

By Mr. BENNETT of Kentucky: A bill (H. R. 19018) authorizing The Warfield Coal and Salt Company to construct a bridge across Tug Fork of Big Sandy River—to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER: A bill (H. R. 19019) providing that all contributions hereafter made to political committees engaged in promoting the election of Representatives or Delegates to the Congress of the United States or of Presidential electors at any election at which such Representatives or Delegates shall be voted for shall be given publicity—to the Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. STEPHENS of Texas: A bill (H. R. 19020) authorizing suit to be brought in the Court of Claims in behalf of certain Indians in the Indian Territory—to the Committee on Indian Affairs.

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. BURNETT: A bill (H. R. 19021) granting a pension to Andrew M. Gilbreath—to the Committee on Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 19022) granting an increase of pension to James R. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19023) granting a pension to John T. Lester—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 19024) granting an increase of pension to George W. Cloin—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 19025) granting an increase of pension to Milton McFarland—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 19026) granting an increase of pension to Mary Navy—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 19027) granting an increase of pension to Peter Lunsford—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 19028) granting an increase of pension to Lorenzo D. Frantz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19029) granting an increase of pension to Henry Julius—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 19030) granting an increase of pension to Samuel S. Peters—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 19031) for the relief of William Iams—to the Committee on War Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 19032) granting an increase of pension to Charles W. Brown—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 19033) granting an increase of pension to Moses S. Rockwood—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 19034) granting a pension to Elizabeth Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19055) granting a pension to Lizzie Morgan—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of the board of aldermen of the city of New York, for relief for heirs of victims of *General Slocum* disaster and asking favorable action on the bill for their relief introduced by Mr. SULZER—to the Committee on Claims.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Andrew J. Anderson—to the Committee on Pensions.

By Mr. CAPRON: Petition of the councils of the Order of United American Mechanics, in Providence, Anthony, Phenix, Clayville, Wickford, Woonsocket, Hope Valley, and Riverside, R. I., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the State League of Improvement Societies, in Rhode Island, for an appropriation to stay the ravages of the gypsy and brown-tail moths—to the Committee on Agriculture.

Also, petition of Rhode Island Chapter, American Institute of Architects, for forest reservations in the White Mountains—to the Committee on Agriculture.

Also, petition of Rhode Island Chapter, American Institute of Architects, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. CHANEY: Petition of Frank Nebb Post, Grand Army of the Republic, of Sullivan, Ind., for relief of George W. Cloin—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of citizens of Janesville, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAVIS of West Virginia: Paper to accompany bill for relief of Jacob H. Heck (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of members of St. Luke Council, No. 438, Knights of Columbus, favoring bill H. R. 13304, for a memorial to Christopher Columbus—to the Committee on the Library.

By Mr. HAUGEN: Petition of citizens of Marble Rock, Floyd County, Iowa, and citizens of Winneshiek County, Iowa, against consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of the Municipal Art Society of Hartford, Conn., for bill H. R. 18024, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. LACEY: Petition of citizens of Grinnell, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. POLLARD: Petition of citizens of Talmage, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Charles W. Brown—to the Committee on Pensions.

By Mr. SMITH of Pennsylvania: Petition of 500 citizens of Indiana, Pa., against sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SMITH of Texas: Petition of the Chamber of Commerce of El Paso, Tex., for an appropriation for the enlargement of the Federal building in El Paso, Tex., and papers to accompany bill H. R. 17574—to the Committee on Public Buildings and Grounds.

SENATE.

MONDAY, May 7, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

TRANSPORTATION OF PETROLEUM.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, stating, in response to a resolution of the 4th instant, that, as was shown by the footnote to the President's message, the full copy of the report on the transportation of petroleum is now in the hands of the Public Printer; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

RESTORATION OF PUBLIC BUILDINGS IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting photographs of the Government buildings damaged in San Francisco, San Jose, and Oakland, Cal., together with an estimate of cost for repairs thereof, and also brief references to reports on file showing the heroic work done on the part of several officials of the Treasury Department in connection with their efforts to save these buildings; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DESTRUCTION OF USELESS PAPERS.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Postmaster-General, transmitting a schedule of papers and documents not needed in the transaction of public business and which have no permanent value of historical interest in connection with that Department; which will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and printed.

The Chair appoints as members of the committee on the part of the Senate the Senator from Alabama [Mr. PETTUS] and the Senator from New Hampshire [Mr. GALLINGER]; and the House of Representatives will be notified of this action.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Nathaniel W. Jones v. The United States; which,

with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate in compliance with its request the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes for the fiscal year ending June 30, 1907, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas 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:

H. R. 8226. An act granting an increase of pension to Laura B. Ihrie;

H. R. 10251. An act granting an increase of pension to Sarah M. E. Hinman;

H. R. 11635. An act granting an increase of pension to Jeremiah Lunsford;

H. R. 15397. An act granting an increase of pension to Edward Gillespie;

H. R. 15435. An act to empower the Secretary of War to convey to the city of Minneapolis certain lands in exchange for other lands to be used for flogage purposes;

H. R. 15687. An act granting an increase of pension to William F. M. Rice;

H. R. 15907. An act granting an increase of pension to Lewis De Laitre;

H. R. 16215. An act granting an increase of pension to Mary Dagenfield; and

H. R. 16521. An act directing the Secretary of the Interior to sell and convey a certain parcel of land to Johnson County, Wyo.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Council of Jewish Women of Lafayette, Ind., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Grange No. 979, Patrons of Husbandry, of West Chazy, N. Y., praying for the enactment of legislation to remove the duty on denaturalized alcohol; which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the faculty of New Hampshire College, of Durham, N. H., and a petition of the Maine Manufacturing Company, of Nashua, N. H., praying for the enactment of legislation to remove the duty on denaturalized alcohol; which were referred to the Committee on Finance.

He also presented a memorial of the East Washington Citizens' Association, of Washington, D. C., remonstrating against the appointment by the supreme court of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Augustus Saint-Gaudens, of Windsor, Vt., praying for the enactment of legislation providing for the appointment of a national advisory board on civic art in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Morris E. Sabin, of Washington, D. C., praying for the enactment of legislation providing for the grading and macadamizing of Girard street NE., between Twelfth street and Brentwood road NE.; which was referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of the Rhode Island Chapter of the American Institute of Architects, of Providence, R. I., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Rhode Island Chapter of the American Institute of Architects, of Providence, R. I., praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White mountains; which was ordered to lie on the table.

Mr. DRYDEN presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church of

Cranford, N. J., remonstrating against the enactment of legislation providing for the transfer of the Alaskan native schools from the United States Bureau of Education to the governor of the Territory of Alaska; which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of Milltown and Sayreville, in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Montclair, N. J., praying for the enactment of legislation to establish a national bureau for the protection of children; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Dennisville, N. J., praying for the enactment of legislation to remove the duty on denaturalized alcohol; which was referred to the Committee on Finance.

He also presented a memorial of the Society for the Prevention of Cruelty to Animals, of Vineland, N. J., remonstrating against the enactment of legislation to extend the time in the interstate transportation of live stock; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Elizabeth, Westfield, Newark, and Atlantic Highlands, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of J. B. Morris Post, No. 46, Department of New Jersey, Grand Army of the Republic, of Long Branch, N. J., praying for the enactment of legislation granting pensions to ex-prisoners of war; which was referred to the Committee on Pensions.

Mr. BURROWS presented a petition of sundry citizens of Grand Rapids, Mich., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Montcalm County Medical Society, of Greenville, Mich., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Grand Rapids Clearing-House Association, of Grand Rapids, Mich., praying for the enactment of legislation permitting national banks to loan 10 per cent of their capital and their surplus to individual borrowers; which was ordered to lie on the table.

He also presented a petition of the Rock Elm Grange, Patrons of Husbandry, of East Jordan, Mich., praying for the passage of the so-called "Hepburn railroad rate bill;" which was ordered to lie on the table.

He also presented a petition of Rock Elm Grange, Patrons of Husbandry, of East Jordan, Mich., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Charlotte, Detroit, Ludington, and Grass Lake; of Hamburg Grange, No. 118, of Hamburg; of Pomona Grange, of Gratiot County; of Garfield Grange, No. 1106, of Crooked Lake; of Pomona Grange, of Ingham County, and Fern Grange, No. 803, of Big Rapids, all of the Patrons of Husbandry; of Local Union No. 514, Painters, Decorators, and Paper Hangers, of Ann Harbor; the Wolverine Auto and Commercial Vehicle Company, of Dundee; the Charles A. Greenman Company, of Grand Rapids; the Grand Rapids Wood Carving Company, of Grand Rapids; the Grand Rapids Furniture Association, of Grand Rapids; the Keeler Brass Company, of Grand Rapids; the Gale Manufacturing Company, of Albion; the Clough and Warren Company, of Detroit; the Alamo Manufacturing Company, of Hillsdale; the Kalamazoo Tank and Silo Company, of Kalamazoo; the Dowagiac Manufacturing Company, of Dowagiac; the "New Way" Motor Company, of Lansing; the Cadillac Motor Car Company, of Detroit; the Reo Motor Car Company, of Lansing; the Saginaw Manufacturing Company, of Saginaw; the Globe Furniture Company, of Northville; the McRae & Roberts Company, of Detroit; the Field-Brundage Company, of Jackson; the Otsego Chair Company, of Otsego; the Challenge Refrigerator Company, of Grand Haven; the Wolverine Brass Works, of Grand Rapids; the Charles A. Strelinger Company, of Detroit; the Truscott Boat Manufacturing Company, of St. Joseph; the Muskegon Valley Furniture Company, of Muskegon; the Hackley-Phelps-Bonnell Company, of Grand Rapids; the Detroit Trolley Wheel and Electrical Equipment Company, of Detroit; the Michigan Steel Boat Company, of Detroit, and the Manistee Novelty Company, of Manistee, all in the State of Michigan, and of the Wisconsin Chemical Company, of Hackley, Wis., praying for the removal of the internal-reve-

nue tax on denaturalized alcohol; which were referred to the Committee on Finance.

He also presented a memorial of the Amalgamated Association of Street and Electric Railway Employees of Ypsilanti, Mich., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Club of Detroit, Mich., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Independent Voters' Association of Detroit, Mich., and a petition of the Central Woman's Christian Temperance Union of Detroit, Mich., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which were referred to the Committee on Education and Labor.

Mr. DANIEL presented a petition of sundry students of St. Andrew's School, of Richmond, Va., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

Mr. GAMBLE presented a petition of the Western South Dakota Stock Growers' Association, praying for the classification of public lands in South Dakota lying west of the Missouri River and adjacent thereto; which was referred to the Committee on Public Lands.

He also presented a petition of the Western South Dakota Stock Growers' Association, praying for the enactment of legislation extending the time for the interstate transportation of live stock; which was ordered to lie on the table.

Mr. BURNHAM presented the petition of Augustus St. Gaudens, of Windsor, Vt., praying for the enactment of legislation providing for the appointment of an advisory board on civic art in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Morris Manufacturing Company, of Nashua; of Prof. Charles L. Parsons, of Durham; of the Drysalter Club of New England; of Rev. Thomas Whiteside, of Lancaster, all in the State of New Hampshire, and of the International Association of Master House Painters and Decorators of the United States and Canada, praying for the enactment of legislation to remove the duty on denaturalized alcohol; which were referred to the Committee on Finance.

Mr. KEAN presented a petition of sundry citizens of Long Branch, N. J., praying for the enactment of legislation granting pensions to ex-prisoners of war; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Pleasantville, Fanwood, Princeton, and Dennisville, all in the State of New Jersey, and a petition of sundry citizens of New York City, N. Y., praying for the removal of the internal-revenue tax on denaturalized alcohol; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Sayreville, Milltown, and Plainfield, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of New Jersey, of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Cranford, N. J., of the Woman's Home Missionary Society of the Methodist Episcopal Church of Plainfield, N. J., and of sundry citizens of Rutherford, N. J., remonstrating against the enactment of legislation removing the control of the schools in Alaska from the Bureau of Education to the governor of Alaska; which were referred to the Committee on Territories.

He also presented petitions of sundry citizens of Montclair, N. J., praying for the enactment of legislation to establish a national bureau for the protection of the children of the United States; which were referred to the Committee on Education and Labor.

Mr. SPOONER presented a memorial of sundry citizens of Kewaskum, 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 petitions of the Cream City Mirror Plate Company, of Milwaukee; of the Fuller & Johnson Manufacturing Company, of Madison, and of sundry citizens, all in the State of Wisconsin, praying for the removal of the internal-revenue tax on denaturalized alcohol; which were referred to the Committee on Finance.

Mr. HEMENWAY presented petitions of the Woman's Missionary Society of the Second Presbyterian Church of Madison, of the congregation of the Presbyterian Church of Hanover, and of the Woman's Missionary Society of the First Presbyterian Church of Logansport, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Local Union, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Indianapolis; of sundry citizens of Goshen; of Local Union, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Lafayette; of Robinson & Co., of Richmond; of the Birdsell Manufacturing Company, of South Bend, and of the Hubbard Saw and Planing Mill, of Martinsville, all in the State of Indiana, praying for the enactment of legislation to remove the duty on denaturalized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Council of Jewish Women of Lafayette, Ind., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. FRYE presented the petition of Arthur L. Sampson and sundry other citizens of Maine, praying for the removal of the internal-revenue tax on denaturalized alcohol; which was referred to the Committee on Finance.

Mr. BEVERIDGE presented a petition of the Missionary Society of the First Presbyterian Church of Logansport, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

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

A bill (S. 4937) granting an increase of pension to John Reece; and

A bill (S. 4852) granting an increase of pension to Andrew Reeder.

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

A bill (S. 5256) granting an increase of pension to John Johnson;

A bill (H. R. 16320) granting a pension to Esther M. Noah;

A bill (H. R. 4965) granting an increase of pension to Samuel P. Holland;

A bill (H. R. 6114) granting an increase of pension to Andrew J. Douglass;

A bill (H. R. 7584) granting an increase of pension to James H. Kemp;

A bill (H. R. 11917) granting an increase of pension to Davis Preston;

A bill (H. R. 13026) granting an increase of pension to J. Bailey Orem;

A bill (H. R. 15274) granting an increase of pension to Edward W. Bell; and

A bill (H. R. 15523) granting a pension to Jose N. Lucero, alias Nasario Lucero.

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

A bill (S. 4879) granting an increase of pension to Nellie Baker;

A bill (S. 722) restoring to the pension roll the name of Annis Bailey, widow of Abram R. Ward;

A bill (S. 3629) granting an increase of pension to William Hibbs; and

A bill (H. R. 12135) granting an increase of pension to William Landahn.

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

A bill (H. R. 549) granting an increase of pension to Charles W. Storr, jr.;

A bill (H. R. 1482) granting an increase of pension to Philip Cook;

A bill (H. R. 6061) granting an increase of pension to William H. Chapman;

A bill (H. R. 6546) granting an increase of pension to Samuel A. White;

A bill (H. R. 6865) granting an increase of pension to Charles F. Voss;

A bill (H. R. 11151) granting an increase of pension to John Sirmyer;

A bill (H. R. 11552) granting an increase of pension to Abraham G. Leiser;

A bill (H. R. 13979) granting an increase of pension to Emeline A. Stewart; and

A bill (H. R. 15634) granting an increase of pension to Samuel M. Reese.

Mr. GALLINGER. The bill (S. 152) to provide for the building of a public avenue on the south side of the Potomac River from the city of Washington to Mount Vernon was referred to the Committee on the District of Columbia by mistake. I report the bill back, and move that the Committee on the District of Columbia be discharged from its further consideration, and I move that it be referred to the Committee on Claims, where it belongs.

The motion was agreed to.

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

A bill (S. 5928) granting an increase of pension to Patrick Gaffney;

A bill (S. 5442) granting a pension to Frances E. Taylor;

A bill (S. 5790) granting an increase of pension to Jehial P. Hammond;

A bill (S. 3486) granting an increase of pension to Edwin D. Wescott; and

A bill (S. 2032) granting an increase of pension to Thomas F. Stevens.

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

A bill (S. 5798) granting an increase of pension to Charles Hunsley; and

A bill (H. R. 15869) granting an increase of pension to Wilson H. McCune.

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

A bill (S. 3487) granting an increase of pension to Joseph Fuller;

A bill (S. 5949) granting an increase of pension to George F. White;

A bill (H. R. 1182) granting an increase of pension to Ezekiel Bridwell;

A bill (H. R. 1192) granting an increase of pension to George B. Hess;

A bill (H. R. 2816) granting an increase of pension to James C. Town;

A bill (H. R. 2168) granting an increase of pension to William Bridges;

A bill (H. R. 2226) granting an increase of pension to George F. Long;

A bill (H. R. 2234) granting an increase of pension to Jacob W. Gersteneker;

A bill (H. R. 10029) granting an increase of pension to Abram Higbie;

A bill (H. R. 10257) granting an increase of pension to Samuel Deems;

A bill (H. R. 10922) granting an increase of pension to John McDonald;

A bill (H. R. 10561) granting an increase of pension to Joseph N. Piersell;

A bill (H. R. 11822) granting an increase of pension to Lawyer Sugs;

A bill (H. R. 12810) granting an increase of pension to Edward Ross; and

A bill (H. R. 14801) granting an increase of pension to Thomas Armstrong.

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

A bill (S. 5966) granting an increase of pension to C. C. Davis;

A bill (S. 5708) granting an increase of pension to Nathalia Boepple; and

A bill (S. 5032) granting a pension to Daisy Crowninshield Stuyvesant.

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

A bill (S. 5948) granting an increase of pension to Samuel B. Rice;

A bill (H. R. 1719) granting an increase of pension to William N. Whitlock;

A bill (H. R. 18237) granting an increase of pension to Rachel Egeeness;

A bill (H. R. 5571) granting an increase of pension to William Cary;

A bill (H. R. 8716) granting an increase of pension to John L. Coffey;

A bill (H. R. 10766) granting a pension to Rachel L. Bartlett;

A bill (H. R. 9529) granting an increase of pension to William Gibson;

A bill (H. R. 11062) granting an increase of pension to Samuel W. Harlan;

A bill (H. R. 11365) granting an increase of pension to Robert D. Williamson;

A bill (H. R. 15316) granting an increase of pension to James McKelvy; and

A bill (H. R. 15819) granting an increase of pension to William T. Burgess.

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

A bill (S. 225) granting a pension to Thomas R. Smith;

A bill (S. 5932) granting an increase of pension to E. R. Merriman; and

A bill (S. 5056) granting a pension to Alexandar Plotts.

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

A bill (H. R. 14118) granting an increase of pension to Edward Delany;

A bill (H. R. 17118) granting an increase of pension to John Burke;

A bill (H. R. 11989) granting an increase of pension to Francis M. Hinds;

A bill (H. R. 11510) granting an increase of pension to Joseph S. Larrance;

A bill (H. R. 9138) granting an increase of pension to Aaron L. Rockwood;

A bill (H. R. 9135) granting a pension to August Crome; and

A bill (H. R. 735) granting an increase of pension to Frank L. Fornshell.

