREET in the chair.

The CHAIRMAN. I wish to lay before the committee a resolution, a copy of which you will find at your places, known as the "Sims resolution," which is as follows:

"Resolved, That the Committee on the Post-Office and Post-Roads be, and hereby is, instructed to investigate whether or not there are or have been abuses of the franking privilege by Members of Congress or in the name of Members of Congress."

Mr. Richard Weightman is present, by request, to testify in reference to matters as to which the committee directed me to inquire at the time he attends.

Mr. GRIGGS. I have never seen the editorial. I understand this hearing is based on an editorial in the Post.

The CHAIRMAN. Exactly so.

TESTIMONY OF RICHARD L. WEIGHTMAN.

The CHAIRMAN. Will you please state your name, residence, and occupation?

Mr. WEIGHTMAN. My name is Weightman, Richard; occupation, journalist, and my residence, Washington.

The CHAIRMAN. With which journal are you now associated?

Mr. WEIGHTMAN. The Washington Post.

The CHAIRMAN. How long have you been associated with it?

Mr. WEIGHTMAN. Well, with the exception of a slight absence of a few months I have been there fourteen years.

The CHAIRMAN. I will ask you to examine the CONGRESSIONAL RECORD dated January 4, which is before you, at page 673, in small type, with the heading "Abolish the franking privilege." Have you read that since entering the room?

Mr. WEIGHTMAN. Yes, sir.

The CHAIRMAN. Did that appear in the Washington Post?

Mr. WEIGHTMAN. Oh, yes.

The CHAIRMAN. Will you tell the committee who wrote that?

Mr. WEIGHTMAN. I did.

The CHAIRMAN. Will you kindly inform the committee of any facts

with reference to the violation of the franking privilege referred to in that editorial?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Had you any facts upon which to base that editorial?

Mr. WEIGHTMAN. Not to my personal knowledge; no, sir.

The CHAIRMAN. Then I understand that the editorial is not based upon facts at all?

Mr. WEIGHTMAN. Oh, yes; but not upon my personal experience of it.

The CHAIRMAN. What facts do you mean, then?

Mr. WEIGHTMAN. If you will permit me, I will explain it in my own way.

The CHAIRMAN. Very well.

Mr. WEIGHTMAN. In the first place, an editorial writer does not go out and get his own facts; if he did he could not write editorials. His facts are brought to him by the managing editor or the proprietor and he is told to write so and so, and he does that; he takes it for granted that the facts are there. At any rate, it is none of his business.

The CHAIRMAN. Were facts given to you by anybody?

Mr. WEIGHTMAN. This was really a copy of an article that Mr. Beriah Wilkins told me to write three or four years ago; it is practically the same old story.

The CHAIRMAN. What do you refer to as the same old story?

Mr. WEIGHTMAN. The general allegations here, which, of course, anyone can see are fantastic and exaggerated and intended to be; and as long as this article was given so much prominence I don't see why the one published the next day was not given the same prominence. That is your affair, though.

The CHAIRMAN. Then, at the time you wrote this particular editorial, or any time immediately preceding it, you had no particular facts laid before you?

Mr. WEIGHTMAN. No; none except that I could write about so and so.

The CHAIRMAN. Who gave you those—

Mr. WEIGHTMAN. Originally, Mr. Wilkins.

The CHAIRMAN (continuing). Who gave you instructions to write this particular editorial?

Mr. WEIGHTMAN. Nobody. The subject came up and I went on the same facts—the same supposition or theory.

The CHAIRMAN. What do you mean by "the subject came up?"

Mr. WEIGHTMAN. There was something said about it in the papers; somebody made a speech about it.

The CHAIRMAN. Can you give this committee any information, direct or indirect, recent or remote, which would enable the committee to find any facts which you allege in this editorial?

Mr. WEIGHTMAN. Well, personally I can not, but—

The CHAIRMAN. Do you know of anybody with whom you have talked personally whom you believe could give any such information?

Mr. WEIGHTMAN. Oh, yes.

The CHAIRMAN. Please give us their names.

Mr. WEIGHTMAN. Well, Mr. Bennett has been publishing articles in the Post. They are under his own signature.

The CHAIRMAN. About the violation of the franking privilege?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. Who is Mr. Bennett?

Mr. WEIGHTMAN. Well, he is one of the writers on the Post.

The CHAIRMAN. And what was your purpose in writing that editorial?

Mr. WEIGHTMAN. Nothing at all except to do my day's work. I had no personal object.

The CHAIRMAN. Is it part of your day's work to write that Members of the Congress are violating the law when you have no facts on which to base the allegations?

Mr. WEIGHTMAN. Oh, well, you can not hold me responsible for what the Post writes.

The CHAIRMAN. Can not we hold you responsible for what you say?

Mr. WEIGHTMAN. No; it is not what I say.

The CHAIRMAN. Did you say this?

Mr. WEIGHTMAN. I am telling you that I wrote it, but as a matter of fact I can not say what I may be called upon to write for any newspaper unless I own it, and nobody can say in a well-organized newspaper except the owner and the responsible managing editor.

The CHAIRMAN. Did any managing editor tell you to write this particular editorial?

Mr. WEIGHTMAN. No; he doesn't always tell me. He told me years ago—

The CHAIRMAN. The paper has changed ownership since then?

Mr. WEIGHTMAN. Yes, sir.

The CHAIRMAN. Have you received any instructions from the present managing editor or the proprietor of this paper to write such an editorial as this?

Mr. WEIGHTMAN. No; not at all. When I am left to my own devices I naturally pursue the same course as has been pursued and advocate the same theories which have been advocated before. I hand in my editorials, and sometimes they are not published; sometimes they are amended.

The CHAIRMAN. You use this expression, after making reference to the abuse of the franking privilege:

"That this privilege has been outrageously abused is a fact of universal knowledge."

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. And yet you state to the committee that you have absolutely no facts upon which to base it?

Mr. WEIGHTMAN. I say I have not personally.

The CHAIRMAN. Then the statement I have just read is not true. Is this statement true; that this privilege has been outrageously abused is a fact of universal knowledge?

Mr. WEIGHTMAN. Well, I think it is; I don't know.

The CHAIRMAN. Upon what do you base your thought that it is true?

Mr. WEIGHTMAN. Simply because it has been a matter of common talk and newspaper publication for years.

The CHAIRMAN. You think that because it has been a matter of common talk and newspaper publication it is true?

Mr. WEIGHTMAN. Not all of it; but as I am here in Washington and I—

The CHAIRMAN. What abuses of the franking privilege do you know of, of your own personal knowledge?

Mr. WEIGHTMAN. I haven't seen any, certainly.

The CHAIRMAN. Do you know of any abuse?

Mr. WEIGHTMAN. On the strict line of evidence, no; I can not say that I do.

The CHAIRMAN. Then do you say that it was true when you wrote this language:

"That this privilege has been outrageously abused is a fact of universal knowledge?"

Mr. WEIGHTMAN. I put that in for the paper to print if they wanted to.

The CHAIRMAN. I am asking you that question.

Mr. WEIGHTMAN. You see I can not assume any responsibility for the publication.

The CHAIRMAN. I am not asking that. I am asking you if the statement which you made is true.

Mr. WEIGHTMAN. I thought it was true when I wrote it.

The CHAIRMAN. And yet you can not name a single fact?

Mr. WEIGHTMAN. No, sir. I have a little decision here—

The CHAIRMAN. You say here—

Mr. WEIGHTMAN. Here is a little decision of the Postmaster-General, just rendered, on one of those things about the Reverend Crafts, who has been using franks of Members of Congress here in large quantities, and here is his decision that it is improper and unlawful. If you had asked me the day before yesterday about it, I would only have told you that I thought so; but here is the Postmaster-General's decision.

The CHAIRMAN. I will read again, Mr. Weightman, from your editorial:

"Congressmen load the cars with all sorts of freight—furniture, libraries, kitchen utensils, the family wash, pianos, poultry, barnyard animals, etc., without limit."

Do you know that of your own personal knowledge?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Is that statement true?

Mr. WEIGHTMAN. I think so, but I don't know it.

The CHAIRMAN. Why do you think so?

Mr. WEIGHTMAN. Because I have heard it.

The CHAIRMAN. Do you believe everything you hear?

Mr. WEIGHTMAN. No.

The CHAIRMAN. Is not that statement false, as a matter of fact?

Mr. WEIGHTMAN. I don't think so. It may be exaggerated, as I expressed the next day.

The CHAIRMAN. Do you believe that any Member of Congress ever put a piano in the mail?

Mr. WEIGHTMAN. Well, I never heard that; no; but, as I told you, that is an extravagant statement.

The CHAIRMAN. I am asking you if you have ever heard of anybody putting a piano in the mail.

Mr. WEIGHTMAN. I never heard about a piano, but I have heard about sofas and furniture.

The CHAIRMAN. Did you ever hear of anybody putting a barnyard animal in the mails?

Mr. WEIGHTMAN. Not specifically.

The CHAIRMAN. Then is that statement true?

Mr. WEIGHTMAN. I don't know.

The CHAIRMAN (reading further from the editorial)—

"They frank a cow, a washtub, or a churn as glibly as they do a letter or the speech that no one ever heard."

Do you know of any Member of Congress that has ever franked a cow?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Was that statement true?

Mr. WEIGHTMAN. I don't know whether it was or not; perhaps not.

The CHAIRMAN. Was it not false?

Mr. WEIGHTMAN. I don't know.

The CHAIRMAN. Was there not more falsehood to it than there was truth?

Mr. WEIGHTMAN. Possibly. I don't know; I can not tell. As I don't know one thing I can not know the other very well. It all comes back to what I told you before, that the man who prints the article—publishes it—is the man to whom you should apply.

The CHAIRMAN. You say you have been connected with the Post, with a slight interval, for fourteen years?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. You know in a general way the character of the mails and the articles transmitted through the mails, do you?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. Have you ever believed that a cow was a mailable article?

Mr. WEIGHTMAN. I know of its being done in Wisconsin.

The CHAIRMAN. By mail?

Mr. WEIGHTMAN. Oh, yes.

The CHAIRMAN. Was it not by express?

Mr. WEIGHTMAN. Well, I don't know.

The CHAIRMAN. Do you mean to say that a cow was ever sent by mail in Wisconsin?

Mr. WEIGHTMAN. I understood it was franked.

The CHAIRMAN. Where did you understand it?

Mr. WEIGHTMAN. I understood—

Mr. GRIGGS. It was not a Congressman, was it?

Mr. WEIGHTMAN. No; this was a governor.

The CHAIRMAN. Does a governor have the franking privilege?

Mr. WEIGHTMAN. I don't know; everybody seems to have it. Mr. Crafts over here has it—this preacher.

The CHAIRMAN. He has not a frank.

Mr. WEIGHTMAN. He has evidently been using one.

The CHAIRMAN. That is a different proposition. I am asking you about your information on which you base this editorial.

Mr. WEIGHTMAN. I have already told you I haven't got any.

The CHAIRMAN. Did you have any when you wrote this article?

Mr. WEIGHTMAN. No more than I have told you.

The CHAIRMAN. No more than you have testified there in your answers?

Mr. WEIGHTMAN. No.

The CHAIRMAN. No information?

Mr. WEIGHTMAN. I hope you don't think I am concealing anything.

The CHAIRMAN. No; I am asking you if you have any more information than you have given us?

Mr. WEIGHTMAN. No.

Mr. SIBLEY. I hope Mr. Weightman does not think he is revealing very much.

Mr. WEIGHTMAN. I am telling you everything I know.

The CHAIRMAN. I am giving you credit for telling everything you know, but you have not displayed very much information about any facts upon which to base such an editorial.

Mr. WEIGHTMAN. I was frank about it in the first place.

The CHAIRMAN. As a matter of fact, you had not any facts of this character when you wrote it?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Then what was your purpose in writing it?

Mr. WEIGHTMAN. I was doing my work on the paper. You don't seem to understand that I am not responsible for what the paper prints, and this was a subject that has been before the country for years. I can find you articles like that printed three or four years ago, when Mr. Wilkins was alive. He came to me and told me to do so and so, and I supposed he knew what he was doing, and he was responsible, and not I. I took this same old subject; I saw some mention that somebody made of it in a speech. Reverend Crafts is getting active again, and I knew about—

Mr. HEDGE. You did not hear about this order you have referred to until yesterday, did you?

Mr. WEIGHTMAN. Oh, yes; and wrote about it. I didn't hear about the decision—no—until last Saturday, but the subject had been discussed in the newspapers and in the press generally.

Mr. HEDGE. You didn't have that in mind at the time you wrote this?

Mr. WEIGHTMAN. No.

Mr. HEDGE. You didn't refer to it?

Mr. WEIGHTMAN. No; not in there. The fact is that the writing of an editorial and the preparation of the news articles are two very different things.

Mr. HEDGE. You say you got your information from Mr. Bennett?

Mr. WEIGHTMAN. Yes.

Mr. HEDGE. Does he bear the same relation to the Post that you do?

Mr. WEIGHTMAN. He writes news articles and signs his name. He gives his facts; he is in a very different position from me.

Mr. HEDGE. Was Mr. Bennett connected with the Post at the time this editorial was written?

Mr. WEIGHTMAN. Oh, yes.

Mr. HEDGE. Had he written any articles on this subject?

Mr. WEIGHTMAN. That I don't know. He writes editorial and news articles, both.

Mr. HEDGE. When you say that this privilege has been outrageously abused and is a fact of universal knowledge what do you mean by "universal knowledge?"

Mr. WEIGHTMAN. You see, you are catechising me; you are asking me for definitions of words that I can not give.

Mr. HEDGE. We do not often have an opportunity of catechising so intelligent a witness. You state that this is a matter of universal knowledge?

Mr. WEIGHTMAN. I should have said, I suppose, that it is the universal belief and gossip.

Mr. HEDGE. You wish to correct that?

Mr. WEIGHTMAN. I can not correct it in the Post, but they do it frequently; it hurts my feelings, but they do it.

Mr. HEDGE. I am referring to the statement here. You are responsible for your statements made here.

Mr. WEIGHTMAN. Yes.

Mr. HEDGE. You made the statement that this was a matter of universal knowledge.

Mr. WEIGHTMAN. No; I said I should have said belief; that is what I say personally; I disclaim any responsibility.

Mr. HEDGE. You do not admit that there is any universal knowledge that you have not a share in, do you?

Mr. WEIGHTMAN. Oh, yes.

Mr. HEDGE. Universal knowledge?

Mr. WEIGHTMAN. Oh, a great deal.

Mr. GRIGGS. As I understand this examination, it is for the purpose of arriving at the names of any persons who may have been guilty of this charge in this editorial. Now, then, can you give to the committee the names of any persons who claim to know things charged in this editorial?

Mr. WEIGHTMAN. Well, Mr. Wilkins is dead, and the managing editor has gone to Chicago; he is the man that received the facts and gave us the subjects to write about; he is not here or I would refer you to him.

Mr. GRIGGS. You mean Mr. Bone, I suppose?

Mr. WEIGHTMAN. Yes; Mr. Scott Bone.

Mr. GRIGGS. Mr. Bone was not managing editor at the time you wrote this editorial?

Mr. WEIGHTMAN. No; but when I wrote the other, previously, Mr. Bone was managing editor. Mr. Bone has left the paper now.

Mr. GRIGGS. You insist, of course, that you are not responsible for anything the Post says—

Mr. WEIGHTMAN. Of course not.

Mr. GRIGGS. We understand that very well, but you understand that you are here in your personal capacity, do you not?

Mr. WEIGHTMAN. Yes, sir.

Mr. GRIGGS. Now, then, as to these charges in that editorial which are directly made against Members of Congress by name—

Mr. WEIGHTMAN. Not names.

Mr. GRIGGS. Yes; Members of Congress.

Mr. WEIGHTMAN. Oh, that way.

Mr. GRIGGS. I possibly should say by title. You do not know of any person except Mr. Beriah Wilkins and Mr. Bone—I simply want to get at facts, that is all—

Mr. WEIGHTMAN. I understand, but you confuse the situation, I think. I am here as a witness in my personal capacity, but I did not write that editorial in my personal capacity.

Mr. GRIGGS. I understand that; but you must have had some knowledge in your personal capacity?

Mr. WEIGHTMAN. I had what I thought was knowledge, but it was not universal.

Mr. GRIGGS. Now, then, give us the basis of that knowledge.

Mr. WEIGHTMAN. Oh, well, in a newspaper office, Mr. Griggs, unless I give you the whole story of the construction of a newspaper office I don't suppose I would make myself plain at all. We have three sets of people in there; one are the men who go out and get the facts, as they suppose, innocently suppose; the others are those employed to comment on them, and the other class are those who tell how to comment on the facts, those who dictate the policy of the paper. The individual writer hasn't anything to do with it. Sometimes he writes things he doesn't believe in.

Mr. GRIGGS. I understand, but the question before you and before the committee is whether you believe him—

Mr. WEIGHTMAN (interrupting). Oh, no, no; I think that was an extravagance and so wrote the next day. Mr. McLean came to me. I think I get \$25 a week extra for embroidery.

Mr. GRIGGS. I think I understand.

The CHAIRMAN. You regarded this as embroidery, I understand?

Mr. WEIGHTMAN. It was embroidery of what I believed to be facts. It was put in a grotesque way and, I thought, an extravagant way, and when it was taken seriously here I wrote another article.

Mr. GRIGGS. Then you can not give us facts to reach any persons that are guilty?

Mr. WEIGHTMAN. No.

Mr. SIMS. Inasmuch as I am the man who took seriously the statements which you say now are neither true nor serious, I would like to ask you a few questions.

Mr. WEIGHTMAN. Yes, sir.

Mr. SIMS. This editorial is headed, "Abolish the franking privilege," is it not?

Mr. WEIGHTMAN. I think so.

Mr. SIMS. Did you write that?

Mr. WEIGHTMAN. Yes, sir.

Mr. SIMS. Your object in writing this article, then, was to secure the demand that you made, and that is to have the franking privilege abolished?

Mr. WEIGHTMAN. Not at all.

Mr. SIMS. Is not that the purport of the article from one end to the other—to abolish the franking privilege and have a money allowance made in lieu of it—because, on your allegation, Members of Congress abuse the franking privilege?

Mr. WEIGHTMAN. I deny that as my allegation at all; that is the Post.

Mr. SIMS. I say is not that the object of the article—to furnish an argument, based upon alleged facts, for the abolition of the franking privilege—is not that the object?

Mr. WEIGHTMAN. I fancy that is one of the objects.

Mr. SIMS. You say you "fancy." You certainly ought to be able to state what the object was, if the object is not expressed on the face of it.

Mr. WEIGHTMAN. It seems to me I have made it clear that I have no object in anything I write except to please my employer and carry out his policy.

Mr. SIMS. Now, I want to ask you if you as an editorial writer will write an article that you neither believe in nor indorse, simply because you are a salaried employee, an article touching the character of officials, high or low?

Mr. WEIGHTMAN. Is that in the form of an interrogatory?

Mr. SIMS. That is what it is.

Mr. WEIGHTMAN. I must say again, for about the tenth time, that I do not do these things in my personal capacity, and I am not going to be held responsible for them.

Mr. SIMS. But I ask you as an editorial writer, do you write an editorial alleging existence of facts which you yourself do not believe, simply because you are paid a salary?

Mr. WEIGHTMAN. I do not think I will allege anything seriously that I don't believe.

Mr. GRIGGS. I don't understand you.

Mr. WEIGHTMAN. I say I do not think I would allege anything seriously that I do not believe or that I violently disbelieve.

Mr. SIMS. Now, I want to ask you who gave you orders or directions, or whatever is your way of expressing it, to write upon this subject and to write this article?

Mr. WEIGHTMAN. Nobody.

Mr. SIMS. Was this article passed on by the managing editor, the responsible person in the Post, before it was printed?

Mr. WEIGHTMAN. Why, certainly. Nothing can go into the Post.

Mr. SIMS. Who is the responsible managing editor of the Post, or responsible head?

Mr. WEIGHTMAN. Mr. McLean is the responsible managing editor of the Post.

Mr. SIMS. Did he pass on this?

Mr. WEIGHTMAN. I don't know whether he did or not; it was published by his authority.

Mr. SIMS. And you declare you have no responsibility whatever—

Mr. WEIGHTMAN. No personal responsibility.

Mr. SIMS. When you stated here—I want to quote the exact language, and therefore I will look for it—after stating these facts with reference to Members of Congress, this article says:

"It presents the perfected spectacle of graft."

Now, is not that a charge which is very serious and affecting the character and usefulness of any Member of Congress who may be guilty?

Mr. WEIGHTMAN. Yes; I should think it would if he was guilty.

Mr. SIMS. Would you make a charge of that kind simply by direction or orders of the managing editor?

Mr. WEIGHTMAN. Why, certainly; of course I would; or else resign.

Mr. GRIGGS. I understand by that that if the managing editor were to instruct you to write an article like that and you had no knowledge of the facts that you simply use your knowledge of his knowledge of the facts or your belief in his knowledge of the facts?

Mr. WEIGHTMAN. Yes.

Mr. GRIGGS. And you would furnish the embroidery?

Mr. WEIGHTMAN. The embroidery.

Mr. SIBLEY. Right in that connection, were you ever instructed to give a sort of "roast" to the Congressmen on the franking privilege?

Mr. WEIGHTMAN. What is that?

Mr. SIBLEY. Were you ever instructed to give a "roast" to the Congressmen on the franking privilege?

Mr. WEIGHTMAN. Oh, yes; originally. I had never heard of it until it first came out some years ago, just before Mr. Wilkins got so ill. He started that—

Mr. SIBLEY. But since Mr. Wilkins's death?

Mr. WEIGHTMAN. I didn't get any specific instructions about that thing; no.

Mr. SIBLEY. On that very line, I believe you stated that you wrote this identical article at the request of Mr. Beriah Wilkins—

Mr. WEIGHTMAN. Oh, no—

Mr. SIMS. Well, upon the orders of Mr. Wilkins?

Mr. WEIGHTMAN. I said practically the same article; I didn't say specifically the same article; I didn't say that was a copy, but the same tone.

Mr. SIMS. About six years ago?

Mr. WEIGHTMAN. I think so.

Mr. SIMS. And why was it not published?

Mr. WEIGHTMAN. It was.

Mr. SIMS. It was published in the Post?

Mr. WEIGHTMAN. Yes; some things like that have been published in the Post for the last four or five years.

Mr. SIMS. Can you bring that article and incorporate it as part of your statement?

Mr. WEIGHTMAN. I don't think I can undertake to ransack the files of the Post. I have been trying to explain, and I think my statement ought to be taken—

Mr. SIMS. Your explanation was, as I understood it, that you first wrote this character of an article—

Mr. WEIGHTMAN. Many of them—

Mr. SIMS. About six years ago, upon direction of Mr. Beriah Wilkins, who was then the managing editor of the Washington Post?

Mr. WEIGHTMAN. Yes; his suggestion—

Mr. SIMS. Then you say you wrote this, being substantially the same, and put it in the Post without any direction from anyone?

Mr. WEIGHTMAN. Yes.

Mr. SIMS. Then you are responsible for writing this particular article and putting it in the Post upon your own statement, without any direction from anyone?

Mr. WEIGHTMAN. I don't think so; I handed it in to the managing editor, and it was passed on there.

Mr. SIMS. No one suggested it, though?

Mr. WEIGHTMAN. No; not there—

Mr. SIMS. Then you wrote this on your own suggestion?

Mr. WEIGHTMAN. Yes.

Mr. SIMS. Moved by your own reason for writing it?

Mr. WEIGHTMAN. Moved by carrying on the policy of the paper. The same things have been in there before—

Mr. SIMS. Is it the policy of the Post to make statements alleging them to be facts, which are false and believed to be false, as the basis of an editorial?

Mr. WEIGHTMAN. As I do not conduct the Post, and am not responsible for what appears in it, I do not think I can answer that.

Mr. SIMS. I am only asking you as to the facts, as you have referred to the policy of the Post.

Mr. WEIGHTMAN. I knew about the policy because I had written on it before.

Mr. SIMS. Was the policy of the Post, with reference to the franking privilege of Members of Congress, to write editorials upon allegations which were not true and known not to be true at the time?

Mr. WEIGHTMAN. I don't know whether they were true or not.

Mr. SIMS. My object in introducing this resolution was to get at the fact. If any Members of Congress are guilty of abuses of the franking privilege, I think we ought to know it; and if anybody has been guilty of outrageously abusing the franking privilege I think that Member ought to be expelled. You say that this privilege has been outrageously abused is a fact of universal knowledge. And yet you say you wrote this article without suggestion and without any knowledge of facts and up to this time have no knowledge of any of these allegations which you have stated? That is all I wish to ask you.

Mr. SIBLEY. I would like to ask Mr. Weightman this: By anyone has there ever been given you the name of any Congressman, or Representative, who has been guilty of abusing the franking privilege?

Mr. WEIGHTMAN. I can not remember, but there was a story—they had a nickname of him, "Boots." Somebody here had a nickname here of "Boots," because in a mail package which went under a frank and which was broken, a pair of boots came out.

Mr. SIBLEY. Was that in recent years?

Mr. WEIGHTMAN. No.

Mr. SIBLEY. A great many years ago. I think it was way back before the present franking privilege was granted. I remember something about that. Do you know of any other case within recent time?

Mr. WEIGHTMAN. No; I do not.

Mr. SIBLEY. I wondered if this present agitation of the franking privilege grew out of the transmission through the mails of articles by the Reverend Doctor Crafts.

Mr. WEIGHTMAN. It was apropos of that. I had that in mind when I wrote this article, but I didn't mention him, I think. But, as I have told you, I took all this back, so far as the serious statement is concerned, the next day.

Mr. SIBLEY. The trouble is—

Mr. WEIGHTMAN. Yes; I know—

Mr. SIBLEY. (continuing). That other papers have published it, because the Post presents things very spicily. You recognize that editorial has been copied very generally throughout the press of the country—

Mr. WEIGHTMAN. The Post is copied, yes.

Mr. SIBLEY. (continuing). As tending to show the demoralization existing among Members of Congress. You wrote this evidently in a semi-humorous vein?

Mr. WEIGHTMAN. I think that is obvious.

Mr. SIBLEY. And then you made a denial—that is, in another editorial—saying that it was not altogether true; but the general public, who are interested in this, have not seen the denial.

Mr. WEIGHTMAN. It has the same prominence that this had; the only trouble is that you gave this prominence and did not give the other prominence. If you had, it would not have attracted so much attention.

Mr. SIBLEY. One thing more. I want to get this clear. So far as your personal knowledge extends, and so far as anybody has ever told you of any specific violation of the franking privilege by any Member of Congress is concerned, the statements are incorrect, are they not?

Mr. WEIGHTMAN. For all I know they may be absolutely incorrect.

Mr. SIBLEY. They may be absolutely incorrect?

Mr. WEIGHTMAN. Yes; but for all I know they may be correct.

Mr. SIBLEY. So far as you know, they may be false?

Mr. WEIGHTMAN. So far as I know, they may be absolutely false, absolutely.

Mr. SIBLEY. That is all.

The CHAIRMAN. Just a question or two.

Mr. John R. McLean is now managing editor of the Post?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. And he was the managing editor at the time of this editorial?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. Did Mr. McLean direct you to write this editorial?

Mr. WEIGHTMAN. No.

The CHAIRMAN. Do you know whether or not it was ever called to his attention personally—

Mr. WEIGHTMAN. Before, no.

The CHAIRMAN. (continuing). Before it was printed?

Mr. WEIGHTMAN. No.

The CHAIRMAN. I say before it was printed?

Mr. WEIGHTMAN. I don't know.

The CHAIRMAN. Personally by you?

Mr. WEIGHTMAN. No; but his local representatives must have seen it, because editorials are not put in any well-regulated paper without attention.

The CHAIRMAN. What I want to know is, did you personally confer with Mr. McLean before this was printed?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Did you confer with anyone?

Mr. WEIGHTMAN. No, sir.

Mr. STEENERSON. What did you do with your editorial after you wrote it?

Mr. WEIGHTMAN. There is a little wire basket that I put it in.

Mr. STEENERSON. Describe the process.

Mr. WEIGHTMAN. Everybody who writes editorials—I have worked on a lot of papers, in New Orleans and other cities—hands them to the representative of the manager, or the managing editor, or whatever he may be called; sometimes he is called the managing editor and sometimes the editor in chief, but he gives them to the head of the paper, whoever he may be, because there is always a head on the paper, for the reason that the paper can not have a policy unless somebody guides. As a writer I do not guide it, and have nothing to do with it; I put what I write in a little basket and that goes to the managing editor—

Mr. STEENERSON. Who is managing editor?

Mr. WEIGHTMAN. Mr. McLean is managing editor.

Mr. STEENERSON. So you suppose Mr. McLean did read it before it was printed?

Mr. WEIGHTMAN. I suppose he did.

The CHAIRMAN. Has any comment been made since this editorial was printed, as to whether or not it was regarded by the management of the paper as serious or comic or otherwise?

Mr. WEIGHTMAN. As I told you, the next day, or two days afterwards—I don't recollect, but within a day or two—Mr. McLean spoke to me about it, and he said it was very much to his surprise. He said he was afraid it had given offense, so better write another article explaining that it was intended for an extravagance and not for an explicit or organized statement of the facts, which I did; but unfortunately that did not seem to attract as much attention as this.

The CHAIRMAN. Then the second article you wrote, to which you refer, explaining that the first article was an exaggeration; you were directed to write by Mr. McLean?

Mr. WEIGHTMAN. He spoke to me about it; yes.

Mr. SIMS. Right there let me ask you this: This second article you refer to was not written until after the House had passed this resolution?

Mr. WEIGHTMAN. I think not.

Mr. SIMS. The article quoted had been written during the recess—in the recess before the time this resolution was introduced?

Mr. WEIGHTMAN. I don't know.

Mr. SIMS. Newspapers had copied this article all over the country before this resolution was introduced, had they not? And had you not seen them?

Mr. WEIGHTMAN. The exchanges don't pass through my hands—except a few southern papers that I look at.

Mr. SIMS. Then I suppose the impression you leave is that if Congress had not taken notice of this there would not have been any editorial coming out and explaining that the statements herein made were not true and were exaggerations?

Mr. WEIGHTMAN. I can not speak for myself, but I fancy that is the reason.

Mr. SIMS. In other words, this would have gone along and been published all over the United States that Members of Congress were violating the franking privilege if Congress had not passed this resolution so far as your paper is concerned?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. Are there any other questions to be asked of Mr. Weightman?

Mr. FINLEY. I want to ask you, are you aware that the Third Assistant Postmaster-General, in his report, recommends the abolition of the franking and penalty privileges?

Mr. WEIGHTMAN. No; I am not.

Mr. FINLEY. That is, for Members of Congress and the Departments, on page 21 of his report?

Mr. WEIGHTMAN. When did that come out—before this editorial?

Mr. FINLEY. Yes.

Mr. WEIGHTMAN. Probably that is what I wrote about. I write so much—I write so many things—

Mr. GRIGGS. That was published before Congress met.

Mr. FINLEY. This is the report of the Third Assistant Postmaster-General for the year ended June 30, 1905. He says:

"The franking and penalty privileges are, by reason of their nature, subject to abuses, a precise and accurate description of which is not possible at the present time; but in view of experience already had I feel impelled to say that the interests of the Government and of this Department would be best subserved if those two privileges were abolished altogether."

Mr. WEIGHTMAN. I suppose somebody must have put that on my desk and that is what started me. I don't know; I can not—

Mr. FINLEY. I observe that the Third Assistant, in his report to Congress, suggests to Congress whether or not it is advisable to abolish the franking privilege, as I have just read.

Mr. WEIGHTMAN. I think it is very likely that that would inspire me to write this article. I can not remember. I had no idea of giving offense.