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

A bill (S. 1336) providing for the allotment and distribution of the tribal funds of the Yankton tribe of Sioux Indians in the State of South Dakota; and

A bill (S. 1337) providing for the allotment and distribution of the tribal funds of the Sisseton and Wahpeton tribes of Sioux Indians in the State of South Dakota.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 2008) granting a pension to Virginia A. McKnight, reported it with amendments, and submitted a report thereon.

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

A bill (S. 5844) granting an increase of pension to John Keys; and

A bill (H. R. 13022) granting an increase of pension to Sarah L. Ghrist.

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

A bill (S. 4205) granting an increase of pension to George Warner;

A bill (H. R. 17387) granting an increase of pension to David F. Eakin;

A bill (H. R. 17806) granting an increase of pension to Enoch Boyle;

A bill (H. R. 8954) granting a pension to George Cunningham;

A bill (H. R. 10008) granting an increase of pension to James W. Dorman;

A bill (H. R. 12762) granting an increase of pension to Jesse H. Brandt;

A bill (H. R. 13337) granting an increase of pension to Joseph W. Harsh; and

A bill (H. R. 14982) granting an increase of pension to Isaac N. Long.

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

A bill (S. 20) granting an increase of pension to Edward Higgs;

A bill (S. 3553) granting an increase of pension to William Oliver;

A bill (S. 4492) granting an increase of pension to George W. Fletcher; and

A bill (H. R. 17072) granting an increase of pension to Joseph French.

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

A bill (S. 1256) granting an increase of pension to Lewis D. Moore;

A bill (S. 1865) granting an increase of pension to Solomon H. Baker;

A bill (H. R. 1557) granting an increase of pension to Frank J. Oatley;

A bill (H. R. 1946) granting an increase of pension to James A. Sproull;

A bill (H. R. 2791) granting an increase of pension to Mary E. Adams;

A bill (H. R. 3694) granting an increase of pension to Joseph D. Emery;

A bill (H. R. 4240) granting an increase of pension to James F. Chipman;

A bill (H. R. 4244) granting an increase of pension to John Spaulding;

A bill (H. R. 3686) granting an increase of pension to Henry R. Cowan;

A bill (H. R. 5222) granting an increase of pension to Lewis R. Stegman;

A bill (H. R. 8737) granting an increase of pension to Horace A. Manley;

A bill (H. R. 8771) granting an increase of pension to Florence Sullivan;

A bill (H. R. 8833) granting a pension to Edna M. Johnson;

A bill (H. R. 12238) granting an increase of pension to Helen S. Brown;

A bill (H. R. 14391) granting an increase of pension to Franklin Cooley; and

A bill (H. R. 15305) granting an increase of pension to Ezra H. Brown.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 5290) granting an increase of pension to James Ramsey, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5855) granting an increase of pension to Blanche B. Badger;

A bill (S. 4608) granting a pension to George W. Walter; and

A bill (S. 4173) granting an increase of pension to Catharine E. Smith.

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

A bill (S. 5767) granting an increase of pension to Thomas D. Welch;

A bill (S. 5700) granting an increase of pension to Stacy B. Warford;

A bill (S. 5765) granting an increase of pension to Theodore F. Montgomery;

A bill (S. 4910) granting an increase of pension to William Wright;

A bill (H. R. 1413) granting an increase of pension to John Crawford;

A bill (H. R. 1768) granting an increase of pension to George W. Childers;

A bill (H. R. 3345) granting an increase of pension to Christina White;

A bill (H. R. 5048) granting an increase of pension to William A. Faller;

A bill (H. R. 6498) granting an increase of pension to Isaac C. France;

A bill (H. R. 9923) granting an increase of pension to Joseph J. Mishler;

A bill (H. R. 10993) granting an increase of pension to Samuel Jones;

A bill (H. R. 12727) granting an increase of pension to Benjamin D. Bogia;

A bill (H. R. 14169) granting an increase of pension to Bettie Stern;

A bill (H. R. 14731) granting an increase of pension to Ezra H. Wiggins;

A bill (H. R. 15003) granting an increase of pension to James Gray;

A bill (H. R. 15695) granting a pension to John T. Wagoner; and

A bill (H. R. 15748) granting an increase of pension to Jacob R. Deckard.

Mr. BLACKBURN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 15332) to incorporate the National Society of the Sons of the American Revolution, reported it without amendment.

Mr. SPOONER, from the Committee on Finance, to whom was referred the bill (H. R. 6101) for the relief of the estate of Charles M. Demarest, deceased, reported it without amendment.

IMPROVEMENT OF PUBLIC ROADS.

Mr. PLATT. I am directed by the Committee on Printing, to whom was referred the resolution submitted on the 4th instant by the Senator from South Carolina [Mr. LATIMER], to report it with an amendment; and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That there be printed for the use of the Senate 10,000 copies of the hearings before the Committee on Agriculture and Forestry of the Senate on Senate bills 3477 and 2539, Fifty-eighth Congress, relating to public roads.

The amendment of the Committee on Printing was, to add at the end of the resolution:

And that the said copies, when printed, shall be delivered to the document room of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

HEARING BEFORE COMMITTEE ON WOMAN SUFFRAGE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. BACON on the 4th instant, 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 Select Committee on Woman Suffrage given to a delegation of the National Woman Suffrage Association, February 15, 1906, be paid from the contingent fund of the Senate.

AID IN REBUILDING SAN FRANCISCO.

Mr. ALDRICH. From the Committee on Finance I report back the concurrent resolution submitted by the Senator from Nevada [Mr. NEWLANDS] on the 2d instant, relative to aid in rebuilding San Francisco, and I submit a report thereon. As the matter is a rather important one and the report is very short, I ask that it may be read.

The VICE-PRESIDENT. The Secretary will read the report. The Secretary read as follows:

The Committee on Finance, to whom was referred Senate concurrent resolution No. 24, providing for the creation of a joint committee to consider various plans for national financial aid in the work of rebuilding the city of San Francisco, beg leave to report:

The resolution suggests alternative plans for national relief: First, that the Federal Government guarantee the credit of the city of San Francisco to the extent which will enable that city to secure the money necessary for the restoration of its public and private buildings, the money to be loaned at fair rates of interest to property owners upon note and mortgage;

Second, that the United States should subscribe to stock in, or make loans to, a great financial corporation, to be chartered either by the State or the nation, which should undertake the work of rebuilding San Francisco, or of making loans for this purpose.

Your committee are clearly and unanimously of the opinion that both the plans suggested are without the legitimate province of Congressional action, and therefore that the appointment of a joint committee to consider their advisability or practicability is inexpedient.

It does not seem to your committee advisable at this time to appoint a committee to consider other plans for national aid.

They therefore report the resolution adversely, and recommend that it be indefinitely postponed.

Mr. ALDRICH. In the absence of the Senator from Nevada [Mr. NEWLANDS], I ask that the resolution and report may go upon the Calendar.

The VICE-PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 6037) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PILES introduced a bill (S. 6038) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TALIAFERRO introduced a bill (S. 3039) granting an increase of pension to George Gardner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 6040) for the relief of the estate of Joseph Richard Martin; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 6041) granting an increase of pension to James N. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6042) for the relief of the Jerusalem Evangelical Lutheran Church, Ebenezer, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 6043) granting an increase of pension to George W. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6044) granting an increase of pension to John H. Arnold; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6045) granting an increase of pension to J. G. Bridaham; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 6046) granting an increase of pension to K. Shannon Taylor; and

A bill (S. 6047) granting a pension to W. C. Baker.

Mr. GAMBLE introduced a bill (S. 6048) for the relief of L. A. Jopeline; which was read twice by its title, and referred to the Committee on Claims.

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

A bill (S. 6049) granting a pension to Mary A. Washburn;

A bill (S. 6050) granting an increase of pension to Edward W. Galligan; and

A bill (S. 6051) granting an increase of pension to Mary A. Duncan.

Mr. BEVERIDGE introduced a bill (S. 6052) granting an increase of pension to William E. Redmond; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6053) for the relief of William Taylor; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6054) granting a pension to Edward W. Livingston;

A bill (S. 6055) granting an increase of pension to Henry H. Davis;

A bill (S. 6056) granting an increase of pension to Alexander C. Boner;

A bill (S. 6057) granting an increase of pension to James M. Wood;

A bill (S. 6058) granting an increase of pension to Samuel Owings;

A bill (S. 6059) granting a pension to Uriah Fosberg;

A bill (S. 6060) granting an increase of pension to Alonzo W. Wright; and

A bill (S. 6061) granting an increase of pension to William K. Trabue.

Mr. GEARIN introduced a bill (S. 6062) granting a pension to Mary Haney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 6063) granting an increase of pension to F. A. Sullivan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RAYNER (for Mr. GORMAN) submitted an amendment proposing to appropriate \$130,629.67 to reimburse the directors of Providence Hospital, in the District of Columbia, for moneys expended by them in the reconstruction of said hospital, intended to be proposed by Mr. GORMAN to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. OVERMAN submitted an amendment proposing to appropriate \$8,000 for paving Eleventh street from K to O streets NW. with sheet asphalt, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. GALLINGER submitted an amendment proposing to appropriate \$143,000 for the purchase of land and modification and extension of railroad system incident to abolition of grade

crossings in connection with the spur railroad from the Washington Navy-Yard to the tracks of the Pennsylvania Railroad Company, intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also submitted an amendment proposing to appropriate \$3,000 each for six justices of the peace in the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. DICK submitted an amendment providing for the transference to the Secretary of the Navy for preservation, indexing, and preparation of the publication of all records relating to the personnel and operations of public and private armed vessels of the North American colonies in the war of the Revolution, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MILLARD submitted an amendment proposing to increase the number of superintendents of registry, Post-Office Department, from twenty-five to twenty-seven, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

AMENDMENTS TO RAILROAD RATE BILL.

Mr. CULBERSON. I submit an amendment, in the nature of a substitute, 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 I ask may be printed in the RECORD. It is not very long.

There being no objection, the proposed substitute was ordered to lie on the table, and to be printed, and to be printed in the RECORD, as follows:

That whenever the Interstate Commerce Commission, created by "An act to regulate commerce," approved February 4, 1887, and exercising powers thereunder and under acts amendatory thereof, and under this act, shall, upon complaint and hearing, as provided by said acts, or either of them, decide that any rate fixed for service which is subject to the provisions of said acts, or either of them, is unjust and unreasonable, said Commission shall have the power, and it shall be its duty, to fix a just and reasonable maximum rate for such service and make an order specifying the time, which shall be within not less than twenty days from the date of said order, when such rate shall take effect; and thereafter such rate shall be the only lawful rate which the carrier may charge for such service for the period of one year from the time such rate may become operative, unless otherwise ordered by the Commission: *Provided*, That if such rate so fixed by the Commission is in violation of the rights of any party in interest secured by the Constitution of the United States the party so affected may proceed against the Commission by appropriate proceedings in equity in any circuit court of the United States of competent jurisdiction to enjoin the enforcement of such order and rate: *Provided further*, That in determining what is a just and reasonable rate no consideration shall be given fictitious stock issued by the carrier or bonds or other obligations of the carrier issued in excess of the fair value of its property: *Provided further*, That no circuit or other court of the United States, and no judge thereof in vacation, shall annul, restrain, enjoin, or otherwise interfere with the enforcement or operation of a rate and order established and made by the Interstate Commerce Commission provided for in this act until a petition, declaration, bill of complaint, or other proper statement of the cause of action is filed in said court or presented to said judge in vacation, and the Interstate Commerce Commission is duly and legally served with a copy thereof at least ten days prior to any action taken by the court or judge thereon and until said Commission has had opportunity within said ten days to answer by proper pleadings and present testimony in like form as the complainants therein: *Provided further*, That in such proceedings either party to the suit may appeal immediately and directly to the Supreme Court of the United States from the final decree therein, or from any interlocutory or preliminary restraining order therein, whether granted during the term or in vacation, by which the rate and order so established and made by the Commission is enjoined in whole or in part: *Provided further*, That said appeal must be taken within thirty days from the entry of such order or decree, and said case so appealed shall be advanced and take precedence in the Supreme Court of all cases of a different character therein: *Provided further*, That the circuit court, or the judge thereof, or the Supreme Court or any justice thereof, may direct that the final decree or the interlocutory or preliminary restraining order from which an appeal is taken shall be stayed during the pendency of such appeal.

SEC. 2. That section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, be, and the same is hereby, amended so as hereafter to read as follows:

"That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of oil, gas, or water wholly or partly by pipe lines and to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, when both are used for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however*, That the provisions

of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

"The term 'railroad' as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term 'transportation' shall include the use of cars and other vehicles and the use of all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto.

"All rates fixed by the carrier or the Interstate Commerce Commission for any service rendered or to be rendered in the transportation of passengers or property, or in connection therewith, as aforesaid, shall be subject to the provisions of this act, and shall be just and reasonable both to the public and the carrier."

SEC. 3. That section 1 of an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, be, and the same is hereby, amended so as hereafter to read as follows:

"That anything done or omitted to be done by a corporation common carrier, subject to the act to regulate commerce and the acts amendatory thereof, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said acts or under this act shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said acts or by this act with reference to such persons except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said acts to file and publish the tariffs or rates and charges as required by said acts or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than \$1,000 nor more than \$20,000 for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give or to solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce by any common carrier subject to said act to regulate commerce and the acts amendatory thereto whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said act to regulate commerce and the acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced. Every person or corporation who shall offer, grant, give or solicit, accept or receive any such rebates, concessions, or discriminations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$20,000: *Provided*, That every person who shall offer, grant, give or solicit, accept or receive any such rebate, concession, or discrimination shall, in addition to said fine, be imprisoned in the penitentiary for a term not less than one year nor more than five years.

"Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, or determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

"In construing and enforcing the provisions of this section the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier acting within the scope of his employment shall in every case be also deemed to be the act, omission, or failure of such carrier as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the act to regulate commerce or acts amendatory thereof, or participates in any rates so filed or published, that rate as against such carrier, its officers, or agents in any prosecution begun under this act shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this act."

SEC. 4. That all acts and parts of acts in conflict herewith are repealed and that this act take effect from its passage.

Mr. LA FOLLETTE submitted eleven 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.

WILLIAM WILSON.

Mr. McCUMBER. I offer the concurrent resolution which I send to the desk, and ask unanimous consent for immediate action upon it.

The VICE-PRESIDENT. The Senator from North Dakota submits a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring). That the President be requested to return to the Senate the bill (S. 3454) entitled "An act granting an increase of pension to William Wilson."

Mr. McCUMBER. I simply desire to say that the beneficiary named in the bill has died since its passage.

The concurrent resolution was considered by unanimous consent, and agreed to.

ASSOCIATION OF THE NAVAL MILITIA.

Mr. GALLINGER. I have had handed to me the typewritten copy of the annual proceedings of the Association of the Naval

Militia of the United States, accompanied by bills pending before Congress on the subject of the naval militia. On some former occasion the Senate has published proceedings of this association as a public document, and I move that it be printed as a public document.

The resolution was agreed to.

VOLUNTEER RETIRED LIST OF THE ARMY.

Mr. NELSON. I present a statement showing the number, residence, and age of officers affected by the bill (S. 2162) to create in the War Department a special roll to be known as "the volunteer retired list," to authorize placing thereon with pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes, and also the amount of money involved. I move that the statement be printed as a public document and referred to the Committee on Military Affairs.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On May 1:

S. 3045. An act to incorporate the American Cross of Honor within the District of Columbia;

S. 4046. An act to incorporate the Edes Home; and

S. 47. An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes.

INDIAN APPROPRIATION BILL.

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. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments, agree to the request for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CLAPP, Mr. McCUMBER, and Mr. DUBOIS as the conferees on the part of the Senate.

AGRICULTURAL LANDS WITHIN FOREST RESERVES.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves, returned from the House of Representatives in compliance with the request of the Senate.

Mr. FULTON. Mr. President, I entered a motion to reconsider the vote by which this bill was passed. I do not wish to press it at the present time, but I desire to explain briefly why I entered the motion.

Personally I favor the bill; I desire that it may become a law; but the Senator from Idaho [Mr. HEYBURN], who is too ill to attend the sessions of the Senate, wishes to be heard on the measure. This I suggested at the time the measure was before the Senate for passage, and I allowed it to be passed and afterwards entered a motion to reconsider the vote in order that it may rest where it is until the Senator from Idaho may attend the sessions of the Senate and present his views.

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

PRESERVATION OF NIAGARA FALLS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, a report made to the Secretary of War by the International Waterways Commission, under date of May 3, 1906, upon the preservation of Niagara Falls.

THEODORE ROOSEVELT.

THE WHITE HOUSE, May 7, 1906.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. The morning business is closed, and—

Mr. SCOTT. I should like very much to call up a bill out of order as a compliment to a retiring Senator on the opposite side. It is Senate bill 2794, a very short bill.

The VICE-PRESIDENT. Under the unanimous-consent agreement House bill 12987 is in order.

Mr. HALE. I must make a point of order against the request of the Senator from West Virginia. First, I ask that the rule be read.

The VICE-PRESIDENT. The Secretary will read the unanimous-consent agreement, as requested by the Senator from Maine.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, May 4, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to 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; the bill to be read by sections for the purpose of amendment, the discussion upon amendments offered to proceed under a fifteen-minute rule, the amendments to be disposed of when the discussion thereon is concluded. (April 30, 1906.)

Mr. HALE. I will state my point of order. I do not like to interfere with the Senator from West Virginia, but the purpose and object and operation of the rule are entirely clear. The Senate by unanimous consent made the rule and the order of business. You can not upon one unanimous-consent agreement afterwards changed that by another unanimous-consent agreement. My point of order is that there is nothing under the rule which has been read that the Senate can do except to proceed to the consideration of amendments to the rate bill, and no unanimous-consent agreement can or ought to interfere with that order.

The VICE-PRESIDENT. The unfinished business will be proceeded with.

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.

The VICE-PRESIDENT. The pending amendment is the one offered by the Senator from South Dakota [Mr. KITTREDGE]. The Secretary will read it.

The SECRETARY. It is proposed to add at the end of section 1 the following:

Companies or persons owning, leasing, managing, or operating cars used in the business of carrying any kind of property, including live stock, though such cars run upon railroads not owned, leased, managed, or operated by such companies or persons, shall be deemed to be carriers engaged in the transportation of property by railroad within the meaning of this act.

Mr. CLAPP. Mr. President, I can not believe that the Senator from South Dakota fully realize the scope of his proposed amendment. I fully agree with him, as every one else must agree with him, as to the evil known as the private car lines. As he wisely suggested in his remarks last Friday, one of the remedies is the elimination of the private car lines. The committee at its hearings last spring and the members of the committee in considering this subject have been face to face with the proposition whether private car lines could be eliminated. We recognize it is the law that a common carrier must furnish the facilities for transportation; we realize that they depend to-day very largely upon the private car lines for those facilities; and now to abruptly require them to make the necessary investment and to create that disturbance which would result from the prohibition of the use of these cars by anything but a railroad company seemed entirely too drastic, and the committee had to abandon that thought.

The next plan was how best to meet the evil of the private car lines. One difficulty to-day is that the shipper of fruit and other freight requiring refrigeration has to deal not only with the railroad company which transports that freight, but also he has to deal with the company owning these private cars; and while it did not seem a bit feasible, if advisable, to eliminate the private cars, it did seem as though we ought to take one step forward and require the common carrier to furnish these cars so far as the shipping public is concerned, so that the shipper would have to deal only with one corporation, and that would be the carrier, and the carrier would be free either to buy its cars, own its cars, rent its cars, or employ the cars owned by the private car line companies so long as in its last analysis the cost of transportation, including refrigeration and those things especially inherent in the private cars, was within the control of the Interstate Commerce Commission and the shipper had to deal only with one person, and the Commission had to deal only with one person, and that the common carrier. So we provided first as to what a carrier—a railroad—should be, what transportation should be, bringing refrigeration, icing, and all these matters finally under the one head of transportation or freight, so that it would simplify the subject both with the shipper and the Commission.

Before the Senate votes on the amendment I wish to make another suggestion. So far as the subject of eliminating the private car lines is worthy of consideration, it ought not to be embarrassed in the future by at this time a legislative declaration of its legal existence and its license as a common

carrier. If we find in experience that thus making the private car line facilities, and including icing and refrigeration and all these matters, a part of the freight charge, to be dealt with as one matter both with the shipper and the Commission, does not meet the evil, and it should be thought later by a gradual process fair to all and feasible as practical legislation to eliminate the private car lines, I say we ought not then to be embarrassed by the fact that we had deliberately legalized that business and recognized it and licensed it as a common carrier. There will be time enough then, if our present plan should not prove a practical one, to deal with it from that standpoint.

I hope before the Senate thus, within the purview of this law, legalize the operation of the private car lines they will consider if it is not better, for the time being at least, to place every item of transportation subject to the railroads, so that the shipper and the Commission will have to deal primarily and exclusively with the railroad company alone.

Mr. TALIAFERRO. Mr. President, before the Senate proceeds to vote on this amendment, or any of the pending amendments indeed, I wish to announce that my colleague [Mr. MALLOY] is unable to be present on account of illness. He has a general pair with the senior Senator from Vermont [Mr. PROCTOR], but has sent me a brief statement of his views on the bill, which I desire shall be read. I send the statement to the desk.

The VICE-PRESIDENT. The Secretary will read the statement prepared by the senior Senator from Florida [Mr. MALLOY].

The Secretary read the statement, as follows:

"In my judgment the Hepburn-Dolliver rate bill as it came to the Senate from the House of Representatives will accomplish very little practical benefit. It, however, enunciates a principle which has been more or less disputed in the past and which, in my judgment, is worthy of distinct recognition. The bill declares that the National Legislature has a right, through a commission established by that Legislature, to prescribe reasonable and just rates for the transportation of passengers and freight by common carriers engaged in interstate and foreign commerce. As the bill stands, this is the only point that induces me to favor its enactment into law.

"I believe that one of the greatest difficulties that the Interstate Commerce Commission has to deal with is the facility with which a railroad charged with the imposition of excessive rates can secure a preliminary injunction on facts not adduced before the Commission when that body passed on the rate in question. I believe that Congress has the power to prevent the issuance of such preliminary or interlocutory injunction by the minor United States courts, and that unless Congress does impose such restraint on those courts the practical working of the Hepburn-Dolliver bill will be but little improvement on the working of the law that it seeks to amend. There are other features of the bill that I think should be radically amended, and many provisions might be put on it that would relieve it of serious grounds of criticism. But with effective restrictions on the power of the courts to grant preliminary injunctions I think that substantial benefit to the public could be realized.

"In general, I desire to say that I favor any amendment that enlarges the powers and strengthens the hands of the Interstate Commerce Commission within constitutional limits and that I am opposed to any amendment that in any way lessens the power, narrows the jurisdiction, or weakens the strength of the Commission."

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from South Dakota [Mr. KITTREDGE].

Mr. HOPKINS. Mr. President, before a vote is taken on the amendment I wish to ask the framer of the amendment a few questions with regard to its proper construction. The first lines of the amendment read:

Companies or persons owning, leasing, managing, or operating cars used in the business of carrying any kind of property, including live stock, etc.

The amendment concludes as follows:

Shall be deemed to be carriers engaged in the transportation of property by railroad within the meaning of this act.

What I want to know is this: Suppose a stock breeder in central Illinois leases one, two, or three cars for the purpose of transporting some of his fancy stock into an adjoining State for exhibition purposes, would that act come within the provisions of this amendment and make him a common carrier?

Mr. KITTREDGE. Mr. President, in my judgment it would not.

Mr. HOPKINS. Why does the Senator so think? The provision reads:

Or persons owning, leasing, managing, or operating cars used in the business of carrying any kind of property.

There would be a person, and he would be leasing a car and using it for transporting live stock from one State to another.

Mr. KITTREDGE. That is not intended to be the construction of this amendment. The object of the use of the words "companies or persons" is very evident. The word "companies" is a broader term than the word "corporations," and the words "persons" is there used so as to include anyone engaged in the transportation of property enumerated in this amendment.

Mr. HOPKINS. Under the explanation of the Senator, Mr. President, just such a case as I have indicated would come within the provisions of this proposed law, because there would be a person who would be leasing cars, and he would be leasing them for transporting live stock from one State to another.

Mr. KITTREDGE. That is quite a mistake as to the purpose of this amendment. The case which the Senator mentions is not at all reached by this language. In the case he has cited the owner of the live stock would be the shipper and not the carrier.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. KITTREDGE. Certainly.

Mr. BEVERIDGE. I wish to ask the Senator from South Dakota a question. The bill at present permits a railroad company to make contracts for leasing cars of private car line companies, but provides that the cost of those cars shall be included in the charge the railroad company makes to the shipper. Does not the Senator's amendment, making the private car lines also interstate carriers, compel the shipper to pay two separate charges, one to the railroad company and one to the private car line? Is not that the case?

Mr. KITTREDGE. Mr. President, my construction of section 1 of the bill now pending, and especially of the part relating to transportation, is that it does not reach at all the relations that may exist between the private car line companies and the shipper, but it does reach the charges that the railway company may make on the private car line companies. If the private car line company presents to the carrier, the railroad company, a car with its contents, the relation of shipment is between the private car line company and the railroad, and the relations between the shipper and the railroad company are not reached in any degree.

Mr. BEVERIDGE. By the present bill?

Mr. KITTREDGE. By the bill which is now pending.

Mr. BEVERIDGE. I think it is an admirable thing that that point has been brought out, because if the bill as it stands will not permit the railroad company to make a contract with a private car line, but compels it to include the charge made by the private car line company in the charge it makes to the shipper, then I am sure a large number of Senators have been deceived. I should be very glad to hear from some Senator who has had something to do with the bill upon that question.

As I interpret the amendment of the Senator from South Dakota—and it was to that to which my question was directed—the only difference between the law as it would be if his amendment should be adopted and the law as it would be if his amendment should not be adopted would be that in the first case the shipper must deal with two companies in the carrying of his goods and in the other the shipper would deal with but one carrier in the shipment of his goods.

If the Senator who has charge of the bill will explain whether or not it is true that, in his judgment, this bill does provide that the common carrier may make his contract with the private car line and include the charge that it pays to the private car line in the charge it makes to the shipper, I think it would be enlightening to us.

Mr. HOPKINS. Mr. President, I have examined the amendment of the Senator from South Dakota a little further since the Senator has given me his construction of it, that it would be the carrier and not the shipper that would be held to be a common carrier. I do not interpret the amendment as suggested by the Senator, and, with all due deference to his opinion, I submit that it is not susceptible of the construction that he places upon it, for this reason: Eliminating the other words and bringing the proposition down to the illustration that I gave of the shipper of live stock from Illinois to an adjacent State, it reads that persons leasing cars or operating cars used in the business of carrying any kind of property, including live stock, shall be deemed to be carriers engaged in the transportation of property by railroad within the meaning of this act.

Now, to show that it can not mean the railroads, the amendment substantially provides that the person who owns or leases a car or cars for the purposes I have indicated shall be held to be a carrier under the provisions of this act, "though such cars run upon railroads not owned, leased, managed, or operated by such companies or persons."

So that it precludes the idea that the railroad over which the car is transported would be the shipper. It is the person who leases or owns the car. If that construction is correct—and it seems to me that that is the plain English of it—then a person who is a breeder of fancy stock of any kind who carries it for the purpose of exhibition from one State to another, or for any of the purposes relating to private business, by this amendment becomes a carrier under this proposed law.

Mr. McCUMBER. Mr. President, I understood when this amendment was introduced and from the remarks that were made by the Senator from South Dakota [Mr. KITTREDGE] on Friday that it was intended simply to bring these private car lines under the control of the Interstate Commerce Commission; that it was not intended in any way to make a shipper, who leased a car for his own private purpose, a common carrier; nor can I understand that any court could possibly give that construction so as to make a common carrier of a single individual shipping only his own goods in a leased car. But in order to make that absolutely certain, so that there may be no question regarding it, I desire simply to suggest to the Senator from South Dakota that he add after the word "carrying," in line 2 of his amendment, the words "for the public;" so that it would read:

Companies or persons owning, leasing, managing, or operating cars used in the business of carrying for the public any kind of property, including live stock, though such cars run upon railroads not owned, leased, managed, or operated by such companies or persons, shall be deemed to be carriers engaged in the transportation of property by railroad within the meaning of this act.

That would make it, then, susceptible only to the construction that is contended for by the Senator from South Dakota.

Mr. KITTREDGE. Mr. President, if it be permissible for me to do so, I gladly accept that amendment.

The VICE-PRESIDENT. The Senator can so modify his amendment, if he desires.

Mr. KITTREDGE. Then, I will modify the amendment in that way.

The VICE-PRESIDENT. The Secretary will state the modification of the amendment.

The SECRETARY. In line 2, of the proposed amendment, after the word "carrying," it is modified by adding the words "for the public."

The VICE-PRESIDENT. Without objection, it will be agreed to.

Mr. BEVERIDGE. Mr. President, I desire to ask either the Senator from South Carolina [Mr. TILLMAN] or the Senator from Iowa [Mr. DOLLIVER] a question; but I will first ask the Senator from South Dakota [Mr. KITTREDGE], Does the bill as it stands, in case the present amendment should not be adopted, permit the railroad company to make its contract with the private car line and include the charge of the private car line within the charge that the railroad company makes to the shipper?

Mr. TILLMAN. Mr. President, unless the language on pages 2 and 3, where the terms "railroad" and "transportation" are defined, is twisted out of its ordinary interpretation, it looks to me as if those two words as defined there embrace everything that could be utilized or would be required in carrying either passengers or freight.

Mr. BEVERIDGE. Then, as the bill stands as amended, the shipper will have to deal with one carrier, and not with two carriers?

Mr. TILLMAN. That is as I understand it. The Interstate Commerce Commission would have to deal with the railroad alone; it does not matter whose car it uses or what sort of a car it may be.

Mr. BEVERIDGE. Certainly; but whatever charges the railroad company makes, the private car line must be included in the toll which it charges the shipper; so that the shipper will have to deal with only one common carrier.

Mr. TILLMAN. I do not think the Commission would have anything to do with the charge for the facilities of transportation or with what contract it might have with this person. He having secured cars for the transportation of stock or fruit from whatever source, then the railroad alone is amenable to the authority, order, and supervision in fixing the rate by the Commission. That would be my judgment of this language.

Mr. BEVERIDGE. My question has nothing to do with the Commission. As I look at the amendment which is proposed and at the bill as it has been explained to the Senate by those on both sides who stand sponsor for it, the bill as it now stands, without this amendment, provides that the shipper shall deal with one carrier and pay one toll, whereas if the amendment of the Senator from South Dakota be adopted, the shipper must deal with two carriers and pay two tolls.

Mr. TILLMAN. To which I object.

Mr. BEVERIDGE. If that is correct—and that is the purpose of my question to the Senator from South Carolina and to the Senator from South Dakota—then I can not see the wisdom of the proposed amendment; and it was in order to bring the matter clearly before the Senate that I ventured to propound the question to both Senators.

Mr. TILLMAN. In my judgment, the amendment is entirely unnecessary.

Mr. BEVERIDGE. I can see the very serious possible objection of compelling a shipper to deal with two common carriers where he might deal with but one and to pay two charges where he might pay but one.

The VICE-PRESIDENT. The Chair will again call the attention of Senators to the rule under which the Senate is now proceeding, which forbids Senators from speaking more than once upon an amendment.

Mr. BEVERIDGE. Mr. President, the time that I have been addressing the Senate has been within the fifteen minutes; but I will ask the Chair, under the rule, whether or not I have the right to dispose of that fifteen minutes either by speaking continuously or by asking other Senators questions?

The VICE-PRESIDENT. The Chair understands that the rule is clear—that there can be but one speech by each Senator on an amendment, and that not exceeding fifteen minutes.

Mr. BEVERIDGE. "Not exceeding." I have not—

The VICE-PRESIDENT. The Chair had no reference to the Senator from Indiana.

Mr. BEVERIDGE. Oh, well, I think it wise, so far as that is concerned, if the Chair will permit me, that that be determined at this early stage of the discussion, because if a Senator feels that he can better use his fifteen minutes by asking other Senators questions or by addressing the Senate, I wish to know if he would have the right to occupy the floor in that way for that time.

Mr. LODGE. Mr. President, it is well known that many of the worst cases of personal discriminations and rebates occur in connection with private car lines; many of the worst abuses have arisen through such lines. If they can be reached through this bill, certainly that is greatly to be desired. But the point I am trying to get at is whether we can hold the railroads responsible for discriminations made by the private car lines? If we can not, then the bill, so far as private car line discriminations go, is worthless.

Mr. TILLMAN. If the Senator from Massachusetts will continue to occupy the floor so that I shall not be ruled out of order, I wish to make a suggestion.

Mr. LODGE. Certainly.

Mr. TILLMAN. So as to set this matter absolutely at rest, and make it impossible for anyone to construe this language otherwise than as I have just interpreted it, I would suggest to insert, on page 2—

Mr. KNOX. Mr. President—

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

Mr. LODGE. I have just yielded to the Senator from South Carolina.

Mr. TILLMAN. On page 2 of the bill, line 21, after the word "railroad," if we insert the words "or cars," we would then include in the definition of the word "railroad" the cars, so that there could be no possibility of the private ownership of the car exempting the carrier from the control of the Commission.

Mr. LODGE. That is what I want to get at—the proper control over the private car lines by the Commission.

Mr. TILLMAN. I will move, then, to insert those words.

Mr. KNOX. Mr. President—

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

Mr. LODGE. Certainly, I yield to the Senator from Pennsylvania.

Mr. KNOX. If the Senator from South Carolina will permit me just a moment, I think he has properly construed this bill. When you come to look at the proposed amendment it only has one purpose, and that is to declare, as will be seen if the amendment be examined carefully on the fifth line, that the persons owning or leasing or managing cars shall be deemed carriers. For what purpose? The next line answers that question. They are to be deemed carriers "within the meaning of this act." Why are they to be deemed carriers "within the meaning of this act?" To give the Interstate Commerce Commission jurisdiction over them. If you will take the bill as the Senator from South Carolina called attention to it a moment ago, you will find that under the definition of transportation that is all provided for. Assuming that they are not carriers and assuming that they are not now within the jurisdiction of

the interstate-commerce act, what are they? They are facilities and instrumentalities of commerce. That is what they are as a fact, and that, of course, no one can question. They are facilities and instrumentalities of commerce—they are cars. The pending bill says that all instrumentalities and all facilities of every kind used or necessary in the transportation of persons or property shall be within the meaning of this act, and then, in order "to make assurance double sure," they bring it in under the title of "transportation," and say that "transportation shall include cars and other vehicles." I therefore think it is wholly unnecessary to adopt the amendment of the Senator from South Dakota.

Mr. CULLOM. May I ask the Senator a question?

The VICE-PRESIDENT. The Senator from Massachusetts has the floor. Does he yield to the Senator from Illinois?

Mr. LODGE. I believe I have the floor; but I yield to the Senator.

Mr. CULLOM. I did not know the Senator from Massachusetts had the floor. The question I want to ask is, whether, in view of the provision on the second page of the bill, the amendment of the Senator from South Dakota is necessary, at all?

Mr. KNOX. In my judgment, it is wholly unnecessary.

Mr. CULLOM. That is what I thought.

Mr. LODGE. Mr. President, I have received the answer I desired to receive—that the amendment is unnecessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. KITTREDGE].

The amendment was rejected.

Mr. FORAKER. I offer the amendment which I send to the desk, to be added at the end of section 1.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the first section it is proposed to add the following:

That no carrier engaged in interstate commerce shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person a greater or less compensation for interstate transportation of passengers than it charges, demands, collects, or receives from any other person for the same or equally good accommodations and a like and equally good service. And any carrier violating this provision shall be deemed guilty of unjust discrimination and shall for each offense pay to the United States a penalty of not less than one hundred nor more than two thousand dollars: *Provided*, That nothing herein shall prevent the free carriage of destitute or indigent persons, or the issuance of mileage or excursion passenger tickets, or prevent such carriers from giving free or reduced transportation to ministers of religion, or to the inmates of hospitals, eleemosynary and charitable institutions, or to prevent any such carrier from giving free transportation to officers, agents, employees, attorneys, stockholders, or directors of carrier companies, or to the families of the same.

Mr. TILLMAN. Will the Senator from Ohio inform us on what page of the bound copy of the amendments his amendment is to be found?

Mr. FORAKER. On page 163.

Mr. BEVERIDGE. Mr. President, I suggest to the Senator from Ohio—in fact, I move it as an amendment—that after the word "drawback," in line 3, the word "pass" be inserted.

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

The SECRETARY. It is proposed to amend the amendment after the word "drawback," in lines 2 and 3, by inserting the word "pass."

Mr. FORAKER. I accept that amendment.

The amendment to the amendment was agreed to.

Mr. NELSON obtained the floor.

Mr. TELLER. Mr. President—

Mr. NELSON. I yield to the Senator from Colorado.

Mr. TELLER. Mr. President, inasmuch as we have all the proposed amendments to the bill, or are supposed to have them all, before us, printed in bound form, I think when a Senator submits an amendment he should tell us on what page it is to be found.

Mr. FORAKER. I did announce the page.

Mr. TELLER. I know the Senator did, but owing to the confusion nobody in this part of the Chamber could hear what he said.