Mr. FINLEY. The Third Assistant says, further:

"I have the honor to suggest the consideration of the question of whether or not it is advisable to recommend to Congress the abolition of the franking and penalty privileges, or, at least, the latter, and the substitution therefor of a system of appropriations to supply the needs of Members of Congress and the various Departments for postage expenses in the transaction of their official business."

I ask you this question, because the matter was brought up here in the hearings, and General Madden was examined along that line.

Mr. WEIGHTMAN. That is probably what inspired this—started me out.

Mr. SNAPP. I don't think that report was out when this editorial was written.

Mr. FINLEY. Yes; this is the report for last year.

The CHAIRMAN. At all events there is nothing in this report or in any of the reports to the Post-Office Department which would indicate that Members of Congress have been abusing the privilege.

Mr. FINLEY. No.

Mr. WEIGHTMAN. It refers there to the ease with which it can be abused. It does not say it has been done.

The CHAIRMAN. You know of no foundation in any report of the Post-Office Department of any abuse or suggestion of an abuse by Members of Congress of the franking privilege, do you?

Mr. WEIGHTMAN. No; I don't know of any. This is the first thing I have seen officially—the first thing.

Mr. SNAPP. That report could not have been out then—November 18?

Mr. FINLEY. Yes; it was out, because I received a copy.

Mr. GRIGGS. It was dated November 18.

Mr. FINLEY. They were sent before Congress convened.

Mr. GRIGGS. The report was dated November 18.

The CHAIRMAN. Are there any other questions by members of the committee?

Mr. WEIGHTMAN. I only say it is quite likely that somebody may have cut that out and put it on my desk. I constantly find things there for me to write about—memoranda or suggestions.

The CHAIRMAN. We will excuse you, Mr. Weightman, and we will excuse the reporter.

COMMITTEE ON THE POST-OFFICE AND POST-ROADS.
HOUSE OF REPRESENTATIVES.
Washington, D. C., March 7, 1906.

The committee met this day at 10.30 o'clock a. m., Hon. JESSE OVERSTREET in the chair.

STATEMENT OF MR. JOHN R. McLEAN.

The CHAIRMAN. I believe, Mr. McLean, you are the managing editor of the Washington Post?

Mr. McLEAN. Yes, sir.

The CHAIRMAN. I will ask you to examine the CONGRESSIONAL RECORD of January 4 last, at page 673, which I hand you [submitting copy of RECORD], and the printing in small type particularly, which purports to be an editorial in your paper.

Mr. McLEAN. Yes, sir.

The CHAIRMAN. You were managing editor of the Post at the time of that publication?

Mr. McLEAN. Yes, sir.

The CHAIRMAN. Did you see that editorial before it was printed?

Mr. McLEAN. Yes.

The CHAIRMAN. It came to you in the ordinary process of your organization?

Mr. McLEAN. Yes.

The CHAIRMAN. And you passed upon it before printing?

Mr. McLEAN. Yes.

The CHAIRMAN. Will you be kind enough to explain to the committee if you are familiar with the facts as appear to have been stated in that editorial?

Mr. McLEAN. I know nothing of the facts.

The CHAIRMAN. When you passed upon the item for printing did you pass it with the belief that those statements were facts?

Mr. McLEAN. No. I passed it as I would pass any general article, thinking that it meant more to be—it seemed to me an aggravated case of editorial. It was not meant to come right down to facts and to say, "These are facts," but it was a thing that had been told and talked about a little bit and commented upon by the newspapers. But as to being facts, or that the Post meant it to be that, or intended it to be accepted as that, there was nothing of it.

The CHAIRMAN. Then you merely intended to pass upon something that was current—something that—

Mr. McLEAN. Yes; there was no intent to injure at all.

Mr. HEDGE. Was it intended to affect public opinion, Mr. McLean?

Mr. McLEAN. No, sir. Sometimes we print an article to fill up with. [Laughter.] As I say, there was no intent to injure or damage anyone. It was a general article, and frequently you work up things, and one of the editors is asked to comment on it or criticize it or pass upon it, and sometimes things are accepted and you don't know the writer. He may be in your office, but you may not know him.

Mr. SNAPP. Did it not occur to you that such an article might reflect on Members of Congress and injure them with their constituents?

Mr. McLEAN. No; this was meant to be general. It was not meant to reflect on any individual.

Mr. SNAPP. Does it not occur to you that exaggerated and untruthful statements of that kind against Members of Congress do hurt them in the public mind?

Mr. McLEAN. No; it was not meant to be that. I thought the general reader would accept that as a general article. There was no individual in mind, and no particular case cited. It was only a general article.

Mr. SNAPP. How can you expect that the general reader shall discriminate as to the truth or falsity of statements of that kind when you don't do it?

Mr. McLEAN. Probably I have a wrong impression, but I do not know.

The CHAIRMAN. Do you know of your own knowledge of any instances of the violation or abuse of the franking privilege by any Member of Congress?

Mr. McLEAN. Not one.

The CHAIRMAN. Are there any other questions, gentlemen? I think, then, Mr. McLean, that is all.

The following is the passage in the CONGRESSIONAL RECORD referred to above:

"ABOLISH THE FRANKING PRIVILEGE?"

"We quite agree that something ought to be done for the relief of the Post-Office Department. Its work is simply tremendous, and, by an interesting coincidence, its usefulness is quite as great. There is no section of the governmental machinery more important or more accurately and satisfactorily conducted. But the burden put upon Mr. Cortelyou and his coadjutors can be materially lightened without impairing its efficiency. It is our opinion, indeed, that the people and the Government both would be better off if the franking privilege were abolished utterly.

"That this privilege has been outrageously abused is a fact of universal knowledge. Congressmen load the postal cars with all sorts of freight—furniture, libraries, kitchen utensils, the family wash, pianos, poultry, barnyard animals, etc., without limit. They frank a cow, a washbowl, or a churn as glibly as they do a letter or the speech that no one ever heard. They go further—they lend their franks in large, uncounted bunches to societies and propagandas that would flourish on the public Treasury as they already thrive upon the people's discontent. The whole system has been converted to the most abominable ends. It presents the perfected spectacle of graft. But its worst expression is to be found in the lumbering up of the mail cars, the preposterous demands upon the Department's resources of transportation, and the corresponding and concurrent crippling of the postal service in all its proper and legitimate activities.

"We note the presentation of an alternative arrangement—an arrangement under the operation of which Members of Congress will receive a direct allowance for the purpose of conducting their official correspondence without cost to themselves. The expedient is most commendable. We quite agree that Members of Congress, who are but ill-paid public servants, should be spared the constant drain upon their resources involved in postage and the like. They should at least be left entirely free of artificial taxes and protected in the complete enjoy-

ment of what small emolument has been assigned them. But this franking concession, which has grown to the proportions of insolent and predaceous graft, this should be contracted within the limits of common decency and transformed into an explicit allowance, no matter how generous and liberal it may be.

"We think there are very few Congressmen who would care to oppose this adjustment in full view of the public gaze. Why not try it, gentlemen?"

Mr. SIMS. Mr. Speaker, I desire first to submit the original editorial which was the basis of these proceedings.

The editorial is as follows:

ABOLISH THE FRANKING PRIVILEGE?

We quite agree that something ought to be done for the relief of the Post-Office Department. Its work is simply tremendous, and, by an interesting coincidence, its usefulness is quite as great. There is no section of the governmental machinery more important or more accurately and satisfactorily conducted. But the burden put upon Mr. Cortelyou and his coadjutors can be materially lightened without impairing its efficiency. It is our opinion, indeed, that the people and the Government both would be better off if the franking privilege were abolished utterly.

That this privilege has been outrageously abused is a fact of universal knowledge. Congressmen load the postal cars with all sorts of freight—furniture, libraries, kitchen utensils, the family wash, pianos, poultry, barnyard animals, etc., without limit. They frank a cow, a washtub, or a churn as glibly as they do a letter or the speech that no one ever heard. They go further—they lend their franks in large, uncounted bunches to societies and propagandas that would flourish on the public Treasury as they already thrive upon the people's discontent. The whole system has been converted to the most abominable ends. It presents the perfected spectacle of graft. But its worst expression is to be found in the lumbering up of the mail cars, the preposterous demands upon the Department's resources of transportation, and the corresponding and concurrent crippling of the postal service in all its proper and legitimate activities.

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We think there are very few Congressmen who would care to oppose this adjustment in full view of the public gaze. Why not try it, gentlemen?

Mr. SIMS. I desire also to submit certain extracts from the testimony of Mr. Weightman and Mr. McLean.

The extracts are as follows:

Mr. SIMS. Inasmuch as I am the man who took seriously the statements which you say now are neither true nor serious, I would like to ask you a few questions.

Mr. WEIGHTMAN. Yes, sir.

Mr. SIMS. This editorial is headed "Abolish the franking privilege," is it not?

Mr. WEIGHTMAN. I think so.

Mr. SIMS. Did you write that?

Mr. WEIGHTMAN. Yes, sir.

Mr. SIMS. Your object in writing this article, then, was to secure the demand that you made, and that is to have the franking privilege abolished?

Mr. WEIGHTMAN. Not at all.

Mr. SIMS. Is not that the purport of the article from one end to the other, to abolish the franking privilege and have a money allowance made in lieu of it, because on your allegation Members of Congress abuse the franking privilege?

Mr. WEIGHTMAN. I deny that as my allegation at all; that is the Post.

Mr. SIMS. I say is not that the object of the article, to furnish an argument, based upon alleged facts, for the abolition of the franking privilege—is not that the object?

Mr. WEIGHTMAN. I fancy that is one of the objects.

Mr. SIMS. You say fancy. You certainly ought to be able to state what the object was if the object is not expressed on the face of it.

Mr. WEIGHTMAN. It seems to me I have made it clear that I have no object in anything I write, except to please my employer and carry out his policy.

Mr. SIMS. Now, I want to ask you if you, as an editorial writer, will write an article that you neither believe in nor indorse, simply because you are a salaried employee, an article touching the character of officials, high or low?

Mr. WEIGHTMAN. Is that in the form of an interrogatory?

Mr. SIMS. That is what it is.

Mr. WEIGHTMAN. I must say again, for about the tenth time, that I do not do these things in my personal capacity, and I am not going to be held responsible for them.

Mr. SIMS. But I ask you as an editorial writer, do you write editorials alleging existence of facts which you yourself do not believe simply because you are paid a salary?

Mr. WEIGHTMAN. I do not think I will allege anything seriously that I do not believe.

Mr. SIMS. Now, I want to ask you who gave you orders or directions, or whatever is your way of expressing it, to write upon this subject and to write this article?

Mr. WEIGHTMAN. Nobody.

Mr. SIMS. Was this article passed on by the managing editor, the responsible person in the Post, before it was printed?

Mr. WEIGHTMAN. Why, certainly. Nothing can go into the Post—

Mr. SIMS. Who is the responsible managing editor of the Post, or responsible head?

Mr. WEIGHTMAN. Mr. McLean is the responsible managing editor of the Post.

Mr. SIMS. Did he pass on this?

Mr. WEIGHTMAN. I don't know whether he did or not; it was published by his authority.

Mr. SIMS. And you declare you have no responsibility whatever?

Mr. WEIGHTMAN. No personal responsibility.

Mr. SIMS. When you stated here—I want to quote the exact language, and therefore I will look for it—after stating these facts, with reference to Members of Congress, this article says:

"It presents the perfected spectacle of graft."

Now, is not that a charge which is very serious and affecting the character and usefulness of any Member of Congress who may be guilty?

Mr. WEIGHTMAN. Yes; I should think it would if he was guilty.

Mr. SIMS. Would you make a charge of that kind simply by direction or orders of the managing editor?

Mr. WEIGHTMAN. Why, certainly; of course I would; or else resign.

Mr. SIMS. Your explanation was, as I understood it, that you first wrote this character of an article—

Mr. WEIGHTMAN. Many of them—

Mr. SIMS. About six years ago, upon direction of Mr. Beriah Wilkins, who was then the managing editor of the Washington Post?

Mr. WEIGHTMAN. Yes; his suggestion—

Mr. SIMS. Then you say you wrote this, being substantially the same, and put it in the Post without any direction from anyone?

Mr. WEIGHTMAN. Yes.

Mr. SIMS. Then you are responsible for writing this particular article and putting it in the Post upon your own statement, without any direction from anyone?

Mr. WEIGHTMAN. I don't think so; I handed it in to the managing editor, and it was passed on there.

Mr. SIMS. No one suggested it, though?

Mr. WEIGHTMAN. No; not there—

Mr. SIMS. Then you wrote this on your own suggestion?

Mr. WEIGHTMAN. Yes.

Mr. SIMS. Moved by your own reason for writing it?

Mr. WEIGHTMAN. Moved by carrying out the policy of the paper; the same things have been in there before—

Mr. SIMS. Is it the policy of the Post to make statements, alleging them to be facts, which are false and believed to be false, as the basis of an editorial?

Mr. WEIGHTMAN. As I do not conduct the Post and am not responsible for what appears in it, I do not think I can answer that.

Mr. SIMS. I am only asking you as to the facts, as you have referred to the policy of the Post.

Mr. WEIGHTMAN. I knew about the policy because I had written on it before.

Mr. SIMS. Was the policy of the Post with reference to the franking privilege of Members of Congress to write editorials upon allegations which were not true and known not to be true at the time?

Mr. WEIGHTMAN. I don't know whether they were true or not.

Mr. SIMS. My object in introducing this resolution was to get at the fact: if any Members of Congress are guilty of abuses of the franking privilege I think we ought to know it, and if anybody has been guilty of outrageously abusing the franking privilege, I think that Member ought to be expelled. You say that this privilege has been outrageously abused is a fact of universal knowledge. And yet you say you wrote this article without suggestion and without knowledge of facts, and up to this time have no knowledge of any of these allegations which you have stated. That is all I wish to ask you.

Mr. SIMS. Right there, let me ask you this: This second article you refer to was not written until after the House had passed this resolution?

Mr. WEIGHTMAN. I think not.

Mr. SIMS. The article quoted had been written during the recess—in the recess before the time this resolution was introduced?

Mr. WEIGHTMAN. I don't know.

Mr. SIMS. Newspapers had copied this article all over the country before this resolution was introduced; had they not? And had you not seen them?

Mr. WEIGHTMAN. The exchanges do not pass through my hands—except a few southern papers that I look at.

Mr. SIMS. Then I suppose the impression you leave is that if Congress had not taken notice of this there would not have been any editorial coming out and explaining that the statements herein made were not true, and were exaggerations?

Mr. WEIGHTMAN. I can not speak for myself, but I fancy that is the reason.

Mr. SIMS. In other words, this would have gone along and been published all over the United States, that Members of Congress were violating the franking privilege, if Congress had not passed this resolution, so far as your paper is concerned?

Mr. WEIGHTMAN. Yes.

STATEMENT OF MR. JOHN R. McLEAN.

The CHAIRMAN. I believe, Mr. McLean, you are the managing editor of the Washington Post?

Mr. McLEAN. Yes, sir.

The CHAIRMAN. I will ask you to examine the CONGRESSIONAL RECORD of January 4 last, at page 673, which I hand you [submitting copy of RECORD], and the printing in small type particularly, which purports to be an editorial in your paper.

Mr. McLEAN. Yes, sir.

The CHAIRMAN. You were managing editor of the Post at the time of that publication?

Mr. McLEAN. Yes, sir.

The CHAIRMAN. Did you see that editorial before it was printed?

Mr. McLEAN. Yes.

The CHAIRMAN. It came to you in the ordinary process of your organization?

Mr. McLEAN. Yes.

The CHAIRMAN. And you passed upon it before printing?

Mr. McLEAN. Yes.

The CHAIRMAN. Will you be kind enough to explain to the committee if you are familiar with the facts as appear to have been stated in that editorial.

Mr. McLEAN. I know nothing of the facts.

The CHAIRMAN. When you passed upon the item for printing did you pass it with the belief that those statements were facts?

Mr. McLEAN. No. I passed it as I would pass any general article, thinking that it meant more to be—it seemed to me an aggravated case of editorial; it was not meant to come right down to facts and to say, "These are facts," but it was a thing that had been told and talked about a little bit and commented upon by the newspapers. But as to being facts, or that the Post meant it to be that, or intended it to be accepted as that, there was nothing of it.

The CHAIRMAN. Then you merely intended to pass upon something that was current—something that—

Mr. MCLEAN. Yes; there was no intent to injure at all.

Mr. HEDGE. Was it intended to affect public opinion, Mr. McLean?

Mr. MCLEAN. No, sir. Sometimes we print an article to fill up with. [Laughter.] As I say, there was no intent to injure or damage anyone. It was a general article; and frequently you work up things, and one of the editors is asked to comment on it or criticize it or pass upon it, and sometimes things are accepted and you don't know the writer. He may be in your office, but you may not know him.

Mr. SNAPP. Did it not occur to you that such an article might reflect on Members of Congress and injure them with their constituents?

Mr. MCLEAN. No; this was meant to be general. It was not meant to reflect on any individual.

Mr. SNAPP. Does it not occur to you that exaggerated and untruthful statements of that kind against Members of Congress do hurt them in the public mind?

Mr. MCLEAN. No; it was not meant to be that. I thought the general reader would accept it as a general article. There was no individual in mind and no particular cases cited. It was only a general article.

Mr. SNAPP. How can you expect that the general reader shall discriminate as to the truth or falsity of statements of that kind when you don't do it?

Mr. MCLEAN. Probably I have a wrong impression, but I do not know.

The CHAIRMAN. Do you know of your own knowledge of any instances of the violation or abuse of the franking privilege by Members of Congress?

Mr. MCLEAN. Not one.

Mr. SIMS. Mr. Speaker, as the author of the resolution I have naturally felt an interest in the investigation and report of the committee. The committee seem to have acted fairly and conscientiously, and have made as full a report as the evidence warranted. The excuse or explanation for the making of these charges, made by this responsible newspaper, after this resolution was introduced and acted upon, as appears from the report of the committee, was that the charges were not serious nor intended to be taken as serious; and reference is made to a second editorial on the same subject in the same paper, which has not been copied by the committee in its report; but as the evidence will show, Mr. Weightman, the editor who wrote the article, seems rather to complain that the editorial was taken seriously, saying that the second article would, as he claims, remove the impression of evil intent in the first article if it had been given the same publicity. Now, I propose to read and comment on that editorial article as I read and commented on the first, so that if there was any injustice done him he may rectify it. This is the second editorial:

AS REGARDS THE FRANKING PRIVILEGE.

We haven't the slightest doubt that the Hon. T. W. SIMS, of Tennessee, is perfectly sincere in calling for a Congressional investigation of the use or misuse that has been made of the franking privilege. Incidentally we wish to acknowledge with appropriate sentiments his very complimentary references to the Post. It occurs to us, however, to suggest that it is rather late in the day to take a solemn view of this or any other matter which has been the subject of gossip and of jest for many years. And we venture this intimation with all the more confidence because we happen to know that the records of the Post-Office Department contain, or ought to contain, large floods of detailed information for the benefit of anyone who thinks it worth while to investigate an ancient and notorious graft.

To say that we were serious in publishing the article which has stimulated Mr. SIMS to stern inquiry would be to exaggerate the situation. Of course we were not serious. Why should we be? The matter has been one of ribald comment for years. Everybody has heard of it, everybody has discussed it, nobody has denied it. Moreover, it is known of all men who keep themselves informed of public affairs that the question is one of official record—supposing the records have been scrupulously kept—and certainly of common knowledge in the Department. As we have already suggested, the only way to attack the scandal is to abolish the franking privilege altogether and to substitute a reasonable annual allowance for postage—a very liberal one, in fact—so that Members of Congress may not be called upon to deplete their meager salaries by paying postage upon mail matter for which they are not properly responsible. What the country wants in this case is not an inquisition into conditions that are as notorious as the process of the seasons, but a law that will put an end to them forever.

We would not have Mr. SIMS imagine for a moment that we object to the searchlight as such. Our object is merely to indicate the inevitable waste of time involved in that method, and point out the practical advantages of the alternative expedient we have outlined. Investigation by all means, if there be any real doubt in Congress as to the facts. Somewhere in the Post-Office Department the material for a finished chronicle is awaiting its discoverer and historian. But if the statesmen on the Hill want to stop a leak rather than amuse the public with a spectacle, they will let the past alone and make laws for the future.

So this is what, upon mature reflection, after this Congress acted upon that resolution and sent it to the committee, is given as the wiping out, the blotting out, of all criminal charge that there was in the first editorial, by simply reiterating that it was all true and that the records of the Post-Office Department would disclose and prove the facts. [Laughter.] Now, that is a strange way—to say that I charge you with being a thief and then state that it is not serious, but cite the record of conviction to prove it. I think the gentleman ought to have the benefit of his explanation of his way of not being serious in charging criminal conduct upon Members of Congress as set forth in a subsequent editorial.

Mr. STEPHENS of Texas. Will the gentleman allow me a question?

Mr. SIMS. Certainly.

Mr. STEPHENS of Texas. Is it true, as stated in the papers frequently, that some Departments have been guilty of franking furniture, safes, and desks, and other things of that kind through the mail?

Mr. SIMS. It has been charged in the papers that the Departments have been guilty of shipping freight under frank which would be cheaper to ship by express or simple freight.

Mr. STEPHENS of Texas. Does not the gentleman think that a mistake has been made, that instead of charging the committee or Members of Congress they should have charged the Departments with violating the law?

Mr. SIMS. The whole article is a charge against Members of Congress; there is nothing in it about the Departments. Now, I want to give you the benefit of the answers by one of these gentlemen. He claims, as appears from his testimony, that he wrote a similar editorial six years ago, when the Washington Post was under the charge of the Hon. Beriah Wilkins, formerly an honored Member of this House; that it was in accordance with the policy of the Post.

I do not want to do injustice to the Post or the editorial writers, but that article read on the 5th here and reread to-day has nothing on the face of it to suggest that it was not serious and intended to be true. If I was misled by not being a competent judge of such a thing, all the leading newspapers of the United States were similarly misled, for they quoted and commented upon it and reiterated it as true. Now, I want to explain to you, in the language of the managing editor, not undertaking to quote him, what he says about his responsibility.

Mr. Weightman denies all responsibility and says he wrote as he was directed, but rather gets away from it when the question comes directly to him.

I would like to ask the distinguished gentleman, if he was going to state a fact and wanted it to be accepted as a fact, what language he would undertake to use that is more specific and definite than the language used in the editorial that was quoted at the beginning of this report. But it seems that a great newspaper that appears to have a well-earned character for conservatism, certainly a great paper so far as ability of editorial writers in the treatment of large questions is concerned, will publish lightly and flippantly an article charging offenses that would disgrace any Member of this House if proven on him and then excuse the gravity of this charge simply by saying that it was general; that he called no names and pointed out no individual. I suppose he thinks that if he calls all Members of the House grafters and thieves it does not hurt, but to call a few individual Members of the House by name and to characterize them as guilty of such charges would be injurious. What would you say to a statement from a responsible newspaper that all the women in Washington are bad, but in explanation should say that they didn't mean it because they included them all? When charges are made that are general and sweeping and which apply to every Member of the House, they are certainly in results more grave and serious than to say that a particular individual is guilty, or a few individuals are guilty, and point them out, because then we could investigate and find out the truth.

I can not believe, Mr. Speaker, that the distinguished managing editor of this paper ever really read the article; that he really did not know what was in it. I do not believe that he is capable of wanting to cast upon this House that degree of contempt and disgrace that this article does on the flimsy foundation of mere rumors or mere gossip that had been floating around the Capitol, as said by his editorial writer, for many years.

I desire to call attention to an article in the Washington Post of yesterday which I highly commend. It is an article advocating self-government for the District of Columbia, to enfranchise the enslaved and enlightened freemen of this District. I believe that article is one that every Member of this House will approve, but is it not strange that a great paper should publish such an article when it flippantly publishes statements that if believed, as they were believed, would cause the people to lose confidence in the agencies of self-government? Why, Mr. Speaker, I know that the constituents of the gentleman from Pennsylvania [Mr. SIBLEY] would not believe that he was guilty, but I also know that the constituents of some gentleman from California might believe that the gentleman from Pennsylvania was guilty. But what shall we say of this when it comes at a time when agitation seems to be the rule, when it seems that the foundations of civil government are almost shaken by the threat of socialism? That an attack, serious or otherwise, should be made upon the integrity of the officials of this Government is something to me too serious to be cast aside with the mere brush of the hand. I do think that the great newspapers,

which under the law of this country enjoy the franking privilege to the extent of nearly \$27,000,000 a year, ought to be a little careful when they accuse Members of Congress of abusing the franking privilege to such an extent as to constitute a moral and legal crime.

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. Mr. Speaker, I would ask the gentleman from Pennsylvania [Mr. SIBLEY] to grant me, say, five minutes more.

Mr. SIBLEY. Mr. Speaker, I yield five minutes more to the gentleman from Tennessee.

Mr. SIMS. Now, Mr. Speaker, I do not want to make a charge unexplained. It is known to everybody in this House, but perhaps not by the whole people, that newspapers are entitled to the second-class mail privileges, and that second-class mail privileges such as those newspapers enjoy cost the Government upon the lowest estimate six times as much as it gets out of it, and when it costs the Government, as I believe it did if I am not incorrect, \$33,000,000 last year to carry second-class mail matter, and for which the Government received only \$6,000,000, it may be said that the courtesies of the franking privilege given to the press of the country exceeds by millions of dollars anything that could possibly be the result of its most liberal and unjust use by Members of Congress.

That is all right, Mr. Speaker. We are making no complaint, but this article seriously demands the abolition of the franking privilege for Members of Congress. Maybe the writer of that article is correct, but suppose we go into the abolition of the franking privilege and abolish that right to the press of the country, would not there be a very large saving to the Treasury of the United States and to the taxpayer? I do not advocate such a thing as this, but before I want to strike down the franking privileges of the Members of Congress I desire to think a little of the enjoyment of that privilege by the newspapers of the country. Twelve and a half per cent is paid upon the actual cost of second-class mail matter. What are the great newspapers of the country? They are business institutions whose editors, some of them, draw princely salaries. Perhaps they are worth it, but when a great newspaper is going through the mails with ten pages of reading matter and thirty pages of advertising—going through the mails at about one-eighth of what the actual cost to the Government is—I think it is time to speak about it. I think, Mr. Speaker, that a charge of this kind, when seriously noticed by a Member of this House, should not be used in an effort to try and belittle and ruin him.

It is a little too grave. Official character is beyond value, or should be. If the people lose confidence in the integrity of the instruments of self-government selected by themselves, what then is to be done? Revolution and anarchy may follow, and there is no better way to bring this country into such a condition than to publish false, villainous, and slanderous statements and libelous charges against the officials of the Government, and especially those who are selected every two years as Members of the legislative branch of the Government. A mere whisper touching the character of a woman is often enough to damn her for life, and next to her precious character that of the official is most easily injured and damaged, and it is irreparable. The article which was published all over the United States, read and believed by thousands, many more thousands than disbelieved it, as shown by the fact the press everywhere accepted it as true, will not be followed in the same papers by the publication of this report. The injury done by such charges, lightly or seriously or otherwise made, is such as to become irreparable. Never can we fully wipe it out; never can we fully reach every one with this report who has been reached by the first publication. Somehow or other the public is disposed to read that which is of a sensational nature, that which reflects upon somebody's character. Mr. Speaker, I believe the world is getting better every day. I believe political parties are getting better every day. I believe the Republican party is better to-day than it ever was before. I believe the Democratic party is better to-day than it ever was before. I have greater confidence in our institutions, in our Government and its instrumentalities, than I ever had before, and attempts to belittle and break down the confidence of the people in the agencies of self-government I denounce as a crime against the whole people of the United States, unjustified by any facts whatever. Mr. Speaker, I ask to include this testimony I have read in full in my remarks. [Applause.]

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print certain testimony in his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SIBLEY. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on the motion to discharge the committee.

The question was taken, and the motion was agreed to.

MESSAGE FROM THE PRESIDENT.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472, the legislative, executive, and judicial appropriation bill.

The SPEAKER. Pending that motion, the Chair lays before the House the following message from the President:

To the Senate and House of Representatives:

I have received the following letter from the Secretary of War respecting the recent attack by troops of the United States on Mount Dajo:

WAR DEPARTMENT,
Washington, March 13, 1906.

MY DEAR MR. PRESIDENT: The account of the engagement on Mount Dajo, on the island of Jolo, between our forces and a large band of Moro robbers, in which the fighting lasted for three or four days, showed such a large loss among the Moros as to give rise in a part of the public press to the criticism that there had been a wanton destruction by our troops of Moro lives, including those of women and children. Inquiries were made of me by members of the Senate and House of Representatives in respect to the matter. Accordingly I yesterday directed that the following telegram be sent to General Wood:

"It is charged that there was a wanton slaughter of Moros—men, women, and children—in the fight in Jolo at Mount Dajo. I wish you would send me at once all the particulars in respect to this matter, stating exact facts."

General Wood's answer came to-day. It seems to me to show most clearly that the unfortunate loss of life of the men, women, and children among the Moros was wholly unavoidable, in view of their deliberate use of their women and children in actual battle and their fanatical and savage desire that their women and children should perish with them if defeat were to come. They seem to have exhibited in this fight the well-known treachery of the uncivilized Mohammedan when wounded of attempting to kill those approaching for the purpose of giving aid and relief. General Wood's dispatch is as follows:

"The MILITARY SECRETARY, Washington:

"In answer to Secretary of War's request for information March 12, I was present throughout practically entire action and inspected top of crater after action was finished. Am convinced no man, woman, or child was wantonly killed. A considerable number of women and children were killed in the fight—number unknown, for the reason that they were actually in the works when assaulted, and were unavoidably killed in the fierce hand to hand fighting which took place in the narrow inclosed space. Moro women wore trousers and were dressed, armed much like the men, and charged with them. The children were in many cases used by the men as shields while charging troops. These incidents are much to be regretted, but it must be understood that the Moros, one and all, were fighting not only as enemies but religious fanatics, believing Paradise to be their immediate reward if killed in action with Christians. They apparently desired that none be saved. Some of our men, one a hospital steward, were cut up while giving assistance to wounded Moros by the wounded, and by those feigning death for the purpose of getting this vengeance. I personally ordered every assistance given wounded Moros, and that food and water should be sent them and medical attendance. In addition friendly Moros were at once directed to proceed to mountain for this purpose. I do not believe that in this or in any other fight any American soldier wantonly killed a Moro woman or child, or that he ever did it except unavoidably in close action. Action was most desperate, and was impossible for men fighting literally for their lives in close quarters to distinguish who would be injured by fire. In all actions against Moros we have begged Moros again and again to fight as men and keep women and children out of it. I assume entire responsibility for action of the troops in every particular, and if any evidence develops in any way bearing out the charges will act at once.

"WOOD."

Very sincerely, yours,

WM. H. TAFT.

The PRESIDENT.

I have made reply as follows:

"THE WHITE HOUSE,
Washington, March 14, 1906.

"MY DEAR MR. SECRETARY: I have received your letter of March 13, with accompanying cable of General Wood, answering your inquiry as to the alleged wanton slaughter of Moros. This answer is, of course, entirely satisfactory. The officers and enlisted men under General Wood's command have performed a most gallant and soldierly feat in a way that confers added credit on the American Army. They are entitled to the heartiest admiration and praise of all those of their fellow-citizens who are glad to see the honor of the flag upheld by the courage of the men wearing the American uniform.

"Sincerely, yours,

"THEODORE ROOSEVELT.

"Hon. WM. H. TAFT, Secretary of War."

THEODORE ROOSEVELT.

The WHITE HOUSE, March 15, 1906.

The SPEAKER. The message will be ordered to be printed, and referred to the Committee on Military Affairs.

JOHN H. PARKER.