Mr. FORAKER. My amendment is to be found at page 163 of the amendments as printed and bound together.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. McCUMBER. Mr. President, it has been the custom of the railways in the agricultural Northwest in the months of July and August, during harvest time, to make special rates for laborers to take them to the farmers' fields. That custom has been absolutely necessary for the people of the Northwest in order to get the laborers there at all. This amendment proposes to cut that off entirely, and the only way under it by which we could get the laborers would be the old-fashioned

method of travel by the tramps before they found work to do, the method that was so much in vogue between 1893 and 1896.

Mr. GALLINGER. 1897.

Mr. McCUMBER. The amendment, if it is incorporated in the bill in its present form, will do almost untold and inestimable damage to the farmers of my section of the country and of the northwestern section of the United States generally.

I do not know whether the same system prevails in reference to the shipment of laborers to the mines in other sections of the Northwest. I know it does prevail in my section of the country, and I do not think the Senator could do any greater damage to that section of the United States than to provide that the railways shall make no provision whatever for the transportation of laborers for our farmers during the very busy season.

The farmers' whole crop is harvested from the 25th day of July to about the 1st day of October. If he is going to have laborers there at all, then some provision must be made. I believe the usual method has been that the railway gives a special rate and requires the laborer to bring a certificate of the farmer for whom he has worked, showing he has given at least so many days' labor, and then he is returned home for about one-fifth of the regular rate of fare.

There are so many of these exigencies that have to be met that it seems to me it would be dangerous to tie up a railroad so that it could not meet these exigencies, not only in farming operations, but in many others, such as mining, irrigation work, and railroad work. There are thousands of other cases which might possibly be mentioned in which it would be proper for the railroads to give reduced rates where it would be just as important as it would be to give the reduced rates to ministers of religion, etc.

Mr. HANSBROUGH. Mr. President, I wish to state to my colleague that in all probability the language to be found on the second page of the proposed amendment will be construed so as to exempt the class to which he refers. I call his attention to lines 2 and 3, where are found the words "or the issuance of mileage or excursion passenger tickets." I am inclined to think, although I would not put my opinion against that of the Senator from Ohio, or that of my colleague, that the class to which my colleague refers would come in under the terms of that provision in the amendment.

Mr. McCUMBER. I do not consider that they would come in under the provision "inmates of hospitals, eleemosynary and charitable institutions," or under "excursions," either. Making reduced rates for a laborer is not an excursion. It is not all done in one car or on a special train. The laborer is given those rates for a certain length of time; and that is not all, I want to say to my colleague. Special rates are given to land seekers during certain months. They ride on any train they desire. Tickets are good for a certain length of time. They are all cut out under the provisions of this amendment, and I do not believe it could be amended in such form as to except them.

Mr. BAILEY. Will the Senator from North Dakota allow me to ask him a question? I take it that the purpose of inserting the words "the same or equally good accommodations" is to include just such a case as he recites.

Mr. HANSBROUGH. In what part of the amendment is that?

Mr. BAILEY. In lines 6 and 7.

Mr. HANSBROUGH. I see.

Mr. BAILEY. When they carry home seekers they generally have a particular car—

Mr. McCUMBER. That is not true.

Mr. BAILEY. That may not be true in the Senator's section.

Mr. McCUMBER. It may be in certain sections.

Mr. BAILEY. The Senator was a little too hasty.

Mr. McCUMBER. They do not carry home seekers in box cars.

Mr. BAILEY. It may not be true of the Senator's State, but he did not make any qualification until I called his attention to it. They come with sleeping-car accommodations. They have reduced rates. I want to know if that is the purpose for which the words are to be inserted?

Mr. FORAKER. If I can answer—

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

Mr. McCUMBER. I yield.

Mr. FORAKER. If I can answer without exhausting my right under the rule to speak—

Mr. McCUMBER. I concede that the Senator is speaking in my time. I yield to the Senator.

Mr. FORAKER. I first introduced the amendment some time in March, I think. Then I reintroduced it April 12, explaining at the time when I introduced it that I had made that change, and the words are printed in italics only because they are an

amendment of the amendment as originally introduced. The purpose is simply to secure to all who pay the same compensation the same kind of treatment.

Mr. McCUMBER. That, it seems to me, would strike the cars in Virginia and in Maryland which are used to carry colored people only. If they pay the same price, they should have the same accommodations.

Mr. FORAKER. I do not want to speak, except in your time. Mr. McCUMBER. That will be the effect of it.

Mr. FORAKER. The man who pays \$10 to ride from A to B, no matter what his color may be, is entitled to the same kind of accommodations and the same kind of service that any other man is who pays \$10.

Mr. McCUMBER. I agree with the Senator. He is entitled to the same accommodations.

Mr. FORAKER. That any other man is who pays the same sum.

Mr. GALLINGER. Mr. President, I wish to make a suggestion in the line of the suggestion made by the Senator from North Dakota in reference to the influx of men into the harvest fields of the West at certain seasons of the year. In my part of the country we have workingmen's trains, and the workingmen, at certain hours of the day, are carried at a less rate than the ordinary passenger. While I have not examined this amendment so as to satisfy myself entirely that it would interfere with that arrangement, I wish to suggest in this debate that if it does so interfere, it will be a very great hardship that ought not to be imposed upon the workingmen of the country.

Mr. McCUMBER. There can be no possible doubt that it does.

Mr. LA FOLLETTE. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. FORAKER. If the Senator will allow me, I was occupied in answering a question and I did not hear what the Senator from New Hampshire said.

Mr. GALLINGER. I will say to the Senator that I suggested that in certain sections of the country, New England notably, we have trains for workingmen, and the workingmen are carried during certain hours of the day at a less rate than is the ordinary passenger; and that if the amendment in any way interferes with this arrangement it would be a very great hardship to the workingmen of New England and ought not to be put in the bill.

Mr. FORAKER. I do not want to interfere with that arrangement, and I suppose the issuance of mileage or excursion tickets would cover that. If the Senator thinks differently, I will be very glad to consider any amendment he may suggest.

Mr. McCUMBER. This amendment provides:

That no carrier engaged in interstate commerce shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person a greater or less compensation for interstate transportation of passengers than it charges, demands, collects, or receives from any other person for the same or equally good accommodations and a like and equally good service.

Now, the only latitude there is that for second or third class accommodations they might charge less. That is the only meaning that could possibly be given to the amendment of the Senator. Now, what are the exceptions to this? The exceptions are—

The free carriage of destitute or indigent persons or the issuance of mileage or excursion passenger tickets."

The exception certainly does not apply to either the laborer or the farmer who is looking for land in the Northwest, and who now receives especially low rates.

The amendment proceeds:

That nothing herein shall prevent the free carriage of destitute or indigent persons, or the issuance of mileage or excursion passenger tickets, or prevent such carriers from giving free or reduced transportation to ministers of religion, or to the inmates of hospitals, eleemosynary and charitable institutions, or to prevent any such carrier from giving free transportation to any of its officers.

Those are the exceptions, and anyone can see from the reading of the amendment that it would absolutely cut off all of the special privileges for farmers and laborers, both in mines and in public works, or works that are of importance at certain seasons of the year, where without making those concessions it would be impossible to secure the laborers.

Mr. LA FOLLETTE. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. LA FOLLETTE. On Friday I was recognized by the presiding officer to offer some amendments. Among others I had prepared an amendment to this provision of the bill. The Record failed to note the recognition and the offer which I

made, and my amendments were not printed. I would ask that this provision be passed for the time being that I may have the opportunity to present the amendment which I wish to offer.

Mr. McCUMBER. I do not understand that under the rule it can be passed. However, so far as I am concerned—it is not my amendment—I have no objection.

Mr. NELSON. Mr. President—

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

Mr. McCUMBER. I yield to the Senator from Minnesota.

Mr. NELSON. Oh, no. I rise in my own time.

Mr. McCUMBER. Very well. I yield the floor, then.

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

Mr. LA FOLLETTE. I made a request which I should like to have submitted.

The VICE-PRESIDENT. Will the Senator kindly restate his request?

Mr. LA FOLLETTE. It is that this provision of the bill may be passed for to-day, in order that I may have an opportunity to present the amendment I have prepared.

The VICE-PRESIDENT. The Chair is of opinion that that is not practicable under the unanimous-consent agreement.

Mr. CULLOM. If I may be allowed to make a suggestion, the Senator from Wisconsin states that he attempted to offer an amendment to this section and failed to be recognized for want of being noticed when he was upon the floor; otherwise his amendment would have been presented and printed. I think under those circumstances—

Mr. LA FOLLETTE. I beg the Senator's pardon. I was recognized by the Chair and offered my amendment, but the Record failed to note the fact, and for that reason the amendment could not be printed as other amendments have been.

Mr. CULLOM. I am pleading for the Senator to have an opportunity.

Mr. LA FOLLETTE. I understand that; but I wish to have the facts stated correctly.

Mr. CULLOM. I supposed the Senator was not recognized, and that is the reason why the amendment had not been printed. I think under the circumstances this section ought to be passed over.

Mr. ALDRICH. I would suggest if the Senator from Wisconsin has the text of his amendment here he can offer it now.

Mr. LA FOLLETTE. I have no doubt of that. I thank the Senator for his suggestion; but I want the amendment printed and put upon the desks of Senators, so that it may be examined as other amendments are.

Mr. BAILEY. I suggest, as a matter of order, although this is a unanimous-consent agreement, it is still in order for the Senate, by unanimous consent, to modify it. I would not think that the Senate could bind itself by one unanimous-consent agreement to the extent that it could not modify that unanimous-consent agreement. My understanding is that the Senator from Wisconsin asks unanimous consent that this section may be passed, so that he may have an opportunity to present his amendment, and so that Senators may have that amendment before them before they are required to vote upon it.

Mr. LA FOLLETTE. I did make that request, and I understood the Chair to rule that it was inadmissible even to make the request.

The VICE-PRESIDENT. The Chair did not understand the Senator.

Mr. LA FOLLETTE. I asked that it might be passed.

The VICE-PRESIDENT. The Chair did not understand the Senator. Did the Senator ask the Chair that it be passed, or did he ask the unanimous consent of the Senate that the order under which the Senate is proceeding should be modified?

Mr. BAILEY. To that extent, as I understand.

The VICE-PRESIDENT. If that is the request of the Senator from Wisconsin, of course it is always competent for the Senate, by unanimous consent, to modify a unanimous-consent agreement, but it is not usual.

Mr. HALE. Mr. President, that might involve very serious consequences. If a unanimous-consent agreement can be modified by unanimous consent, it can be destroyed by unanimous consent. I do not think the Senator here in this case needs to ask that the rule be modified by unanimous consent, but simply as a matter of procedure that the amendment may be passed over.

Mr. BAILEY. But the Senator from Maine will readily see that the Senate has it within its own power to protect itself against the destruction of any agreement. I suggest this to the Senator: Suppose we had reached a point where some peculiar and exceptional state of facts had arisen and the Senate had

made a unanimous-consent agreement, thus putting it beyond its power to modify it. We might find ourselves very seriously embarrassed. Suppose a Senator desired to offer a particular amendment not at the place in the bill which the Senate then had under consideration, and that for some reason peculiar to him or peculiar to the public service it was desirable to consider and dispose of that amendment right there, and that every Senator in the body recognized the necessity or the propriety of such a disposition. Surely there could be no danger in allowing the Chair to submit to the Senate a request for unanimous consent, because to be effective every Senator must agree to it.

Mr. HALE. My idea of the rule is that in matters such as have come up now and such as have been stated by the Senator from Texas, it does not require a modification of the agreement. The proceedings, points of order, and things of that kind go on without regard to the agreement. They are not an infringement of the agreement, and if it is sought to pass an amendment by for the present, it is not intended that the agreement shall cover that. But it is intended to cover all the essential things in relation to the debate and the consideration of amendments. But the other things, I think, can be safely left to the Chair to settle without asking that the agreement be modified.

Mr. BEVERIDGE. Does the Chair hold that the request of the Senator from Wisconsin for unanimous consent that his amendment may be offered to-morrow is in order under the agreement? I trust, if so, unanimous consent will be given.

But I desire to ask the Chair at this point a parliamentary question. Under the agreement, if a section is passed and adopted in Committee of the Whole, and thereafter at any time before the bill goes into the Senate any Senator desires to offer an amendment to that section, is he precluded from doing so?

Mr. GALLINGER. He can offer it in the Senate.

Mr. BEVERIDGE. I want to know about the construction of the agreement. After a section of the bill has been passed in Committee of the Whole, if thereafter some Senator wants to offer an amendment in Committee of the Whole, is he, under the unanimous-consent agreement, precluded from doing so?

The VICE-PRESIDENT. The Chair would think that under a strict construction of the unanimous-consent agreement an amendment would not be in order after a particular section had been under consideration and had been amended.

Mr. BEVERIDGE. Does the Chair hold—of course it is not necessary to ask the question—that when the bill is in the Senate any and every section is open to amendment?

The VICE-PRESIDENT. It is open to any amendment, under the rule.

Mr. BACON. Mr. President—

Mr. BEVERIDGE. I have not finished. When the bill is in the Senate and a new amendment is proposed, does the Chair hold that under the agreement of the Senate it is then subject to debate under the fifteen-minute rule?

The VICE-PRESIDENT. The Chair will not rule upon questions that may arise—

Mr. BEVERIDGE. Oh!

The VICE-PRESIDENT. In the future.

Mr. BEVERIDGE. I did not mean to embarrass the Chair, but I saw that a very serious predicament might arise by the situation that now confronts the Senate, and in order that we might all be advised in advance as to what every Senator could do and what his rights were, so that at the end he would not be precluded from offering or discussing an amendment, and that he might be on his guard, I thought it advisable that the Senate should know what the unanimous-consent agreement meant.

Mr. HALE. I should not for a moment suppose that the agreement interfered in the slightest degree with the general procedure in the Senate as to the relation between the Committee of the Whole and the Senate; that when the bill is reported to the Senate it is subject to the general rules of the Senate. Any subject may be then considered. But when you come to the question of debate and the time that shall be used, then the agreement is in force. But it does not uproot and destroy the general rules of the Senate.

Mr. SPOONER. I think the ruling of the Chair is entirely correct; and in so far as it was a unanimous-consent agreement, it does uproot some of the rules of the Senate by unanimous consent. It seems to be the obvious purpose of the unanimous-consent agreement that when a section is reached it shall be amended, so far as it is in the power of the Committee of the Whole to amend it, and then we pass to the next section. The sections are to be taken up in their order. Of course after the Senate, sitting as a Committee of the Whole, has amended these sections they are all open in the Senate to unlimited amendment. But it seems to me very clearly that the unanimous-consent agreement precludes the idea that upon request

sections are to be passed, and I think if we begin that (because similar requests will be made as to other sections) we will defeat practically the purpose which was sought to be accomplished by the unanimous-consent agreement. I think the ruling of the Chair is entirely correct.

Mr. BEVERIDGE. May I ask a question—

Mr. BACON. Mr. President, I am inclined to agree with the statement just made by the senior Senator from Wisconsin [Mr. SPOONER], unless by implication he intends still further than I do agree. I do not understand that under this agreement, after Senators have discussed certain amendments offered to the first section, for instance, and no other amendment then being offered to the first section, the Senate passes to the consideration of the second section, it is impracticable thereafter for anyone to offer an additional amendment to the first section.

Mr. SPOONER. I meant to be understood as expressing the opinion that it is, until the bill gets into the Senate.

Mr. BACON. In that I disagree with the learned Senator. There is nothing in the unanimous-consent agreement to that effect. The consent agreement—

Mr. ALDRICH rose.

Mr. BACON. Does the Senator object to my finishing the sentence?

Mr. ALDRICH. No.

Mr. BACON. I hope he will permit me to do so. I have not stated my proposition.

Mr. ALDRICH. I simply rose. I had not addressed the Chair.

Mr. BACON. The Senator rose, but he looked to me properly as the one who was to give my consent. I had not even stated my proposition.

Mr. ALDRICH. With becoming respect, as I always do.

Mr. BACON. Not only with respect, but in obedience to the rule, which the Senator always observes.

Mr. ALDRICH. I had not addressed the Chair, but I was about to, with the Senator's permission.

Mr. BACON. I have not stated my proposition, but if the Senator wants to interrupt me, I am willing for him to go ahead.

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

Mr. BACON. I have just stated that I was willing for the Senator to go ahead.

Mr. ALDRICH. I stated distinctly while this matter was under consideration that it should be understood that amendments to any section of the bill would be in order under the rules of the Senate and under the ordinary customs of the Senate from the time it was first taken up until it was passed to a third reading in the Senate; that we could not cut off amendments to any part of the bill.

Mr. BACON. Then I understand the Senator to agree with me.

Mr. ALDRICH. That is what I was about to say.

Mr. BACON. I am sorry I did not know that before. I will conclude, however, by saying that there is nothing in this unanimous-consent agreement which looks to a *clôture* as to amendments upon any particular section. The sole scope of the unanimous-consent agreement is that amendments when offered can be debated not exceeding fifteen minutes by each Senator, and that when the debate as to that particular amendment is concluded there shall be a vote upon it. That is not the exact language of the agreement. It says "shall be disposed of"—disposed of as the Senate may determine, either by direct vote or upon a motion to lay upon the table.

The point I am after is this: For instance, we are about at the conclusion of the first section. A Senator may have an amendment which he may design to offer to the second section, but upon consideration he may think it better to offer it to the first, and the fact that we have passed from the first to the second section does not, in any manner, it seems to me, preclude the propriety of his thereafter offering the amendment to the first section. It is true that having voted upon a particular amendment which has been disposed of to the first section, that particular amendment can not, in the absence of a motion to reconsider, be again acted upon until we get into the Senate, but as long as we are in Committee of the Whole substantive or independent amendments to any section may be offered at any time. It seems to me that is undoubtedly the correct construction of the unanimous-consent agreement.

Mr. LODGE. The very point which the Senator is making, which I think is perfectly sound, was stated by the Senator from Iowa [Mr. ALLISON] when we were discussing this agreement:

The Senator will see that there being sixty or seventy amendments, unless we proceed reasonably in order it will take a long time. Of course a Senator can withhold his amendment until we get through with the reading of the bill for amendment, and amendments can be offered to the bill in the Senate.

Mr. BACON. Yes.

Mr. LODGE. I think the agreement was made with that understanding fully.

Mr. BACON. Not only can it be offered in the Senate, but before we get into the Senate a Senator can offer an amendment to any section which may have been passed over. If we were proceeding upon the idea that as soon as the amendments applying to any particular section had been acted upon the Senate would then vote upon that section, it would preclude any further amendment being offered to the section until we get into the Senate. But there is no such proceeding in contemplation.

Mr. BEVERIDGE. I wish merely to ask the Senator a question, as to whether he thinks that when the bill gets into the Senate and an amendment is offered it may be debated under this rule? Of course we all know that any amendment may be offered after we get into the Senate, or that any amendment which has been offered and adopted in Committee of the Whole may be voted on again; but the question I am asking is whether when we get into the Senate and an amendment is offered it may then be debated?

Mr. BACON. In other words, the Senator means to ask whether the debate in Committee of the Whole precludes debate in the Senate?

Mr. BEVERIDGE. Precisely so.

Mr. BACON. I should say not. Of course the same rule will obtain in the Senate as obtains in Committee of the Whole.

Mr. BEVERIDGE. The Senator thinks we may debate in the Senate?

Mr. LODGE. Of course.

Mr. BACON. I think so, undoubtedly.

Mr. BEVERIDGE. Under the fifteen-minute rule?

Mr. BACON. Undoubtedly.

Mr. BEVERIDGE. That is a very important point to be determined at this juncture.

Mr. FORAKER. Regular order, Mr. President.

Mr. BACON. I would say further before yielding the floor that the junior Senator from Wisconsin will have ample opportunity when the bill is in the Senate to offer any amendment to this section which he desires to offer.

Mr. GALLINGER. I propose an amendment to the amendment by inserting, after the word "institutions," in line 5, page 164, the words which I send to the desk.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. It is proposed to amend the amendment offered by the Senator from Ohio by inserting, on page 2 of the amendment, in line 5, after the word "institutions," the following words:

Or to laborers, agricultural or otherwise, under rules to be prescribed by the Interstate Commerce Commission.

Mr. NELSON. Mr. President—

Mr. FORAKER. I accept that.

The VICE-PRESIDENT. The Senator from Ohio.

Mr. FORAKER. I say I do not object to the amendment offered to the amendment.

The VICE-PRESIDENT. Without objection, it is agreed to.

Mr. NELSON. I object to the adoption of that amendment to the amendment until I have had something to say on the general proposition.

Mr. BACON. I hope it may be read again in connection with the text.

The VICE-PRESIDENT. The Secretary will again state the amendment.

Mr. BACON. So as to show us the connection.

The VICE-PRESIDENT. The Secretary will state the amendment as requested.

The SECRETARY. After the word "institutions," in line 5 of the proposed amendment, it is proposed to insert the following:

Or to laborers, agricultural or otherwise, under rules to be prescribed by the Interstate Commerce Commission.

So that it will, if amended, read:

Provided, That nothing herein shall prevent the free carriage of destitute or indigent persons, or the issuance of mileage or excursion passenger tickets, or prevent such carriers from giving free or reduced transportation to ministers of religion, or to the inmates of hospitals, eleemosynary and charitable institutions, or to laborers, agricultural or otherwise, under rules to be prescribed by the Interstate Commerce Commission, etc.

Mr. GALLINGER. Mr. President, I simply desire to say a word. Unless I change my mind I shall vote against the amendment submitted by the Senator from Ohio. But if that amendment is to be made a part of the bill it is very clear to my mind that we ought not to enact legislation which would prevent railroads from giving reduced transportation to the men who go from the East to the West to work in the harvest field—thousands of them every year—or to the workmen trains

that are being run on some of the railroads of the country. So I am very glad the Senator from Ohio is willing to have the amendment I have suggested incorporated in his amendment, which I trust will be done.

Mr. HANSBROUGH. Mr. President, I offer an amendment to the amendment, to come in after the word "dollars," in line 11.

The VICE-PRESIDENT. Will the Senator from North Dakota withhold his amendment until the pending amendment to the amendment is acted upon?

Mr. HANSBROUGH. I offer an amendment to the amendment.

Mr. GALLINGER. It is not in order.

Mr. FORAKER. There is an amendment to the amendment pending.

The VICE-PRESIDENT. The Senator from Minnesota objected to the amendment proposed by the Senator from New Hampshire to the amendment offered by the Senator from Ohio.

Mr. HANSBROUGH. I understood the Senator from Ohio to accept the amendment offered by the Senator from New Hampshire.

Mr. FORAKER. I announced that I was willing to accept the amendment, but the Senator from Minnesota objected to it.

Mr. NELSON. I objected to it.

Mr. HANSBROUGH. I did not hear the Senator from Minnesota make his objection. I will withhold my amendment to the amendment until the proper time.

Mr. NELSON. Mr. President, I desire to call the attention of the Senate to the vice of the amendment of the Senator from Ohio. It has not been really touched upon by the Senator from South Dakota or anyone else in this discussion. If you will read the first of the amendment you will see that it confounds interstate and local traffic, and it amounts to this: That a carrier can charge neither more nor less for an interstate rate of passengers that it can for the local rate. In line 4 you will find, commencing in line 1, that—

No carrier engaged in interstate commerce shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person a greater or less compensation for interstate transportation of passengers than it charges, demands, collects, or receives from any other person for a like and equally good service.

Now, taking that whole proposition together it amounts to this: That they can not charge more for passengers carried as interstate passengers than they can charge for passengers carried at local rates. Whatever local rate is paid, for instance, in the State of Minnesota by passengers, that same rate must be charged for passengers going from Minnesota to New York.

We all know, as a matter of fact, that for long distances railroads charge much lower rates than they do for mere local rates. This is, in fact, putting the two on a par, so that the railroads can charge absolutely as much for interstate traffic as for local traffic, and indirectly it reduces it to a mileage basis, because it is proposed to say, "If you charge only 3 cents a mile for local passenger rates, you can not charge any less than 3 cents a mile for interstate passenger rates," and that is the whole milk in the cocoanut. I do not care about taking up more of the time of the Senate. Anyone who will inspect the amendment will see that it has that effect.

Mr. FORAKER. Will the Senator allow me to interrupt him?

Mr. NELSON. Certainly.

Mr. FORAKER. If I understand the Senator correctly, his point is one that never occurred to me in connection with my amendment. I should like to have him suggest what words would change that.

Mr. NELSON. The very best way is to leave the amendment out.

Mr. FORAKER. We can find plenty of people who are willing to leave out all provision about prohibiting passes, but in some form or other we will have it presented, so that there will be a vote on it any way.

Mr. NELSON. This amendment does not relate to passes at all. That is a distinct question. What I insist is that it puts interstate passenger rates and local passenger rates on exactly the same level, on practically a mileage basis, by which the railroads can charge just as much for the long transportation from St. Paul to New York as they do from St. Paul to my own home 140 miles from St. Paul. It is putting the two rates on an exact level.

Mr. FORAKER. Mr. President, the language employed, if I may address the Senate at this time, does not admit of any such construction, in my judgment. What the Senator has discovered is entirely new. I am sure it has not occurred to any other member of this body. I have not heard of such a thing being suggested before. I should like to have any man look at

that language and tell me how it admits of any such construction.

The provision applies simply to interstate transportation, and it says that no person shall be charged more or charged less than every other person is charged. That language was not new with me. I copied it out of the law as it now stands in that respect. The only trouble with the law as it now stands, and this is the law as it now stands precisely in that particular, is that it provides no penalty. Now, I have added a penalty. The law is good enough as it is already on the statute books to prohibit the giving of passes if there were only a penalty attached.

Mr. DOLLIVER. Mr. President—

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

Mr. FORAKER. Certainly.

Mr. DOLLIVER. If I am not greatly mistaken, section 10 of the interstate-commerce act, amended March 2, 1889, provides a rather more severe penalty than the amendment proposed by the Senator from Ohio.

Mr. FORAKER. I do not know about that section. I do not know of any section which provides a penalty for this offense.

Mr. President, I had just two purposes in view in offering this amendment. One is to prohibit the granting of passes with respect to the interstate transportation of passengers. I wanted to put the language in such a form that there could not be any question about it. Then I wanted to provide a penalty that would secure its enforcement. There being no penalty, passes are granted and they have been ever since 1887, and most of us perhaps have accepted them. I have. I have used them; but I have not used any for a considerable time. That is a fault we have all, or at least most of us have, been open to criticism for. But the time has come when we ought to break up that practice. That is universally recognized. You can not break it up unless you provide a penalty, and that I have provided for. If it is not severe enough, make it more severe.

But I had another purpose in view, Mr. President. When we are not making rates, but the railroads are making them, we can stand by and see a great many things done which we can not afford to do. We can acquiesce in them; but when we undertake to make rates, when we put the Government into that business, the Government becomes responsible for the rates that are made and for the treatment of the passengers who pay those rates.

My purpose was, avoiding, if possible, all question about the so-called "Jim Crow cars," to simply put in the law a provision that there should be equal treatment of all passengers who pay, the same compensation for being transported.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. FORAKER. Certainly.

Mr. HOPKINS. I wish to suggest the condition of affairs in Chicago.

Mr. FORAKER. I do not want to lose my time.

Mr. HOPKINS. All right; I will wait until after the Senator concludes.

Mr. FORAKER. In other words, Mr. President, the man who pays a fare, who is charged, for instance, the regular fare from Washington to Richmond or to Mobile, should have precisely as good accommodations without regard to whether he is white or black as any other man who pays it. That is all there is in it. We should put in this law something on which the Commission can stand to enforce equality of treatment in the carriage of passengers, if we are to undertake to become responsible therefor.

The provision I have offered avoids all question about the right to separate passengers by having separate coaches, and the law I have provided, if it should be adopted, is less stringent in that respect than the laws of some of the Southern States. Take the State of Georgia, for instance. I have before me their statute on that subject. They provide as follows:

The different railroads in this State, acting as public carriers, are required to furnish equal accommodations to all, without regard to race, color, or previous condition.

I say nothing about race, color, or previous condition, but I do say there shall be equal treatment; and I want to know whether any man who believes in equality of treatment will vote against putting in this bill a provision to that effect, especially if it does not conflict with the laws of the different States in that respect. You can do as you like about separating, but there should be an equality of treatment so far as the facilities of travel are concerned and so far as the accommodations are concerned.

That is what I have in mind along with the prohibition of passes. When the Senator from Minnesota [Mr. NELSON] says that the milk of the cocoanut is to give to the railroads some advantage, the Senator from Minnesota speaks without any warrant whatever so far as anything in my mind was concerned. If there is anything in the language that has been employed which admits of that construction, I hope the Senator will tell me how to correct it, and I will be obliged to him.

Mr. NELSON. I charged the Senator with nothing at all, and he knows it. I stated what the construction of the bill was found to be.

Mr. FORAKER. I did not say the Senator had charged me with anything.

Mr. NELSON. I do not want him to try and make a personal matter out of it. I gave him no occasion for it.

Mr. ELKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. FORAKER. I ask the Senator to wait until I answer the Senator from Minnesota. I did not say that the Senator from Minnesota had charged me with anything; but I said, when the Senator said the milk in the cocoanut was to try to give the railroads more advantage, he spoke without warrant, so far as anything in my mind was concerned and so far as anything in the language could be construed of which I have any knowledge. If the Senator will tell me how to correct the language so as to accomplish, to his satisfaction, the purpose I have in view by prohibiting the granting of passes and securing equality of treatment to all who travel and who pay the same for their travel I will be very greatly obliged. I am not here to higggle over language, and I have no purposes whatever, except those which I have expressed.

Mr. ELKINS. In reference to providing a penalty, in section 10, if the Senator has examined that act, he will find that provision is made for a penalty. I think that section 10, as amended by the act of March 2, 1889, provides for a penalty for everything that may be prescribed to be done or omitted to be done under any act regulating interstate commerce.

Mr. BEVERIDGE. Will the Senator read that portion of the section with reference to passes?

Mr. FORAKER. There is not a word in it about passes.

Mr. ELKINS. But the Senator in his amendment has prescribed a penalty for passes. Now, I will read section 10, if the Senator will allow me:

That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein—

Mr. FORAKER. The Senator is talking in my time. I would not care if it had any pertinency to this, but the Senator will allow me to say, respectfully, I do not think it has. It does not cover the case. I was not unmindful of that provision. I thought when the Senator from Iowa [Mr. DOLLIVER] spoke about it a moment ago he referred to something I had overlooked. I am perfectly familiar with that. It is one of those general provisions for penalty for any violation of the general act. I want to amend that special provision with respect to this subject, and the amendment I have offered fits the case, unless it is open to the suggestion made by the Senator from Minnesota. I do not see how it can be, but I have so much respect for his judgment I would be glad if he would aid me to correct the language if it needs correction.

My sole purpose is, and I think it ought to be put in here without any doubt, to further prohibit the giving of passes, except only in the excepted classes and under the conditions which were suggested by the Senator from New Hampshire, that may be prescribed by the Interstate Commerce Commission. And I think we ought to put in the bill a provision that there shall be equal treatment of all who travel and pay the same fare.

Mr. CULBERSON. I desire to ask if a substitute for the amendment offered by the Senator from Ohio is in order at this time. I understood that the several amendments proposed to the amendment had been accepted. If that be true, I take it that a substitute is in order.

Mr. BEVERIDGE. Not now.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment is not now in order.

Mr. LODGE. The amendment of the Senator from New Hampshire to the amendment is pending.

The VICE-PRESIDENT. That is an amendment to the amendment of the Senator from Ohio.

Mr. GALLINGER. I should like to have the amendment to the amendment acted upon.

Mr. CULBERSON. I understood that the amendments suggested by the Senator from New Hampshire and by one of the other Senators, probably the Senator from North Dakota [Mr. HANSBROUGH], were accepted by the Senator from Ohio. If so, the amendment would be thereby perfected, and a substitute would be in order now.

The VICE-PRESIDENT. When the amendments now offered to the amendment have been acted upon the Chair will recognize the Senator from Texas. There was a request made that the amendment of the Senator from New Hampshire to the amendment should be again stated.

Mr. FORAKER. I announced that I would accept the amendment of the Senator from New Hampshire, and I understood the Senator from Minnesota to object to it. But he informs me that he has no objection, and if I may, I accept it.

The VICE-PRESIDENT. The Senator from Ohio has that privilege.

Mr. FORAKER. I accept the amendment offered by the Senator from New Hampshire to my amendment.

The VICE-PRESIDENT. Then the amendment of the Senator from North Dakota [Mr. HANSBROUGH] to the amendment is in order.

Mr. HANSBROUGH. I offer an amendment to the amendment, to come in after the word "dollars," line 10, page 1, of the amendment offered by the Senator from Ohio.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from North Dakota to the amendment offered by the Senator from Ohio.

The SECRETARY. After the word "dollars," page 1, line 10, of the proposed amendment, insert:

That it shall be unlawful for any Senator or Representative, or officer, agent, or other employee of the Government to solicit, accept, or use for himself or for others free railway transportation over any railway engaged in interstate commerce, and any person violating this provision shall forfeit the position he or she holds under the Government: *Provided*, That clerks to committees of the Senate and House of Representatives and clerks to Senators and Members shall be entitled to receive, upon proper vouchers, an amount equal to the sum necessary to pay their actual transportation expenses to and from the national capital once each year.

Mr. FORAKER. Mr. President, I am willing to accept so much of that amendment as makes the provision applicable to Senators and Representatives in Congress and other officers of the Government. I think it already applies to all such without it.

Mr. LODGE. I only want to say, as to the acceptance of the amendment, that I wish to vote on it. I object to the proviso very strongly.

Mr. FORAKER. I have not accepted the amendment as a whole. I announced that I would accept it to that extent. The Senator may change it if he sees fit.

Mr. HANSBROUGH. I did not hear the Senator distinctly.

Mr. FORAKER. I accept the amendment of the Senator from North Dakota that he had read at the desk a moment ago, in so far as it relates to Senators and Representatives in Congress.

Mr. GALLINGER. Does the Senator agree to the provision that the asking of a pass for some poor person on the part of a Senator would disqualify him for continuing in the office of Senator?

Mr. FORAKER. No, sir; I do not.

Mr. GALLINGER. I should hope not.

Mr. FORAKER. I do not think that that is proper.

Mr. LODGE. The proviso is that we shall have the right to get free transportation for our clerks.

Mr. HANSBROUGH. Mr. President, so far as the proviso is concerned, I wish to say that while I make no charge whatever against any clerk or employee about the Senate or the other branch of Congress, it has come to my attention that clerks have extended favors in lieu of passes given by railroad companies, and it seemed to me this was the only way that this condition of affairs could be obviated.

Mr. HALE. If the facts are as stated by the Senator in any given case of that kind, it is high time that that clerk should cease to be a clerk.

Mr. HANSBROUGH. I say I do not make any general charge, nor do I refer to any individual clerk, but there is no doubt but that incidents of that kind have occurred about this Capitol, and I do not see any other way to avoid it. If the Senator can propose any measure here that will avoid it, I shall be perfectly willing to accept it.

Mr. HALE. I take it, if the Senator will allow me, that the objection is to the entire clause. It recognizes that these clerks should receive favors from railroads and that they should have substituted allowances in place of paying their fare.

Mr. President, if it has come to the pass that clerks of this body, clerks of Senators, or clerks of the House are receiving

favors from railroads in the way of passes and are soliciting these favors, or accepting them without solicitation, it is high time that that should cease entirely.

The proviso of the amendment to the amendment recognizes that situation and acknowledges it as an existing fact. I trust the Senate will not by any means pass the provision.

Mr. HANSBROUGH. I do not agree with the Senator that the proviso recognizes anything of the kind. If he will pardon me, I disagree with him on that point. We are proposing to extend to clerks by this proviso the same privilege that is now extended to Senators and Members by paying the mileage of Senators and Members to and from their homes once a year. A clerk is an officer of the Government or an officer of the Senate as much so as a Senator is, and he is entitled to receive mileage. I think it would be a good idea to prohibit him from accepting passes at the same time that we are prohibiting Senators from accepting passes, and to pay them both the legitimate mileage which belongs to them. That is all there is to the proviso.

Mr. HALE. Does the Senator think that the mileage provision which applies to Senators and Members ought to apply to clerks?

Mr. HANSBROUGH. If the Senator will examine the provision he will see it provides that the clerks shall receive the actual expenses of traveling to and from the capital once a year.

Mr. HALE. In other words, it is an enlargement of the privilege of mileage, which is now and always has been confined to Senators and Members. It extends it to their clerks. Does the Senator propose to do that?

Mr. HANSBROUGH. The amendment proposes to do it.

Mr. HALE. Does the Senator think that that would be a good thing?

Mr. HANSBROUGH. What serious objection does the Senator from Maine find to it?

Mr. HALE. Then why not extend it to messengers?

Mr. GALLINGER. Certainly.

Mr. HALE. And to janitors?

Mr. GALLINGER. And pages?

Mr. HALE. And to the roll of employees, and to the stenographers? Why not extend it to all officials about the Senate?

Mr. HANSBROUGH. I have no objection to that.

Mr. HALE. I have had an old-fashioned idea that it was intended to follow the representation in the two bodies—the Senator and the Representative—and that it never would be agitated or supposed that this mileage allowance should be extended to the minor officers. If the Senator believes that is a good thing, let him test the Senate on the proposition.

Mr. HANSBROUGH. Certainly; I am perfectly willing to test the Senate on it. I offer the suggestion so that the clerks may be as independent as Senators and Members should be.

Mr. BEVERIDGE. Is the amendment now open to amendment?

The VICE-PRESIDENT. It is not. The question is on agreeing to the amendment proposed by the Senator from North Dakota to the amendment of the Senator from Ohio.

Mr. BEVERIDGE. Immediately after action upon the amendment to the amendment I assume the amendment will be open to amendment.

The VICE-PRESIDENT. It will.