The SPEAKER also laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 13th instant (the Senate concurring), I return herewith House bill No. 10588, entitled "An act granting an increase of pension to John H. Parker."

THEODORE ROOSEVELT.

The WHITE HOUSE, March 15, 1906.

Mr. LONGWORTH. Mr. Speaker, I move that the message be referred to the Committee on Pensions.

The question was taken, and the motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472—the legislative, executive, and judicial appropriation bill.

Mr. KEIFER. Mr. Chairman, I follow the time-honored custom of addressing the committee on a subject (H. R. 15674) not relating to appropriations at all, but I have little reluctance in doing this as the subject I shall speak on is of the supremest importance, and one, if not early considered, as the Constitution enjoins on Congress, will endanger the fundamental principle of equality upon which our Republic was founded, and which, if not upheld and perpetuated, will inevitably lead to its overthrow.

If the principle of the bill I am about to advocate is to fail, permanently, money bills will become useless; if an apportionment of representation in this body, based on the equality of American individual sovereignty can not be attained, then appropriation bills will, in time, become unnecessary.

Prodigality of the natural rights of man will not be compensated for by economy in appropriations.

Any degree of departure from sound basic principles is as dangerous in governmental affairs as in the exact sciences, and when the departure has gone so far as to demonstrate the error, only the foolish will continue to propagate it. So, when a political error, fundamental in character, has been so far pursued as to demonstrate its certain evil tendency the time is at hand to heroically apply the remedy and avert the impending certain disaster by returning to sound principles.

A republic can not now be and it never has been successfully maintained, based on inequality of citizenship. All ancient and modern attempts to establish or continue a republic founded on castes or class distinctions have signally and rightfully failed. Their wrecks are found all along the line of the ages, only to be pointed to as examples of attempts, in the name of liberty, to oppress the common people. Madame Roland, bowing before a statue of liberty, cried from the scaffold which she had just ascended from the cart that bore her to the guillotine:

Oh, Liberty, how many crimes have been committed in thy name!

It is, moreover, of supreme importance that constitutional injunctions should be obeyed and enforced, and especially where they are primary in character. Partisan heat should never arise nor be displayed over the enforcement of the Constitution. In its obedience, Members of Congress should all stand for it, coolly, calmly, and alike bound by duty and by that oath taken by each:

To support and defend the Constitution of the United States * * * bear true faith and allegiance to the same * * * without any mental reservation or purpose of evasion.

The help of God is invoked to keep this solemn oath.

The Republican party by its latest national declaration is required to enforce the Constitution relating to representation in Congress and in the electoral college; and its resplendent history even more strongly requires its enforcement, especially in the respect just stated. Its history, running over more than half a century, is studded with achievements for humanity won by upholding immutable, governmental, cardinal principles essential to the preservation of the natural rights of man. It will not now permit its decrees, written in the common blood of all the people and races, to be blotted out, and with them witness the certain overthrow of the principles of universal justice and equality upon which our Union was founded and, if perpetuated, must stand. That party will not, if the overthrow of the Union does come through departure from these principles, survive to witness the fatal day. It has the power, under God, to avert the calamity, and to preserve, perpetuate, and transmit through the ages to posterity the Republic in all its purity and accumulated strength and glory.

The special constitutional decrees of war being the work of the Republican party, and its immortal leaders being in their hallowed graves, the duty comes to their successors here and in the executive and judicial departments of the Government to fairly and impartially enforce them according to their true intent and spirit. Duty is often an exacting master, calling for unpleasant action, but those who are honored by special selection, and by their willing acceptance of high public place and responsibility, can not shield themselves from performing their duty because it may be unpleasant to perform it or for any

other reason. No congressional and constitutional duty is so great that those who are charged with its performance should shrink from it.

The day of heroism and heroic deeds in statesmanship still abides, and must ever, or through political degeneracy there will soon be nobody to stand guard on the ramparts or around the citadels of the preserved, regenerated, disenthralled, and purified Union.

The preamble to the bill reads:

That whereas the Constitution of the United States, Article XIV, section 2, requires that "when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State;" and whereas existing law (section 22, Revised Statutes United States) enacted in pursuance of said section 2 requires its enforcement by Congress as empowered by such article; and whereas the Congress is satisfied that the right of certain male inhabitants of States hereinafter named, being 21 years of age and citizens of the United States, at elections therein for some or all of said officers, has been and now is denied, or in some way abridged, in each of said States, and that the representation in the House of Representatives of the Congress of the United States in each of such States so denying or abridging such right to vote should be reduced as the fourteenth article of the Constitution and the law require, to the end that a republican form of government may be guaranteed therein, based on equal political power among the States of the United States and the Congressional districts thereof, and in the electoral college:

The bill proposes to reduce the number of Representatives in Alabama from 9 to 5, Arkansas from 7 to 5, Florida from 3 to 2, Georgia from 11 to 6, Louisiana from 7 to 3, Mississippi from 8 to 3, North Carolina from 10 to 6; South Carolina from 7 to 3, Tennessee from 10 to 8, Texas from 16 to 12, and Virginia from 10 to 8—a total reduction of 37 Representatives, and, as a consequence, a reduction of the same number in the electoral college by force of paragraph 2, Article II, of the Constitution.

The bill does not provide for the reduction in the States mentioned to the extent the votes cast therein at recent elections would warrant. At least 50 Representatives are now based on disfranchised citizens. It only provides for reduction of Representatives in such States to the number they would each be entitled to, based alone on the white voters therein or the white population thereof, although it is certain large numbers of white voters have been disfranchised in each State; and the votes cast in each would warrant a larger reduction after taking liberally into account the usual number who do not vote for ordinary and natural reasons. The Representatives provided for in the bill could be elected in each of the States named by the number of votes cast therein in 1904—Alabama, by 21,769; Arkansas, by 23,284; Florida, by 19,654; Georgia, by 21,644; Louisiana, by 17,970; Mississippi, by 19,461; North Carolina, by 38,711; South Carolina, by 18,971; Tennessee, by 30,345; Texas, by 19,500, and Virginia, by 14,100—while the average number of votes cast in the same year in the other thirty-four States to elect one Member was 41,325, and in most of them the number cast was much greater, as the accompanying table shows. The average vote to elect a Member in Illinois in 1904 was 43,059; Indiana, 52,475; New York, 43,723; Ohio, 47,828, and Missouri, 40,241, etc.

Notwithstanding the small vote in the disfranchising States, the average vote in all the States (1904) to elect a Representative was 35,025.

The bill does not undertake to provide for or in any manner regulate either white or colored suffrage in the States mentioned. That is solely a matter for the States, subject to the limitation of the fifteenth amendment.

The purpose of the bill, as it recites, is to equalize, so far as possible, political power among the several States and Congressional districts thereof, and in the electoral college, and to the end that a republican form of government may be secured in the States named.

It must be assumed that the last apportionment among the States was fairly made, according to their respective numbers, on the ratio of 194,182 inhabitants. This apportionment remains unaffected, save as to disfranchising States. If one or more States deny or abridge the right of some of its white or colored male citizens, over 21 years of age, to vote, it does not change in other States the constitutional rule of apportionment based on the number of inhabitants. The right of Congress to reduce representation applies only to a State that has disfranchised some of its natural voting citizens, and representation in the other States remains unaffected.

It is not a valid objection to a reduction of representation in one State to show that a reduction should also be made for the same or any reason in another or other States. The second section of the fourteenth amendment speaks of reducing repre-

sensation in an offending State; hence each State must be considered separately.

Necessarily some inequality as to numbers must exist in districts created by State law, but this does not result in disfranchisement, nor does it destroy the political equality of the States which results from individual disfranchisement.

This is not the time, nor is it necessary here, to show how the constitutions and laws and practices in the States named deny or in some manner abridge the right of male citizens 21 years of age to vote. That they have operated to and still do this is or should be conceded. The exact nature of the provisions of law or practices is wholly unimportant, either as affecting the inequality of political power between States and Congressional districts or the power of Congress to correct such inequality as the Constitution requires. It is not material to voters of States whose votes express only a fraction of the

political power possessed by voters in disfranchising States how the inequality has been brought about. The fact is the important thing to be looked at.

Does disfranchisement exist in the States named in the bill within the meaning of the Constitution?

To the result of the operation of the State constitutional provisions and laws and practices in conducting elections we look for the answer to this controlling question.

Both white and colored voters have been denied the right to vote, or such right has been, in some manner, abridged in a substantial sense in each of the several States named. The more recent elections prove the truth of this statement in a singularly emphatic way.

I submit a table of white and colored population and voters, votes cast, etc., which will be found instructive and demonstrative:

Table showing white and colored (negro) population and voters in each State, according to the census of 1900; present number of Representatives; also number each State would have if apportioned on white voters alone; also total number of votes cast in each State in 1903 and 1904, and average vote cast for Representative in 1903 and 1904 in each State.

State.	Population.		Voters.		Representatives.		Votes cast.		Average vote for each Representative.	
	White.	Colored.	White.	Colored.	Present apportionment.	Apportionment on white votes.	1902.	1904.	1902.	1904.
Alabama.....	1,001,152	827,307	232,294	181,471	9	5	92,184	108,845	10,242	12,093
Arkansas.....	944,529	336,153	226,537	87,157	7	5	119,741	116,421	17,105	16,631
California.....	1,412,727	11,045	489,545	3,711	8	10	303,742	331,433	37,934	41,429
Colorado.....	529,016	8,570	181,618	3,215	3	4	187,299	243,683	62,433	81,227
Connecticut.....	882,424	15,226	275,126	4,576	5	6	159,913	191,116	31,982	38,228
Delaware.....	153,977	30,657	45,562	8,374	1	1	38,161	43,856	38,161	43,856
Florida.....	297,533	230,730	77,902	61,417	3	2	16,428	39,307	5,476	13,102
Georgia.....	1,181,234	1,031,813	277,496	223,073	11	6	87,114	129,867	7,919	11,803
Idaho.....	154,435	248	50,328	130	1	1	50,823	72,583	50,823	72,583
Illinois.....	4,734,878	85,078	1,370,209	29,762	25	28	859,974	1,076,497	34,398	43,059
Indiana.....	2,453,502	57,535	701,761	18,186	13	15	500,353	682,185	45,412	52,475
Iowa.....	2,218,067	12,693	630,665	4,441	11	13	335,412	435,703	35,946	44,154
Kansas.....	1,416,319	52,093	308,552	14,695	8	8	287,168	324,588	35,896	40,573
Kentucky.....	1,862,109	254,706	469,206	74,728	11	9	290,489	435,765	26,408	39,615
Louisiana.....	720,612	650,804	177,878	147,248	7	3	26,265	53,908	3,752	7,701
Maine.....	682,223	1,319	216,856	445	4	4	110,537	96,040	27,634	24,010
Maryland.....	952,424	235,064	280,979	60,406	6	5	197,168	224,224	32,861	37,370
Massachusetts.....	2,769,764	31,974	830,049	10,456	14	17	398,689	445,068	28,477	31,792
Michigan.....	2,398,563	15,816	712,245	5,193	12	15	402,199	520,451	33,516	43,370
Minnesota.....	1,737,086	4,859	502,384	2,168	9	10	273,112	292,860	30,245	32,540
Mississippi.....	641,200	907,630	150,530	197,966	8	3	18,058	58,383	2,257	7,297
Missouri.....	2,944,843	161,224	809,797	46,418	16	17	517,977	649,861	32,373	40,241
Montana.....	223,223	1,523	94,873	711	1	2	55,390	64,444	55,390	64,444
Nebraska.....	1,056,526	6,289	297,817	2,298	6	6	194,141	224,687	32,353	37,447
Nevada.....	35,405	124	14,652	70	1	1	11,315	12,118	11,315	12,118
New Hampshire.....	410,791	682	130,648	230	2	3	85,607	90,069	42,803	45,044
New Jersey.....	1,812,317	69,444	532,750	21,474	10	11	358,267	432,547	35,826	43,254
New York.....	7,156,881	99,232	2,145,057	31,425	37	44	1,384,116	1,617,770	37,408	43,723
North Carolina.....	1,263,008	624,489	289,263	127,114	10	6	203,514	206,134	20,351	20,613
North Dakota.....	311,712	286	93,237	115	2	2	50,326	80,190	25,163	40,065
Ohio.....	4,060,204	96,901	1,180,599	31,235	21	24	811,466	1,004,363	38,641	47,828
Oregon.....	394,582	1,105	131,261	590	2	3	90,692	90,171	43,946	45,085
Pennsylvania.....	6,141,664	156,845	1,763,482	51,698	32	36	1,094,713	1,234,738	24,209	38,585
Rhode Island.....	419,050	9,062	124,001	2,765	2	3	59,792	68,656	29,896	34,328
South Carolina.....	557,807	782,321	130,375	152,860	7	3	31,817	56,912	4,545	8,130
South Dakota.....	280,714	465	107,353	184	2	2	74,457	101,440	37,228	50,720
Tennessee.....	1,540,186	480,243	375,043	112,236	10	8	160,159	242,756	16,015	24,275
Texas.....	2,426,669	620,722	599,961	136,875	16	12	287,792	234,008	17,987	14,625
Utah.....	272,425	672	65,205	358	1	1	84,718	101,624	84,718	101,624
Vermont.....	342,771	826	108,027	289	2	2	69,927	51,872	34,963	25,936
Virginia.....	1,192,655	660,722	301,379	148,122	10	8	200,509	129,103	20,050	12,910
Washington.....	496,304	2,514	183,999	1,230	3	4	97,136	145,151	32,378	48,383
West Virginia.....	915,233	43,490	233,129	14,785	5	5	188,573	239,923	37,714	47,984
Wisconsin.....	2,057,911	2,542	567,213	1,006	11	12	365,676	442,649	33,243	40,240
Wyoming.....	89,051	940	36,262	481	1	1	25,052	30,655	25,052	30,655
Total.....	65,674,350	8,708,350	18,593,256	2,021,308	386	386	11,416,934	13,519,604	1,399,917	1,653,198

(Unless otherwise stated, the census of 1900 and the election of 1904 are hereinafter referred to.)

This table shows that Alabama, with 9 Representatives, has a white voting population of 232,294, and that the vote cast in the election of 1904 was 108,845; Arkansas, with 7 Representatives, has a white voting population of 226,537, and that the vote cast was 116,421; Florida, with 3 Representatives, has a white voting population of 77,902, and that the vote cast was 39,307; Georgia, with 11 Representatives, has a white voting population of 277,496, and that the vote cast was 129,867; Louisiana, with 7 Representatives, has a white voting population of 177,878, and that the vote cast was 53,908; Mississippi, with 8 Representatives, has a white voting population of 150,530, and that the vote cast was 58,383; North Carolina, with 10 Representatives, has a white voting population of 289,263, and that the vote cast was 206,134; South Carolina, with 7 Representatives, has a white voting population of 130,375, and that the vote cast was 56,912; Tennessee, with 10 Representatives, has a white voting population of 375,043, and that the vote cast was 242,756; Texas, with 16 Representatives, has a white voting population of 599,961, and that the vote cast was 234,008; and

Virginia, with 10 Representatives, has a white voting population of 301,379, and that the vote cast was 129,103.

It thus appears that these 11 States have 98 Representatives and 120 electors and a total of white voters of 2,838,781, and that they cast 1,375,644 votes—less than one-half the number of white voters.

It will be seen that New York, with 37 Representatives and 39 electors and a white voting population of 2,145,057, cast 1,617,770 votes, above 200,000 more than were cast in the 11 named States, to elect 98 Representatives and 120 electors.

New York in 1904, in electing 37 Representatives and 39 electors, cast 1,617,770 votes, while Alabama, Arkansas, Florida, Georgia, and Louisiana, in electing 37 Representatives and 47 electors, cast 448,348 votes—less than one-third the number cast in New York.

Alabama, Arkansas, Georgia, and North Carolina together have a white population of 4,390,629 and 37 Representatives, while New York has a white population of 7,156,881 and only 37 Representatives. The four States have 45 electors.

The same four States cast in 1904, in electing the 37 Members, 564,152 votes, while New York the same year cast 1,617,770

votes to elect 37 Members—above three times as many as the four States. On the basis of white voters the four States would be entitled to 22 Members and New York to 45—more than double.

Pennsylvania in 1904, in electing 32 Representatives and 34 electors, cast 1,234,738 votes, while Alabama, Florida, Louisiana, Mississippi, and South Carolina, in electing 32 Representatives and 42 electors, cast 317,355 votes—about one-fourth the number cast in Pennsylvania.

Mississippi, Kansas, and California each has 8 Members and 10 electors. Mississippi, with 150,530 white voters, in 1904 polled 58,383 votes to elect 8, while Kansas, with 398,552 white voters, polled—same year—324,588 votes, and California, with 489,545 white voters, polled—same year—331,433 votes each to elect the same number of Representatives and electors as Mississippi. In 1902 Mississippi polled only 18,058 to elect 8 Members of the House.

Maine, with 4 Representatives and 6 electors and a white voting population of 216,856, cast 96,040 votes, while Mississippi, with a white voting population of 150,530, cast 58,383 votes and elected 8 Representatives and 10 electors.

Massachusetts, with 14 Representatives and 16 electors and a white voting population of 830,049, cast 445,098 votes, while Alabama, Arkansas, Florida, Louisiana, and Mississippi, with a white voting population of 865,261, cast 376,864 votes and elected 34 Representatives and 44 electors.

Indiana, with 13 Representatives and 15 electors and a white voting population of 701,761, cast 682,185 votes, while Florida, Louisiana, Mississippi, and South Carolina, with a white voting population of 536,745, cast 208,510 votes to elect 25 Representatives and 33 electors.

Delaware, with 1 Representative and 3 electors and a white voting population of 45,592, cast 43,856 votes, while Florida, with a white voting population of 77,962, cast 39,307 to elect 3 Representatives and 5 electors.

So Illinois, with 25 Representatives and 27 electors and a white voting population of 1,370,209, cast 1,076,497 votes, while Florida, Louisiana, Mississippi, and South Carolina, with a white voting population of 536,745, cast 208,510 votes (less than one-fifth of Illinois) to elect 25 Representatives and 33 electors.

Colorado, with 3 Representatives, cast an average vote for each of 81,227.

Montana, with 1 Representative, cast 64,444 votes.

Utah, with 1 Representative, cast 101,624 votes, and Idaho, with 1 Representative, cast 72,583 votes—in each instance much larger than the total votes cast in a number of the disfranchising States.

The white vote—Democratic—in 1872 and before disfranchisement began was much larger in Mississippi and other States in the South than the entire vote in recent years, though the white population was then much less.

Mississippi, South Carolina, Alabama, and Louisiana, with 31 Members of the House and 39 electors, having an aggregate white vote of 691,077, polled (1904) an aggregate vote of 278,048, while Ohio, having 1,180,599 white voters, polled (same year) 1,004,393 votes to elect her 21 Representatives and 23 electors—that is, the four States, with more than 300,000 less white voters and only a little more than one-fourth the actual vote cast in Ohio, elected 10 more Representatives and 16 more electors than Ohio.

Ohio in 1904, in electing 21 Representatives and 23 electors, cast 1,004,393 votes, while Arkansas, Louisiana, and South Carolina, in electing 21 Representatives and 27 electors, cast 227,241 votes—only a little more than one-fifth of Ohio's vote.

Kentucky, with a white voting population of 469,206 cast 435,765 votes (1904) to elect 11 Representatives and 13 electors, while Alabama, Arkansas, Florida, Louisiana, Mississippi, and South Carolina, with an aggregate white voting population of 995,636, cast 433,776 votes (2,000 less than Kentucky) to elect 41 Representatives and 53 electors.

Rhode Island cast 68,656 votes (1904) to elect 2 Representatives and South Carolina cast 56,912 and Louisiana 53,908 votes each to elect 7, and Mississippi cast 58,383 votes to elect 8 Representatives.

Missouri, once a slave State, cast 643,861 votes to elect 16 Representatives, while Mississippi to elect 8 Representatives cast only 58,383, less than one-eleventh the vote of Missouri. In the tenth Missouri district alone there were cast 58,533 votes, more than were cast in Mississippi or South Carolina the same year. This is true of districts in other States.

Iowa with a white voting population of 630,655 cast (1904) 485,703 votes, and Mississippi with a white voting population of 150,530 cast 58,383 votes to elect 8 Representatives, and Florida with a white voting population of 77,962 cast 39,307 votes to

elect 3 Representatives, the two electing 11 Representatives, the same number as Iowa, and two more electors.

In 1902 there were many districts in which the Democrats cast a vote greater than the entire vote in Mississippi (18,058), and it failed to elect anybody. The 3d Ohio (Mr. Nevin's) district is an instance of this kind.

Many other comparisons may be made, all demonstrating the inequality among the States arising out of the constitutions, laws, and practices in disfranchising States.

Comparisons with votes in 1902 will show more strongly against such States in most cases. This is particularly true as to Florida, Louisiana, Mississippi, South Carolina, and Tennessee.

There are many single districts in natural voting States that cast more votes to elect one Member than were cast in 1902 or 1904 in the States of Louisiana, South Carolina, or Florida.

In Alabama the total vote (1904) was: First district, 6,986; second, 10,178; third, 9,265; fourth, 9,288; fifth, 13,248; sixth, 11,591; seventh, 17,575; eighth, 11,744; ninth, 11,767; and the average vote therein was 12,093. In Arkansas it was: First district, 14,493; second, 14,453; third, 17,266; fourth, 15,660; fifth, 18,661; sixth, 15,319; seventh, 14,279, and the average vote therein was 16,631. In Florida it was: First district, 11,205; second, 13,882; third, 7,671, and the average vote therein was 13,102. In Georgia it was: First district, 7,368; second, 8,041; third, 6,975; fourth, 8,572; fifth, 13,147; sixth, 7,463; seventh, 14,962; eighth, 8,568; ninth, 18,813; tenth, 9,394; eleventh, 12,891, and the average vote therein was 11,806. In Louisiana it was: First district, 10,195; second, 10,750; third, 6,687; fourth, 6,325; fifth, 6,024; sixth, 6,072; seventh, 6,454, and the average vote therein was 7,701. In Mississippi it was: First district, 8,049; second, 7,279; third, 3,744; fourth, 7,135; fifth, 9,454; sixth, 5,730; seventh, 7,012; eighth, 4,934, and the average vote therein was 7,297. In North Carolina it was: First district, 16,232; second, 13,983; third, 16,141; fourth, 17,855; fifth, 28,120; sixth, 13,963; seventh, 21,628; eighth, 30,925; ninth, 23,777; tenth, 26,220, and the average vote therein was 20,613. In South Carolina it was: First district, 6,648; second, 7,845; third, 7,801; fourth, 8,735; fifth, 8,099; sixth, 8,729; seventh, 9,289, and the average vote therein was 8,130. In Tennessee it was: First district, 28,536; second, 22,097; third, 31,076; fourth, 25,076; fifth, 19,773; sixth, 17,546; seventh, 16,299; eighth, 24,847; ninth, 21,669; tenth, 17,902; and the average vote therein was 24,275. In Texas it was: First district, 14,132; second, 10,350; third, 11,427; fourth, 12,390; fifth, 12,254; sixth, 9,310; seventh, 8,147; eighth, 26,006; ninth, 12,190; tenth, 14,372; eleventh, 9,747; twelfth, 10,634; thirteenth, 17,115; fourteenth, 12,325; fifteenth, 17,401; sixteenth, 17,177, and the average vote therein was 14,625. In Virginia it was: First district, 10,157; second, 13,782; third, 14,714; fourth, 7,074; fifth, 13,686; sixth, 11,227; seventh, 14,000; eighth, 10,429; ninth, 27,604; tenth, 13,975, and the average vote therein was 12,910.

In 1902 the total vote for Representatives in most of these States was materially less; the lowest for a Member in Alabama was 5,974, and the highest 17,581; in Arkansas, lowest, 4,796, and highest, 5,817; in Florida, lowest, 4,249, and highest, 6,494; in Georgia, lowest, 2,485, and highest, 5,694; in Louisiana, lowest, 2,723, and highest, 5,882; in Mississippi, lowest, 1,146, and highest, 3,245; in North Carolina, lowest, 12,823, and highest, 29,790; in South Carolina, lowest, 3,924, and highest, 5,381; in Tennessee, lowest, 8,928 and the highest, 25,125.

Texas in the last Presidential election year polled 53,784 and Virginia 71,406 votes less than in 1902, the average vote for a Member in that year in Texas being 17,978 and in Virginia 20,050.

In no one of the States named in the bill was the average vote cast (1904) for a Representative equal to one-half the average vote cast for one in the other States. In some instances (two) it did not reach one-fifth; in others not one-fourth, and in all, save two, was below one-third.

Most of the States have a long history of disfranchisement, conclusively proving that their constitutions, laws, and plans, and the practices therein relative to elections have been effective. Some States did not get their constitutions and laws into operation until in recent years. Virginia, for example, in 1902 cast 200,509 votes, but under her later methods of disfranchisement her vote went down, in 1904, to 129,103.

The Houston Daily Post (March 7, 1906) says:

The vote of Texas dropped from 560,000 in 1892 to 235,000 in 1904, although in the latter year there were in the State 250,000 more males of voting age than in 1892. The vote of the State is steadily falling, notwithstanding the fact that the population of the State is increasing at the rate of nearly 4 per cent annually. It is scarcely probable that the total vote of the State next November will exceed 200,000, although the potential voters of the State number 1,000,000.

The vote of other States has fallen off in like manner. Where free suffrage is the rule in general, above 20 per cent of the population vote. In New York it is above and in Ohio it is about 25 per cent. So of some other States.

Assuming negroes did not vote at all in Alabama the percentage of the white population who voted in 1904 was about 10; Arkansas, about 11; Florida, about 13; Georgia, about 11; Louisiana, less than 8; Mississippi, about 9; North Carolina, about 17; South Carolina, about 10; Tennessee, less than 16; Texas, less than 10, and Virginia, less than 11 per cent. If some negroes voted in any of these States the percentage of whites who voted was proportionately less.

The severest criticism on the bill that can be fairly made is that it does not make all the reduction the facts warrant and the Constitution requires. The friends of the bill, however, prefer to err in favor of the disfranchising States. No one of the States not included in the bill, save Nevada, elected in 1902 or 1904 its Representatives with an average vote as small as would be the average vote in each of the eleven disfranchising States in electing the number of Representatives provided for in the bill if the votes cast should not exceed those of 1904, excepting Georgia, North Carolina, and Tennessee. In general, it may be said that with the bill a law, and disfranchisement continuing as now, there will be twice as many votes to elect a Representative in the States not affected by it as in any of the States included in it.

For example, West Virginia (1904), with five Representatives and seven electors and 233,129 white voters, cast 239,923 votes, while Virginia, with 301,379 white voters, cast 129,103 votes to elect ten Representatives and twelve electors. The average number of votes cast to elect a Representative in West Virginia was 47,984, while in Virginia it was 12,910. Virginia did not poll a number equal to one-half her white voters and West Virginia polled a number in excess of her white voters. In the former State disfranchisement was effectual, in the latter it did not exist.

By the rule of numbers all citizens are given representation, but those who are disfranchised are wholly without it; and nothing justifies the transfer of their voting rights to those who disfranchise them, thereby giving them a political or voting power not possessed by voters in other States or districts. Each naturally qualified voter should exercise his own sovereign right as a citizen of the Republic, and on being deprived of this right it must remain unexercised. If he is in any manner deprived of such right by his State no right is vested in it to transfer his lost right to others of his State, thereby conferring on its voting citizens a political power in national affairs not possessed by voting citizens of other States; and this is not only against the just, reasonable, and natural principles of our Republic, founded as it was, necessarily, on the universal equality and the natural rights of all free citizens thereof, as its founders declared in all their polity as well as in the Declaration of Independence. The fourteenth amendment, in clear and express terms, requires Congress to prevent, by a defined rule of reduction of representation, this invasion of the rights of voters in States, thereby recognizing the primary rule of the founders of the Republic.

NOT REPUBLICAN IN FORM.

To concentrate the political power of a State in the hands of the few, or into the control of even a majority of its citizens, they to enjoy the power all the citizens thereof might possess, leads to that injustice between States we have pointed out, and to a form of government not republican; and, if tolerated, must lead to aristocracy, autocracy, and monarchy, wherein political slavery will necessarily prevail, and the voting citizens of a State thus governed would possess unequal political power in the choice of a President and Vice-President and Representatives in Congress.

The Constitution (sec. 4, Art. IV) provides that this shall not occur without a remedy. It reads:

The United States shall guarantee to every State in the Union a republican form of government.

The Constitution (sec. 2, Art. IV) also provides that:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

And section 1 of the fourteenth amendment reiterates this provision, thus:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

These provisions are violated if certain citizens of one or more States are granted a voting power not enjoyed by citizens of other States.

And it is enjoined on Congress (sec. 8, Art. I):

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested in this Constitution in the Government of the United States.

The proviso that the United States shall guarantee to every State in the Union a republican form of government was fiercely assailed by those opposed to the ratification of the Constitution, but its importance was as fiercely maintained by those who framed the Constitution. This proviso is the sole one authorizing the Federal power to interfere with the polity of a State and correct a departure from republican principles by guaranteeing to it a republican form of government. This right, it was maintained, must rest somewhere, and could best be vested in a plenary way in the United States through its congressional power. The power intended to be granted by the proviso was not then denied; its wisdom and necessity only was assailed. James Madison, one of the framers of the Constitution, though conservative in his interpretation, in 1788, in the *Federalist* (No. 43), speaking of the importance of the proviso, says:

In a confederacy founded on republican principles and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations. The more intimate the nature of such a union may be the greater interest have the members in the political institutions of each other and the greater right to insist that the forms of government under which the compact was entered into should be substantially maintained.

But a right implies a remedy, and where else could the remedy be deposited than where it is deposited by the constitution? Governments of dissimilar principles and forms have been found less adapted to a federal coalition of any sort than those of a kindred nature.

To guard against "aristocratic or monarchical innovations" or "governments [States] of dissimilar principles and forms" being joined in the same coalition were the things intended to be prevented—this to secure uniformity and to avert the danger of their falling apart through lack of harmony of purpose and to avoid dissatisfaction among the States through an unequal political national power some States and their citizens might acquire over other States and their citizens.

Cooley and other expounders of the Constitution support the *Federalist*.

What more certain way to bring about dissensions than to allow some States, through a small number of voting citizens, to have a greater political power than other States with a much larger number of voting citizens?

The political enslavement of some of the citizens of the United States for causes other than crime is the destruction of our boasted liberty, and enters us upon the road to aristocracy, autocracy, and monarchy, especially when the few of some States or localities usurp the rights of the whole, producing inequality of political power among voters of the several States, and in some cases among voters of districts of the same State. There are instances in North Carolina and Tennessee where the lowest vote in a district is little more than one-half of the vote in other districts; in Texas this is also the case, and in some districts the vote is less, or only about one third the vote in others of the same State.

Any abridgment of the right to vote of citizens of the United States residing in a State, for causes other than crime, constitutes an "aristocratic or monarchical innovation." Especially is this true where more than one-half the natural voters in a State are deprived of all political power, as is now confessedly the case in Mississippi and South Carolina, considering only disfranchised colored citizens therein.

Greece was undone, says Montesquieu, as soon as the King of Macedon obtained a seat among the Amphycyons.

The Roman Republic fell through an unequal exercise of political power.

The once so-called confederated republics of Germany consisted of free cities and petty states subject to different rulers, and being unequal in centralized power were inharmonious and without political cohesion and consequently impossible of perpetuation. Holland was much freer from such conditions. Switzerland's cantons were substantially equal in national affairs, though not absolutely so in local respects. She still so exists in the midst of European monarchies.

The equalizing of political power is therefore not only required by section two of the fourteenth amendment, but by primary requirements of the Constitution as originally adopted. How else is a republican form of government in each State to be guaranteed, or the citizens thereof secured "all the privileges or immunities of citizens in the several States?"