Mr. GALLINGER. Mr. President, it seems to me that we are inclined to run wild on this question of dealing with men in public life. Why it is necessary to single out Senators and Representatives in Congress in the amendment and put them under the ban when we are under the ban if the amendment passes as proposed by the Senator from Ohio, surpasses my comprehension. If we are going to do it, let us include the judges of the courts and all other men in official position.

I shall vote against it, not because I have any objection myself to being denied the privilege of asking or receiving a pass by an interstate railroad, but I do object to it because of the fact that it is invidious distinction which, to my mind, is utterly nonsensical and unnecessary.

Mr. DOLLIVER. Mr. President, it is very certain that the pass has become an evil and an abuse in our transportation system, and I cordially concur with the Senator from Ohio in his anxiety to abolish it. But I am not able to discover any more efficiency in the provision of the amendment which he has submitted than there is or ought to be in the law which was passed over twenty years ago. The older members of the Senate tell me that it was well understood in 1887 that the pass had been abolished, and for many months—I think I may say for years—after the enactment of the interstate-commerce law the pass disappeared in our transportation system.

In order to show that the present interstate-commerce law contains every provision that is contained in the amendment of the Senator from Ohio it is only necessary to read section 3, which provides that—

It shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

The theory of the present interstate-commerce law is that the rate or fare of the railroads shall be published, and a whole section of the present law is devoted to the publication of the rate. In the sixth section occurs this language:

And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

The Senate will observe therefore that in 1887 the very same care was taken, almost in the same language, to guard against the free railroad pass as appears to be taken in the honorable Senator's proposal.

Mr. FORAKER. The act does not mention the pass.

Mr. DOLLIVER. I do not notice the word "pass" in the amendment.

Mr. FORAKER. I accepted that amendment to the amendment.

Mr. BEVERIDGE. I will offer an amendment with the word "pass" in it.

Mr. DOLLIVER. It does not make any particular difference.

Mr. FORAKER. I did not think so, but to make it perfectly clear I accepted the amendment to the amendment.

Mr. DOLLIVER. My honorable friend from Ohio says there is no penalty. I called his attention in an off-hand way to section 10, and I want to read that section to show that the interstate-commerce act now provides a penalty for every violation of that law. Whenever a railroad company does what that law says is unlawful a penalty is provided; and if I have the correct use of language, it is a very much more severe penalty than appears in the Senator's amendment. Section 10 of the interstate-commerce law as amended March 2, 1889, provides that—

Any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed \$5,000 for each offense: *Provided*, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges, for the transportation of passengers or property, such person shall, in addition to the fine hereinbefore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

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

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

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. I think the Senator will admit that the language of the act as read covers the position the Senator states it does not do so by construction about which there may be doubt. That being true, what objection has the Senator to putting it in the law in terms about which there may be no doubt?

Mr. DOLLIVER. I was going to suggest that if this amendment is proper—and I certainly sympathize with the notion that everybody in the United States ought to pay the same fare for the same service—I think it would be well to devise, if we are able to do so, some language that would at least be less liable to be misinterpreted than the language of the interstate-commerce act of 1887.

Mr. FORAKER. I call the Senator's attention to the fact that there is nothing in the language of the act of 1887 requiring the furnishing of equally good service and equally good accommodations.

Mr. DOLLIVER. There is something in the act of 1887 that requires passenger and freight rates to be published, and makes a departure from them unlawful. I would suggest, Mr. President—

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

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

Mr. DOLLIVER. Certainly.

Mr. SPOONER. Does the Senator know of any act now upon the statute book which practically has been construed to prevent the issuance of passes?

Mr. DOLLIVER. I do not know that that act has ever been construed at all in that respect.

Mr. SPOONER. Does the Senator know of any act which has operated to prevent the issuance of passes?

Mr. DOLLIVER. The act has certainly not operated to prevent the issuance of passes.

Mr. SPOONER. I ask whether or not an amendment should be incorporated here which will prevent their issuance?

Mr. DOLLIVER. That is just exactly what I am trying to get at, and I suggest this language:

No common carrier subject to the provisions of this act shall issue any pass or other form of free transportation to any person to be used in an interstate journey except as herein provided, and it shall be unlawful for any person, except as herein provided, to receive or use any such pass or other form of free transportation.

Mr. BEVERIDGE. I intend at the proper time to offer a substitute, that no carrier engaged in interstate commerce shall issue a pass or give free transportation to any person or persons except such as are excepted in the interstate-commerce law.

Mr. DOLLIVER. I quite agree with the Senator from Indiana that if we are going to prevent the issuance of passes they ought to be prevented from being issued to any person except persons who are excepted by the original interstate-commerce law. I have here the original interstate-commerce law, and I will read the persons who are excepted, on page 15, section 22:

SEC. 22. (As amended March 2, 1889, and February 8, 1895.) That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions, for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies.

So that it will be observed that the law now prohibits a departure from the published passenger rates, and makes it unlawful and provides punishment for a violation; and this section makes very elaborate exceptions which, I think, have been found to work well as to persons who are excepted from the law. The only place in the law where the word "pass" occurs is in this section. Now, if it is necessary to amend the law, it certainly is worth while to do it in terms so distinct that everybody will know that we are referring to passes.

For my part, I think that, instead of confining it to public officials, the issuance of passes ought to be made unlawful for any purpose, except as to the persons excepted in the section which I have just read.

Mr. FORAKER. It does not apply to all persons. It does not except anybody except only the classes enumerated.

Mr. DOLLIVER. That is true.

Mr. LODGE obtained the floor.

Mr. HANSBROUGH. Mr. President—

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

Mr. LODGE. I want my own time.

Mr. HANSBROUGH. I desire to ask if it be in order for me to withdraw the amendment I offered and to substitute another in place thereof—a modified amendment?

The VICE-PRESIDENT. The Senator from North Dakota can modify his amendment.

Mr. HANSBROUGH. If so, I offer, in lieu of the amendment heretofore offered by me, the one which I now send to the desk.

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

The SECRETARY. After the word "dollars," in line 11 of the proposed amendment by Mr. FORAKER, it is proposed to insert:

That it shall be unlawful for any Senator or Representative, or officer, agent, or other employee of the Government to solicit, accept, or use for himself or for others free railway transportation over any railway engaged in interstate commerce; and any person violating this provision shall, on conviction, pay to the United States a penalty of not less than \$100 nor more than \$2,000.

Mr. HANSBROUGH. Mr. President, the amendment as now modified meets some of the objections which have been made against the first amendment I offered.

Mr. LODGE. Mr. President, I think we are all agreed as to the desirableness of stopping the issuance of passes. As the Senator from Iowa [Mr. DOLLIVER] has shown, that is provided for under existing law, although the language is general; and it certainly was so construed when the law was first put into operation. I think it then fell into desuetude, even if it was not innocuous. At all events, there is a great deal more law for the prevention of the issuance of passes in the law as it now stands than there is in the amendment of the Senator from Ohio [Mr. FORAKER]. The exceptions in that amendment, it seems to me, simply destroy practically the prohibition of passes. They are enlarged beyond the exceptions of the existing law so as to cover all stockholders of the railroads. That opens up a very wide field. A man can make himself eligible for a pass by buying one share of stock. It includes all the families of employees; which the original law does not.

Mr. FORAKER. If the Senator will allow me to interrupt him, I think he is mistaken about that. So far as the word "stockholders" is concerned, I took that out of the statute I was copying from; but I will strike that word out. There need be no difficulty on that point.

Mr. LODGE. It is not in section 22 which I have before me. The families of employees are also added by the amendment. That single addition includes several million persons. I read from section 22:

Nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees.

There is nothing about the families of persons that I can find in the law.

Mr. FORAKER. I am perfectly willing to strike out the word "families." I do not want to enlarge the provision. I do not go as far as the present law goes.

Mr. LODGE. Under the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], I understand that the railroads are to be authorized to issue passes to any laborer, agricultural or otherwise. Under the existing law agricultural laborers and all other laborers would be entitled to receive reduced rates. That is all, I think, that ever has been granted. I am very anxious to preserve the workingmen's trains and their special rates, which are very important in my part of the country; and I have no doubt the same is true of agricultural laborers elsewhere. I may have misunderstood the amendment. I thought it provided for free transportation as well as for reduced rates.

Mr. GALLINGER. That, presumably, is reduced transportation.

Mr. LODGE. Why not leave it as it is in the existing law, which covers those cases perfectly?

Mr. GALLINGER. If the Senator will permit me, I quite agree with him on that point. As I said a moment ago, I expect to vote against the amendment of the Senator from Ohio, so I am not troubled about what gets into it.

Mr. LODGE. The amendment of the Senator from Ohio, as it seems to me, relaxes the law against passes. It does not make it more stringent. The law to-day, properly construed and properly enforced, prevents the issuance of passes to all except certain classes, who are properly excepted in section 22.

I think the legislation as proposed in this amendment is totally needless. I believe we have a better law now, and it is simply a question of its proper enforcement. The language of section 3, if honestly interpreted and properly enforced, covers passes, and the penalties in section 10 apply to section 3. This proviso simply opens the door to the very evil that we are trying to shut out. If it is thought necessary to make more definite what section 3 of the existing law means and to put in it explanatory words, I have no objection to that; but this amendment seems to me to relax the existing law and to add an enormous number of people to the exceptions.

In my State, of small railroad mileage comparatively, there are 36,000 stockholders alone who are immediately eligible for passes, and 60,000 employees, and if their families be added, that would make 300,000 more people eligible for passes. With this extension as to laborers, agricultural and otherwise, it

would gradually cover in pretty nearly everybody in the community, and pretty much all the population would become eligible for passes.

I think, Mr. President, unless this amendment can be very much changed we had much better leave the law as it is.

Mr. FORAKER. I think the Senator from Massachusetts has made a just criticism of the amendment in two respects, and I desire to take advantage of his criticism to correct the amendment. He criticised it because it contained the word "stockholders." That word was employed because it was in the statute which I copied. I ask leave to modify the amendment by striking out the word "stockholders," in line 8, page 2, and also in the same line the words "or to the families of the same." I modify my amendment in that way.

The VICE-PRESIDENT. The Secretary will state the modification suggested by the Senator from Ohio.

The SECRETARY. In the last line of the pending amendment it is proposed to strike out the word "stockholders," and also the words "or to the families of the same;" so as to read:

Or to prevent any such carriers from giving free transportation to officers, agents, employees, attorneys, or directors of carrier companies.

Mr. FORAKER. As so modified, the exempted classes are restricted, and not enlarged; and it is a complete answer to all the Senator said about the law now on the statute book providing all that this amendment proposes to provide. It does not have any such effect; it never has had it; it never has been effective; and never has been put into operation.

Mr. HOPKINS. I desire to call the Senator's attention to the difficulty I suggested earlier in the debate, which is local to Illinois. There are probably between two and three hundred thousand people doing business in the city of Chicago who live in the suburbs. Those suburbs extend down into Illinois and up into Wisconsin. The railroads that center in the city of Chicago, in order to enable those people to properly do business, have established what they call "suburban trains," and allow passengers to travel to and from these points at very much reduced rate over what would be charged a passenger from any other point in either the State of Wisconsin or of Indiana coming to Chicago.

If this amendment is adopted in the form in which it is presented, in my judgment it will cut off those suburban trains that are bound from any point in Wisconsin or any point in Indiana to the city of Chicago. I ask the Senator if he would have any objection to adding this proviso after the word "service," in line 7:

Provided, That this section shall not apply to the transportation of passengers in what are called "suburban trains."

Mr. TILLMAN. I rise to make a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. TILLMAN. I have been listening to the course of this debate, and I thought that, under the agreement, the amendment of the Senator from North Dakota was the only one under discussion, and that we were to consider that and end it; but we have branched off; we are amending everything, and we do not vote on anything. I should like to have the Chair enforce the rule and let us move on, not that I propose to intimate that the Chair is not trying to do that, but Senators seem to forget what they themselves have agreed to.

The VICE-PRESIDENT. The Senator is right in his insistence. The only question under consideration now is the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] to the amendment of the Senator from Ohio [Mr. FORAKER].

Mr. HOPKINS. Mr. President, I do not propose to be taken off the floor.

The VICE-PRESIDENT. The Chair—

Mr. HOPKINS. I am speaking under the fifteen-minute rule.

Mr. TILLMAN. If the Senator will permit me, I am trying to get a vote on the amendment offered by the Senator from North Dakota. After that amendment is disposed of then the Senator's amendment to the amendment of the Senator from Ohio [Mr. FORAKER] will be in order. I do not want to interfere with his rights in the least.

Mr. HOPKINS. I will say to the Senator from South Carolina that I was not proposing my amendment at the present time. This is the second time I have undertaken to get the attention of the Senator from Ohio to the objection that I had to his amendment. If it can be arranged so as not to interfere with the great interests in Chicago of the character I have suggested, I am heartily in favor of the amendment; but, instead of offering an amendment, I was challenging the attention of the Senator from Ohio to the subject-matter of my amendment when I should propose it. I am not proposing it now.

Mr. TILLMAN. I merely desired to get a vote on the amend-

ment now pending offered by the Senator from North Dakota, so that we may move on to some other amendment.

Mr. HOPKINS. After I yield the floor I have no objection whatever to a vote on the amendment.

Mr. FORAKER. As the Senator has asked me a question, if I may answer I will call his attention to the provision on page 2 of the amendment, which reads:

Nothing in this act contained * * * shall prevent the issuance of mileage or excursion passenger tickets.

That might be made to read "mileage, commutation, or excursion tickets."

Mr. HOPKINS. Mr. President—

Mr. TILLMAN. I beg the Senator's pardon, but I declare we will never do anything unless we enforce the rule.

Mr. HOPKINS. I can not be interrupted. I have got my fifteen minutes, and I decline to be interrupted.

The VICE-PRESIDENT. The Senator from Illinois declines to yield.

Mr. TILLMAN. I rose to a parliamentary inquiry. I made the inquiry; the Chair sustained me; and now let the Chair please enforce the rule.

The VICE-PRESIDENT. The Chair is unable to say whether the Senator from Illinois, who has risen within his fifteen minutes, is going to speak to the amendment or not. The Chair assumes, until it otherwise appears, that the Senator from Illinois will address himself to the question before the Senate.

Mr. HOPKINS. Mr. President, the question before the Senate is perfecting this amendment. I want to suggest to the Senator from Ohio that, in my judgment, the language he has suggested will not meet the difficulty, and I desire him to look over the proviso which I have prepared, and which later I shall present to the Senate.

Mr. FORAKER. Very well, I will do so.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] to the amendment of the Senator from Ohio [Mr. FORAKER].

Mr. KEAN. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be again stated, at the request of the Senator from New Jersey.

The SECRETARY. After the word "dollars," in line 11, it is proposed to insert:

That it shall be unlawful for any Senator or Representative or officer—

Mr. KEAN. That is enough. I know now what the amendment is.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. OVERMAN. Is an amendment to that amendment in order?

The VICE-PRESIDENT. It is not in order. It would be an amendment in the third degree.

Mr. McLAURIN. I should like to hear the amendment stated.

The VICE-PRESIDENT. The amendment will be again stated, at the request of the Senator from Mississippi.

The SECRETARY. After the word "dollars," in line 11, page 1, of the pending amendment, it is proposed to insert:

That it shall be unlawful for any Senator or Representative or officer, agent, or other employee of the Government to solicit, accept, or use for himself or for others free railway transportation over any railway engaged in interstate commerce; and any person violating this provision shall, on conviction, pay to the United States a penalty of not less than \$100 nor more than \$2,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. HANSBROUGH] to the amendment of the Senator from Ohio [Mr. FORAKER].

The amendment to the amendment was rejected.

Mr. MORGAN. I propose an amendment to the amendment of the Senator from Ohio, in line 6, page 1, after the word "same," to insert the words "class of accommodations."

Mr. FORAKER. As I understand it, I have no objection to that amendment, and accept it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "same," in line 6, it is proposed to amend the amendment by inserting the words "class of accommodation."

The amendment to the amendment was agreed to.

Mr. HOPKINS. On page 2, line 2, of the amendment, after the word "mileage," I move to insert the word "commutation."

Mr. FORAKER. I accept that amendment also.

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

The SECRETARY. On page 2 of the pending amendment, line 2, after the word "mileage," it is proposed to insert the word "commutation."

The amendment to the amendment was agreed to.

Mr. MORGAN. I offer the amendment which I send to the desk as an amendment to the amendment of the Senator from Ohio.

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

The SECRETARY. In line 2, page 2, after the word "persons," it is proposed to insert "or persons who are in distress and are prevented from pursuing their usual vocations by visitations of epidemic diseases or of earthquakes or of tempests or of cyclones."

Mr. MORGAN. I desire to make a few observations on that amendment. We have been listening here a long time in the Senate to accusations of bitter character against the conduct of the railroads of this country. Perhaps those accusations in the main are true; but they are not more true probably of the railroad companies than they are of the banks and of a great many other public institutions. While this has been going on, however, a visitation has come upon this country of a calamitous and painful character, and it is my observation, sir, that the railroads of the country have contributed perhaps beyond the capacity or perhaps beyond the generosity of any other class of our citizens to relieve the people of San Francisco against this terrific visitation. I feel more like expressing a sense of gratitude toward these great institutions for their conduct under these circumstances than I do like berating them for their supposed or actual transgressions of the laws of trade and ordinary commercial transactions. But this bill, if it is to contain the amendment of the Senator from Ohio, ought not to put the railroads in such a position as that it would be criminal if they should extend the generosity which they are now extending to the class of people I have been mentioning—those visited by earthquakes, by cyclones, and tempests, and also by epidemic diseases.

The amendment of the Senator from Ohio, Mr. President, contains a proviso, a part of which I will read:

Provided, That nothing herein shall prevent the free carriage of destitute or indigent persons.

My amendment extends the classification of those persons so that they may receive free carriage in their condition of destitution, which I describe in my amendment, without thereby putting the railroads in a criminal attitude toward the laws of the country.

Mr. GALLINGER. Mr. President, I am glad the Senator from Alabama [Mr. MORGAN] has called attention to the fact that these much berated corporations that seem to have few friends in the country to-day have been doing this great work in connection with the earthquake sufferers in California. On the 22d day of April a dispatch was printed in the New York newspapers, and has not been denied, that up to that time the railroads had given free transportation to the amount of \$3,450,000, and a day or two ago I noticed a statement which seemed to be authentic that it then had exceeded the amount of \$5,000,000 in transporting people from San Francisco to other parts of the country.

Mr. FRYE. And supplies also.

Mr. GALLINGER. And likewise in giving supplies to them.

I do not know whether or not it is advisable to add the amendment the Senator from Alabama has suggested to the amendment of the Senator from Ohio. If that amendment shall be adopted, there can be no question about it, it seems to me, that the amendment of the Senator from Alabama enlarges the sphere of beneficence, but what I think is valuable is that the Senator from Alabama has called attention to the fact that in a great emergency these corporations have been generous and liberal and have done everything in their power to relieve the suffering of those stricken people.