To allow a few citizens of one State to enjoy the privilege of casting their votes in electing a President and Vice-President and Representatives in Congress, while in other States double or triple the number of voters do not equal them in political power, is to regard the voters of the other States as unfit or unworthy to exercise equal political power in Federal affairs.

WHAT CONSTITUTES DISFRANCHISEMENT.

Disfranchisement is an evolution in most of the States where it exists. It commenced in the early days of reconstruction—in Kukulux days—and when election frauds were common, by

the use of tissue and other fraudulent ballots, by the shotgun policy, by dishonestly refusing registration, by failing to count or return ballots cast, by false election returns, and by intimidation through riots at the polls. Then came the more convenient and less violent methods whereby, sometimes, under the forms of law, citizens are prevented from registering, going to the polls, or voting.

The privileged few knew well that to encourage or to allow the masses of white voters to vote would result in some of them aspiring to hold offices, a right only the elect few claim for themselves.

In 1904 in Alabama, Arkansas, Georgia, Louisiana, Texas, and Virginia less than one-half of the white voters voted; and in Mississippi and South Carolina but a little more than one-third voted; in Florida just about one-half voted, and in North Carolina and Tennessee a little more than one-half voted.

It is claimed that, owing to systems of primary elections to nominate candidates, voters do not take any interest in the elections, and because there is seldom any opposition candidates to Democratic candidates but few vote. Taking this as true in general in the States named, it proves that the right of the natural voters to vote has been abridged within the meaning of the Constitution.

A State must take the consequence of conditions which prevail in it. If by its constitution, laws and manner of executing them, and the general conditions of society and the conduct of its people the rights of its citizens in considerable numbers are withheld from them, or they are generally deprived of a right they would naturally desire and seek to enjoy, especially one like the right to vote at an election for President and Vice-President, or for a Representative in Congress, then it is clear such rights are denied them, or, at least, abridged.

In the years of secession or rebellion all acts of the so-called Confederate States were unconstitutional and without warrant of legal authority, as the courts have held, yet the conditions existing, however illegally produced, entailed on such States and their people a responsibility that they could not and did not escape.

Citizenship in the United States, as guaranteed by the first section of the fourteenth amendment of the Constitution, carries with it individual sovereignty which can only be exercised through the ballot, and a denial of the ballot or any abridgment of its enjoyment in any manner by a State renders it subject to a proportionate reduction of its representation. This sovereignty is never lightly surrendered or neglected, especially by the less favored classes of our people. They are jealous of this one sovereign right which they understand they ought to be allowed to enjoy on a footing with the wealthiest or more favored class. The humblest citizens are the most reliable voters everywhere in our Republic unless causes beyond their control prevent their voting. Voting is the one right they never willingly surrender; hence when the masses of voters, white or colored, do not vote, it is because their right to enjoy that privilege has been denied or in some manner abridged. It follows that where a number less than one-half of the white voters, to say nothing of the colored voters, do not vote, it may be conclusively assumed that it is not of their own volition, but because their enjoyment of the right is in some way denied or abridged. Why Mississippi should cast only 7,297, Louisiana 7,701, and South Carolina 8,130 votes, on an average, to elect a Member of this House, while Missouri cast 40,241 and Kentucky cast 39,615 votes (all once slave), on an average, to elect a Member, can only be accounted for on this assumption. To refuse to register a voter or to refuse to accept at the ballot box a voter's ballot or to not count and return it when cast is as effectual a denial or abridgment of his right to vote as to forbid his voting by State law. Suppose no attempt was made to prevent citizens from voting and they were freely invited and encouraged to do so, yet the law of the State required or allowed returning boards to throw out such votes as they pleased, and they did so, would it still be contended that there was no denial or abridgment of the right to vote? The scheme of denial or abridgment is wholly immaterial.

The Constitution only regards the fact. If the shotgun policy which once prevailed in certain parts still prevailed as then with popular acquiescence or approval, it would also be a denial of the citizen's right to vote, or an abridgment of such right. If the people of a State persist in denying the right of large numbers of its citizens by any policy of intimidation or fraud through its election machinery or election officers, the denial is none the less effectual than if it results from State law or a constitutional provision. So the fact, appearing from year to year that only a fraction of the natural number of voters in a State actually vote, becomes convincing that the others are sub-

stantially all denied the ballot or that their right to vote is in some manner abridged.

A disfranchised voter has not the right and can not confer on another or others the right to vote for him, nor can his State. The power of the ballot is nontransferable; it can not be delegated; it admits of no agency; it is the only mode of exercising individual sovereignty by the citizen, and in its exercise there are no political or class castes, degrees, or distinctions; and by the ballot the humblest citizen of the United States is enabled to stand at the polls abreast, and as the peer, of the wealthy, the most haughty and aspiring in the Republic. With the ballot in hand, the humblest of our people stand equal by the side of those who assume superiority or supremacy, and by its power injustice and oppression may be averted, and the unworthy in high places may be cast down, the Union upheld, and the rights of man preserved and maintained when in danger. The ballot stands for law against the lawless, for official honesty against dishonesty, and without it and its equal exercise there can not long be maintained in its integrity a union of States, with a common purpose such as ours was intended to be, in fact as well as in name, and to be perpetuated through time.

The Declaration of Independence (1776) and the Articles of Confederation (1778) and the Constitution our forefathers framed (1787), were each based on the fundamental idea of equality in making and administering the laws, in the choice of executive officers, and of representatives in legislative bodies. The central idea was individual equality of citizenship; this to escape the fetters of oppression that had been forged by the King and Parliament of England.

Taxation without representation led to the Declaration of Independence, to revolution, to war, to the founding of our new great Republic, and to the Constitution of the United States for the government of a free people by a free people, under one flag, with one destiny, and to a nation now first of the powers of earth.

The defiant cry of our Revolutionary fathers was:

Millions for defense, but not one cent for tribute.

The ship of state, armored and protected by the Constitution, has ridden for above a century and a quarter the stormy billows of mighty political seas, coming at times close to danger shoals and rocks and reefs, barely escaping the doom of destruction common to all nations, monarchies, or republics that recognized or tolerated human slavery; and it was saved only by the irresistible might of Divine power, embodied and worked out through the equal rights of man as written in the original Constitution, reenforced by the three amendments—decrees of successful war—engrossed in the blood of the fallen heroes who fought for and against the natural and equal rights of humanity and for universal liberty.

If we have drifted from a safe anchorage it is our duty at the earliest time possible to take soundings anew and right the proud old ship of State and keep her on a course where she may ride in eternal safety.

Our country, thus typified, should continue to be not only first of the earth, but an example to be imitated through time by nations desiring to govern their people humanely, recognizing at all times and under all circumstances the equality of all participating in the governing power; and to be pointed to by the oppressed of all lands as a country of the free and as a warning to oppressing nations that, in God's time sooner or later to come, they too must yield to a freer and better government and grant equal liberty to their subjects or the common fate of nations founded on inequality and tyranny will come. The world is just now witnessing the defiant, autocratic, despotic empire of the Czar of Russia surrender its long continuing power of the centuries on the demand of her mighty hosts of long-oppressed subjects. The fates and God alike are inexorable.

The claim that reduction of representation can only be enforced as a punishment or to penalize a State merely because it will not allow the negro to vote, or that it should not be done because, by possibility, representation in other States should also be reduced, is unfounded. There is no such thing as penalizing a State under the Constitution. It works no wrong or injustice to enforce the Constitution, and nothing enjoined by it is sectional, and not to enforce it propagates a wrong, works inequality in, and continues injustice to States that allow the citizens of the United States residing therein to vote. These latter States are penalized by not enforcing the Constitution. To refuse or neglect to enforce the Constitution in any respect shows disregard of it, and if persisted in will lead to its destruction. That other States not mentioned in the bill should suffer a reduction of representation is not worthy of

consideration, for if such is the case then the same rule of reduction should be applied. That other guilty persons have escaped punishment has been a common complaint of offenders about to be brought to justice ever since Cain killed Abel.

But the Constitution is directed against a State which denies or abridges suffrage, and the necessity for reduction in one State does not require or authorize reduction or increase of representation in any other State or States. Save in disfranchising States, as already stated, the rule of apportionment based on numbers is unchanged. (Sec. 2, Art. XIV.)

With all the expedients at work, how are we to determine the extent of the denial or abridgment, save by actual results in normal election years? It is not pretended that if the election returns do not show that all the voting population of a State have voted, the presumption of disfranchisement arises. It is not to be presumed that all of the voting population of a State who do not vote are disfranchised, for in all the States, through usual and natural causes (such as illness, bad weather, bad roads, inconvenient voting places, natural indisposition, etc.), many do not vote who would be allowed to vote, but it is fair to presume that where the vote is unnaturally small the fault is with the State.

Recurring to the amendment we see that the denial or abridgment must be in the right to vote for President, Vice-President, Representatives in Congress, the executive and judicial officers of a State or the members of the legislature thereof. If the denial or abridgment is only as to one of the enumerated classes of officers reduction of representation in Congress is still required. Just why this was made so may not be very clear, for State, executive, and judicial officers and legislators have no direct connection with Federal officers or influence over their action. The executive of a State, however, often has the right to appoint a Senator, and legislatures elect Senators and also form Congressional districts, while the State judiciary construes election laws.

Whatever the reason may have been, it is clear that Congress is given power to reduce representation in a State when citizens with a natural right to vote are deprived of it in either of the cases named. So, even though there was no disfranchisement in a State in an election for President, Vice-President, or Members of Congress, and it existed in electing either of the State officers or legislators named, the right of reduction would still exist. This shows the great care of the framers of the amendment to secure, and how important they regarded such right. In all respects the proviso was drawn to the end that its purpose could not be defeated. To provide that reduction should follow when the right to vote is denied was evidently not deemed sufficient to accomplish the desired end, hence, later in the sentence, the words "or in any way abridged" appear. The Congress had, as the debate shows, a fixed purpose to provide for the equalization of the voting power among voting citizens of the several States in case any one or more of them denied, or in any manner abridged, suffrage therein.

Nor does the language provide that such denial shall be by lawful or unlawful methods; it is sufficient if it is accomplished in fact, with or without State law, or with or without the forms of law. If done by intimidation or by violence of communities, organized or unorganized, or by fraud, either in the common practices of dominant people of the State, or in the execution or administration by its officers of the constitutions and laws thereof relating to elections, or by other evasive methods, the result is the same as though done under the ordinary and direct forms of law, and the consequence must be the same. What boots it to the wronged voters of nondisfranchising States and districts how the disfranchising was brought about? Their rights are invaded the same, regardless of the expedients or devices resorted to.

The amendment, being benign in character (118 U. S., 356) and intended to secure personal rights, not to defeat them, is therefore entitled to a liberal construction (an established rule of construction in courts of justice) to the end that its purpose may be accomplished.

That disfranchisement may be accomplished within the meaning of section 2 of the amendment may be regarded as judicially settled by our Supreme Court in the Williams case (170 U. S., 213), wherein Mississippi's election laws were drawn in question, and involving a clause of section 1 of the fourteenth amendment relating to a denial by a State of the "equal protection of the laws" to citizens of the United States. The court held that the case (one involving jurors) as presented, or the Mississippi statute on its face, did not show a denial to the complainant of his right to the equal protection of the laws, and therefore was not entitled to the relief prayed for; yet it made clear, without dissent, that if a case had been made showing that through the administration of the election laws

the plaintiff had been deprived of any right, he would have been entitled to relief.

I quote from the opinion:

There is no charge against the officers to whom is submitted the selection of grand or petit jurors, or those who procure the lists of jurors. There is an allegation of the purpose of the convention to disfranchise citizens of the colored race, but with this we have no concern, unless the purpose is executed by the constitution or laws or by those who administer them. If it is done in the latter way, how or by what means should be shown.

This case cites and affirms the California laundry case (118 U. S., 356), wherein it is held that public authorities charged with the administration of a law or ordinance represent the State, and that they may act so unequally and oppressively "as to amount to a practical denial by the State" of the equal protection of the laws. I quote from the latter case:

And the facts shown establish an administration directed so exclusively against a particular class of persons as to warrant and require the conclusion that, whatever may have been the intent of the ordinances as adopted, they are applied by the public authorities charged with their administration, and thus representing the State itself, with a mind so unequal and oppressive as to amount to a practical denial by the State of that equal protection of the laws which is secured to the petitioners, as to all other persons, by the broad and benign provisions of the fourteenth amendment to the Constitution of the United States. Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution. This principle of interpretation has been sanctioned in 92 U. S., 259; 92 U. S., 275; 100 U. S., 339; 103 U. S., 370, and 113 U. S., 703.

The clause, however, of section 1 of the amendment requires an absolute denial of the equal protection of the laws, hence not to be compared with the clause in question in section 2, which contains the broad, qualifying words "or in any way abridged;" that is, "in any way" reduced, cut down, shortened, though not denied. Hence, if the right to vote is not actually denied, but only in some way abridged, the rule of reduction obtains.

There is not time now to review and show how the constitutions and laws and their administration operate or have operated to disfranchise white and colored citizens alike, or the varied means devised to reach that end. As an example and illustration I quote from a Mississippi supreme court case (20 So. Rep., 865) to show the many expedients resorted to:

Within the field of permissible action under the limitations proposed by the Federal Constitution, the convention swept the field of expedients, to obstruct the exercise of suffrage by the negro race. And further the court said, speaking of the negro race: By reason of its previous condition of servitude and dependencies, this race had acquired or accentuated certain peculiarities of habit, of temperament, and of character, which clearly distinguished it as a race from the whites. A patient, docile people; but careless, landless, migratory within narrow limits, without forethought; and its criminal members given to furtive offenses, rather than the robust crimes of the whites. Restrained by the Federal Constitution from discriminating against the negro race, the convention discriminates against its characteristics, and the offenses to which its criminal members are prone.

But if the laws of a State are so ineffective, or so poorly administered, or society therein is so vicious, so disorganized, and so chaotic that large numbers of its citizens are not able, or not allowed, to enjoy the elective franchise, the State must be held to have denied or abridged the right to enjoy it. In other words, the State is so far responsible for a proper organized government within it that it can not escape consequences on the puerile plea that it does not deny or abridge natural rights to citizens of the United States by express or direct provisions of law, but only by sinister and evasive expedients, or by the unjust administration of the laws. If negroes are disfranchised as effectually by laws other than such as would discriminate against them on account of race or color, or through the wrongful administration of laws, or from violence, or fraud, or in consequence of a condition of society existing in a State, the result is the same; and the same evil effect on other States and their voters likewise results, calling as imperatively for the remedy the Constitution provides as if there was a denial or abridgment of the right to vote by express provisions of organic law. The framers of the amendment had a purpose to attain, and they used language to compass it, which can not be overridden by mere technical construction.

It is inconceivable that the great, earnest, and learned statesmen who framed the fourteenth amendment did so on the theory that it was only applicable to a State that denied or abridged the right of citizens to vote therein by open, honest, and direct proceedings, and that it was not designed to be applicable to a State that accomplished disfranchisement through fraud, chicanery, violence, indirection, by unjust and unfriendly administration of law, or without law, or by "sweeping the field of expedients to obstruct the exercise of suffrage by the negro race." To admit the latter as their theory of the constitutional provision presupposes that they framed it as a mode

of encouraging and inducing the most sinister and vicious of methods, and as a premium therefor.

The amendment had for its object the equalizing of the voting power of citizens of the different States, and to accomplish this no regard was paid to the methods used to acquire unequal power.

It is not proposed here to review the constitutions and laws of the several States. This is largely unnecessary, save, possibly, as to a few of them, as disfranchisement is openly avowed and boasted of by public officers, prominent men, and the public press in many of the States named in the bill.

A State must be held responsible for the conditions existing in it, especially in so far as they affect political rights of other States and their citizens, and this whether the conditions result from law or lawlessness.

It is said an educational test does not disfranchise, nor a poll tax. Whatever might be a defense to a personal claim for relief if one could be preferred by a disfranchised voter against officers for refusing his vote in such tests, it is certain that others in the disfranchising States can not become, individually or collectively, endowed through them with increased national political power, or that States wherein there are no such tests, and their citizens, must thereby lose a share of their political power in the Republic. What is contended for, and only that, is that a vote in one State shall count for as much in the Republic as a vote in any other State. To say a citizen should, or could, learn to read, and could or should have money and pay a poll tax does not tend to show there was no denial or abridgment of his right to vote within the meaning of the Constitution. Whatever operates to prevent suffrage in a State is a denial or abridgment of it. But an educational test in a State that is not designed to promote education, but only to disfranchise citizens, is an abridgment of the right to vote. And a poll tax that is not imposed as a means of raising revenue and not even collectible by law of parties financially responsible is simply a like abridgment. Registration laws impossible to be complied with on the part of the natural voter, taking into account his condition as to education or property, is also a denial or abridgment of his right to vote.

Laws are made with reference to existing conditions and the purposes designed to be accomplished. Their purpose and the motives of the legislators in enacting them—

may be disclosed on the face of the acts, or be inferable from their operation, considered with reference to the condition of the country and existing legislation.

The motives of the legislators, considered as the purposes they had in view, will always be presumed to be to accomplish that which follows as the natural and reasonable effect of their enactments. (170 U. S., 704, 710.)

It was the understanding, as repeatedly stated while the fourteenth amendment was under consideration in Congress, that the negro might be disfranchised because of illiteracy and for reasons other than on account of color. Senator Fessenden, of Maine, in a speech delivered while the amendment was pending in the Senate so stated, as did others. They then said they feared such disfranchisement would come, but that a consequent reduction of representation would restore and preserve equal Federal political power among the States and all the voters thereof, and might lead to the negro being educated to prepare him for suffrage.

Mr. Garfield, since President of the United States, also one of the framers of the amendment, expressed similar views (September 6, 1871).

Mr. Shellabarger, of Ohio (December 12, 1871), one of the greatest of statesmen, a profound lawyer, who brought his legal learning to bear on all important national and political questions, also a framer of the amendment, in a speech here, bore testimony as to the meaning and purpose of the amendment as understood by those who prepared it. He then said that its purpose was to secure equality here, and in the electoral college by a reduction of representation if disfranchisement came on account of educational or property qualification, or on any other account. Speaking of such qualifications he said:

You have your choice. The design of this constitutional amendment was that the poor man, the ignorant man, the colored man, should be secured, should be guaranteed his right to vote; that the States should not deprive him of this right of representation except by taking the consequences of not having in this Hall representation for those of his class.

It follows that an administration of the constitution and laws of a State, regardless of what they are, which prevents citizens from voting, results also in such denial or abridgment. The election laws are made and executed in a State with reference to the education and property, or want of it, possessed by its citizens; so we must interpret the laws as to their intent (if that is important in the solution of this question), and

especially, as here, when the intent attributed is proved by the practical result of the law's operation.

The fourteenth amendment was adopted with full knowledge of the illiteracy and poverty of colored and white persons in all the States, and of their political status and condition, also capacity and fitness to enjoy political rights and the necessity to possess them; in the light of all this the amendment must be interpreted.

But neither an educational nor property qualification, nor a poll tax, can be held to be other than disfranchising expedients. If the ability to read and write, or the ownership of \$500 in value, or the payment of a \$2 poll tax, could be a test free from a constitutional denial or abridgment of the citizen's right to vote, then the requirement might be that he should be able to read and write Greek, Hebrew, Sanscrit, and Latin and work all the propositions in Playfair's Euclid, or that he should own \$100,000 in value of property, or should pay as a condition of voting a poll tax of \$1,000 or more, or meet all three requirements combined, or others even more severe. What manner of autocracy or plutocracy would this establish? Would we still have a republic based on individual sovereignty? Who would say this would not deny or abridge the right to vote even in the most favored parts?

If inability to read and write, to possess \$500 in value in property, or to pay \$2 poll tax, or other like requirement, necessarily operates to prevent large numbers of citizens of a State from voting, is not the denial or abridgment as complete as it could be under any other requirement? It is therefore proper to say that anything that operates to deprive a natural voter of his right to vote is a denial or abridgment of such right.

Taking conditions into consideration the educational or property qualifications required are such that they can not possibly be complied with by large numbers of natural voting citizens. This was well understood when the requirements were made, and this impossibility was then well known to the State and its authorities. It follows that it was intended to be a denial or abridgment of the right to vote. No respectable authority goes so far as to say that an educational or property qualification or a poll tax that works disfranchisement in fact does not abridge the right to vote, within the meaning of the Constitution. The important thing is the denial or abridgment of the right to vote, not the manner of doing it.

The plea that the fault is not with the constitutions and laws of the States, but with the ignorance and poverty of the negroes and poor whites, hardly deserves attention. It is too soon after slavery to charge disfranchisement by the State on its ignorant and poor; that the disfranchised and not the State are to blame, and therefore other States and their citizens should not be allowed to complain of political inequality or have the Constitution enforced. The people constitute the State, and it, in an organized capacity, is amenable for the people's conduct and shortcomings regardless of their condition.

It is further claimed that as any State, subject only to the limitation fixed by the fifteenth amendment, may regulate the suffrage of citizens residing therein, the remedy against inequality of voting power is for each State to deny and abridge the suffrage to an extent great enough to produce political equality; that is, for all the States to vie with each other in denying or abridging the right to vote. In doing this the Hebrew, the German (as was attempted recently in Maryland), the Irishman, and those of other nationality or nativity, and the poor, are, of course, to be the victims. There are not enough colored citizens for this universal political slaughter.

The suggestion may be safely made that no candidate of any party will go, or will ever dare go, on the stump in any Congressional district in any State where suffrage is free and advocate the right or policy of a voter in other districts or States to continue to exercise two or more times as much Federal power as the voters of his own district. No matter what the previous politics of the district has been, the candidate who would do this would be beaten. The time is near at hand when in no district thus situate a candidate of any party can be elected who does not advocate equalization of representation between the States on the rule of the Constitution.

It is inconceivable that any man of any party would dare expect public support who claims his constituency is not equal in capacity and political right to that of any other district in any State. When the time comes that statesmen can successfully claim a voter in one part of the Union is superior in right to a voter in other parts, the end is near.

There is no party in this country which will ever dare declare in its platforms that it believes that voters in some sections or States of the Union ought to enjoy (as they now do) undue voting power. A party with such platforms would be without supporters.

Instead of meeting the question fairly, the Democratic party, which has always boasted that it stood for the common people and their natural rights, raise the false cry that to reduce representation as the Constitution provides would be sectional, raise the race question, promote social equality, lead to negro domination, penalize the disfranchising States, bring about negro suffrage, etc. Some few say those who seek to enforce the Constitution are prompted to it because they desire to keep up old war issues and to wave the "bloody shirt," and because they love the negro better than white people, and because people South vote the Democratic ticket, just as though, if these things were not also false, it would afford any excuse for not enforcing the Constitution, especially that part resting on principles of justice and designed to secure equality of citizenship. If there be partisan Democrats North or South who favor perpetuating the iniquitous political inequality between different sections of the Union to promote party success, the people will soon cease to support them. The good sense of the people will little longer be misled by false cries or false issues, raised to induce them to surrender their just share of political power.

To demand equal political rights for our own constituents raises no race question, does not promote social equality, does not tend to promote negro domination, does not punish disfranchising States, does not stir up war or sectional animosities, or raise the cry of "bloody shirt," or show love for the negro race above the white race, nor that the motive is to punish any State because it permits an elect few to vote the Democratic ticket only. Putting these and other like things forward, which no sane man of ordinary capacity believes true, is a confession that there is no way of fairly meeting the real question.

If the honest enforcement of the Constitution will tend to an enlarged suffrage it will be because the States may prefer to allow its white and colored now disfranchised citizens to vote rather than lose representation in Congress or the electoral college; that is, would prefer to have their own citizens vote if a select few are not permitted to vote for them and have representation based on them.

The latest claim is that the Constitution should not be enforced, though suffrage is denied because these States have only been engaged in "reforming the suffrage." Denying or abridging suffrage as a means of reforming it is, as has already been shown, undemocratic, against the principles on which our Republic was founded, autocratic and monarchical in tendency, but to superadd the right of the few to vote for the disfranchised, ignoring the universal equality of citizenship in the Union of the States, is to establish caste or class distinctions therein not justified on any principle, and which, continuing, will inevitably result in the overthrow of free government. To disfranchise citizens and then exercise all political power over or for them is to allow those not disfranchised a power, even within the State, repugnant to democratic institutions, and to extend such power over citizens of other States creates an oligarchy in the most objectionable form.

In some States peonage of the working man, regardless of race, has already arisen.

Maryland recently tried to inaugurate a scheme of disfranchisement applicable to white and colored alike, but her people called a halt. This nation is awakening to the danger impending, and its people will demand the enforcement of the Constitution and the preservation of their political rights. Political slavery will cease to exist.

It was once believed that in time certain States would so regulate suffrage as to avoid the necessity for enforcing the Constitution relating to representation in Congress, but instead State constitutions and laws have been made and so administered as to, from year to year, deny or abridge suffrage. The future promises no change.

That the South has some good laws, has established schools, and is now prospering is the slogan of some interested persons who desire to continue the unequal Federal voting power. What a plea for even a bad cause! As a premium to certain States and their elect few for not making all vicious laws, for not prohibiting common schools, and for availing themselves of sensible business methods or taking advantage of the general commercial prosperity of the country and for embracing conditions incident to freedom instead of clinging to effete ones of slavery times, it is claimed they should have the right to deny or abridge suffrage, and then, in national affairs, to vote for the disfranchised and enjoy a political power not enjoyed by citizens of other States. Has it come to this, that because certain citizens are not wholly bad they should be made superior to others who go not astray? Other States and their people have long had good laws, good public schools, and have enjoyed prosperity, and they ask no political supremacy, but seek their reward in the consciousness of having done right, and in the

consequent good they derive therefrom. Such an excuse for violating the Constitution and usurping undue political power was never before advanced. In the business centers in the South, where there is great prosperity, sound commercial methods and money were imported. So of any general prosperity throughout the South.

In politics and political methods alone the disfranchising States have not advanced. History will show that lawlessness has grown rapidly in regions where election frauds and crimes exist and political rights have been withheld. There criminals are bred and thrown upon society elsewhere. Says one, What will the member from Ohio say on the subject of riots in his own city? I have no defense for lawlessness there or anywhere. There was no race or political war there, or nothing approaching it. The authorities, civil and military, protected the guilty negroes after their arrest, but the bawdy house, where they were harbored, was destroyed. Those caught in the lawless acts were put in prison, and, on trial, convicted and punished by jury and the courts. Can others say so much? The colored people there are, in general, peaceful citizens, with their own churches and Young Men's Christian Association. They send their children to the public schools, and are allowed to work side by side with white citizens in the factories and elsewhere. They sit on the juries with them without question. Neither Democrats nor Republicans assail them on account of their race or color, either in business or politics. Both parties defend and uphold them in the enjoyment of their political and other rights. Colored men guilty of crime are subject to the same condemnation as white men, no more, no less.

But is it not far from a satisfactory reason for not enforcing the Constitution of the United States to say, if even true, that one of the thousands who asks its enforcement resides in a city where a riot occurred?

FOURTEENTH NOT SUPERSEDED BY THE FIFTEENTH AMENDMENT.

The claim that the fifteenth amendment supplanted the fourteenth needs only brief notice. The necessity for and language to be used in the fifteenth amendment was under consideration when the fourteenth was framed. One or more of the States ratified the fourteenth after the fifteenth had become part of the Constitution. The two are not inconsistent. The former, among other things (sec. 1), defined citizenship in the United States, and provided that no State should make or enforce any law abridging the privileges or immunities of citizens of the United States, nor deprive any person of life, liberty, or property without due process of law, nor deny to persons within it the equal protection of the laws; then followed (sec. 2) with the rule of apportionment based on numbers with the provision for reduction of representation, each and all relating to white and colored alike. It would be just as reasonable to contend that the fifteenth took away citizenship as defined in the fourteenth, revoked the inhibition against the right of a State to abridge the privileges and immunities of citizens, or its right to deprive persons of life, liberty, or property without due process of law, or to deny to persons the equal protection of the laws, as to contend that it took away the power of Congress to reduce representation.

The fourteenth amendment defined citizenship because it had never before been defined in the Constitution, and the Dred Scott case (19 How., U. S., 393) held negroes were not citizens. All the parts of the fourteenth applied to and for the benefit of both white and colored people. The fifteenth was adopted for the sole purpose of prohibiting a State from denying the right of citizens to vote "on account of race, color, or previous condition of servitude," but it otherwise left to the States the same right they before enjoyed to regulate suffrage. This amendment also applied to all races. If it had not been so intended, color or previous condition of servitude would have only been mentioned.

It is as important in equalizing voting power among States and districts, as we have seen, that reduction of representation should be made regardless of who are denied suffrage. The fifteenth amendment left the right to regulate suffrage with the States, as though it had not been adopted, save the limitation on account of race, color, or previous condition of servitude; and they have so regarded this right. The sequel has proved abundantly the necessity of the requirement for reduction of representation to equalize Federal voting power and that disfranchisement has gone on notwithstanding the fifteenth amendment, which "does not confer the right of suffrage." (92 S. S. 214, 542.) Nothing in its language justifies the claim that it was intended to repeal the earlier amendment. Repeals by implication never arise save when a later is plainly inconsistent with an earlier enactment. Here there is no inconsistency at all. Repeals by implication are not favored when legislative enactments are involved, and never when constitutional

provisions are involved, save when one can not be enforced without plainly conflicting with another. Constitutions are made more deliberately, as a rule, than statute laws. Constitutions, as well as statutes, are required to be construed to avoid, if possible, repugnancy, and so as to give effect to all their provisions. (Potter's Dwarrris, 145.)

Those who framed both amendments did not dream of their conflicting, on the contrary, regarded them as in perfect harmony, as we have seen and shall see.

The history of the amendments is instructive. Each is an evolution. The "Ohio Idea" was first advanced, providing that negroes should be counted in making up representation only in States where they were permitted to vote. Then came Mr. Stevens's plan to base it on legal voters alone. Then followed Mr. Conkling's plan to apportion Representatives among States according to number, with the proviso:

That whenever in any State, the elective franchise shall be denied or abridged on account of race or color, all persons of such race or color shall be excluded from the basis of representation.

This being referred to the Joint Committee on Reconstruction, was reported back in a new form, but in substance the same; it passed the House, but, after many attempts so to amend it as to also incorporate what is now the fifteenth amendment, prohibiting disfranchisement on account of race or color, etc., it was altered and passed by both Houses in its present form, the conclusion being then reached, Southern Members aiding, to vest Congress with power to reduce representation where the right to vote was denied or in any way abridged for any cause, whether in consequence of an educational or property qualification, or on account of race, color, or previous condition of servitude. There was almost a general agreement that if inequality in voting power arose between States, Congress should have the power to adjust it.

If we keep steadily in view that the central principle embodied in the second section of the fourteenth amendment was to secure, as nearly as possible in human affairs, universal equal political power, as exercised through the elective franchise in the several States of the Union, we will avoid technical theories.

If the fifteenth amendment had prohibited an educational test or a property qualification of a voter, it would have as much effected the fourteenth as it does in its present form.

The three war amendments were proclaimed and ratified in the order of their numbers, December 18, 1865, July 28, 1868, and March 30, 1870. (Virginia ratified the fourteenth after the fifteenth had been submitted.) And substantially the same Senators and Representatives, after the fifteenth amendment was ratified, gave their understanding of the continuing existence of the fourteenth by passing a law, never repealed, dated February 2, 1872 (now section 22, R. S. U. S.), embodying the language of section 2.

When the fifteenth amendment was adopted and ratified, the necessity and importance of the rule of equalizing the political power of the States and of the voters thereof were great and well understood, and they are now still more apparent than then.