Mr. McCUMBER. I wish to ask a question of the Senator from New Hampshire.

Mr. GALLINGER. Certainly.

Mr. McCUMBER. If the amendment which is proposed by the Senator from Ohio were the law to-day, would not the railroads which have granted these concessions to the stricken people of San Francisco, if the law were strictly enforced, be fined a sufficient amount to break every one of those railroads?

Mr. GALLINGER. I think that is very probable, if I understand the question correctly.

Mr. McCUMBER. And in connection with that, I wish to ask the Senator if it is not true that it is customary for the railroads to give free transportation to these commercial delegations from China and Japan and other countries who come here for the purpose of understanding our people and devising means to extend our trade in the Orient. The railways would also under this amendment be liable to punishment for that offense, would they not?

Mr. GALLINGER. I think so.

Mr. McCUMBER. They would also be subject to punishment for bringing over the peace commissioners, whom they brought from San Francisco or Seattle during the last year, conveying them, in fact, I believe, from the Orient and back again?

Mr. GALLINGER. I should think so.

Mr. TILLMAN. I wish to ask the attention of the Senator from Ohio to a small amendment which I wish to add on line 7, page 2, of his amendment, after the word "attorneys." I understand he has already accepted an amendment striking out the word "stockholders."

Mr. FORAKER. Yes.

Mr. TILLMAN. The words I want to put in after the word "attorneys" are these: "Exclusively in its service." The Senator can very readily—

Mr. FORAKER. I accept the amendment.

Mr. TILLMAN. See that if these agents and attorneys can be given passes—

Mr. FORAKER. I accept the amendment.

Mr. TILLMAN. All right; if the Senator accepts it, that ends it.

Mr. GALLINGER. Let it be stated.

Mr. MORGAN. I wish to inquire whether the amendment I offered is pending, or whether it has been passed over?

The VICE-PRESIDENT. It is pending.

Mr. GALLINGER and Mr. KEAN. Let it be acted upon.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Alabama to the amendment.

The amendment to the amendment was agreed to.

Mr. BEVERIDGE. I move to amend the amendment by striking out all after the words "section 3" and inserting the following:

No carrier of interstate commerce shall issue any pass or by any other device give free transportation to any person or persons except as herein provided, and any carrier violating this provision shall be deemed guilty of unjust discrimination and shall for each offense pay to the United States a penalty of not less than \$100 nor more than \$2,000.

Mr. President, I do not desire to occupy the attention of the Senate very long upon this, except to say that the discussion has developed that there is a serious difference of opinion as to what the amendment of the Senator from Ohio means. The first person to call attention to what, putting it lightly, may be said to be the ambiguity of the language was the Senator from Minnesota, and the whole debate has proceeded upon that line. Now, since it seems to be the intention to prevent any carrier of interstate commerce from giving free transportation, it seems to me that that might best be accomplished by stating that intention in so many words, and for that reason I offer the amendment.

The VICE-PRESIDENT. Are there further amendments to the amendment proposed by the Senator from Ohio?

Mr. FORAKER. The amendment of the Senator from Indiana has not been disposed of.

The VICE-PRESIDENT. The Chair did not understand the amendment distinctly.

Mr. FORAKER. I understood the Senator from Indiana to offer an amendment.

Mr. BEVERIDGE. Yes, Mr. President, I offered an amendment, to strike out all after the words "section 3." It is a substitute.

The VICE-PRESIDENT. It is fair for the Chair to state that the Senator from Texas [Mr. CULBERSON] rose before—

Mr. BEVERIDGE. I am aware of that.

The VICE-PRESIDENT. Before the amendment was completed to move a substitute.

Mr. BEVERIDGE. Very well. I will withdraw my amendment.

The VICE-PRESIDENT. The Chair requested him to withhold his substitute, stating that he would be recognized to offer it when the amendment had been completed.

Mr. BEVERIDGE. I saw the Senator not rising. If the Senator from Texas desires to offer a substitute, I will withdraw mine until the Senator from Texas has an opportunity to offer his.

Mr. BACON. I desire to make a statement now, in order that I may not be misconstrued in any subsequent action. There are some amendments which I would offer to the amendment proposed by the Senator from Ohio, but I do not care to do so in case there should be a substitute agreed to. So I withhold any amendment I may see fit to offer, in order to see if a substitute is agreed to. If not, I shall then have some amendments to offer.

Mr. CULBERSON. Mr. President, while I do not intend to

make any extended remarks upon this matter, I do desire to say that I think it far preferable to confine whatever provision we have on this general subject upon which we have been talking to the prohibition of the issuance of free passes or free transportation. There are a good many reasons for that, but I desire to invite attention to only two. The first is that suggestions have been made, which strike me with favor, by Senators on the other side of the Chamber to the effect that the corporations ought to be permitted to issue commutation tickets or excursion tickets or reduced transportation under certain peculiar circumstances. And the second reason is that the subject to which the Senator from Ohio alluded has for the principal motive which influences him in suggesting this amendment that which ought not to be injected in this bill.

The question of discrimination on the part of railroads engaged in interstate commerce, in so far as it may be affected by his suggestion of discrimination on account of race, ought not to be injected, I repeat, into this bill or into this debate, and I decline to go into the question, so far as a discussion of it is concerned. But for these two reasons I suggest that it is far better to confine this amendment, so far as this legislation is concerned, to a prohibition against the issuance of free passes by railroad companies; and, consequently, I move as a substitute what I send to the desk.

Mr. BEVERIDGE. For the purpose of clearing the way for the Senator from Texas, I withdraw the substitute which I offered.

Mr. CULBERSON. I offer it as a substitute for the amendment of the Senator from Ohio.

Mr. BEVERIDGE. I will state to the Senator from Texas that I had offered a substitute, which I now withdraw in order that he may offer his substitute.

The VICE-PRESIDENT. The substitute proposed by the Senator from Texas will be read.

The SECRETARY. It is proposed, in lieu of the part proposed to be inserted, to insert the following:

That no carrier engaged in interstate commerce shall, directly or indirectly, issue or give any free ticket, free pass, or free transportation to any person except to the officers, agents, employees, and attorneys of the carrier issuing the same, or to ministers of religion, inmates of hospitals, eleemosynary, or charitable institutions. Any carrier violating this provision shall be deemed guilty of a misdemeanor and shall, for each offense, pay to the United States a penalty of not less than one hundred nor more than two thousand dollars.

Mr. BEVERIDGE. May I suggest to the Senator from Texas for what it may be worth that instead of making the specific exceptions which he does in his substitute he put in the words "except as herein provided?" That will leave as the exceptions the exceptions already in the law, which were read by the Senator from Iowa. The substitute of the Senator from Texas is practically the same as the one I offered and gladly withdrew, and I make this suggestion to the Senator because it will probably accomplish his purpose better. It is no matter to me whether he does or not.

Mr. FORAKER. I suppose I have a right to speak to the substitute. I want to say, in answer to the Senator from Texas, that the amendment as I offered it was so plain as to avoid raising the question which he injects into this controversy.

Mr. CULBERSON. I prefer the form of the substitute to the suggestion of the Senator from Indiana [Mr. BEVERIDGE].

Mr. FORAKER. I want to make some remarks in opposition to the substitute of the Senator from Texas, speaking now in my own time, in answer to that. I drew this amendment, as I have already stated, in the particular to which the Senator has referred, so as to accomplish two purposes—in the first place, to avoid if possible raising any question as to discrimination on account of color, and, in the second place, so as to afford a legal provision in this statute on which the Commission could stand to enforce equality of service and equality of treatment in the transportation of interstate passengers. I might have gone much further than I did without going as far as the statutes of the various Southern States have gone in that particular. I read a moment ago from the Georgia statute, which requires that there shall be no discrimination on account of race, color, or previous condition, using that exact language.

Mr. BACON. Will the Senator pardon me a moment? That is coupled with the provision which prohibits common carriers from carrying the two races in the same car.

Mr. FORAKER. I am going to call attention to that. That is the general provision. Now, without anything at all being said on the subject, there is no requirement in this proposed law that the passengers shall be carried in the same coach.

Mr. BACON. No.

Mr. FORAKER. There may be separate coaches provided. In certain of the States there is that statutory provision. I did not care to conflict with that. I do not either approve

or disapprove it. I simply let it alone. But I do want in this law, and I think we should all be agreed about that, a provision the necessity for which has been recognized by every Southern State, that there shall be equality of treatment, not that white and black shall be put in the same coach where it is objectionable, as it is in many States, but if you have separate coaches that they shall be as these southern statutes already provide, equally good for both races.

Mr. BACON. I should like to ask the Senator a question.

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

Mr. FORAKER. Yes; I do.

Mr. BACON. If that is the present provision in all of the Southern States, which I think practically it is, what possible good can there be in the insertion of these words? If that is the matter which the Senator has in mind, so far from there being any good in it, will not the very fact of the insertion of those words create the presumption that it was thought that there was not now provision under which this equality of treatment was required?

Mr. FORAKER. The Senator will remember that I have only fifteen minutes, although I yield to him.

Mr. BACON. I beg pardon.

Mr. FORAKER. The necessity is in this: The Interstate Commerce Commissioners can not enforce the statutes of the several States. If in any State there should be a failure to enforce the provisions of the State statutes requiring equality of service and accommodation, the Interstate Commerce Commission would have a legal warrant for doing that thing. In the State of Texas they have very carefully provided for exactly what I want to provide for here, except only I have not gone so far as they have gone in either Texas or Georgia, for in Texas they say that the coach so to be provided shall be equal in all points of comfort and convenience. I think the words "equally good service" would cover everything.

Mr. President, the question comes up to us in such a way that we can not avoid it if we are going into the business of controlling transportation directly, fixing the rates which shall be paid, prescribing the regulations and rules which shall govern in the operation of trains. It is a different attitude that we assume with respect to that matter from that which we have heretofore been standing in.

We become responsible, and if there be any ground in any case for complaint—I do not know anything about what the fact is, but I know I have read a good deal to the effect that there is such ground; I have received a great many letters to that effect—that under the provision of law that they shall give separate and equally good coaches, they are giving separate but not equally good coaches, and very different treatment. What I want in this law is something that does not necessarily raise any question of discrimination; that does not require anything to be done that the laws of the several States, which would have most interest in this question, do not already require to be done; and that is that the Interstate Commerce Commission shall have authority, and authority from the Congress of the United States, to see to it that the humblest man, without regard to color, who pays the same money that the white man pays, may have, not a seat in the same coach, necessarily, but that he shall have decent, respectable, acceptable, and equally good accommodations for his transportation. That is all there is in this. So far as the provision about passes is concerned, there is not, as the Senator from Indiana said a moment ago, any ambiguity about it. The only objection to it is that there is no ambiguity about it. Every Senator here knows that if this provision goes into the statute book as it is framed, there will be no more free passes for anybody, except only the excepted classes. There is not a man here who does not fully understand that and appreciate it.

Mr. BEVERIDGE. If the Senator will excuse me, I said the debate had proceeded upon the assumption that there was ambiguity in the Senator's language.

Mr. FORAKER. I am proceeding upon the theory that the Senator thinks there is ambiguity, and I am saying there is no ambiguity. Every man here understands the provision. Every man here knows it is to prohibit the further abuse of granting free passes. I do not want to dwell upon that any longer. I spoke about it sufficiently earlier in the day. But now a final word about the other provision. Every man here knows that if we are going into the business of rate making we assume a responsibility about it, and we should carefully provide that there should be equality of service for equality of pay. Now, who will vote against it? I want to see.

Mr. HOPKINS. Before the Senator from Ohio takes his seat, I wish to ask him if the difference between his amendment and the substitute offered by the Senator from Texas is this,

that his amendment provides against free passes and in addition also provides for equality of accommodations—

Mr. FORAKER. That is all the difference there is.

Mr. HOPKINS. While the substitute simply provides against free passes.

Mr. BACON. Mr. President, there can be no possible necessity in the Senate's considering these two separate questions together in one amendment. The question of free passes is one thing and a distinct thing. It is a question of what shall be paid in the way of compensation by one man upon terms of equality with another man for the same service; in other words, whether one man shall pay for what another man receives free.

Mr. President, the question of discrimination is another and a distinct thing. There are in this bill other provisions which look to the question of discrimination, and if this question is to be discussed, and if such a provision is to be incorporated in the bill, I submit to Senators that the latter is the proper portion of the bill in which to incorporate it and not upon this particular part of it. Mr. President, is it the design of Senators—can it be the design of the Senator from Ohio and others who think like him—to incorporate upon the question of free passes, which he knows will receive the unanimous vote practically of the Senate, this additional subject-matter about which there is a difference, in order that the second subject-matter may carry with it strength it otherwise would not have?

Mr. FORAKER. Mr. President—

Mr. BACON. If the Senator will permit me for a moment—

Mr. FORAKER. If the Senator will allow me, I accepted an amendment offered by the Senator from Alabama, which removed all objections, as I understood, upon the question to which the Senator is now addressing himself, thereby showing that I had no such purpose as that, but only—

Mr. BACON. I am speaking of the fact that the Senator from Ohio joins in the same amendment the question of passes and the question of discrimination.

Mr. FORAKER. It is equality of pay and equality of service.

Mr. BACON. That may be true, but that relates to every other part of the bill. All through the bill runs the question of discrimination. I have confidence in the desire of the Senator not to take any unfair advantage in this matter. I want to call the attention of the Senator to the fact that he raises here a most vital question, a question of the deepest concern and importance to a very large section of this country that has a burden to bear which no other section of the country has to bear; a question of vital importance to the personal comfort and the social organization as well of our people.

The Senator himself says that the purpose of this amendment is not to secure a provision of law on this subject in the Southern States, because he recognizes the fact that that provision of law already exists in the Southern States by enactment of the Southern States. But the Senator avows the purpose to be to give the Interstate Commerce Commission the right to enforce the law, to go into the States and see whether or not the State of Georgia, for instance, is enforcing its law, and if it is not enforcing it, then to enforce it as a Federal law.

Mr. FORAKER. I suggest that the Interstate Commerce Commission will not go into the State any more on this point than it will on every other point on which it is authorized to act.

Mr. BACON. That may be, but that does not change the proposition that that is the purpose of the Senator. There can be no question which could be raised which would more deeply affect our people and which would more deeply concern them in their everyday life.

Mr. FORAKER. May I ask the Senator a question?

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

Mr. BACON. I do for a question.

Mr. FORAKER. Does the Senator object to a provision in this bill securing equality of service and accommodation to all paying equal prices for transportation?

Mr. BACON. I am free to grant—

Mr. FORAKER. And if he does not, I am willing to have that put in the language of the Georgia statute. I do not object. I do not want—

Mr. BACON. I object to the Interstate Commerce Commission taking charge of this subject.

Mr. FORAKER. Yes; and I insist that they shall.

Mr. BACON. Very well; that may be. The Senator very well knows the fact that he has very nearly two-thirds of the Senators in this Chamber in his party, and consequently he can make his boast of what he will insist upon with very great confidence.

Mr. FORAKER. I did not make it boastfully.

Mr. BACON. The Senator's tone and manner were very boastful.

Mr. FORAKER. I withdraw the boastful spirit.

Mr. BACON. The Senator withdraws the boast, but at the same time it is well known that the Senator does not withdraw his purpose to insist upon it. So the question of phraseology does not amount to much.

I do insist upon it that a spirit of fairness ought to require that those two matters should not be put together. Give us, as the substitute proposes to give, the opportunity to vote upon the question of passes free from any embarrassing or conflicting question. We are all of us in favor of the proposition which will prevent the giving of free passes to anybody. I want to restrict it more than it is in the present law. But there is no possible necessity why the two should not be separate, and then if the Senator shall seek to incorporate upon this bill the independent feature, and he has the votes to do it, of course we can not complain. That is their right. But what we complain of is that they combine the two. I hope the Senator will see the propriety of such division.

I want to call the attention of the Senate to another matter. My objection is not to the principle of the law. That can not be, because for thirty years we have had in Georgia this law which the Senator now proposes to incorporate in the same words in this bill. It is not that I desire that the purpose he has in view shall be defeated; but it is the desire on my part and those who think with me—and I am sure I reflect the sentiments of the people of my section—to avoid what will be an incentive to strife and which will be taken advantage of by malicious and designing people who desire to stir up strife between the races and who will make complaints that are not well founded, and who would be constantly developing discord and discontent in the midst of a people who have every reason to avoid any influences of that kind. It is perfectly competent for the Senator to divide this amendment so that he will have that which relates to passes as an independent proposition. He will get, I suppose, on the provision prohibiting free passes, the unanimous vote of those of us who come from the section who will be particularly affected by the other part of this amendment. He will not jeopardize the other part of his amendment if he has the numerical strength to carry out his announced purpose, and there can be no possible reason, to my mind, why the Senator should combine the two, unless he desires to put other Senators in the position of either voting against the part they approve or compelling them at the same time to vote for another part of which they disapprove.

Mr. FORAKER. I put them together only because they go together.

Mr. BACON. Will the Senator so divide it that we can call for a division?

Mr. FORAKER. I would have to frame the amendment anew, and it seems to me it is perfectly proper to provide that for the same compensation there shall be equally good service to all who travel. I do not go as far as the Senator's State statute goes. There is nothing here to interfere with the enforcement of the State statute. The whole thing is in the hands of the Interstate Commerce Commissioners. I hope they will never have any occasion to enforce this provision, but if they should have, they ought to have that authority.

Mr. CLAY. Will the Senator from Ohio let me ask him a question?

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

Mr. BACON. I am going to yield the floor in a moment, and my colleague can then present his views in full.

I want to say this: Here is a substitute offered by the Senator from Texas which fully covers the ground, so far as free passes go, and which will receive the unanimous vote, I repeat, of Senators on this side of the Chamber. The fact that the substitute is adopted will not prevent the Senator from Ohio from offering as an independent measure whatever he may desire to offer upon that subject, so that if the Senate adopts the substitute offered by the Senator from Texas it will in no manner be agreeing to what I say on the subject, or disagreeing to the opposite view of the Senator from Ohio, and it will give the opportunity to Senators on this side to vote independently for the matter providing against free passes, and still leave the Senator from Ohio absolutely free to offer any amendment he sees fit in regard to the matter of discrimination, which more properly, in any event, comes to another part of the bill.

Mr. TILLMAN. Mr. President, I had—

Mr. MONEY. Mr. President—

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

Mr. TILLMAN. Certainly.

Mr. MONEY. I should like very much to ask a question of the Senator from Ohio.

Mr. TILLMAN. If the Senator will pardon me, we are not proceeding under the rules which prevail every day, and I should like to get through what I have to say, and then the Senator from Mississippi can ask the question of the Senator from Ohio.

The VICE-PRESIDENT. The Senator from South Carolina declines to yield.

Mr. TILLMAN. Mr. President, we have had a great many discussions here on this rate bill, but I never expected to have the race question dragged into it. I deprecate that there should be any allusion to it in this debate.