Time and again our Supreme Court has recognized the fourteenth without a suggestion that it had been in any part superseded by the fifteenth. (92 U. S., 542; 100 U. S., 313, 339, 345-9; 103 U. S., 389; 170 U. S., 213, and 118 U. S., 356.)

Justice Strong, speaking for the court, uses this language:

But the Constitution now expressly gives authority for Congressional interference and compulsion in the cases embraced within the fourteenth amendment.

He says further, in speaking of this amendment:

It is these which Congress is empowered to enforce, and to enforce against State action however put forth. Whether that action be executive, legislative, or judicial, such enforcement is no invasion of State sovereignty. No law can be which the people of the States have by the Constitution of the United States empowered Congress to enact. (100 U. S., 246, 248.)

So, to enforce the Constitution is not sectional.

REDUCTION NOT A JUDICIAL FUNCTION.

It is also claimed that notwithstanding section 5 of the fourteenth amendment empowers Congress "to enforce by appropriate legislation the provisions of the article" it is without power to act, because in so acting it would exercise a "judicial function" wholly vested in the Supreme Court and other courts of the United States. (Constitution, Art. III, sec. 1.) No conflict of power between Congress and the courts can possibly arise. Whatever power is imposed on Congress includes the right to find whatever facts are requisite to its enforcement and in doing this it exercises a legislative and not a judicial function.

If a constitutional provision requires Congress to do anything requisite to its enforcement, the fact that another tribunal is usually charged by the same instrument with the power to do the same or a like thing does not take away the constitutional duty or right of Congress to act. The President is very fre-

quently required, both by the Constitution and the laws, to find facts precedent to executive action, and, when found, there can be no review, either as to his finding or as to the action he has based thereon. So, as to the exercise of the legislative powers of Congress, which are plainly vested in it by the Constitution. If it were true, as claimed, that all judicial power was vested in the courts by one section of the Constitution, it is equally true that another and later one gives Congress the exclusive right to do whatever is necessary, whether judicial in its nature or not, to enforce the fourteenth amendment.

What is meant by the "judicial power of the United States" need not be discussed here; it is enough to know that it does not include any Congressional power. That there are difficulties in the way of exercising a power is no argument against its existence. Congress, when it submitted, and the States, when they ratified, the amendment, understood the difficulties in the way of its execution; yet the anticipated necessity for a remedy to preserve the underlying principle of equality among the sovereign people of the States was so great that they enjoined the important duty on Congress alone.

On this question our courts have spoken.

Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the legislative, the executive, or the judicial department of the State. (100 U. S., 313, syllabi.)

In the same report (p. 345), answering talk about judicial power in the enforcement of the fourteenth amendment, and referring to the power granted to Congress by the fifth section thereof, and like sections to the other amendments, the court says:

All of the amendments derive much of their force from this latter provision. It is not said the judicial power of the General Government shall extend to enforcing the prohibitions and to protect the rights and immunities guaranteed. * * * It is the power of Congress that has been enlarged. Congress is authorized to enforce the provision by appropriate legislation. Some legislation is contemplated to make the amendments fully effective. Whatever legislation is appropriate * * * is brought within the domain of political power.

CONCLUDING REMARKS.

Some inequality arises out of apportionment by Congress to the States, and in the formation by the States of districts of unequal population, but in neither case is disfranchisement involved. Congress and State legislatures are presumed to act reasonably, thereby avoiding as far as possible any such inequality. Washington regarded the first apportionment act passed by Congress so inequitable as to require him to veto it, and thus came about, under the advice of Jefferson, Randolph, and Madison, the first veto message (April 5, 1792) under the Constitution. (Elliot's Debates, etc., vol. 4, p. 624.) This shows, that from the beginning, equality of representation was regarded as of primary importance.

The impious doctrine of the Old World was that the people were made for the kings; it is none the less impious when some of the people are regarded as made for a self-chosen few who usurp their rights, and assume to exercise them unequally against others as well.

The work of disfranchising is not so elevating in character as to ennoble those engaged in it, and to give them increased governmental Federal power.

That all political power is derived from the consent of the governed has always been the battle-cry of true Jeffersonian Democracy. What is to be said when the voice of the governed is stilled, and those who brought this state of things about assume for themselves more than their natural or equal political power in the Union?

The common cry now is, that through trusts, insurance frauds, unjust transportation rates, and the like, the people are being robbed of their estates. What is left but to rob them of their equal political sovereignty?

Time, more than sufficient, has elapsed to demonstrate that those who arrogate to themselves the right to judge who of the white and colored citizens should or should not vote intend to deny or abridge suffrage to the extreme limit. This calls for the application of the remedy the Constitution wisely provides. This remedy, it is sincerely believed, will not only be in the interest of the States that have not entered upon the work of disfranchising, but will prove to be in the interest of all the States of the Union.

The Democratic party in recent national convention seemed to declare, in good faith, for "equality before the law of all citizens." Why not favor equality "of all citizens" in making the law?

That party then declared: "We deny the right of the Executive to disregard or suspend any constitutional privilege or limitation." Why not deny the right of Congress "to disregard or suspend any constitutional privilege or limitation?"

It also, then, was in favor of guaranteeing to our citizens

when abroad, "native-born or naturalized, and without distinction of race or creed, the equal protection of the laws and the enjoyment of all the rights and privileges open to them under the covenant of our treaties." Why not guarantee to them the same equal rights in the United States?

It also demanded equal rights and self-government for the 6,961,339 Filipinos halfway around the world, which met with a concurring response by its late standard bearer (Mr. Parker), who, in his acceptance speech, asked in addition to have guaranteed to them the rights and privileges of the fourteenth amendment of the Constitution. Why not guarantee to 85,000,000 of our citizens in the States the same equal political and constitutional rights?

I am not now hoping for or expecting absolute equality in representation in our Government, but only such approach to it as may reasonably be attained, taking all the complicated conditions into account. My bill may not be perfect in that it does not even go to the danger line of doing injustice to any State or its people. The Representatives provided for by the bill will each be elected with a much less vote than was cast in 1904 in any State not named, Nevada excepted, and generally with less than one-half such vote. But of paramount importance is the recognition of the principle of equality in representation and among the voters of the Republic.

This Hall is the only place where the people in a representative capacity may be heard. The President and Vice-President are not chosen directly by the people. In twenty-one elections from and including 1824 (first year the vote was recorded) ten times a President has been chosen who had only a minority popular vote—Adams, 1824; Polk, 1844; Taylor, 1848; Buchanan, 1856; Lincoln, 1860; Hayes, 1876; Garfield, 1880; Cleveland, 1884 and 1892, and Harrison in 1888.

The Senate is based on a theory of equality in statehood.

If we maintain inequality in electing Members of this House, we shall have nothing left of true republicanism.

Daily this House rings with vehement speech about equalizing salaries of clerks and employees, especially those of old soldiers who long since furled their war flags and are now toiling—some of them with broken bodies—to earn their bread by the sweat of their furrowed and battle-scarred faces. Why not also equalize representation here and in the electoral college, as the Constitution enjoins us?

Regardless of misrepresentations and personal abuse (prompted partly by ignorance and partly by interest), I shall try to do my duty uninfluenced by them. I have the kindest feeling for my southern fellow-citizens. I have been received by them with great kindness. I commanded in the recent war with Spain many volunteer military organizations of Southern States. I bear witness to the true spirit of patriotism and devotion to duty, to the restored Union, and to the flag, of the gallant men belonging to them. They, if the occasion had come, would have shown as great heroism as was ever shown by any men summoned to battle, and in achievement would have done honor to the brave men from whose loins they sprang. For the old Confederate soldier I have no feeling but of sympathy, respect, and kindness. No hatred or ill-will rankles in my breast toward the South. Both North and South have paid in blood, tears, and treasure the full penalty for the entailed crime of the ages—slavery. In getting rid of one dire evil, let us not nurse into life another one fraught with equal danger to the Republic.

It is suggested that because there is woman suffrage in some of the States and because some States permit persons not citizens to vote that the constitutional rule of reduction would work unequally. This can not be true, as the rule of reduction is based alone on the denial or abridgment of the right to vote of "male inhabitants * * * 21 years of age, citizens of the United States." Difficulties encountered in exercising a power do not warrant a refusal to exercise it.

It is too much to expect that in one speech all the groundless objections to Congress, or its Members, performing their constitutional duty, can be noticed.

It is wholly foreign to the question of equality of suffrage, through which, alone, equality of American citizenship can be secured and a republican form of government in States maintained, to complain of reconstruction after the civil war; or to say that the right of suffrage was originally left to be regulated by the States; or to say that they still possess that right; or to say that the disfranchising States are now only "reforming the suffrage;" or to say that in some of such States there have been schoolhouses built "upon every hill;" that population is increasing; that illiteracy has declined; that the mileage of railroads has increased; that cotton mills have sprung up, or that banking capital has increased largely, etc. These facts testify of prosperity which could not be attained while slavery existed in the South. They testify to the improved economic conditions

of freedom, and do not prove that a voter in one section should have political power not possessed by a voter in other sections of our Union. Nor is it necessary for us to discuss here whether or not the fourteenth amendment "prohibits a just and fair regulation of suffrage." Nobody claims it does; but, when regulated, the amendment forbids those who are to enjoy it from voting for and having representation based on those regarded unfit to exercise the elective franchise. If unfit, this amendment regards them unfit to be counted in apportioning representation in Congress and in the electoral college, and denies those who, by reason of their assumed superior qualifications, do vote the right, in effect, to vote for the disfranchised, thereby gathering to themselves a political power not possessed by voters in States that do not believe that depriving the masses of citizens of the right to freely vote and to have their votes counted is to "reform the suffrage."

I plead for the sacredness of the Constitution and for the enforcement of all its provisions; for that first written charter of national freedom, born amid the throes of kingdoms and empires, to plant, preserve, and perpetuate civil and religious liberty in the world, and designed as a shield for the oppressed and persecuted. It came only after the flames had died out in the crater of a war waged for the equality of man before the law; its price was the blood and treasure of the patriots of the Revolution. It is also the more sacred by reason of the blood spilled and treasure expended in more recent wars for humanity to save it; equality of rights was its central principle. It was made by and for the people. Its preamble reads:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

A perfect union can not be formed, nor justice established, domestic tranquillity insured, common defense provided for, general welfare promoted, and the blessings of liberty to ourselves and our posterity secured by establishing and maintaining an inequality in political power by allowing a few in one State, regardless of conditions or methods, to exercise the elective franchise given to the many in other States of the Union. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman has expired. The committee will informally rise to receive a message from the Senate.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON 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 without amendment bill and joint resolution of the following titles:

H. J. Res. 97. Joint resolution authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska; and

H. R. 15649. An act extending the time for the construction of the dam across the Mississippi River authorized by the act of Congress approved March 12, 1904.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, 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. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4969. An act granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and a silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments; and

S. 3401. An act for the relief of the executors of the estate of Harold Brown, deceased.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. CRUMPACKER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio be permitted to conclude his remarks.

Mr. WILLIAMS. Mr. Chairman, it is the first time I have ever done it, and I hate very much to do it now, but there is but little more than an hour until the House is going to adjourn, and I shall be compelled to object.

Mr. KEIFER. It is the first time that objection has been made, that I know of. I only want about twenty minutes more.

Mr. WILLIAMS. I have no doubt the gentleman could get

through in that time, but there is only an hour left, and the gentleman from Virginia wants ten minutes and that will only leave fifty minutes.

Mr. KEIFER. There will be plenty of time after 3 o'clock.

Mr. WILLIAMS. After that time you can get in. I will be compelled to object.

Mr. KEIFER. I will give notice that the time for unanimous consent has about ceased in this House.

Mr. WILLIAMS. I should be very sorry, Mr. Chairman, if the gentleman should take that view.

Mr. KEIFER. I must take it.

Mr. WILLIAMS. I have explained the matter to the gentleman. The gentleman from Virginia needs time and I need time, and we are going to get about fifty minutes.

Mr. KEIFER. The gentleman has spoken once on this bill.

Mr. WILLIAMS. I do not want to make a speech. I only want to give some advice to the Republican caucus, and if I do not give it to-day it will be too late.

Mr. KEIFER. The gentleman has frequently been giving advice.

Mr. WILLIAMS. I will myself ask to-morrow that the gentleman may conclude his remarks, but I can not do so now.

Mr. KEIFER. Of course I have to yield to the objection. I would have concluded in about fifteen minutes more if I had the time. The gentleman knows that it is much better for me if I could close now and have it altogether, if it is possible.

Mr. WILLIAMS. I understand that, but it is absolutely necessary that we should get in what we have to say now, and I therefore object. I will be very glad to hear the gentleman conclude his remarks to-morrow. I now yield ten minutes to the gentleman from Virginia.

Mr. JONES of Virginia. Mr. Chairman, it is not my purpose to discuss the pending measure. On the contrary, I desire to devote the very few moments yielded me to some brief comment upon the subject of the message of the President of the United States, which has just been read to the House. I regret exceedingly that my time is too limited to permit a thorough discussion of so important a paper. I think I am not mistaken in saying that the cablegram of a day or two ago announcing the massacre by American soldiers of 600 Moros, many of whom were women and children, in the crater at the top of Mount Dajo, on the island of Jolo, shocked the humane and moral sensibilities of every right-thinking American citizen. Making every allowance possible on account of the intimate personal relations which exist between the President and General Wood—the known partiality of President Roosevelt for General Wood—I am still utterly at a loss to understand how the Chief Executive of this great and free Republic could find it in his heart to place his high official approval upon conduct as cruel and as inhuman as that which characterized the atrocities of the Duke of Alva in the Netherlands. A few years ago, when General Smith, known to fame as "Hell Roaring Jake Smith," issued his infamous order that all natives in the island of Samar over the age of 10 years should be treated as belligerents and shot down, the people of every civilized country were horribly shocked; but that abhorrent order, Mr. Chairman, in my estimation, is not to be compared to the massacre of innocents which the crater at the summit of Mount Dajo witnessed, and for which the commanding officer of our forces in the Philippines assumes the responsibility and seeks in this cablegram to justify. In defense of Smith it was urged by his friends that his cruel order was never put into execution, nor intended to be.

Mr. Chairman, the conduct of those who engaged in the slaughter of these women and children, and of those who may be responsible therefor, may receive official indorsement and even commendation, but it will never meet the approval of the American people unless I am woefully mistaken as to what should constitute honorable warfare. I do not believe, in the first place, that the attack made upon Moros who had taken refuge in an almost inaccessible position on a mountain top can be justified. It may have been spectacular; but it certainly showed an amazing disregard of the lives of the men who were ordered to make the assault. According to my information Mount Dajo is not only very difficult of ascent, but it stands apart and alone, and therefore could easily have been surrounded. It would have taken but a short time to have starved out and captured every man of them without the sacrifice of a single American life. But, be that as it may, the hideous fact stands out in bold relief that 600 Moros were killed as against 15 of the attacking forces, and General Wood is driven to admit that among the Moro dead there were many women and children. Not the life of a single miserable woman, nor one of a pitiful innocent child was spared! The whole tribe was exterminated. Does the world's history afford a parallel to this case?

But General Wood, who it seems did not make the ascent of the mountain until the butchery had been ended for the very lack of more victims, tells us that he is convinced there was "no man, woman, or child wantonly killed"—they were all, he says, "unavoidably" killed. The women were killed because they wore trousers, and the children being used as shields by the men naturally suffered a like fate. Then to silence forever any carping critic at home he adds "they apparently desired that none be saved." This is probably the only side of this pitiful story that will ever be given the American people. The lips of every Moro are sealed in death, and we are asked to accept General Wood's statement that the women and children were killed simply because they did not desire to be saved. For one I decline to be satisfied with such an incredible story. Such a monstrous proposition is to my mind simply unbelievable. And feeling as I do, I am not willing that a single day shall pass by without my registering my emphatic dissent to the conclusions to which the President tells us he has arrived. In my deliberate judgment the killing of 600 men, women, and children in the crater of Mount Dajo by the troops under command of General Wood was a wanton and cruel act of butchery, and one which can not be justified and which the American people will never excuse and never forget.

Mr. Chairman, the Washington Post of this morning contains an editorial which very correctly reflects my sentiments and feelings. It should be given the widest circulation. I ask leave to incorporate it in the RECORD as a part of my remarks.

A WAR FOR CIVILIZATION.

When civilization proceeds "to stagger humanity," it calls in Francisco Pizarro or "Hell-roaring Jake" Smith, Hernando Cortez or Leonard Wood, all experts at the business. It is an old trade. Ahab practiced it on Naboth, the Jezreelite, and the Lord wreaked vengeance on that same plot. The King ordered a Te Deum for Cortez's "victory;" the President congratulates Wood on his "victory."

We have always believed that the American people will put an end to the Philippine question whenever they shall be given a good lick at it unencumbered with any other political question. It is un-American, un-republican, undemocratic—this thing of holding people in subjection on the other side of the planet. Our country has tolerated it; never approved it.

"Hell-roaring Jake" Smith shocked all Christendom when he made proclamation to kill everybody over 10 years old. If the question could have been made paramount at the succeeding election, we would have been out of the thing by this time. General Wood says the latest butchery of men and women was because they fought so fiercely; and yet they killed but 16 of his men, while he killed 600 of theirs.

The fact is that General Wood is civilizing the Moros on the idea that there are no good Moros but dead ones. That is the way Caius Marius performed when he was down in Jugurtha's country. Lucullus, Pompey the Great, Crassus, Vespasian, Titus, Trajan, and one hundred Caesars acted on the same principle. We have not improved on it a particle. A Roman proconsul before the birth of Christ acted precisely as General Wood acts nearly two thousand years after Christ expired on the cross for Moro as well as for American.

There is no authority in the Constitution to shoot civilization into savages on the other hemisphere. If it must be done, there are empires and kingdoms over there that believe in it and are accustomed to it. Let them do it. If we can not govern the Moros without murdering women, better that we withdraw and let them govern themselves.

Evidently General Wood is a man after the order of Strafford, and believes in "Thorough." Neither Pizarro nor Cortez could have done it more signally than he. Indeed, General Wood gave us in the shambles what "Hell-roaring Jake" ordered in a proclamation.

The Post does not state the case one atom too strongly. Believe me, this discussion has but begun, and before it is ended I doubt not that even the President himself will conclude that it was a mistaken impulse which prompted his hasty and, as I believe, wholly unwarranted approval of what will go down into history as a wanton and indefensible slaughter of defenseless women and helpless children. Who can believe that there was necessity for this wholesale massacre of women and children? What reasonable human being can believe that the killing of these poor, ignorant creatures could not have been avoided? To me it is unthinkable that the Moros charged the assaulting American columns holding their children before them as shields. Such a story is too preposterous, too monstrous to find credence in any quarter. It will not be accepted by unprejudiced and dispassionate, humane, and Christian people anywhere. From one end of civilization to the other it will be repudiated—throughout the world it will be scornfully rejected.

Mr. Chairman, excuse it as we may, the revolting story of the massacre of Mount Dajo will go down into history as the blackest stain upon the American name. A thousand years of honorable, humane, noble, and Christian conduct on the part of our American soldiery will not suffice to blot out that stain. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Chairman, I arose for another purpose, but the remarks of the gentleman from Virginia [Mr. JONES] have suggested to me that I ought to read a little poem prepared by one of the Members of the House and handed to me not long ago. It is entitled "The Charge of the Wood Brigade," or what

the heathen call "The Massacre of Mount Dajo." It reads as follows:

THE CHARGE OF THE WOOD BRIGADE; OR WHAT THE HEATHEN CALL "THE MASSACRE OF MOUNT DAJO."

Chased them from everywhere,
Chased them all onward,
Into the crater of death
Drove them—six hundred!
"Forward the Wood brigade;
Spare not a one," he said;
"Shoot all six hundred!"
"Forward the Wood brigade!"
Was there a man afraid?
Not tho' a soldier knew
Heathen had blundered.
Savages can't reply,
Heathen can't reason why
Women and children die;
Forced in the crater of death,
Forced with six hundred.

Cannon to right of them,
Cannon to left of them,
Cannon in front of them,
Volleyed and thundered.
Stormed at with shot and shell,
Women and children fell
Into the jaws of death,
Into the mouth of hell,
All told, six hundred!

Flashed all the sabers there,
Flashed as they turned in air,
Sab'ring the women there,
Charging the children while
All the world wondered.
Stifled by cannon smoke,
Men, women, children choke;
Women and children
Reel'd from the bayonet stroke,
In death not sundered;
Families slaughtered there—
All of six hundred.

Cannon to right of them,
Cannon to left of them,
Cannon in front of them,
Volleyed and thundered.
Stormed at with shot and shell,
While child and mother fell,
They that had loved so well!
Thrust into jaws of death,
Trapped into mouth of hell,
Not a babe left of them—
Left of six hundred.

What shall such blood thirst slake?
Go ask Hell Roaring Jake
Whether Wood blundered.
Honor the charge they made?
Honor the Wood brigade
For that six hundred?

[Applause on the Democratic side.]

I did not arise, Mr. Chairman, for the purpose, however, of speaking about the battle on Mount Dajo. The party of restriction, the G. O. P., the Grand Old Procrastinator, is going to hold a caucus at 3 o'clock. [Laughter and applause on the Democratic side.] This party of restriction, a party of restriction against products and men both, are going to hold a caucus "for the purpose of getting together." They restrict the membership of the caucus and do not permit me to participate in its deliberations. My only opportunity of impressing upon the Republican brethren of the House my advice and their only opportunity to hear advice of a safe and sane sort presents itself now. I was sorry a moment ago to make my first objection to unanimous consent for a Member to continue his remarks, but you will see that if I do not proceed now it will be too late to advise you tomorrow. Whatever errors you are going to commit will have been caucus committed by then, and my only hope is that you shall commit no error. That hope arises from the confident expectation that you will seriously consider the advice I am about to give you and will be guided to some extent by it.

Mr. MILLER. Will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. MILLER. I want to ask the gentleman if he has any desire to participate in this conference; and if so, if he should receive an invitation he would accept it and be bound by the action of the caucus?

Mr. WILLIAMS. I will, provided that the invitation comes with the further addition and promise that after I get there I shall not be gagged. [Laughter and applause on the Democratic side.] Such is the habit of the Republican party—

Mr. MILLER. I can only speak for myself—

Mr. WILLIAMS (continuing). Such is the habit of the Republican party in gagging philosophy and principles and practice, especially in connection with statehood matters, that I am afraid that after I get there my friend Mr. HAMILTON would move that I go "way back and sit down" and be allowed to say nothing. But for that I would go to the caucus to advise you instead of instructing you here. [Laughter.]

Mr. MILLER. I want to say to the gentleman from Mississippi that as far as I am personally concerned I would be glad to have him not only invited to the caucus, but take part in the proceedings, and I have every reason to believe that he would be bound by the action of that caucus, as he always is on all occasions in a caucus of his own.

Mr. WILLIAMS. A Republican caucus that I attend on my conditions, yes; a Democratic caucus always. Now, Mr. Chairman, to be serious, you gentlemen upon that side of the Chamber are confronted with a naked question which you can not avoid nor evade. The country knows what the question is, and you can not muddy the waters so as to fool the country about what it is. The naked question is, Shall the new State of Oklahoma, consisting of the Territories of Oklahoma and the Indian Territory, be admitted to the Union or not? You can not muddy the waters by any parliamentary device. You can not muddy the waters by any caucus action. You can not muddy the waters by any rule proposed or adopted. A bill has gone from this House to the Senate to admit two States out of four Territories. Two of the Territories, Arizona and New Mexico, making one State, the new State of Arizona, have been stricken from the bill by the Senate. The Senate had its reasons. Were they good? Were they bad? I care not. What is practically left is this naked question: Shall or shall not Oklahoma be admitted? The naked proposition with which the House of Representatives is confronted is, Shall the bill as amended by the Senate, admitting Oklahoma to statehood, pass the House of Representatives or not? The American people know that in the new State of Oklahoma there are nearly 2,000,000 people, coming from every State in the American Union—South, East, North, and West—a magnificent homogeneous population, capable of self-government to the very utmost extent, a people rich in energy, rich in resources, rich in capabilities, rich in all that goes to make up American citizenship, with no trouble about assimilability, no race question presented between Mexicans speaking the Spanish language and Americans speaking the English language, as in the proposed new State of Arizona and New Mexico; with no question of two different populations with divergent ideas, divergent traditions and ideals; no questions of difference about religion or habits of thought as would confront us in the case of making one State of Arizona and New Mexico, but a homogeneous American people nearly 2,000,000 strong.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIAMS. I do for a question.

Mr. HAMILTON. Does the gentleman from Mississippi [Mr. WILLIAMS] think the difference in language among the people in New Mexico an insuperable difficulty? If so, I desire to call the gentleman's attention to the Swiss Republic as illustrative of how three nationalities have cooperated to make one of the most successful republics of all times, in which the German, Italian, and French languages are the national tongues.

Mr. WILLIAMS. Mr. Chairman, the gentleman knows that I will have to be cut off by this proposed Republican caucus or conference, and I yielded to the gentleman only for a question. I do not think that the difference of language alone would present an insuperable objection. It did not present one in Louisiana, it does not present one in the Swiss Republic, and it has not until lately presented one in Austria-Hungary outside of Hungary itself; but there is not only the difference of language, but of race, in the case of Arizona and New Mexico. Racial characteristics are inherent and inborn, and there is always, where you put two different races together, necessarily a race antagonism. I do not desire to discuss the merits of this question that has been fully invited by us in the House and evaded by you. I desire the country to understand what you are going into caucus about. You are going into caucus for two things—to determine, first, whether you will allow the House of Representatives to vote upon the Senate proposition or not, and, secondly, upon the proposition that I have just outlined, to wit, whether you will admit Oklahoma, regardless of whether Arizona and New Mexico are admitted or not. But the chief thing you are going into conference about is to determine whether you will allow this House to vote, whether you will allow *yourselves* to vote, upon a proposition to be made to this House—a motion to concur in the Senate amendment and admit or refuse statehood to Oklahoma as a naked proposition, stripped of entangling alliance.

Mr. HAMILTON. Does the gentleman not think that we ought to go into conference? Is not that a right that we should permit ourselves?

Mr. WILLIAMS. Mr. Chairman, I am not denying the right. I am trying to tell the country what you are going into caucus to do. That is all. You are going into caucus to know *whether you can trust yourselves to handle yourselves or not*. You are

going into caucus to know whether it is safe as a Republican doctrine to leave the Members of the House of Representatives to determine this question—a House in which you have nearly a two-thirds majority—or whether it shall be determined by some rule from our triumvirate or by some parliamentary device exercised by the one-man power, the Speaker. I have heard a good deal about some parliamentary device which is to keep us from having a vote on this question—this question of admitting nearly two millions of people, who would be entitled to eight Representatives in this House; Representatives as intelligent as those from Connecticut, those from Illinois, or those from Mississippi. How will you stand before the country when you shall say, if you do, that these people, brim full of American energy and progress, shall be excluded from the American Union for at least this Congress longer, because, forsooth, two other Territories, with a different population, about whose qualifications for admission there have been arguments and doubts, can not come in? Most of the men who are standing on that side of the proposition are the men who have argued against the qualifications of Arizona and New Mexico to come into the Union, and now you are about to take the position that because these people in Arizona and New Mexico, about whose qualifications you have expressed doubts, can not come into the Union, that therefore these people in Oklahoma, about whose qualifications there is and has been expressed no doubt, also shall not come into the Union.

Now, Mr. Chairman, it is worse than that. You not only take that position, but you take the position that because these two other Territories do not want to be coupled together in one State therefore you will not let Oklahoma come into the Union.

You deny Arizona and New Mexico the right to come in separately. You decree that they shall stay out or be coupled in statehood. They decline to be coupled. You say, "All right, then Oklahoma shall stay out." How long? Until Arizona and New Mexico consent to statehood marriage. Everybody has heard about some special Speaker's ruling, to the effect that this thing would have to go to committee, where, of course, it would be smothered. I am going to file a brief on the parliamentary situation as a part of my remarks. The authorities are clear that even though there be a Senate amendment upon a House bill (and I deny that there is any in this case), which makes an appropriation of money or property which requires the amendment to go to the Committee of the Whole House, and therefore sends it first to the standing committee, that if there be another amendment from the Senate which does not make any charge upon the Treasury either in money or in land, it is always open to move to concur in that particular amendment whether you move to concur in all the amendments or not.

Mr. HAMILTON rose.

Mr. WILLIAMS. I can not yield for awhile.

Mr. HAMILTON. I simply wanted to say that would not arise until—

Mr. WILLIAMS. I would rather not be interrupted in the middle of a sentence.

Mr. HAMILTON. I started to say that would not arise until after the point of disagreement.

Mr. WILLIAMS. Ah, that is one of the things this caucus will determine—

Mr. HAMILTON. No—

Mr. WILLIAMS. Whether that course is to be pursued or not. That the Speaker of this House has power to send from his desk without consulting this House this Senate bill to your committee no man will question; that he has the right to do it I deny; and I will file a brief that shows he has not the right to do it. It was very carefully prepared by the gentleman from Alabama [Mr. UNDERWOOD] at my request and after consulting all the authorities from the beginning down to now.

Any Member of this House has the right, whether the Speaker has the power to cut him off from the right or not, to move to concur in the particular Senate amendment which cuts Arizona and New Mexico out of the bill, and to move to concur in that particular Senate amendment which requires a referendum to a vote of the people of Arizona and to a vote of the people of New Mexico to decide whether either chooses to come in jointly, even though that right may not exist as to that particular Senate amendment which provides for lieu lands already not granted, but given to be selected from. Not an acre is increased in land. There is not an additional charge upon the Treasury in money or land.

That amendment is merely a provision that in lieu of mining lands Oklahoma may select other lands. It does not make any additional appropriation either of money or land. It does not increase the amount of land one acre. It decreases the value of the land actually as a matter of fact. But even though it

might be held that that particular amendment had to go to the committee because of the contention that it altered or changed an appropriation affecting lands, the same thing can not be held of these other two amendments. Now, everybody knows my personal affection for the Speaker of this House, and I am not ashamed of it either. He deserves my personal trust, regard, and affection, but I say with full knowledge of what I am saying now that if that course of sending this matter to committee without consulting the House is pursued it will be the most high-handed piece of political tyranny that ever took place from that Speaker's desk since the American Congress was organized. [Applause on the Democratic side.] And for that reason I do not believe it is going to take place. What is tyranny? It is one-man will—the one-man power checking the public will and thwarting the public power. Here is the entire United States which want Oklahoma admitted. Here is the entire Congress of the United States that wants Oklahoma admitted.

Right now, in order to demonstrate that fact, I am going to ask if there is a single man upon this floor who does not want Oklahoma admitted? If there be one, let him rise in his place. Is there one who does not want Oklahoma admitted? [A pause.] The entire body of the representatives of the people are here, and not one man rises, because there is not one who objects to the admission of Oklahoma, or who, if he objects, dares say so; and yet you are going to make a pretext out of the fact that Arizona and New Mexico have been cut out of this bill by the Senate to send this bill to the committee to be smothered, or to bring in a rule or to do something else to prevent—what? To prevent, first, the admission of Oklahoma, and, secondly and mainly, to prevent this House from having a vote upon the proposition whether this particular amendment from the Senate shall be concurred in; to prevent this House from voting on the naked proposition to admit or exclude Oklahoma. Are you going to vote to exclude Oklahoma? Directly or indirectly? Under a cover of caucus action? By the adoption of a rule? Under the cover of a parliamentary device? By not voting down any possible ruling of the Speaker contrary to express parliamentary law? Will you by caucus action bind your own hands and those of the House?

Now, the object of my conversation with you now is to persuade you not to do any of these things, gentlemen. If you do not do it, it will, of course, be because I have begged you not to do it, and argued with you not to do it. That will be the only reason why you will not do it, when you meet at 3 o'clock. It is necessary to talk to you now, because this will be my last opportunity; and I see looks of gratitude on the faces of many gentlemen on the other side for the advice that many of you now enjoy. [Laughter.] I see that the Speaker, even, is proud of the fact that I have left my side of the Chamber in a non-partisan spirit to advise the other side of the Chamber to do justice and right, though the heavens fall.

Mr. HAMILTON. Will the gentleman permit me to interrupt him?

Mr. WILLIAMS. Certainly.

Mr. HAMILTON. The gentleman says he loves the Speaker—

Mr. WILLIAMS. Personally, not politically.

Mr. HAMILTON. As we all do. Has he ever known the Speaker of the House to deviate from the rules which govern the House of Representatives?

Mr. WILLIAMS. Well, I believe I can answer that in the Speaker's own language, "Never except when political exigencies require it." [Laughter and applause on the Democratic side.]

Mr. HAMILTON. Have you ever known of such an exigency arising?

Mr. WILLIAMS. No; seriously, I have not; and for that very reason I do not believe he is going to do it in this case, as I said a moment ago.

Now, then, I want to say a few words to some of you over there, although I am not your father confessor. You Republicans from Missouri vote to keep Oklahoma out of the Union simply because the Senate has cut out Arizona and New Mexico, and then go back to your people if you will or dare. The last thing that I respect in the world is a prophet. I am not one. But you know the condition of public sentiment in Missouri about the admission of Oklahoma. As a partisan, if I were actuated only by partisan motives, I should be glad to see you take this course, because it would result in a gain of Democratic Congressmen from the State of Missouri. You gentlemen from Kansas. You mark it. Stand here if you will and vote with your eyes open for any sort of a proposition, whether a rule or a parliamentary device, or the result of a caucus action, or what not, that cuts Oklahoma out of the Union, forsooth, because

New Mexico can not come in coupled with Arizona, that does not want to be married to her, and then go back, and see if perhaps the State of Kansas will not have a lucid interval about the time of the Congressional elections, and see if several Democratic Congressmen will not come here from Kansas, too, or if not, then other Republicans to succeed you.

The whole west of the river has its eyes on this matter, I sympathize with them, because nothing but a river, hardly, separates me from them. Everything west of the river has condemned and reprobated the idea of antagonism to the West that has been indicated by the Republican party all along the line in connection with this question in this House; in the first place, when it refused to make four States and insisted on making two. Why? Because it never wanted the West to have equal or adequate power in the Senate of the United States. The West will understand. Everybody west of the river will know that the Republican party, dominated by its northeastern forces, has been actuated by the idea to continue forever as far as possible the predominance of the East in the United States Senate. And why should that be done? Away back many years ago somebody tried to scare old Thomas Jefferson with the suggestion that the growth of the West would result in the power of the States on the Atlantic seaboard sinking into insignificance. That farseeing seer, with a look of wisdom, made reply:

What of it? Who will the people of the West be? Our children, our grandchildren, and our great-grandchildren. Why should we be alarmed at the predominance in the United States, in the Union, any more of our children, our grandchildren, or our great-grandchildren who have gone West, than of those of our children, our grandchildren, our great-grandchildren who have stayed East?

Now, Mr. Chairman, I ask to embody in the RECORD, instead of boring the House by reading it, this brief of the parliamentary status of this question.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks by the insertion of certain matter, which he sends to the Clerk's desk. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

STATEMENT OF THE PARLIAMENTARY SITUATION AS TO THE STATEHOOD BILL IN THE HOUSE, WITH SENATE AMENDMENTS.

The Senate has amended the statehood bill admitting Oklahoma and Indian Territory to statehood as one State and Arizona and New Mexico as another State by striking out all of those provisions of the bill that related to the admission of Arizona and New Mexico and amending those provisions of the House bill that related to Oklahoma by providing for the substitution of certain lands in lieu of school lands already allowed by the House bill to be selected by the Territory of Oklahoma, but which can not be taken on account of their being mineral lands. The question raised is whether the bill with these amendments should be referred to the Committee on Territories by the Speaker or whether it is in order to move to take it from the Speaker's table and to concur in the amendments.

As to the disposition of business on the Speaker's table, Rule XXIV, section 2, provides:

"Business on the Speaker's table shall be disposed of as follows: Messages from the Senate shall be referred to the appropriate committees without debate; reports and communications from the heads of Departments and other communications addressed to the House and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner, and with the same right of correction, as public bills presented by Members; but House bills with Senate amendments which do not require consideration in the Committee of the Whole may be disposed of at once as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House and not required to be considered in the Committee of the Whole, be disposed of in the same manner on motion directed to be made by the committee."

Rule XX provides:

"That any amendments of the Senate of any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union; if originating in the House, it would be subject to that point of order."

As to the business that it is necessary to consider in the Committee of the Whole House, Rule XXIII, section 3, provides:

"That all motions, or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall first be considered in the Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of the bill has commenced."

There are two Senate amendments. As to the amendment of the Senate striking out all that portion of the House bill relating to Arizona and New Mexico, there can be no question that it does not come within the terms of Rule No. 23, as to matter that is required to be considered in the Committee of the Whole House. It has been held in the first session of the Forty-eighth Congress (RECORD, pages 5981 and 5985), "that the fact that one of several Senate amendments must be considered in the Committee of the Whole does not prevent the House from proceeding with the disposition of those not subject to the point of order;" but it has also been held in the first session of the Fifty-seventh Congress (RECORD, pages 4585 and 4586), "that Senate amendments referred to the Committee of the Whole must be considered, but not if not referred to the Committee of the Whole, although they may not be within the rule requiring such consideration." It is therefore of importance that we move to concur in the Senate amendment relating to Arizona and New Mexico before the bill is referred, as we no doubt will have a right to do under this ruling, for we can then have a vote in the House with a roll call on the main question, whereas, if the bill goes to the Committee of the Whole, there will be no oppor-

tunity to get a roll call on the main question—that is, the striking out of Arizona and New Mexico.

Now, as to the question as to whether the amendment providing for the lands in Oklahoma is within the terms of Rule 23, and required to be considered in the Committee of the Whole, there are two decisions that may be quoted as authorizing this reference, but I do not think that they apply. In the first session of the Fifty-first Congress (JOURNAL, page 718; RECORD, page 5842), and the first session of the Fifty-second Congress (JOURNAL, page 237), and the second session of the Fifty-third Congress (JOURNAL, page 15; RECORD, page 36), it was held that the grant to a railroad of an easement of public lands or streets belonging to the United States requires to be considered in the Committee of the Whole. Again, in the second session of the Fifty-fourth Congress (RECORD, pages 2215 and 2216), it was held "that the dedication of public lands to be forever used as a public park was held to be such an appropriation of public property as would come within the rule." (Rule 23.) These decisions clearly refer to a grant of property belonging to the United States and original grants, but are differentiated from the case under consideration, which does not make a grant, but merely provides as to the manner of selecting lands heretofore granted. In sustaining the proposition that this amendment does not have to be considered in the Committee of the Whole I find that it has been decided in the second session of the Forty-fifth Congress (JOURNAL, page 782; RECORD, page 2203), that "A bill changing the manner of expenditure of money already appropriated does not require consideration in the Committee of the Whole." The amendment under consideration does not appropriate public lands or dispose of them, but merely changes the manner of selecting the land already allowed to be selected, and seems to me to be analogous to the above decision.

Again, it has been held in the first session of the Fifty-first Congress (RECORD, pages 8888, 8882, and 10690) and the first session of the Fifty-sixth Congress (RECORD, page 2455) that "legislation providing for the adjustment of liabilities to or by the Government, except references to the Court of Claims, does not come under the rule requiring consideration in the Committee of the Whole." It seems to me that this decision is also clearly in point, as the amendments above referred to do not make an original grant, but provide for the adjustment or mode of selecting lands that have heretofore been allowed to be selected by the Government. In other words, it is an adjustment of the liabilities of the Government.

Again, it has been held in the first session of the Fifty-first Congress (RECORD, page 2165) that "A bill simply granting a right of way through public lands was held not to be subject to the point of order; that it must be considered in the Committee of the Whole." Again, a case somewhat in point was decided at the first session of the Fifty-first Congress (RECORD, page 8483), that "Land belonging to the Indians, having been sold by the Government for the Indians, a bill extending the time of payment by purchasers and authorizing them to purchase additional lands of the same kind are held not to be within the rule requiring consideration in the Committee of the Whole."

As to the priority of motions, it seems to me that at this stage of the proceedings a motion made in the House to refer the Senate amendments to the Committee on Territories would have precedence of a motion to concur, but if the motion to refer was voted down, then it would be in order to vote on the motion to concur. In the second session of the Fifty-fifth Congress (RECORD, pages 839 and 840) it was held that "before the stage of disagreement has been reached, a motion to refer Senate amendments has precedence of a motion to concur."

Another question may arise, and that is, if the Speaker determines to refer the Senate amendments with the bill to the Committee on Territories of his own motion and without submitting the question to the House as to what is the best way to raise the question in the House. It has been held in the first session of the Fifty-first Congress (JOURNAL, pages 758, 767, 770, 772, and RECORD, pages 62081, 63014, 63053, 63054, and 63064) that "A House bill with Senate amendments having been properly referred from the Speaker's table, it was decided, nevertheless, to be in order for the House to consider an amendment to the Journal striking out the record of such reference." Of course if it is in order to strike out the reference to a bill properly referred, it would be in order to strike out the reference to a bill improperly referred, and if the record is stricken out of the Journal, so far as the House is concerned, the bill would be on the Speaker's table subject to the action of the House.

Mr. WILLIAMS. Now, Mr. Chairman, I shall ask the official reporters to put in asterisks right here, because I am going to enter upon another subject. The other day while speaking to the House about a bill which I had introduced, to reduce duties, wherever they were over 100 per cent, to 100 per cent, I explained that I could not then find a paper which I wanted. I furnished some of the illustrations of duties over 100 per cent from actual bills that had come in—actual importations—and furnished some other instances from a magazine. I now have the thing that I wanted to get the other day. It is from the Department of Commerce and Labor, Bureau of Statistics, "Quantities and Values of Imported Merchandise entered for Consumption in the United States for the year ending June 30, 1905," prepared by Mr. O. P. Austin, Chief of the Bureau. I need not tell you that he is a sort of Republican statistician. Outside of tobacco and spirituous liquors I find fifty-seven cases of duties above 100 per cent. I have not used any cases of tariff on tobaccos and spirituous liquors, for nearly all of them are above 100 per cent. I have not thought it fair to use them, because they have been levied partially for the purpose of counter-vailing an internal-revenue tax, and of course there ought to be a tariff equal to and somewhat above the internal-revenue tax. But outside of tobacco and spirituous liquors there are fifty-seven other articles. I did not quote the other day from the wool schedule. There are illustrations from the wool schedule, the carpet schedule, and various others. If the House will permit me, instead of reading these various illustrations I will hand them to the official reporters in order that they may be incorporated as a part of my remarks.

The CHAIRMAN. Is there objection?
Mr. TAWNEY. Mr. Chairman, how much of the book which the gentleman has before him does he intend to publish?

Mr. WILLIAMS. Fifty-seven rates of duties.
The CHAIRMAN. The Chair hears no objection.
The statistics referred to are as follows:

Imported merchandise entered for consumption in the United States, including both entries for immediate consumption and withdrawals from ware house for consumption, with rates and amounts of duty collected during the year ending June 30, 1905.

Articles.	Rates of duty.	Quantities.	Values.	Duties.	Average.	
					Value per unit of quantity.	Ad valorem rate of duty.
Beverages, not elsewhere specified:						
Cherry juice and other fruit juice, not specially provided for, containing not more than 18 per cent of alcohol (gallons).	60 cents per gallon ----- Duty remitted (Sec. 15, act July 24, 1897). 60 cents per gallon -----	37,074.28 853.00 51,088.90	\$19,411.00 283.00 26,220.00	\$22,244.60 ----- 30,653.34	\$0.523 .332 .513	Per cent. 114.60 116.91
Chemicals, drugs, dyes, and medicines:						
Boracic (pounds) -----	5 cents per pound -----	660,150.00	23,626.00	33,007.50	.036	139.71
Tannic or tannin (pounds) -----	50 cents per pound -----	7,652.34	3,108.00	3,826.18	.406	123.11
Mineral waters:						
Otherwise than in such bottles, or in bottles containing more than 1 quart (gallons).	24 cents per gallon -----	11,860.28	2,193.00	2,846.47	.185	129.80
Vanillin (ounces) -----	80 cents per ounce -----	1,331.00	423.00	1,064.80	.318	251.73
Cotton duck, not exceeding 3/4 square yards to the pound (square yards).	4 1/2 cents per square yard and 10 per cent.	221.00	10.00	10.39	.045	103.9
Dress facings or skirt bindings, not bleached, dyed, colored, stained, painted, or printed (square yards).	9 cents per square yard and 35 per cent.	166.00	9.00	18.09	.054	201.0
Glass bottles, filled, holding less than 1/2 pint (gross)	50 cents per gross -----	234.21	115.00	117.10	.491	101.83
Cylinder, crown, and common window glass, unpolished, above 24 by 36 inches and not exceeding 30 by 40 inches (pounds).	3 1/2 cents per pound -----	663,201.00	19,313.00	22,382.98	.029	115.90
Plate glass, fluted, rolled, ribbed, or rough ground, above 24 by 60 inches (square feet).	35 cents per square foot...	9,515.67	2,441.00	3,330.48	.256	133.44
Plate glass, cast, polished, finished or unfinished and unsilvered:						
Above 24 by 30 inches and not exceeding 24 by 60 inches (sq. ft.)	22 1/2 cents per square foot...	792,579.50	175,729.00	178,330.47	.222	101.48
Above 24 by 60 inches (square feet) -----	35 cents per square foot...	265,442.69	66,225.00	92,904.93	.249	140.29
Plate glass, cast, polished, unsilvered, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, or otherwise ornamented or decorated, above 24 by 60 inches (square feet).	35 cents per square foot and 5 per cent.	6,298.00	1,509.00	2,279.75	.24	151.07
Plate glass, cast, polished, silvered, and looking-glass plates, exceeding in size 144 square inches, above 24 by 30 inches and not exceeding 24 by 60 inches (square feet).	25 cents per square foot...	484.00	122.00	121.00	.252	99.26
Plate glass, cast, polished, silvered, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, or otherwise ornamented or decorated, above 24 by 60 inches (square feet).	38 cents per square foot and 5 per cent.	133.00	47.00	52.89	.353	112.53
Lead, and manufactures of—base bullion (pounds) -----	2 1/2 cents per pound -----	2,927,891.00	61,892.00	62,217.68	.021	100.53
Marble, sawed or dressed, over 2 inches in thickness (cubic feet).....	\$1.10 per cubic foot -----	146.50	150.00	161.15	1.02	107.43
Bay rum or bay water, whether distilled or compounded (proof gallons).	\$1.50 per proof gallon -----	879.25	710.00	1,318.88	.808	185.75
Manufactures of silk:						
Weight not increased beyond original weight of the raw silk (pounds).	\$3 per pound.....	318.29	911.00	954.87	2.86	104.82
Weight not increased beyond original weight of the raw silk—reciprocity treaty with Cuba (pounds).	\$3 per pound less 20 per cent.	1.00	2.00	2.40	2.00	120.00
Dyed in the piece, boiled off, or printed, containing more than 45 per cent in weight of silk (pounds).	\$3 per pound.....	375.63	1,121.00	1,126.88	2.98	100.52
Handkerchiefs, etc., hemstitched, or imitation hemstitched, or reversed or having drawn threads, or embroidered in any manner, whether with an initial letter, monogram, or otherwise, by hand or machinery, or tamboured, appliquéed, or made or trimmed wholly or in part with lace, or with tucking or insertion—						
Containing more than 45 per cent in weight of silk, weight not increased beyond original weight of the raw silk (pounds).	\$3 per pound and 10 per cent.	50.00	71.00	157.10	1.42	221.27
Still wines, in casks or packages other than bottles or jugs—reciprocity treaty with Italy (gallons).	35 cents per gallon -----	1,021,421.53	316,001.60	357,497.55	.309	113.13
Wool and hair advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for:						
Valued above 40 and not above 70 cents per pound (pounds) -----	44 cents per pound and 50 per cent.	133.00	86.00	101.52	.647	118.05
Valued over 70 cents per pound (pounds) -----	44 cents per pound and 55 per cent.	1,438.50	1,352.90	1,377.04	.941	101.78
Manufactures composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals:						
Rags, mungo, flocks, noils, shoddy, and waste—						
Shoddy (pounds) -----	25 cents per pound -----	50.00	5.00	12.50	.10	250.00
Wastes, top and roving (pounds) -----	30 cents per pound -----	20.00	5.00	6.00	.25	120.00
Yarns, made wholly or in part of wool, valued not more than 30 cents per pound (pounds).	27 1/2 cents per pound and 40 per cent.	4,254.00	1,181.00	1,642.26	.278	138.06
Blankets—						
Valued not more than 40 cents per pound (pounds) -----	22 cents per pound and 30 per cent.	2,022.50	597.46	624.20	.295	104.48
Valued more than 40 and not more than 50 cents per pound (pounds).	33 cents per pound and 35 per cent.	1,649.73	751.50	807.44	.456	107.44
More than 3 yards in length—						
Valued not more than 40 cents per pound (pounds) -----	33 cents per pound and 50 per cent.	1,679.50	507.00	807.74	.302	159.32
Valued more than 40 and not more than 70 cents per pound (pounds).	44 cents per pound and 50 per cent.	7,111.50	4,147.00	5,202.56	.583	125.44
Cloths, woolen or worsted—						
Valued not more than 40 cents per pound (pounds) -----	33 cents per pound and 50 per cent.	8,126.00	2,630.85	3,997.03	.324	151.93
Valued more than 40 and not more than 70 cents per pound (pounds).	44 cents per pound and 50 per cent.	245,066.76	152,694.30	184,176.51	.623	120.62
Dress goods, women's and children's, coat linings, Italian cloths, and goods of similar description—						
The warp consisting wholly of cotton or other vegetable materials, with the remainder of the fabric composed wholly or in part of wool—						
Valued not exceeding 15 cents per square yard—						
Not above 70 cents per pound (square yards) -----	7 cents per square yard and 50 per cent.	30,257,891.75	2,449,536.00	2,642,820.45	.121	107.89
Above 70 cents per pound (square yards) -----	7 cents per square yard and 55 per cent.	1,122,911.50	154,816.00	163,752.66	.138	105.77

No. 15.—Imported merchandise entered for consumption in the United States, etc.—Continued.

Articles.	Rates of duty.	Quantities.	Values.	Duties.	Average.	
					Value per unit of quantity.	Ad valorem rate of duty.
Manufactures composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals—Continued.						
Dress goods, women's and children's, coat linings, Italian cloths, and goods of similar description—						
The warp consisting wholly of cotton or other vegetable materials, with the remainder of the fabric composed wholly or in part of wool—						
Weighing over 4 ounces per square yard—						Per cent.
Valued not more than 40 cents per pound (pounds)	33 cents per pound and 50 per cent.	659.25	\$189.00	\$312.05	\$0.287	165.11
Valued more than 40 and not more than 70 cents per pound (pounds) ..	44 cents per pound and 50 per cent.	1,934.50	1,199.00	1,450.74	.62	121.00
Composed wholly or in part of wool—						
Valued not above 70 cents per pound (square yards)	11 cents per square yard and 50 per cent.	307,773.00	59,253.70	63,481.88	.193	107.14
Valued above 70 cents per pound (square yards)	11 cents per square yard and 55 per cent.	10,300,312.04	2,443,539.22	2,476,980.90	.237	101.36
Weighing over 4 ounces per square yard—						
Valued not more than 40 cents per pound (pounds)	33 cents per pound and 50 per cent.	1,199.00	368.00	579.67	.307	157.52
Valued more than 40 and not more than 70 cents per pound (pounds) ..	44 cents per pound and 50 per cent.	479,058.50	333,163.00	377,367.24	.695	113.32
Valued more than 70 cents per pound (pounds)	44 cents per pound and 55 per cent.	1,342,301.94	1,303,972.00	1,307,797.46	.971	100.29
Flannels for underwear—						
Valued more than 40 and not more than 50 cents per pound (pounds) ..	33 cents per pound and 35 per cent.	172.50	76.25	83.62	.442	109.67
Weighing over 4 ounces per square yard—						
Valued more than 50 and not more than 70 cents per pound (pounds) ..	44 cents per pound and 50 per cent.	1,375.50	750.00	980.22	.545	130.70
Valued more than 70 cents per pound (pounds)	44 cents per pound and 55 per cent.	52,062.50	43,856.75	47,028.71	.842	107.20
Knit fabrics (not wearing apparel) valued more than 40 and not more than 70 cents per pound (pounds) ..	44 cents per pound and 50 per cent.	41.00	26.60	31.34	.649	117.80
Plushes and other pile fabrics—						
Valued not over 40 cents per pound (pounds)	33 cents per pound and 50 per cent.	80.00	29.00	40.90	.363	141.02
Valued more than 40 and not more than 70 cents per pound (pounds) ..	44 cents per pound and 50 per cent.	483.00	236.00	330.52	.489	140.05
Wearing apparel—Clothing, ready-made, and articles of wearing apparel, made up or manufactured wholly or in part, not specially provided for, shawls, knitted or woven (pounds) ..	44 cents per pound and 60 per cent.	60,105.63	65,761.25	65,908.23	1.09	100.21
All other manufactures wholly or in part of wool—						
Valued not more than 40 cents per pound (pounds)	33 cents per pound and 50 per cent.	36,206.75	12,749.75	18,323.13	.352	143.72
Valued more than 40 and not more than 70 cents per pound (pounds) ..	44 cents per pound and 50 per cent.	46,736.52	27,165.00	34,146.57	.581	125.70

Mr. WILLIAMS. How much time have I left, Mr. Chairman?
The CHAIRMAN. The gentleman has twenty-three minutes.

Mr. WILLIAMS. I will ask the Official Reporters to put in another row of asterisks here, because this is another speech. I am making three speeches in one. Some gentlemen say four. The twenty-three minutes which I have will be sufficient to have the Clerk read for the edification of the House a little drama. For the explanation of Members I will say that whenever the word "octroi" is used it means the customs duty paid at the gate of a city. This is a nice little drama especially designed for the reading of protectionists, and is by Mr. Bastiat, the gentleman whose petition I presented to the House yesterday. I will ask the Clerk to read the parts indicated.

The Clerk read as follows:

The three aldermen: A demonstration in four tableaux.

FIRST TABLEAU.

(The scene is in the hotel of Alderman Pierre. The window looks out on a fine park; three persons are seated near a good fire.)

PIERRE. Upon my word, a fire is very comfortable when the stomach is satisfied. It must be agreed that it is a pleasant thing. But, alas! how many worthy people, like the King of Yvetot,

"Blow on their fingers for want of wood."

Unhappy creatures, Heaven inspires me with a charitable thought. You see these fine trees. I will cut them down and distribute the wood among the poor.

PAUL and JEAN. What! Gratis?

PIERRE. Not exactly. There would soon be an end of my good works if I scattered my property thus. I thing that my park is worth 20,000 livres; by cutting it down I shall get much more for it.

PAUL. A mistake. Your wood as it stands is worth more than that in the neighboring forests, for it renders services which that can not give. When cut down, it will, like that, be good for burning only, and will not be worth a sou more per cord.

PIERRE. Oh, Mr. Theorist, you forget that I am a practical man. I supposed that my reputation as a speculator was well enough established to put me above any charge of stupidity. Do you think that I shall amuse myself by selling my wood at the price of other wood?

PAUL. You must.

PIERRE. Simpleton! Suppose I prevent the bringing of any wood to Paris!

PAUL. That will alter the case. But how will you manage it?

PIERRE. This is the whole secret. You know that wood pays an entrance duty of 10 sous per cord. To-morrow I will induce the aldermen to raise this duty to 100, 200, or 300 livres, so high as to keep out every fagot. Well, do you see? If the good people do not want to die of cold, they must come to my wood yard. They will fight for my

wood. I shall sell it for its weight in gold, and this well-regulated deed of charity will enable me to do others of the same sort.

PAUL. This is a fine idea, and it suggests an equally good one to me.

JEAN. Well, what is it?

PAUL. How do you find this Normandy butter?

JEAN. Excellent.

PAUL. Well, it seemed passable a moment ago. But do you not think it is a little strong? I want to make a better article at Paris. I will have four or five hundred cows, and I will distribute milk, butter, and cheese to the poor people.

PIERRE and JEAN. What, as a charity?

PAUL. Bah! Let us always put charity in the foreground. It is such a fine thing that its counterfeit is an excellent card. I will give my butter to the people and they will give me their money. Is that called selling?

JEAN. No; according to the bourgeois gentilhomme; but call it what you please, you ruin yourself. Can Paris compete with Normandy in raising cows?

PAUL. I shall save the cost of transportation.

JEAN. Very well; but the Normans are able to beat the Parisians, even if they do have to pay for transportation.

PAUL. Do you call it beating anyone to furnish him things at a low price?

JEAN. It is the time-honored word. You will always be beaten.

PAUL. Yes; like Don Quixote. The blows will fall on Sancho. Jean, my friend, you forgot the octroi.

JEAN. The octroi! What has that to do with your butter?

PAUL. To-morrow I will demand protection, and I will induce the council to prohibit the butter of Normandy and Brittany. The people must do without butter, or buy mine, and that at my price, too!

JEAN. Gentlemen, your philanthropy carries me along with it. "In time one learns to howl with the wolves." It shall not be said that I am an unworthy alderman. Pierre, this sparkling fire has illumined your soul; Paul, this butter has given an impulse to your understanding, and I perceive that this piece of salt pork stimulates my intelligence. To-morrow I will vote myself, and make others vote, for the exclusion of hogs, dead or alive; this done I will build superb stock yards in the middle of Paris "for the unclean animal forbidden to the Hebrews."

I will become swineherd and pork seller, and we shall see how the good people of Paris can help getting their food at my shop.

PIERRE. Gently, my friends; if you thus run up the price of butter and salt meat, you diminish the profit which I expected from my wood.

PAUL. Nor is my speculation so wonderful, if you ruin me with your fuel and your hams.

JEAN. What shall I gain by making you pay an extra price for my sausages, if you overcharge me for pastry and fagots?

PIERRE. Do you not see that we are getting into a quarrel? Let us rather unite. Let us make reciprocal concessions. Besides, it is not well to listen only to miserable self-interest. Humanity is concerned, and must not the warming of the people be secured?

PAUL. That is true, and people must have butter to spread on their bread.

JEAN. Certainly. And they must have a bit of pork for their soup.

ALL TOGETHER. Forward, charity! Long live philanthropy! Tomorrow, to-morrow, we will take the octroi by assault.

PIERRE. Ah, I forgot. One word more, which is important. My friends, in this selfish age people are suspicious and the purest intentions are often misconstrued. Paul, you plead for wood; Jean, defend butter; and I will devote myself to domestic swine. It is best to head off invidious suspicions.

PAUL AND JEAN (leaving). Upon my word, what a clever fellow!

SECOND TABLEAU: THE COMMON COUNCIL.

PAUL. My dear colleagues, every day great quantities of wood come into Paris and draw out of it large sums of money. If this goes on we shall all be ruined in three years, and what will become of the poor people? [Bravo!] Let us prohibit foreign wood. I am not speaking for myself, for you could not make a toothpick out of all the wood I own. I am, therefore, perfectly disinterested. [Good! good!] But here is Pierre, who has a park, and he will keep our fellow-citizens from freezing. They will no longer be in a state of dependence on the charcoal dealers of the Yonne. Have you ever thought of the risk we run of dying of cold if the proprietors of these foreign forests should take it into their heads not to bring any more wood to Paris? Let us, therefore, prohibit wood. By this means we shall stop the drain of specie, we shall start the wood-chopping business, and open to our workmen a new source of labor and wages. [Applause.]

JEAN. I second the motion of the honorable member—a proposition so philanthropic and so disinterested, as he remarked. It is time that we should stop this intolerable freedom of entry, which has brought a ruinous competition upon our market, so that there is not a province tolerably well situated for producing some one article which does not inundate us with it, sell it to us at a low price, and depress Parisian labor. It is the business of the State to equalize the conditions of production by wisely graduated duties; to allow the entrance from without of whatever is dearer there than at Paris, and thus relieve us from an unequal contest. How, for instance, can they expect us to make milk and butter in Paris as against Brittany and Normandy? Think, gentlemen, the Bretons have land cheaper, feed more convenient, and labor more abundant. Does not common sense say that the conditions must be equalized by a protecting duty? I ask that the duty on milk and butter be raised to a thousand per cent, and more if necessary. The breakfasts of the people will cost a little more, but wages will rise. We shall see the building of stables and dairies, a good trade in chufis, and the foundation of new industries laid. I myself have not the least interest in this plan. I am not a cowherd, nor do I desire to become one. I am moved by the single desire to be useful to the laboring classes. [Expressions of approbation.]

PIERRE. I am happy to see in this assembly statesmen so pure, enlightened, and devoted to the interests of the people. [Cheers.] I admire their self-denial, and can not do better than follow such noble examples. I support their motion, and I also make one to include the Poitou hogs. It is not that I want to become a swineherd or pork dealer, in which case my conscience would forbid my making this motion; but it is not shameful, gentlemen, that we should be paying tribute to these poor Poitevin peasants who have the audacity to come into our own market, take possession of a business that we could have carried on ourselves, and, after having inundated us with sausages and hams, take from us, perhaps, nothing in return? Anyhow, who says that the balance of trade is not in their favor, and that we are not compelled to pay them a tribute in money? Is it not plain that if this Poitevin industry were planted in Paris it would open new fields to Parisian labor? Moreover, gentlemen, is it not very likely, as Mr. Lestiboudois said, that we buy these Poitevin salted meats not with our income, but our capital? Where will this land us? Let us not allow greedy, avaricious, and perfidious rivals to come here and sell things cheaply, thus making it impossible for us to produce them ourselves. Aldermen, Paris has given us its confidence, and we must show ourselves worthy of it. The people are without labor, and we must create it, and if salted meat costs them a little more, we shall at least have the consciousness that we have sacrificed our interests to those of the masses, as every good alderman ought to do. [Thunders of applause.]

A VOICE. I hear much said of the poor people; but under the pretext of giving them labor you begin by taking away from them that which is worth more than labor itself—wood, butter, and soup.

PIERRE, PAUL, AND JEAN. Vote! vote! Away with your theorists and generalizers! Let us vote. [The three motions are carried.]

THIRD TABLEAU: TWENTY YEARS AFTER.

SON. Father, decide; we must leave Paris. Work is slack and everything is dear.

FATHER. My son, you do not know how hard it is to leave the place where we were born.

SON. The worst of all things is to die there of misery.

FATHER. Go, my son, and seek a more hospitable country. For myself, I will not leave the grave where your mother, sisters, and brothers lie. I am eager to find, at last, near them, the rest which is denied me in this city of desolation.

SON. Courage, dear father, we will find work elsewhere—in Poitou, Normandy, or Brittany. They say that the industry of Paris is gradually transferring itself to those distant countries.

FATHER. It is very natural. Unable to sell us wood and food, they stopped producing more than they needed for themselves, and they devoted their spare time and capital to making those things which we formerly furnished them.

SON. Just as at Paris they quit making handsome furniture and fine clothes, in order to plant trees and raise hogs and cows. Though quite young, I have seen vast storehouses, sumptuous buildings, and quays thronged with life on those banks of the Seine which are now given up to meadows and forests.

FATHER. While the provinces are filling up with cities, Paris becomes country. What a frightful revolution! Three mistaken aldermen, aided by public ignorance, have brought down on us this terrible calamity.

SON. Tell me this story, my father.

FATHER. It is very simple. Under the pretext of establishing three new trades at Paris, and of thus supplying labor to the workmen, these men secured the prohibition of wood, butter, and meats. They assumed the right of supplying their fellow-citizens with them. These articles rose immediately to an exorbitant price. Nobody made enough to buy them, and the few who could procure them by using up all they made were unable to buy anything else; consequently all branches of industry stopped at once—all the more so because the provinces no longer offered a market. Misery, death, and immigration began to depopulate Paris.

SON. When will this stop?

FATHER. When Paris has become a meadow and a forest.

SON. The three aldermen must have made a great fortune.

FATHER. At first they made immense profits, but at length they were involved in the common misery.

SON. How was that possible?

FATHER. You see this ruin; it was a magnificent house surrounded by a fine park. If Paris had kept on advancing, Master Pierre would have got more rent from it annually than the whole thing is now worth to him.

SON. How can that be, since he got rid of competition?

FATHER. Competition in selling has disappeared; but competition in buying also disappears every day, and will keep on disappearing until Paris is an open field, and Master Pierre's woodland will be worth no more than an equal number of acres in the forest of Bondy. Thus, a monopoly, like every species of injustice, brings its own punishment upon itself.

SON. This does not seem very plain to me, but the decay of Paris is undeniable. Is there, then, no means of repealing this unjust measure that Pierre and his colleagues adopted twenty years ago?

FATHER. I will confide my secret to you. I will remain at Paris for this purpose; I will call the people to my aid. It depends on them whether they will replace the octroi on its old basis, and dismiss from it this fatal principle, which is grafted on it, and has grown there like a parasite fungus.

SON. You ought to succeed on the very first day.

FATHER. No; on the contrary, the work is a difficult and laborious one. Pierre, Paul, and Jean understand one another perfectly. They are ready to do anything rather than allow the entrance of wood, butter, and meat into Paris. They even have on their side the people, who clearly see the labor which these three protected branches of business give, who know how many wood choppers and cow drivers it gives employment to, but who can not obtain so clear an idea of the labor that would spring up in the free air of liberty.

SON. If this is all that is needed you will enlighten them.

FATHER. My child, at your age, one doubts at nothing. If I wrote, the people would not read; for all their time is occupied in supporting a wretched existence. If I speak the aldermen will shut my mouth. The people will, therefore, remain long in their fatal error; political parties, which build their hopes on their passions, attempt to play upon their prejudices, rather than dispel them. I shall then have to deal with the powers that be—the people and the parties. I see that a storm will burst on the head of the audacious person who dares to rise against an iniquity which is so firmly rooted in the country.

SON. You will have justice and truth on your side.

FATHER. And they will have force and calumny. If I were only young! But age and suffering have exhausted my strength.

SON. Well, father, devote all that you have left to the service of the country. Begin this work of emancipation, and leave to me for an inheritance the task of finishing it.

FOURTH TABLEAU: THE AGITATION.

JACQUES BONHOMME. Parisians, let us demand the reform of the octroi; let it be put back to what it was. Let every citizen be free to buy wood, butter, and meat where it seems good to him.

THE PEOPLE. Hurrah for liberty!

PIERRE. Parisians, do not allow yourselves to be seduced by these words. Of what avail is the freedom of purchasing, if you have not the means, if labor is wanting? Can Paris produce wood as cheaply as the forest of Bondy, or meat at as low price as Poitou, or butter as easily as Normandy? If you open the doors to these rival products, what will become of the woodcutter, pork dealers, and cattle drivers? They can not do without protection.

THE PEOPLE. Hurrah for protection!

JACQUES. Protection! How do they protect you, workmen? Do not you compete with one another? Let the wood dealers then suffer competition in their turn. They have no right to raise the price of their wood by law, unless they, also, by law, raise wages. Do you not still love equality?

THE PEOPLE. Hurrah for equality!

PIERRE. Do not listen to this factious fellow. We have raised the price of wood, meat, and butter, it is true; but it is in order that we may give good wages to the workmen. We are moved by charity.

THE PEOPLE. Hurrah for charity!

JACQUES. Use the octroi, if you can, to raise wages, or do not use it to raise the price of commodities. The Parisians do not ask for charity, but justice.

THE PEOPLE. Hurrah for justice!

PIERRE. It is precisely the dearness of products which will, by reflex action, raise wages.

THE PEOPLE. Hurrah for dearness!

JACQUES. If butter is dear, it is not because you pay workmen well; it is not even that you may make great profits—it is only because Paris is ill-situated for this business, and because you desired that they should do in the city what ought to be done in the country, and in the country what was done in the city. The people have no more labor, only they labor at something else. They get no more wages, but they do not buy things as cheaply.

THE PEOPLE. Hurrah for cheapness!

PIERRE. This person seduces you with his fine words. Let us state the question plainly. Is it not true that if we admit butter, wood, and meat, we shall be inundated with them and die of a plethora. There is, then, no other way in which we can preserve ourselves from this new inundation than to shut the door, and we can keep up the price of things only by causing scarcity artificially.

A VERY FEW VOICES. Hurrah for scarcity!

JACQUES. Let us state the question as it is. Among all the Parisians we can divide only what is in Paris; the less wood, butter, and meat there is, the smaller each one's share will be. There will be less if we exclude than if we admit. Parisians, individual abundance can exist only where there is general abundance.

THE PEOPLE. Hurrah for abundance!

PIERRE. No matter what this man says, he can not prove to you that it is to your interest to submit to unbridled competition.

THE PEOPLE. Down with competition!

JACQUES. Despite all this man's declamation, he can not make you enjoy the sweets of restriction.

THE PEOPLE. Down with restriction!

PIERRE. I declare to you that if the poor dealers in cattle and hogs are deprived of their livelihood; if they are sacrificed to theories, I will not be answerable for public order. Workmen, distrust this man. He is an agent of perfidious Normandy; he is under the pay of foreigners; he is a traitor and must be hanged. [The people keep silent.]

JACQUES. Parisians, all that I say now, I said to you twenty years ago, when it occurred to Pierre to use the octroi for his gain and your loss. I am not an agent of Normandy. Hang me if you will, but this

will not prevent oppression from being oppression. Friends, you must kill neither Jacques nor Pierre, but liberty if it frightens you, or restriction if it hurts you.

The PEOPLE. Let us hang nobody; but let us emancipate everybody.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, 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. 16472—the legislative, executive, and judicial appropriation bill—and had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Judiciary was discharged from the consideration of the bill (H. R. 16730) to prevent the unauthorized wearing or use of badges, name, titles of officers, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America, and the same was referred to the Committee on the District of Columbia.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. WEBB to withdraw from the files of the House, without leaving copies, the papers in the case of W. J. Roberts, Fifty-ninth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TAYLOR of Alabama, indefinitely, on account of important business.

TOBACCO TRUST AND PAPER TRUST.

Mr. GAINES of Tennessee. Mr. Speaker, I hold in my hand the two opinions delivered by the Supreme Court in the so-called "tobacco trust" and "paper trust" cases. I ask unanimous consent that they may be printed in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print in the RECORD the opinions of the Supreme Court referred to. Is there objection?

There was no objection.

The opinions are as follows:

Supreme Court of the United States. No. 340. October term, 1905. Edwin F. Hale, appellant, v. William Henkel, United States marshal. Appeal from the circuit court of the United States for the southern district of New York. March 12, 1906.

This was an appeal from a final order of the circuit court made June 18, 1905, dismissing a writ of *habeas corpus* and remanding the petitioner Hale to the custody of the marshal.

The proceeding originated in a *subpoena duces tecum*, issued April 28, 1905, commanding Hale to appear before the grand jury at a time and place named to "testify and give evidence in a certain action now pending . . . in the circuit court of the United States for the southern district of New York, between the United States of America and the American Tobacco Company and MacAndrews & Forbes Company on the part of the United States, and that you bring with you and produce at the time and place aforesaid:—"

1. All understandings, agreements, arrangements, or contracts, whether evidenced by correspondence, memoranda, formal agreements, or other writings, between MacAndrews & Forbes Company and six other firms and corporations named, from the date of the organization of the said MacAndrews & Forbes Company.

2. All correspondence by letter or telegram between MacAndrews & Forbes Company and six other firms and corporations.

3. All reports made or accounts rendered by these six companies or corporations to the principal company.

4. Any agreements or contracts or arrangements, however evidenced, between MacAndrews & Forbes Company and the Amsterdam Supply Company or the American Tobacco Company or the Continental Company or the Consolidated Tobacco Company.

5. All letters received by the MacAndrews & Forbes Company since the date of its organization from thirteen other companies named, located in different parts of the United States, and also copies of all correspondence with such companies.

Petitioner appeared before the grand jury in obedience to the subpoena, and before being sworn asked to be advised of the nature of the investigation in which he had been summoned; whether under any statute of the United States, and the specific charge, if any had been made, in order that he might learn whether or not the grand jury had any lawful right to make the inquiry, and also that he be furnished with a copy of the complaint, information, or proposed indictment upon which they were acting; that he had been informed that there was no action pending in the circuit court as stated in the subpoena, and that the grand jury was investigating no specific charge against anyone, and he therefore declined to answer: First, because there was no legal warrant for his examination, and, second, because his answers might tend to incriminate him.

After stating his name, residence, and the fact that he was secretary and treasurer of the MacAndrews & Forbes Company, he declined to answer all other questions in regard to the business of the company, its officers, the location of its office, or its agreement or arrangements with other companies. He was thereupon advised by the assistant district attorney that this was a proceeding under the Sherman Act to protect trade and commerce against unlawful restraint and monopolies; that under the act of 1903, amendatory thereof, no person could be prosecuted or subjected to any penalty or forfeiture on account of any matter or thing concerning which he might testify or produce documentary evidence in any prosecution under said act, and that he thereby offered and assured appellant immunity from punishment. The witness still persisted in his refusal to answer all questions.

He also declined to produce the papers and documents called for in the subpoena:

First. Because it would have been a physical impossibility to have gotten them together within the time allowed.

Second. Because he was advised by counsel that he was under no legal obligations to produce anything called for by the subpoena.

Third. Because they might tend to incriminate him.

Whereupon the grand jury reported the matter to the court, and made a presentment that Hale was in contempt, and that the proper proceedings should be taken. Thereupon all the parties appeared before the circuit judge, who directed the witness to answer the questions and produce the papers. Appellant still persisting in his refusal, the circuit judge held him to be in contempt, and committed him to the custody of the marshal until he should answer the questions and produce the papers. A writ of *habeas corpus* was thereupon sued out, and a hearing had before another judge of the same court, who discharged the writ and remanded the petitioner.

Mr. Justice Brown delivered the opinion of the court:

Two issues are presented by the record in this case, which are so far distinct as to require separate consideration. They depend upon the applicability of different provisions of the Constitution, and, in determining the question of affirmance or reversal, should not be confounded. The first of these involves the immunity of the witness from oral examination; the second, the legality of his action in refusing to produce the documents called for by the *subpoena duces tecum*.

1. The appellant justifies his action in refusing to answer the questions propounded to him, first, upon the ground that there was no specific "charge" pending before the grand jury against any particular person; second, that the answers would tend to criminate him.

The first objection requires a definition of the word "charge," as used in this connection, which it is not easy to furnish. An accused person is usually charged with crime by a complaint made before a committing magistrate, which has fully performed its office when the party is committed or held to bail, and is quite unnecessary to the finding of an indictment by a grand jury; or by an information of the district attorney, which is of no legal value in prosecutions for felony; or by a presentment usually made, as in this case, for an offense committed in the presence of the jury; or by an indictment which, as often as not, is drawn after the grand jury has acted upon the testimony. If another kind of charge be contemplated, when and by whom must it be preferred? Must it be in writing; and if so, in what form? Or may it be oral? The suggestion of the witness that he should be furnished with a copy of such charge, if applicable to him is applicable to other witnesses summoned before the grand jury. Indeed, it is a novelty in criminal procedure with which we are wholly unacquainted, and one which might involve a betrayal of the secrets of the grand jury room.

Under the ancient English system criminal prosecutions were instituted at the suit of private prosecutors, to which the King lent his name in the interest of the public peace and good order of society. In such cases the usual practice was to prepare the proposed indictment and lay it before the grand jury for their consideration. There was much propriety in this, as the most valuable function of the grand jury was not only to examine into the commission of crimes, but to stand between the prosecutor and the accused and to determine whether the charge was founded upon credible testimony or was dictated by malice or personal ill will.

We are pointed to no case, however, holding that a grand jury can not proceed without the formality of a written charge. Indeed, the oath administered to the foreman, which has come down to us from the most ancient times and is found in *Rex v. Shaftsbury* (8 Howell's State Trials, 769), indicates that the grand jury was competent to act solely on its own volition. This oath was that "you shall diligently inquire and true presentments make of all such matters, articles, and things as shall be given to you in charge, as of all other matters and things as shall come to your own knowledge touching this present service," etc. This oath has remained substantially unchanged to the present day. There was a difference, too, in the nomenclature of the two cases of accusations by private persons and upon their own knowledge. In the former case their action was embodied in an indictment formally laid before them for their consideration; in the latter case, in the form of a presentment. Says Blackstone in his Commentaries, Book IV, page 301:

"A presentment, properly speaking, is a notice taken by a grand jury of any offense from their own knowledge or observation, without any bill of indictment laid before them at the suit of the King, as the presentment of a nuisance, a libel, and the like, upon which the officer of the court must afterwards frame an indictment before the party presented can be put to answer it."

Substantially the same language is used in 1 Chitty Crim. Law, 162.

In *United States v. Hill* (1 Brock., 156), it was indicated by Chief Justice Marshall that a presentment and indictment are to be considered as one act, the second to be considered only as an amendment to the first, and that the usage of this country has been to pass over, unnoticed, presentments on which the attorney does not think it proper to institute proceedings.

In a case arising in Tennessee the grand jury, without the agency of the district attorney, had called witnesses before them, whom they interrogated as to their knowledge concerning the then late Cuban expedition. Mr. Justice Catron sustained the legality of the proceeding and compelled the witnesses to answer. His opinion is reported in Wharton's Criminal Pleading and Practice (8th ed.), section 337. He says: "The grand jury have the undoubted right to send for witnesses and have them sworn to give evidence generally, and to found presentments on the evidence of such witnesses; and the question here is whether a witness thus introduced is legally bound to disclose whether a crime has been committed, and also who committed the crime." His charge contains a thorough discussion of the whole subject.

While presentments have largely fallen into disuse in this country, the practice of grand juries acting upon notice, either of their own knowledge or upon information obtained by them, and incorporating their findings in an indictment, still largely obtains. Whatever doubts there may be with regard to the early English procedure the practice in this country, under the system of public prosecutions carried on by officers of the State appointed for that purpose, has been entirely settled since the adoption of the Constitution. In a lecture delivered by Mr. Justice Wilson of this court, who may be assumed to have known the current practice, before the students of Pennsylvania, he says (Wilson's Works, vol. II, p. 213):

"It has been alleged that grand juries are confined, in their inquiries, to the bills offered to them, to the crimes given them in charge, and to the evidence brought before them by the prosecutor. But these conceptions are much too contracted; they present but a very imperfect

and unsatisfactory view of the duty required from grand jurors, and of the trust reposed in them. They are not appointed for the prosecutor or for the court; they are appointed for the Government and for the people; and of both the Government and people it is surely the concernment that, on one hand, all crimes, whether given or not given in charge, whether described or not described with professional skill, should receive the punishment which the law denounces; and that, on the other hand, innocence, however strongly assailed by accusations drawn up in regular form, and by accusers, marshaled in legal array, should, on full investigation, be secure in that protection which the law engages that she shall enjoy inviolate.

"The oath of a grand jurymen—and his oath is the commission under which he acts—assigns no limits, except those marked by diligence itself, to the course of his inquiries: Why, then, should it be circumscribed by more contracted boundaries? Shall diligent inquiry be enjoined? And shall the means and opportunities of inquiry be prohibited or restrained?"

Similar language was used by Judge Addison, president of the court of common pleas, in charging the grand jury at the session of the common pleas court in 1791:

"If the grand jury, of their own knowledge, or the knowledge of any of them, or from the examination of witnesses, know of any offense committed in the county, for which no indictment is preferred to them, it is their duty either to inform the officer who prosecutes for the State of the nature of the offense and desire that an indictment be given them; or, if they do not, or if no such indictment be given them, it is their duty to give such information of it to the court, stating, without any particular form, the facts and circumstances which constitute the offense. This is called a presentment."

The practice then prevailing with regard to the duty of grand juries shows that a presentment may be based not only upon their own personal knowledge, but from the examination of witnesses.

While no case has arisen in this court in which the question has been distinctly presented, the authorities in the State courts largely preponderate in favor of the theory that the grand jury may act upon information received by them from the examination of witnesses without a formal indictment or other charge previously laid before them. An analysis of cases approving of this method of procedure would unduly burden this opinion, but the following are the leading ones upon the subject: *Ward v. State*, 2 Mo., 120; *State v. Terry*, 30 Mo., 368; *Ex parte Brown*, 72 Mo., 83; *Commonwealth v. Smyth*, 11 Cushing, 473; *State v. Walcott*, 21 Conn., 272-280; *State v. Magrath*, 44 N. J. L., 227; *Thompson & Merriam on Juries*, secs. 615-617. In *Blaney v. Maryland* (74 Md., 153) the court said:

"However restricted the functions of the grand juries may be elsewhere, we hold that in this State they have plenary inquisitorial powers, and lawfully themselves, and upon their own motion, may originate charges against offenders, though no preliminary proceedings have been had before a magistrate, and though neither the court nor the State's attorney has laid the matter before them."

The rulings of the inferior Federal courts are to the same effect. Mr. Justice Field, in charging a grand jury in California (2 Sawy., 667), said of the grand jury acting upon their own knowledge:

"Not by rumors or reports, but by knowledge acquired from the evidence before you and from your own observations. Whilst you are inquiring as to one offense, another and a different offense may be proved, or witnesses before you may, in testifying, commit the crime of perjury."

Similar language was used in *United States v. Kimball*, 117 Fed. Rep., 156-161; *United States v. Reed*, 2 Blatch., 449; *United States v. Terry*, 39 Fed. Rep., 335. And in *Frisbie v. United States* (157 U. S., 160) it is said by Mr. Justice Brewer:

"But in this country it is for the grand jury to investigate any alleged crime, no matter how or by whom suggested to them, and after determining that the evidence is sufficient to justify putting the suspected party on trial, to direct the preparation of the formal charge or indictment."

There are doubtless a few cases in the State courts which take a contrary view, but they are generally such as deal with the abuses of the system, as the indiscriminate summoning of witnesses with no definite object in view, and in a spirit of meddlesome inquiry. In the most pertinent of these cases (*In re Lester*, 77 Ga., 143), the mayor of Savannah, who was also ex officio the presiding judge of a court of record, was called upon to bring into the superior court the "information docket" of his court, to be used as evidence by the State in certain cases pending before the grand jury. It was held "that the powers of the body are inquisitorial to a certain extent is undeniable; yet they have to be exercised within well defined limits." The grand jury can find no bill nor make any presentment except upon the testimony of witnesses sworn in a particular case, where the party is charged with a specified offense."

This case is readily distinguishable from the one under consideration, in the fact that the subpoena in this case did specify the action as one between the United States and the American Tobacco Company and the MacAndrews-Forbes Company; and that the Georgia penal code prescribed a form of oath for the grand jury, "that the evidence you shall give the grand jury on this bill of indictment (or presentment, as the case may be, here state the case) shall be the truth," etc. This seems to confine the witness to a charge already laid before the jury.

In *Lewis v. Board of Commissioners* (74 N. C., 194) the English practice, which requires a preliminary investigation where the accused can confront the accuser and witnesses with testimony, was adopted as more consonant to principles of justice and personal liberty. It was further said that none but witnesses have any business before the grand jury, and that the solicitor may not be present, even to examine them. The practice in this particular in the Federal courts has been quite the contrary.

Other cases lay down the principle that it must be made to appear to the grand jury that there is reason to believe that a crime has been committed, and that they have not the power to institute or prosecute an inquiry on the chance that some crime may be discovered. (In *Matter of Morse*, 18 N. Y. Criminal Rep., 312; *State v. Adams*, 2 Lea, 647, an unimportant case, turning upon a local statute.) In Pennsylvania grand juries are somewhat more restricted in their powers than is usual in other States (*McCullough v. Commonwealth*, 67 Penn. St., 30; *Rowland v. Commonwealth*, 82 Penn. St., 405; *Commonwealth v. Green*, 126 Penn. St., 531), and in Tennessee inquisitorial powers are granted in certain cases and withheld in others. (*State v. Adams*, 70 Tenn., 647; *State v. Smith*, 19 Tenn., 99.)

We deem it entirely clear that under the practice in this country, at least, the examination of witnesses need not be preceded by a presentment or indictment formally drawn up, but that the grand jury may proceed, either upon their own knowledge or upon the examination of

witnesses, to inquire for themselves whether a crime cognizable by the court has been committed; that the result of their investigations may be subsequently embodied in an indictment, and that in summoning witnesses it is quite sufficient to apprise them of the names of the parties with respect to whom they will be called to testify, without indicating the nature of the charge against them. So valuable is this inquisitorial power of the grand jury that in States where felonies may be prosecuted by information as well as indictment the power is ordinarily reserved to courts of empaneling grand juries for the investigation of riots, frauds, and nuisances, and other cases where it is impracticable to ascertain in advance the names of the persons implicated. It is impossible to conceive that in such cases the examination of witnesses must be stopped until a basis is laid by an indictment formally preferred, when the very object of the examination is to ascertain who shall be indicted. As criminal prosecutions are instituted by the State through an officer selected for that purpose, he is vested with a certain discretion with respect to the cases he will call to their attention, the number and character of the witnesses, the form in which the indictment shall be drawn, and other details of the proceedings. Doubtless abuses of this power may be imagined, as if the object of the inquiry were merely to pry into the details of domestic or business life. But were such abuses called to the attention of the court it would doubtless be alert to repress them. While the grand jury may not indict upon current rumors or unverified reports, they may act upon knowledge acquired either from their own observations or upon the evidence of witnesses given before them.

2. Appellant also invokes the protection of the fifth amendment to the Constitution, which declares that no person "shall be compelled in any criminal case to be a witness against himself," and in reply to various questions put to him he declined to answer, on the ground that he would thereby incriminate himself.

The answer to this is found in a proviso to the general appropriation act of February 25, 1903 (32 Stat., 854-903), that "no person shall be prosecuted or be subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said acts," of which the antitrust law is one, providing, however, that "no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying."

While there may be some doubt whether the examination of witnesses before a grand jury is a suit or prosecution, we have no doubt that it is a "proceeding" within the meaning of this proviso. The word should receive as wide a construction as is necessary to protect the witness in his disclosures, whenever such disclosures are made in pursuance of a judicial inquiry, whether such inquiry be instituted by a grand jury or upon the trial of an indictment found by them. The word "proceeding" is not a technical one, and is aptly used by courts to designate an inquiry before a grand jury. It has received this interpretation in a number of cases. (*Yates v. The Queen*, 14 Q. B. D., 648; *Hogan v. State*, 30 Wis., 428.)

The object of the amendment is to establish in express language and upon a firm basis the general principle of English and American jurisprudence, that no one shall be compelled to give testimony which may expose him to prosecution for crime. It is not declared that he may not be compelled to testify to facts which may impair his reputation for probity or even tend to disgrace him, but the line is drawn at testimony that may expose him to prosecution. If the testimony relate to criminal acts long since past, and against the prosecution of which the statute of limitations has run, or for which he has already received a pardon or is guaranteed an immunity, the amendment does not apply.

The interdiction of the fifth amendment operates only where a witness is asked to incriminate himself. In other words, to give testimony which may possibly expose him to a criminal charge. But if the criminality has already been taken away the amendment ceases to apply. The criminality provided against is a present not a past criminality, which lingers only as a memory and involves no present danger of prosecution. To put an extreme case, a man in his boyhood or youth may have committed acts which the law pronounces criminal, but it would never be asserted that he would thereby be made a criminal for life. It is here that the law steps in and says that if the offense be outlawed or pardoned, or its criminality has been removed by statute, the amendment ceases to apply. The extent of this immunity was fully considered by this court in *Counselman v. Hitchcock* (142 U. S., 547), in which the immunity offered by Revised Statutes, section 860, was declared to be insufficient. In consequence of this decision an act was passed applicable to testimony before the Interstate Commerce Commission in almost the exact language of the act of February 25, 1903, above quoted. This act was declared by this court in *Brown v. Walker* (101 U. S., 591) to afford absolute immunity against prosecution for the offense to which the question related and deprived the witness of his constitutional right to refuse to answer. Indeed, the act was passed apparently to meet the declaration in *Counselman v. Hitchcock* (586), that "a statutory enactment to be valid must afford absolute immunity against future prosecution for the offense to which the question relates." If the constitutional amendment were unaffected by the immunity statute, it would put it within the power of the witness to be his own judge as to what would tend to incriminate him, and would justify him in refusing to answer almost any question in a criminal case, unless it clearly appeared that the immunity was not set up in good faith.

We need not restate the reasons in *Brown v. Walker*, both in the opinion of the court and in the dissenting opinion, wherein all the prior authorities were reviewed and a conclusion reached by a majority of the court which fully covers the case under consideration.

The suggestion that a person who has testified compulsorily before a grand jury may not be able, if subsequently indicted for some matter concerning which he testified, to procure the evidence necessary to maintain his plea, is more fanciful than real. He would have not only his own oath in support of his immunity, but the notes often, though not always, taken of the testimony before the grand jury, as well as the testimony of the prosecuting officer, and of every member of the jury present. It is scarcely possible that all of them would have forgotten the general nature of his incriminating testimony or that any serious conflict would arise therefrom. In any event, it is a question relating to the weight of the testimony, which could scarcely be considered in determining the effect of the immunity statute. The difficulty of maintaining a case upon the available evidence is a danger which the law does not recognize. In prosecuting a case, or in setting up a defense, the law takes no account of the practical difficulty which either party may have in procuring his testimony. It judges of the law by the facts which each party claims, and not by what he may ultimately establish.

The further suggestion that the statute offers no immunity from prosecution in the State courts was also fully considered in *Brown v. Walker* and held to be no answer. The converse of this was also decided in *Jack v. Kansas* (199 U. S. 372), namely, that the fact that an immunity granted to a witness under a State statute would not prevent a prosecution of such witness for a violation of a Federal statute, did not invalidate such statute under the fourteenth amendment. It was held both by this court and by the supreme court of Kansas that the possibility that information given by the witness might be used under the Federal act did not operate as a reason for permitting the witness to refuse to answer, and that a danger so unsubstantial and remote did not impair the legal immunity. Indeed, if the argument were a sound one it might be carried still further and held to apply not only to State prosecutions within the same jurisdiction, but to prosecutions under the criminal laws of other States to which the witness might have subjected himself. The question has been fully considered in England, and the conclusion reached that the only danger to be considered is one arising within the same jurisdiction and under the same sovereignty. (*Queen v. Boyes*, 1 B. & S. 311; *King of Sicilies v. Wilcox*, 7 State Trials (N. S.), 1049, 1068; *State v. March*, 1 Jones (Ga.), 526; *State v. Thomas*, 98 N. C. 599.) The entire question of immunity is also exhaustively treated in Wigmore on Evidence, sections 2255-2259.

The case of *United States v. Saline Bank* (1 Pet., 100) is not in conflict with this. That was a bill for discovery, filed by the United States against the cashier of the Saline Bank, in the district court of the Virginia district, who pleaded that the emission of certain unlawful bills took place, within the State of Virginia, by the law whereof penalties were inflicted for such emissions. It was held that defendants were not bound to answer and subject them to those penalties. It is sufficient to say that the prosecution was under a State law which imposed the penalty, and that the Federal court was simply administering the State law, and no question arose as to a prosecution under another jurisdiction.

But it is further insisted that while the immunity statute may protect individual witnesses it would not protect the corporation of which appellant was the agent and representative. This is true, but the answer is that it was not designed to do so. The right of a person under the fifth amendment to refuse to incriminate himself is purely a personal privilege of the witness. It was never intended to permit him to plead the fact that some third person might be incriminated by his testimony, even though he were the agent of such person. A privilege so extensive might be used to put a stop to the examination of every witness who was called upon to testify before the grand jury with regard to the doings or business of his principal, whether such principal were an individual or a corporation. The question whether a corporation is a "person" within the meaning of this amendment really does not arise, except perhaps where a corporation is called upon to answer a bill of discovery, since it can only be heard by oral evidence in the person of some one of its agents or employees. The amendment is limited to a person who shall be compelled in any criminal case to be a witness against himself, and if he can not set up the privilege of a third person, he certainly can not set up the privilege of a corporation. As the combination or conspiracies provided against by the Sherman antitrust act can ordinarily be proved only by the testimony of parties thereto, in the person of their agents or employees, the privilege claimed would practically nullify the whole act of Congress. Of what use would it be for the legislature to declare these combinations unlawful if the judicial power may close the door of access to every available source of information upon the subject? Indeed, so strict is the rule that the privilege is a personal one that it has been held in some cases that counsel will not be allowed to make the objection. We hold that the questions should have been answered.

3. The second branch of the case relates to the nonproduction by the witness of the books and papers called for by the *subpoena duces tecum*. The witness put his refusal on the ground, first, that it was impossible for him to collect them within the time allowed; second, because he was advised by counsel that under the circumstances he was under no obligation to produce them; and finally, because they might tend to incriminate him.

Had the witness relied solely upon the first ground, doubtless the court would have given him the necessary time. The last ground we have already held untenable. While the second ground does not set forth with technical accuracy the real reason for declining to produce them, the witness could not be expected to speak with legal exactness, and we think is entitled to assert that the subpoena was an infringement upon the fourth amendment to the Constitution, which declares that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The construction of this amendment was exhaustively considered in the case of *Boyd v. United States* (116 U. S. 616), which was an information *in rem* against certain cases of plate glass, alleged to have been imported in fraud of the revenue acts. On the trial it became important to show the quantity and value of the glass contained in a number of cases previously imported; and the district judge, under section 5 of the act of June 22, 1874, directed a notice to be given to the claimants, requiring them to produce the invoice of these cases under penalty that the allegations respecting their contents should be taken as confessed. We held (p. 622) "that a compulsory production of a man's private papers to establish a criminal charge against him, or to forfeit his property, is within the scope of the fourth amendment, in all cases in which a search and seizure would be," and that the order in question was an unreasonable search and seizure within that amendment.

The history of this provision of the Constitution and its connections with the former practice of general warrants, or writs of assistance, was given at great length, and the conclusion reached that the compulsory extortion of a man's own testimony, or of his private papers, to connect him with a crime or a forfeiture of his goods, is illegal (p. 634), "is compelling a man to be a witness against himself, within the meaning of the fifth amendment, and is the equivalent of a search and seizure—and an unreasonable search and seizure—within the fourth amendment."

Subsequent cases treat the fourth and fifth amendments as quite distinct, having different histories, and performing separate functions. Thus in the case of *Interstate Commerce Commission v. Brimson* (154 U. S. 447), the constitutionality of the interstate-commerce act, so far as it authorized the circuit courts to use their processes in aid of inquiries before the Commission, was sustained, the court observing in that connection:

"It was clearly competent for Congress, to that end, to invest the Commission with authority to require the attendance and testimony of witnesses, and the production of books, papers, tariffs, contracts, agreements, and documents relating to any matter legally committed to that body for investigation. We do not understand that any of these propositions are disputed in this case."

The case of *Adams v. United States* (192 U. S. 585), which was a writ of error to the supreme court of the State of New York, involving the seizure of certain gambling paraphernalia, was treated as involving the construction of the fourth and fifth amendments to the Federal Constitution. It was held, in substance, that the fact that papers pertinent to the issue may have been illegally taken from the possession of the party against whom they are offered, was not a valid objection to their admissibility; that the admission, as evidence in a criminal trial, of papers found in the execution of a valid search warrant prior to the indictment was not an infringement of the fifth amendment, and that by the introduction of such evidence defendant was not compelled to incriminate himself. The substance of the opinion is contained in the following paragraph. It was contended that "if a search warrant is issued for stolen property and burglars' tools be discovered and seized, they are to be excluded from testimony by force of these amendments. We think they were never intended to have that effect, but are rather designed to protect against compulsory testimony from a defendant against himself in a criminal trial, and to punish wrongful invasion of the home of the citizen or the unwarranted seizure of his papers and property, and to render invalid legislation or judicial procedure having such effect."

The *Boyd* case must also be read in connection with the still later case of *Interstate Commerce Commission v. Baird* (194 U. S. 25), which arose upon the petition of the Commission for orders requiring the testimony of witnesses and the production of certain books, papers, and documents. The case grew out of a complaint against certain railway companies that they charged unreasonable and unjust rates for the transportation of anthracite coal. Objection was made to the production of certain contracts between these companies upon the ground that it would compel the witnesses to furnish evidence against themselves, in violation of the fifth amendment, and would also subject the parties to unreasonable searches and seizures. It was held that the circuit court erred in holding the contracts to be irrelevant and in refusing to order their production as evidence by the witnesses who were parties to the appeal. In delivering the opinion of the court the *Boyd* case was again considered in connection with the fourth and fifth amendments, and the remark made by Mr. Justice Day that the immunity statute of 1893 "protects the witness from such use of the testimony given as will result in his punishment for crime or the forfeiture of his estate."

Having already held that by reason of the immunity act of 1903 the witness could not avail himself of the fifth amendment, it follows that he can not set up that amendment as against the production of the books and papers, since in respect to these he would also be protected by the immunity act. We think it quite clear that the search and seizure clause of the fourth amendment was not intended to interfere with the power of courts to compel, through a *subpoena duces tecum*, the production, upon a trial in court, of documentary evidence. As remarked in *Summers v. Mosely* (2 Cr. & M. 477), it would be "utterly impossible to carry on the administration of justice" without this writ. The following authorities are conclusive upon this question: *Amey v. Long*, 9 East, 473; *Bull v. Loveland*, 10 Pick., 9; *United States Express Co. v. Henderson*, 69 Iowa, 40; *Greenleaf on Evidence*, 469a; *Wigmore on Evidence*, section 2264.

If, whenever an officer or employee of a corporation were summoned before a grand jury as a witness he could refuse to produce the books and documents of such corporation, upon the ground that they would incriminate the corporation itself, it would result in the failure of a large number of cases where the illegal combination was determinable only upon the examination of such papers. Conceding that the witness was an officer of the corporation under investigation, and that he was entitled to assert the rights of the corporation with respect to the production of its books and papers, we are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.

Upon the other hand the corporation is a creature of the State. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the State and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a State, having chartered a corporation, to make use of certain franchises, could not in the exercise of its sovereignty inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation, which is charged with a criminal violation of the statute may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges.

It is true that the corporation in this case was chartered under the laws of New Jersey, and that it receives its franchise from the legislature of the State; but such franchises, so far as they involve questions of interstate commerce, must also be exercised in subordination to the power of Congress to regulate such commerce, and in respect to this the General Government may also assert a sovereign authority to ascertain whether such franchises have been exercised in a lawful manner, with a due regard to its own laws. Being subject to

this dual sovereignty the General Government possesses the same right to see that its own laws are respected as the State would have with respect to the special franchises vested in it by the laws of the State. The powers of the General Government in this particular in the vindication of its own laws are the same as if the corporation had been created by an act of Congress. It is not intended to intimate, however, that it has a general visitatorial power over State corporations.

4. Although, for the reasons above stated, we are of the opinion that an officer of a corporation which is charged with a violation of a statute of the State of its creation, or of an act of Congress passed in the exercise of its constitutional powers, can not refuse to produce the books and papers of such corporation, we do not wish to be understood as holding that a corporation is not entitled to immunity, under the fourth amendment, against unreasonable searches and seizures. A corporation is, after all, but an association of individuals under an assumed name and with a distinct legal entity. In organizing itself as a collective body it waives no constitutional immunities appropriate to such body. Its property can not be taken without compensation. It can only be proceeded against by due process of law, and is protected, under the fourteenth amendment, against unlawful discrimination. (Gulf, etc., Railroad Company v. Ellis, 165 U. S., 150, 154, and cases cited.) Corporations are a necessary feature of modern business activity, and their aggregated capital has become the source of nearly all great enterprises.

We are also of opinion that an order for the production of books and papers may constitute an unreasonable search and seizure within the fourth amendment. While a search ordinarily implies a quest by an officer of the law, and a seizure contemplates a forcible dispossession of the owner, still, as was held in the Boyd case, the substance of the offense is the compulsory production of private papers, whether under a search warrant or a subpoena duces tecum, against which the person, be he individual or corporation, is entitled to protection. Applying the test of reasonableness to the present case, we think the subpoena duces tecum is far too sweeping in its terms to be regarded as reasonable. It does not require the production of a single contract, or of contracts with a particular corporation, or a limited number of documents, but all understandings, contracts, or correspondence between the MacAndrews & Forbes Company and no less than six different companies, as well as all reports made and accounts rendered by such companies from the date of the organization of the MacAndrews & Forbes Company, as well as all letters received by that company since its organization from more than a dozen different companies, situated in seven different States in the Union.

If the writ had required the production of all the books, papers, and documents found in the office of the MacAndrews & Forbes Company, it would scarcely be more universal in its operation, or more completely put a stop to the business of that company. Indeed, it is difficult to say how its business could be carried on after it had been denuded of this mass of material, which is not shown to be necessary in the prosecution of this case, and is clearly in violation of the general principle of law with regard to the particularity required in the description of documents necessary to a search warrant or subpoena. Doubtless many, if not all, of these documents may ultimately be required, but some necessity should be shown, either from an examination of the witnesses orally, or from the known transactions of these companies with the other companies implicated, or some evidence of their materiality produced, to justify an order for the production of such a mass of papers. A general subpoena of this description is equally indefensible as a search warrant would be if couched in similar terms. (Ex parte Brown, 72 Mo., 83; Shaftsbury v. Arrowsmith, 4 Ves., 66; Lee v. Angas, L. R. 2 Eq., 59.)

Of course, in view of the power of Congress over interstate commerce, to which we have adverted, we do not wish to be understood as holding that an examination of the books of a corporation, if duly authorized by act of Congress, would constitute an unreasonable search and seizure within the fourth amendment.

But this objection to the subpoena does not go to the validity of the order remanding the petitioner, which is therefore affirmed.

True copy. Test:

Clerk Supreme Court United States.

Supreme Court of the United States. No. 341, October term, 1905. William H. McAllister, appellant, v. William Henkel, United States marshal. Appeal from the circuit court of the United States for the southern district of New York. March 12, 1906.

Mr. Justice Brown delivered the opinion of the court:

This case involves many of the questions already passed upon in the opinion in *Hale v. Henkel*, differing from that case, however, in two important particulars: First, in the fact that there was a complaint and charge made on behalf of the United States against the American Tobacco Company and the Imperial Tobacco Company under the so-called "Sherman Act," and, second, that the subpoena pointed out the particular writings sought for (three agreements), giving in each case the date, the names of the parties, and, in one instance, a suggestion of the contents.

The witness McAllister, who was secretary and a director of the American Tobacco Company, refused to answer or produce the documents for practically the same reasons assigned by the appellant *Hale*, demanding to be advised what the suit or proceeding was, and to be furnished with a copy of the proposed indictment. A copy of one of the agreements with three English companies and certified by the consul-general of the United States is contained in the record.

For reasons already partly set forth, we think that the immunity provided by the fifth amendment against self-incrimination is personal to the witness himself, and that he can not set up the privilege of another person or of a corporation as an excuse for a refusal to answer—in other words, the privilege is that of the witness himself and not that of the party on trial. The authorities are practically uniform on this point: *Commonwealth v. Shaw* (4 Cush., 594); *State v. Wentworth* (65 Maine, 234, 241); *Reynolds v. Reynolds* (15 Cox Criminal Cases, 108, 115). In *New York Life Insurance Co. v. People* (195 Ill., 430) the privilege was claimed by a corporation, but the agent of an insurance company was permitted to testify in a suit for the recovery of a statutory penalty to facts showing the performance by the corporation of the act prohibited. An elaborate history of this privilege and its limitations is given by Professor Wigmore in his recent work on Evidence, sections 2250 to 2259. Indeed, the authorities are numerous to the effect that an officer of a corporation can not set up the privilege of a corporation as against his testimony or the production of their books.

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The questions are the same as those involved in the *Hale* case, without the objectionable feature of the subpoena, and the order of the circuit court is therefore affirmed.

True copy. Test:

Clerk Supreme Court United States.

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. 4969. An act granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and a silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments—to the Committee on Foreign Affairs.

S. 3401. An act for the relief of the executors of the estate of Harold Brown, deceased—to the Committee on Claims.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 51. An act to create a juvenile court in and for the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, 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 and joint resolution:

H. J. Res. 83. Joint resolution for a report, etc., upon the preservation of Niagara Falls;

H. R. 345. An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof;

H. R. 8107. An act extending the public-land laws to certain lands in Wyoming;

H. R. 13398. An act to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels;

H. R. 15263. An act to authorize William Smith and associates 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;

H. R. 8103. An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.;

H. R. 58. An act to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations; and

H. R. 122. An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes.

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 50 minutes p. m.) the House adjourned until Friday, March 16, 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 Secretary of the Treasury, transmitting a copy of a letter from the acting secretary of the Smithsonian Institution submitting an estimate of appropriation for the work of the International Catalogue of Scientific Literature—to the Committee on Appropriations, and ordered to be printed.

A letter from the Director of the Geological Survey submitting a report on the subject of a building for the Survey—to the Committee on Public Buildings and Grounds, 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. HOGG, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 15848) authorizing the sale of timber on the Jicarilla Apache Indian Reservation for the benefit of the Indians belonging thereto, reported the same with amendment, accompanied by a report (No. 2331); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on In-

dian Affairs, to which was referred the bill of the House (H. R. 9306) to authorize the sale of a portion of the Lower Brule Indian Reservation, in South Dakota, and for other purposes, reported the same with amendment, accompanied by a report (No. 2333); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees, reported the same with amendment, accompanied by a report (No. 2335); which said bill and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 71) to provide a temporary home for ex-volunteer Union soldiers and sailors in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2336); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4364) granting an increase of pension to George W. Neece, reported the same with amendment, accompanied by a report (No. 2288); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5488) granting a pension to Margaret E. Foster, reported the same with amendment, accompanied by a report (No. 2289); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7232) granting a pension to Alba B. Bean, reported the same with amendment, accompanied by a report (No. 2290); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8319) granting an increase of pension to John Gardner Stocks, reported the same with amendment, accompanied by a report (No. 2291); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8475) granting a pension to John F. Tatham, reported the same with amendment, accompanied by a report (No. 2292); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8687) granting a pension to William I. Lusch, reported the same with amendment, accompanied by a report (No. 2293); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8869) granting an increase of pension to Nathan Coward, reported the same with amendment, accompanied by a report (No. 2294); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9270) granting an increase of pension to Wiley B. Johnson, reported the same with amendment, accompanied by a report (No. 2295); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9271) granting an increase of pension to Joseph Henry Martin, reported the same with amendment, accompanied by a report (No. 2296); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10424) granting a pension to Smith Thompson, reported the same with amendment, accompanied by a report (No. 2297); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10449) granting an increase of pension to George B. D. Alexander, reported the same with amendment, accompanied by a report (No. 2298); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10451) granting an increase of pension

to Robert M. White, reported the same with amendment, accompanied by a report (No. 2299); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10452) granting an increase of pension to Richard C. Daly, reported the same with amendment, accompanied by a report (No. 2300); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10830) granting an increase of pension to Dudley Portwood, reported the same with amendment, accompanied by a report (No. 2301); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10831) granting an increase of pension to Levi C. Bishop, reported the same with amendment, accompanied by a report (No. 2302); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11046) granting an increase of pension to Helen G. Heiner, reported the same with amendment, accompanied by a report (No. 2303); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11331) granting an increase of pension to Thomas Rowan, reported the same with amendment, accompanied by a report (No. 2304); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11332) granting an increase of pension to William F. Kenner, reported the same without amendment, accompanied by a report (No. 2305); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12556) granting an increase of pension to Joseph W. Coppage, reported the same with amendment, accompanied by a report (No. 2306); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12059) granting an increase of pension to Mildred W. Mitchell, reported the same with amendment, accompanied by a report (No. 2307); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13504) granting an increase of pension to Elizabeth Thompson, reported the same with amendment, accompanied by a report (No. 2308); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14566) granting an increase of pension to Robert E. McKiernan, reported the same without amendment, accompanied by a report (No. 2309); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14677) granting a pension to Reuben R. Ballenger, reported the same with amendment, accompanied by a report (No. 2310); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14915) granting an increase of pension to Andrew W. Tracy, reported the same with amendment, accompanied by a report (No. 2311); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14920) granting an increase of pension to Winfield S. Bruce, reported the same with amendment, accompanied by a report (No. 2312); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15277) granting an increase of pension to George W. Pierce, reported the same without amendment, accompanied by a report (No. 2313); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15306) granting an increase of pension to Asa Wall, reported the same with amendment, accompanied by a report (No. 2314); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15415) granting an increase of pension to Ann R. Nelson, reported the same with amendment, accompanied by a report (No. 2315); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15621) granting an increase of pension to Caleb M. Tarter, reported the same with amendment, accompanied by a report (No. 2316); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15687) granting an increase of pension to William F. M. Reil, reported the same with amendment, accompanied by a report (No. 2317); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15701) granting an increase of pension to William Brown, reported the same with amendment, accompanied by a report (No. 2318); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15867) granting an increase of pension to Annie M. Stevens, reported the same with amendment, accompanied by a report (No. 2319); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15894) granting an increase of pension to Alma L. Wells, reported the same with amendment, accompanied by a report (No. 2320); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15907) granting an increase of pension to Louis De Laittre, reported the same with amendment, accompanied by a report (No. 2321); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16023) granting an increase of pension to Sheldon B. Fargo, reported the same with amendment, accompanied by a report (No. 2322); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16182) granting an increase of pension to S. F. Williams, reported the same with amendment, accompanied by a report (No. 2323); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16215) granting an increase of pension to Mary Dagenfield, reported the same with amendment, accompanied by a report (No. 2324); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16250) granting an increase of pension to A. J. Mowery, reported the same with amendment, accompanied by a report (No. 2325); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16428) granting an increase of pension to Edwin Hicks, reported the same with amendment, accompanied by a report (No. 2326); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16504) granting an increase of pension to Thomas W. Barnum, reported the same with amendment, accompanied by a report (No. 2327); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16514) granting an increase of pension to John W. Barton, reported the same without amendment, accompanied by a report (No. 2328); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16520) granting an increase of pension to Edward C. Farrell, reported the same with amendment, accompanied by a report (No. 2329); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3273) granting an increase of pension to Andrew J. Levi, reported the same without amendment, accompanied by a report (No. 2330); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7611) to remove the charge of desertion from the military record of Roswell W. Gould, reported the same adversely, accom-

panied by a report (No. 2334); which said bill and report were ordered laid on the table.

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. VOLSTEAD: A bill (H. R. 16794) to provide for the disposal of timber on certain public lands—to the Committee on the Public Lands.

By Mr. FULKERSON: A bill (H. R. 16795) to increase the pensions of Mexican war survivors—to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 16796) to provide for the retirement of certain letter carriers and regulating the pay of same—to the Committee on the Post-Office and Post-Roads.

By Mr. McGUIRE (by request): A bill (H. R. 16797) establishing an additional recording district in Indian Territory—to the Committee on the Judiciary.

By Mr. CALDER: A bill (H. R. 16798) repealing a provision of section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States"—to the Committee on Naval Affairs.

By Mr. HEARST: A bill (H. R. 16799) to increase the salaries of the Chief Justice and the associate justices of the Supreme Court—to the Committee on the Judiciary.

By Mr. WANGER: A bill (H. R. 16800) to establish additional aids to navigation in Delaware Bay and River—to the Committee on Interstate and Foreign Commerce.

By Mr. PAGE: A bill (H. R. 16801) authorizing a public building at Lexington, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 16802) to fix the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama, and for other purposes—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: A bill (H. R. 16803) for the survey of Northeast Cape Fear River, North Carolina—to the Committee on Rivers and Harbors.

By Mr. SMALL: A bill (H. R. 16804) providing for the use of \$3,000,000 of the money that would otherwise become a part of the reclamation fund for the drainage of certain lands in North Carolina and Virginia, and for other purposes—to the Committee on the Public Lands.

By Mr. ELLERBE: A bill (H. R. 16805) to build a road to the national military cemetery at Florence, S. C.—to the Committee on Military Affairs.

By Mr. HARDWICK: A resolution (H. Res. 366) instructing the Committee on Election of President, Vice-President, and Representatives in Congress to make investigations as to contributions in the national election of 1904—to the Committee on Rules.

By the SPEAKER: A memorial of the general court of Massachusetts, favoring the consolidation of third and fourth class rates of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEKS: A memorial of the legislature of Massachusetts, requesting Congress to consolidate the present third and fourth class rates of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN of Massachusetts: A memorial of the Commonwealth of Massachusetts, requesting Congress to consolidate the present third and fourth class rates of postage—to the Committee on the Post-Office and Post-Roads.

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. ADAMS of Pennsylvania: A bill (H. R. 16806) granting an increase of pension to Henry Brenizer—to the Committee on Invalid Pensions.

By Mr. ADAMS of Wisconsin: A bill (H. R. 16807) granting an increase of pension to Isabella Ellis—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16808) granting a pension to Sadie M. Likens—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 16809) granting an increase of pension to Conrad Ditmore—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 16810) granting a pension to Henry C. Jackson—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 16811) granting a pension to Susan T. Sailor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16812) granting an increase of pension to Dudley McKibben—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 16813) granting an increase of pension to Charles W. Brumm—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16814) granting a pension to Mary J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16815) granting an increase of pension to Sophia Griggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16816) granting an increase of pension to Charles M. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16817) granting an increase of pension to Samuel Wise—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 16818) granting an increase of pension to David R. Walden—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 16819) granting a pension to John V. Sumner—to the Committee on Pensions.

Also, a bill (H. R. 16820) granting an increase of pension to Rolandus O. Longenecker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16821) granting an increase of pension to Silas Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16822) granting an increase of pension to Henry Bibb—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 16823) for the relief of the estate of Josiah Jennison, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16824) granting an increase of pension to James Waskom—to the Committee on Pensions.

Also, a bill (H. R. 16825) to correct the military record of John L. Wilson—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A bill (H. R. 16826) to authorize the President of the United States to appoint Maj. Gen. Oliver O. Howard, United States Army, retired, to be Lieutenant-General, United States Army—to the Committee on Military Affairs.

By Mr. GILBERT of Indiana: A bill (H. R. 16827) granting an increase of pension to Nancy A. McMurray—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 16828) granting an increase of pension to Georgia Ann Hughes—to the Committee on Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 16829) granting a pension to Narcissa G. Short—to the Committee on Pensions.

By Mr. LESTER: A bill (H. R. 16830) for the relief of July Anderson—to the Committee on War Claims.

Also, a bill (H. R. 16831) for the relief of Plymouth Frazier, jr.—to the Committee on War Claims.

Also, a bill (H. R. 16832) for the relief of Plymouth Frazier—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 16833) granting an increase of pension to Tenora M. Flake—to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 16834) granting an increase of pension to Allan S. Rose—to the Committee on Pensions.

Also, a bill (H. R. 16835) granting an increase of pension to Daniel G. Smith—to the Committee on Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 16836) granting an increase of pension to David C. Winebrener—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 16837) granting an increase of pension to John Rourke—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 16838) granting an increase of pension to Elizabeth Whitty—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 16839) granting an increase of pension to Benjamin F. Johnson—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 16840) granting a pension to Lue Grundy—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 16841) granting an increase of pension to Thomas J. Griffin—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 16842) granting an increase of pension to Thomas H. Thornburgh—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 16843) for the relief of the heirs of John B. Wolf, deceased—to the Committee on War Claims.

By Mr. VAN WINKLE: A bill (H. R. 16844) granting a pension to Ellen Ramsey—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 16845) granting a pension to Martha J. Pleak—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16846) granting a pension to Ann Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16847) granting an increase of pension to Reuben Smalley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16848) granting an increase of pension to John Mausner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16849) granting an increase of pension to Warren Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16850) granting an increase of pension to John Virden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16851) granting an increase of pension to Joseph A. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16852) granting an increase of pension to John W. Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16853) granting an increase of pension to William Hare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16854) granting an increase of pension to David P. Demree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16855) granting an increase of pension to Col. Milton H. Peden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16856) granting an increase of pension to Joseph McBride—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 16857) granting an increase of pension to Jeremiah Y. Antrim—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 16858) granting a pension to E. J. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16859) granting a pension to John P. Maw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16860) granting a pension to James T. Calvin—to the Committee on Invalid Pensions.

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. 6150) for the relief of the heirs of William H. Blades—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 11721) for the relief of the estate of Wiley J. Davis—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 16757) for the relief of Jordan H. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 13734) for the relief of Harriet Kyler—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13733) for the relief of B. F. Jamison—Committee on Claims discharged, and referred to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Waldron, Ill., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ADAMS of Pennsylvania: Petition of Loyal Council, No. 94, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of George G. Mead Post, Grand Army of the Republic, No. 1, for bill H. R. 3814—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: Petition of the Musicians' Protective Association of Buffalo, N. Y., for bill H. R. 8748—to the Committee on Naval Affairs.

By Mr. ALLEN of Maine: Petition of Elmer H. Sibley and 93 others, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. ANDRUS: Petition of the Register, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Pennsylvania Federation of Women, relative to forest reserves in the White Mountains, etc., and for the Morris law—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Richard Callaghan—to the Committee on Invalid Pensions.

Also, petition of the Fred S. Clark Company, of Cleveland, Ohio, relative to the New York and New Haven Railway discriminating in the matter of rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Paper to accompany bill for relief of William J. Girvan—to the Committee on Invalid Pensions.

Also, petition of veterans of the Mexican war, for more adequate pensions—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Petition of Ornan Bogg et al., for bill H. R. 2606—to the Committee on Invalid Pensions.

Also, petition of A. M. Zigler and citizens, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of John W. Fultz—to the Committee on War Claims.

Also, paper to accompany bill for relief of W. S. Adams—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of W. D. Jones—to the Committee on War Claims.

Also, paper to accompany bill for relief of Nimrod Pratt—to the Committee on War Claims.

Also, paper to accompany bill for relief of William H. Pope—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of T. K. Ball—to the Committee on War Claims.

Also, paper to accompany bill for relief of A. J. Henshaw—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Joseph Seagrave, Thomas Columbia, Travis Stull, Frances M. McGuire, and Robert Ross—to the Committee on Military Affairs.

By Mr. BONYNGE: Petitions of Mrs. Mercer, of the Methodist Episcopal Missionary Society, and the Presbyterian Missionary Society, against liquor selling in any building of the United States Government and against opium selling under the same jurisdiction—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Laird, Colo., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BUCKMAN: Petition of citizens of Batavia, Todd County, Minn., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: Petition of the California Fruit Growers' Exchange, relative to railway rates, private cars, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Fred G. Clarke Company, of Cleveland, Ohio, relative to the New York and New Haven Railway Company discriminating in rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Paper to accompany bill for relief of Hartley B. Cox—to the Committee on Invalid Pensions.

Also, petition of citizens of Maine, for the Granger good-roads bill—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Petition of citizens of Cleveland, Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Martha J. Netherton (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. CHANEY: Paper to accompany bill for relief of Hiran E. Crouch—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of Local Union No. 42, of Racine, Wis., American Federation of Musicians, for bill H. R. 8748—to the Committee on Naval Affairs.

By Mr. DAVIS of Minnesota: Petition of the International Association of Machinists, for bills H. R. 10069 and S. 2633—to the Committee on Naval Affairs.

Also, petition of the Minnesota Editorial Association, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of J. I. Grieser and 53 others, against bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. DE ARMOND: Petition of the Oklahoma Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DICKSON of Illinois: Petition of citizens of Fayette County, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DIXON of Indiana: Petition of Elmer G. Tufts, of the National Grange, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of John C. Hall et al., for an experimental parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Indiana, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ELLERBE: Paper to accompany bill for relief of heirs of Lucy Breedon—to the Committee on War Claims.

By Mr. FLOYD: Paper to accompany bill for relief of George W. Glenn—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: Petition of Willis N. Cady, of the National Grange, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. GARRETT: Paper to accompany bill for relief of P. W. Cook (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Tennie L. Smith—to the Committee on Invalid Pensions.

By Mr. GILL: Petition of citizens of Maryland, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Mr. GILLETT of Massachusetts: Petition of Horace Mann, of Athol, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRAHAM: Paper to accompany bill for relief of Samuel B. McLean—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James A. Duff—to the Committee on Invalid Pensions.

Also, petition of the Fred G. Clark Company, of Cleveland, Ohio, relative to discrimination in railway freight rates by the New York, New Haven and Hartford Railway Company—to the Committee on Interstate and Foreign Commerce.

Also, petition of the California Fruit Growers' Exchange, relative to private car lines, railway rates, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of the Central Federated Union of New York City, for two battle ships for construction at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. GRONNA: Petition of Aug. Peterson, of Harvey, N. Dak., for bills H. R. 14846 and 8793—to the Committee on Banking and Currency.

Also, petition of C. L. Timmerman, of Mandan, N. Dak., for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the board of county commissioners of Dickey County, N. Dak., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of citizens of Barry County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Allegan County, Mich., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Van Buren County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARDWICK: Paper to accompany bill for relief of Georgia Ann Hughes—to the Committee on Pensions.

By Mr. HASKINS: Petition of the Connecticut Valley Pomona Grange, of South Woodstock, Vt., and Eureka Grange, No. 296, of Coventry, Vt., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. HAYES: Petition of the Japanese and Korean Exclusion League for retention of the Chinese law—to the Committee on Foreign Affairs.

By Mr. HIGGINS: Petitions of the Union for Home Work, the Good Will Club, the Motherhood Club, the College Club, the Civic Club, the Educational Club, the Social Settlement Club, the Twentieth Century Club, and the West Side Workingmen's Club, of Hartford, Conn., for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Chamber of Commerce of New Haven, Conn., for a staff of commercial attachés in the consular service—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of New Haven, Conn., for reform in the consular service—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of New Haven, Conn., for a forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. HOAR: Petition of P. P. Lane et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOPKINS: Paper to accompany bill for relief of R. L. Davis—to the Committee on Pensions.

By Mr. HOWELL of Utah: Petition of citizens of New York

and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HUFF: Petition of Loyal Council, No. 314, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. B. Saams Camp, No. 148, Sons of Veterans, Pennsylvania Division, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of D. K. Artman, of Connellsville, Pa., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Conner (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. JENKINS: Petition of citizens of Ladysmith, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LITTLEFIELD: Petition of citizens of Bath, Me., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LIVINGSTON: Petition of the Atlanta Chamber of Commerce, for an appropriation for continuance of fast mails—to the Committee on the Post-Office and Post-Roads.

By Mr. LONGWORTH: Petition of citizens of Ohio and late teamsters in the service of the United States during the civil war, relative to pensions—to the Committee on Invalid Pensions.

By Mr. LORIMER: Petition of D. E. Humphrey, of Chicago, for the Senate statehood bill—to the Committee on the Territories.

By Mr. McMORRAN: Petition of citizens of Lapeer and Detroit, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NEEDHAM: Petition of R. C. Kells, of the Chamber of Commerce of Sutter County, Cal., for an appropriation to stop the pear blight—to the Committee on Agriculture.

Also, petition of A. E. Yoell, for retention of the present Chinese law—to the Committee on Foreign Affairs.

By Mr. NORRIS: Petition of citizens of Culbertson, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Nebraska Cement Users' Association, relative to the proper use of cement as established by Government investigation—to the Committee on Appropriations.

Also, petition of the George H. Lee Company, of Omaha, Nebr., against the Gilbert bill—to the Committee on the Judiciary.

By Mr. OVERSTREET: Paper to accompany bill for relief of Benjamin F. Johnson—to the Committee on Invalid Pensions.

Also, petition of citizens of Indianapolis, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Wood-Weaver Printing Company, of Indianapolis, against the Little and Gilbert bills—to the Committee on the Judiciary.

Also, petition of E. D. Classon, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of citizens of Osceola County, for bills H. R. 8104 and 8105—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Barber—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of citizens of College View, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. POWERS: Petition of the Savings Bank Association of Maine, against bill H. R. 48—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of estate of Susan W. Shackelford—to the Committee on War Claims.

Also, petition of citizens of Huntsville, Ala., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RIVES: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ROBERTS: Petition of citizens of Melrose, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHACKLEFORD: Petition of citizens of Boone County, Mo., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Illinois: Petition of citizens of Herrin, Ill., relative to bill H. R. 3122—to the Committee on the District of Columbia.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of James Hoover—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: Petition of citizens of Buffalo Gap, Tex., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WM. ALDEN SMITH: Petitions of citizens of Michigan, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. SULLIVAN of Massachusetts: Petition of the Warren Avenue Baptist Church, of Boston, against conditions in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. THOMAS of North Carolina: Paper to accompany bill for survey of Northeast River, North Carolina, from Hallsville to Goshen—to the Committee on Rivers and Harbors.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Catharine Dooley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Katharine Encke—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petition of citizens of Ellicottville, N. Y., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Ellenburg Center, N. Y., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of E. P. Fenner, of Pleasant Valley, N. Y., for the pure-food law—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Petition of the Independent Order of Good Templars of Jeddo, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. WEEMS: Paper to accompany bill for relief of Charles Williams—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: Petition of Local Union No. 45, Sanitary Pressers, of Trenton, N. J., against coming of Chinese—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of William Kelly—to the Committee on Invalid Pensions.

Also, petition of citizens of Trenton, N. J., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 16, 1906.

The House met at 12 o'clock noon.

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

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

REGULATION OF CONSTRUCTION OF BRIDGES OVER NAVIGABLE WATERS.

The SPEAKER laid before the House the bill (H. R. 6009) to regulate the construction of bridges over navigable waters, with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to concur in the Senate amendments.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendments.

The question was taken; and the motion was agreed to.

LEASING LANDS TO THE P. F. U. RUBBER COMPANY IN LA PLATA COUNTY, COLO.

Mr. BROOKS of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16381) which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16381) leasing and demising certain lands in La Plata County, Colo., to the P. F. U. Rubber Company.

Whereas all the present commercial sources of supply for caoutchouc, or india-rubber gum, are wholly without the boundaries of the United States and wholly within the Tropics; and

Whereas the multifold uses of rubber make its economical production a matter of national necessity; and

Whereas within the past two years it has been discovered that a hitherto worthless weed growing in the higher altitudes of the Rocky Mountain States may, with proper treatment, yield a rubber gum of good quality; and

Whereas the P. F. U. Rubber Company has erected a factory at Durango, in the State of Colorado, for treating this weed and extracting the gum, and has, after an exhaustive search extending over several States and Territories, determined that the plant has reached its highest development (so far as the percentage and quality of its gum is concerned) in the specimens found on the tract of desert land described below: Therefore

Be it enacted, etc., That the following-described tract of land, situated in the county of La Plata, in the State of Colorado, to wit, the fractional section 3 U; lots 1, 2, and 3 of fractional section 4 U; east half and east half of west half of section 9 U; west half and west half