Mr. FORAKER. Mr. President, I did not—

Mr. TILLMAN. I am not charging the Senator from Ohio with the responsibility for it. Unfortunately for myself, though, I have been unable to see things through the same spectacles with some other Senators here, and I for one welcome the recognition by a Senator of the North that used to be known—and I do not intend it as any reflection upon him—as “Fire Alarm,” because of this very issue. I welcome, I say, the recognition by that Senator that there are conditions in the South which make it imperative that we should be allowed to deal with that question in our own way. Our laws recognize equality. We compel the carriers to give the same kind of transportation and character of coach to the two races. We only compel them to keep them separate; and when the Senator from Ohio and his colleagues shall recognize that in doing that we intend to stand by that provision in good faith, and want the law enforced by our own people, and will enforce it, I for one am ready to say that the Interstate Commerce Commission may go down there and see that the colored people have just as good coaches to ride in as the white people, because the roads are owned in the North, anyhow, and I want no discrimination by northern capitalists against southern negroes. [Laughter and applause in the galleries.]

The VICE-PRESIDENT. The Chair will inform the occupants of the galleries that under the rules of the Senate manifestations are not in order, and he requests the occupants to refrain from a repetition.

Mr. MONEY. Mr. President, I desire to ask whether, if the amendment is adopted and becomes a law, a colored passenger going through a State from one State to another, coming under the interstate-commerce law, would be compelled to go into a coach equally as good provided for him by the State statute as he goes through that State, or would he be permitted under this provision to go into a coach set apart for white people by the law of that State?

Mr. FORAKER. I stated with some particularity that I did not undertake to touch upon the question of separate coaches at all. The only requirement is that there shall be equally good service and equally good accommodation. If the railroad company should furnish only one coach all would have to travel in it, but if they have two kinds of passengers and do not want them to ride in the same coach they must provide equally good coaches for them. In that respect I do not undertake to interfere with the State law.

They have such a statute in Texas, such a statute in Tennessee, and such a statute, I think, in about every other Southern State. I have read from two or three of them. I do not go as far as any of those statutes go. I only want to put under the Interstate Commerce Commission, for that board to stand upon, something that will give them authority to enforce equal treatment if there are complaints, and just complaints, that there is not equal treatment.

Mr. MONEY. Mr. President, the Senator did not answer the question that I asked.

Mr. FORAKER. I thought I was answering it.

Mr. MONEY. I asked for his construction of the law, if it should have his amendment incorporated in it, whether a colored passenger going through a State from a State beyond or a State on the border would be at liberty to go into a white coach provided by the law of that State, although a colored coach equally good was provided, being, in other words, in the terms of his amendment, “equally good?”

Mr. FORAKER. Certainly he would not be. I do not remember just how the Senator put his question, but this does not interfere with such a requirement as the Senator refers to by State statute. He could be required, if a State passenger, to go into a separate coach if it was equally as good, but not if an interstate passenger. I do not make any such requirement, nor do I interfere with it where the State has made it.

Mr. OVERMAN. Did I understand the Senator to accept the amendment as to the class of accommodation?

Mr. FORAKER. Certainly, I accepted it; so that there

might be no question of discrimination, or so-called “Jim Crow car” question raised.

Mr. BAILEY. Mr. President, I rather thought that the purpose of this, and I was sure that the effect of it, would be to recognize the right of the carrier to provide separate cars for the two races, provided one coach was as good as the other. The separate-coach law of Texas and the separate-coach law of Arkansas do not supplement each other, because a passenger starting in Arkansas to go into Texas is not subject to the law of either State. But if I understand this provision, and I hope that that is what it means, it is that carriers operating in that section of our country where these arrangements are necessary can provide separate coaches for each race and then can require each race to stay in its own coach, provided one coach is as good as the other coach.

Mr. FORAKER. Yes, that is the only purpose of it, if they see fit to provide separate coaches which would be equally good.

Mr. BAILEY. If that is true, then surely those of us from the South, where we try to enforce the separation of passengers, could find no possible objection to it. Indeed, instead of being objectionable to me, I am glad to take it, because it enables the carriers to conform in their interstate passenger services with the law of the States on that particular subject. Those of us who live in that part of the country and have experienced the relief which the separate coaches have brought, surely agree that every carrier operating there depending upon the patronage and favor of those people will provide the separate coaches for interstate travel if the law of Congress permits them to do it.

Mr. MONEY. Mr. President, the experience of every State which has adopted a “Jim Crow” law is that the railroad companies would not, for the sake of the good will and patronage of the country through which they operated, provide these separate coaches, for the experience of the Southern States is that every single railroad company which operates in their limits would not provide the separate accommodations, however much it might be demanded by the white people of that country, and it requires a State statute to compel them to do it.

The inquiry I made of the honorable Senator from Ohio was, When this interstate-commerce law of Congress overrode the State law whether a negro passing from one State to another through a State, becoming an interstate passenger, would be compelled to abide by the State law, and whether the railroad companies would then be compelled to provide the separate cars? I do not, for one, believe that they would be compelled to do it, and I have had this much experience with them that I do not believe they will do anything they are not compelled to do which will cost them an extra dollar.

Mr. BAILEY. Will the Senator from Mississippi permit me to ask him a question?

Mr. MONEY. Certainly.

Mr. BAILEY. I agree with the Senator that the railroads would not provide an extra coach at an extra expense, but they are compelled to provide the extra coach for the intrastate passengers of different races, and therefore, having already the separate coaches, they can compel interstate passengers to stay in the coach provided for each race without any additional expense to them.

Mr. MONEY. But the trouble about that is that it is not practical. Under this amendment you can not order a passenger to get up and go into another coach equally as good if he is satisfied with the seat he occupies. So that falls to the ground. The railroad company could do it, perhaps; but will they do it? Consequently there is no remedy for a State that has seen fit to pass a law which separates these two classes of passengers with equally good accommodations, and they are equally good in my State I know, and in other Southern States. This law would come in to override the State statute, and there is no provision that the company shall provide separate cars for interstate passengers.

Mr. BAILEY. Does the Senator from Mississippi believe that this law can divest the State control over the supervision of intrastate passengers?

Mr. MONEY. Oh, of course not.

Mr. BAILEY. Of course not.

Mr. MONEY. Of course not; but what I mean to state is that under such an interstate-commerce act, if passed, the passenger in a coach beyond the limits of the States having the “Jim Crow law,” as it is called, keeps his seat in that coach, and you make no provision here by which he is to go into any other coach when he reaches the State line where there is such a law. There is nothing in this amendment, and I venture to say there will be nothing offered here, such as is in every State statute on this subject; but there will be provision made for equally good accommodations. The Senator said it provided for this

distinction between the passengers, and also provided that they should have equally good accommodations.

Mr. BACON. I wish to ask the Senator to permit me in his time to ask the Senator from Ohio a question.

Mr. MONEY. Certainly.

Mr. BACON. That is, if the Senator from Ohio is willing to incorporate in the amendment a specific requirement that railroads engaged in interstate commerce shall observe the local laws of the States with reference to separate cars for the separate races.

Mr. FORAKER. I would not want to do that, Mr. President. I think I have gone as far as I care to go—not as far as I might very well go—in simply requiring equally good service.

Mr. BACON. The Senator objects, then, to the incorporation here of a specific requirement that railroads engaged in interstate commerce shall in this particular observe the laws of the State through which they pass? The Senator objects to that.

Mr. FORAKER. I do; because I do not know what all those laws are. If there is any law which does not require equally good service and equally good accommodations I do not want to subject the Interstate Commerce Commissioners to an observance of that requirement. All I want is that they may have equally as good coaches if the carriers see fit to provide separate coaches. I am not going to agree to an amendment that would require them to do the one thing or the other, but to require them to furnish equally good service if they see fit to make them separate.

Mr. McCUMBER. Mr. President, I regret that Senators on the other side should object to the only good provision there is in the amendment. I say the only good provision because I mean by that that the other provision relating to the granting of free passes is fully covered by the law as it now stands. If the English language can make the meaning of a term clear, it is made so in the section 10, which was read by the Senator from Iowa [Mr. DOLLIVER]. That section compels railway companies to publish the rates for transportation, both freight and passenger, between any given points. It then prohibits taking either a greater compensation or a less compensation from any person who goes from one point to another. Now, if taking no compensation is not taking less compensation I do not know what you would call it.

Then it goes on and provides a penalty not to exceed \$5,000, which is much greater than the penalty provided in the amendment proposed by the Senator from Ohio. We have on the statute books to-day a clear prohibition against the granting of free transportation and a severe penalty for it. Repassing the same law would not tend in any way to make it more effective. We have the law now.

Then the Senator from Georgia seems to object upon the ground that this amendment and the other amendment would tend to create strife in his State. Now, why would it create strife? Would the white population object that the colored man who pays a given sum of money equal to the white man for transportation from one point to another point should have a car equally good? I do not think the Senator would claim that the white people would object to that. In fact, that is the law of his State as it exists to-day.

Mr. BACON. I hope the Senator will permit me to answer the inquiry.

Mr. McCUMBER. Certainly.

Mr. BACON. The objection was not based upon that ground at all, nor is there any danger of any conflict growing out of any such situation as that suggested by the Senator. The trouble is that designing people of either color, who may be in sympathy with such a movement, encouraging the insistence of a man of one race that he shall have the liberty to go into another car upon the claim which he may make, whether unfounded or well founded, and generally unfounded, that the car he is in is not as good as the other car, a constant conflict of that kind will arise.

Mr. McCUMBER. Clearly the amendment does not contemplate any interference with the local laws of any State or Territory. It simply provides that in interstate commerce, and that is all it can cover, equally good facilities, equally good cars, shall be granted to one race or one set of individuals as is granted to the other. Certainly it would tend to eliminate rather than increase any race prejudice if the amendment became a law and compelled the railroads to grant exactly the same character of coaches to the colored race. It would make them feel at least that they were being treated honestly and justly, and they certainly can not and will not feel that they have been dealt with other than kindly and honestly if they receive exactly the same kind of treatment that is accorded to the white population.

To-day I understand it is universally conceded that notwithstanding the State laws the same character of coaches are not granted, but that in some cases they are compelled to ride in coaches that would be only fit for a cattle car. If that is true, the white population ought not to object that the railways are compelled to furnish decent transportation for all passengers, irrespective of color.

Mr. CLAY. Do I understand the Senator—

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

Mr. McCUMBER. Certainly.

Mr. CLAY. Do I understand the Senator to say that in Georgia the colored people are compelled to ride in the same kind of cars that are used for cattle or other live stock?

Mr. McCUMBER. Oh, no.

Mr. CLAY. I was informed that the Senator said so.

Mr. McCUMBER. No, Mr. President; I do not claim that they are compelled to ride in box cars or in cattle cars.

Mr. CLAY. I want to say to the Senator that I have been living in Georgia for fifty years, and I think I have been as familiar with the situation there as anyone, that equally as good cars are used for the colored people as those used for the white people there. There is no difference whatever. The law requires that, and the law has been carried out.

Mr. McCUMBER. If it is true—and I have no doubt it is true, as the Senator suggests—then there can be no objection that that same law shall be carried out in every State; and that is all that is contended for in the amendment of the Senator from Ohio.

Mr. BACON. I will ask the Senator if he will permit an amendment of this kind to come in at the end of the seventh line:

Provided, That the carrier engaged in interstate commerce shall conform to the laws of each State through which its lines run in regard to providing separate cars equally good for the different races.

Does the Senator object to that?

Mr. McCUMBER. I do not understand that we can enforce the law of another State.

Mr. BACON. You can adopt the law of the State.

Mr. McCUMBER. I would prefer myself if it is to be made a law that it shall be by an act of Congress, so that the Commission will be enforcing Congressional laws and not State laws.

Mr. MONEY. Mr. President—

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

Mr. McCUMBER. With pleasure.

Mr. MONEY. If the Senator has concluded, I will take the floor in my own right.

The VICE-PRESIDENT. The Chair would state to Senators that under the rule no Senator who has spoken to the amendment pending has a right to speak again after having surrendered the floor.

Mr. MONEY. After he has exhausted his fifteen minutes?

The VICE-PRESIDENT. Even though he has not exhausted the fifteen minutes.

Mr. MONEY. I will ask the Senator from North Dakota to permit me, then, to make a statement.

Mr. McCUMBER. I do not propose to take a great deal of time, but I will allow the Senator to trespass upon my time by any question or suggestion he desires to make.

Mr. MONEY. If it will be trespassing, I will not insist upon it. I want to say, if it is not too much trespassing—

Mr. McCUMBER. I did not mean any trespassing in an offensive way, I assure the Senator.

Mr. MONEY. I will take the laws of the State of Mississippi. The law requires that equally good accommodations, equally good cars, shall be provided for the two races. A black man is not permitted to enter into a car provided for white people and a white man is not permitted to enter into a car furnished for the black people. One is just as much a violation of the law as the other. This condition of equality in the service and of not mixing in the travel is the result of a feeling which is called prejudice on that side, and the Senator from North Dakota thinks it would probably tend to eliminate that prejudice.

Now, there is no desire to eliminate that prejudice in the South on our part. We do not propose to eliminate that prejudice either by Congressional legislation or legislation of any other sort. We are perfectly willing for gentlemen who want to live with the colored people to do so—and there are quite a number, I have no doubt, who feel just as comfortable in a car containing colored people as in a car with whites. But, nevertheless, there is no disputing of tastes. According to the old proverb, "De gustibus non est disputandum."

Consequently, while we have this law in the South we can

not see what objection can be offered to the amendment offered by the Senator from Georgia, which exactly complies with the statutes of the Southern States. There is no invasion of the statutes of the Southern States. It is simply ratifying them or, rather, conforming with them or concurring in them in Federal legislation on the same subject, and it can hurt nobody. I do not see what the objection is unless somebody insists that these interstate-commerce passengers shall have the privilege a State does not now grant.

I want to say further, if anything could have been designed to kill this bill, as far as the vote on this side is concerned, this is the very instrument to do it. I say very frankly I will not vote for any rate bill with this provision in it. That is my way of looking at it, and I think there are a great many others who feel the same way. If it is the intention to kill this bill, you are proceeding in a very summary way as far as our vote is concerned.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. In order that there may not be a misunderstanding, the Chair would suggest that in his opinion it is contrary to the spirit of the unanimous-consent agreement for one Senator to yield his time to another Senator who has previously occupied the floor under the rule in his own right. The Chair recognizes the right of Senators to rise for a question in the time of another Senator, but he does not recognize his right to rise for a second speech in another Senator's time, because it is the spirit of the rule that each Senator shall speak only once and not exceeding fifteen minutes. The Senator from North Dakota will proceed.

Mr. McCUMBER. I believe I have not occupied the fifteen minutes.

The VICE-PRESIDENT. The Senator from North Dakota has not occupied the fifteen minutes.

Mr. McCUMBER. I shall then be very brief in replying to the Senator from Mississippi [Mr. MONEY]. I do not expect, Mr. President, by any character of law to eliminate any prejudice of race the Senator from Mississippi or the people of the South or any other place may have. That is a deep-seated prejudice; it is a racial prejudice which no law could possibly eliminate; but I think we might eliminate the cause for just complaint on the part of the other race if we insist by a proper law that when they pay the same price for transportation they shall be accorded the same character of transportation, not by the mixing of the races at all, but equally good or substantially equally good accommodations. I understand that there is considerable complaint. I know a great deal of complaint has been made to me upon that ground, and it seems to me that it would open up an era of a great deal of better feeling if, under our boasted theory that the law shall operate equally upon and against all persons, we should so provide that it would operate in giving every person who pays a given price for transportation equality of transportation, notwithstanding that he may be darker than some other man.

Mr. TALIAFERRO. Mr. President—

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

Mr. McCUMBER. I yield entirely, Mr. President.

Mr. TALIAFERRO. I should like to ask the Senator from North Dakota a question.

Mr. McCUMBER. Certainly.

Mr. TALIAFERRO. Would the Senator from North Dakota object to an amendment striking out the words "the same or" where this language occurs:

Demands, collects, or receives from any other person for the same or equally good accommodations and a like and equally good service.

I ask the Senator if he would consent to striking out the words "the same or" and the words "and a like;" so that the sentence would read:

Receives from any other person for equally good accommodations and equally good service.

Mr. McCUMBER. Certainly I should not object to that; but I understand that has already been amended where the word "class" is used. I do not remember the exact words.

Mr. GALLINGER. If the Senator will permit me, on the motion of the Senator from Alabama, I will say to the Senator from Florida that after the word "same," in line 6, the words "class of accommodations" were added.

Mr. McCUMBER. That means practically the same thing, as I understand.

Mr. GALLINGER. Yes.

Mr. McCUMBER. I desire to say, in closing, Mr. President, that I am opposed to the amendment as a whole, because it duplicates to some extent the old law, or attempts to reenact it, and does not reenact, in my opinion, as good a law as the old law.

Mr. CLARKE of Arkansas. Mr. President, I think if the words "the same or" were stricken out in line 6, it would remove the objections which have been indicated by the senior Senator from Georgia [Mr. BACON] as nearly as we have a right to expect they could be removed at this time. The very fact that the Senator from Ohio [Mr. FORAKER] indicates a purpose to recognize the policy embodied in the laws of the Southern States upon this subject, where this separation has been brought about, indicates that very commendable progress has been made upon this question. This provision of law would not go as far, in my judgment, as it should; but it goes very much further than anybody on the other side of the Chamber has ever concluded to go before. It permits a carrier to provide equally good accommodations, though some of the carriers have not heretofore been able to do so; and it recognizes to that extent that principle. Though the amendment could be, in my judgment, improved by including specific provisions such as are now found in our State laws, that is really too much to expect at this time. It shows, however, a better understanding of the question, which comes from the general enlightenment of the age and may bring about a better understanding between the two parties hereafter, in recognition of the good sense of the people of the South, who have done so much to solve the problem so far as the Southern States are concerned.

I feel entirely justified in saying that I believe the code of Arkansas on this subject, if it were properly understood, would not be seriously changed in the enactment of this law. The railroad companies have responded to the statutory demands in many respects satisfactorily. There may be exceptional cases arising out of unusual local conditions, but they are very few in number. That may happen under any law. I have, however, heard very little complaint. I see no ground for complaint at all if the words "the same or" be stricken out of this bill. If it is the intention of the Senator from Ohio to do that, I have no disposition to haggle with him if he desires only to provide for equal accommodations. I repeat I think this is a very decided step in the direction of a proper solution of this question.

Mr. FORAKER. Will the Senator favor me with a statement of the amendment which he proposes?

Mr. CLARKE of Arkansas. I propose to strike out of the proposed amendment the words "the same or," where they occur in the sixth line, and also the words "a like and," in line 7, so that it would read:

For interstate transportation of passengers than it charges, demands, collects, or receives from any other person for equally good accommodations and equally good service.

That would permit railway companies to exercise that discretion, so as to save themselves from being sued for damages or otherwise proceeded against. It does not command them to do it, but gives them permission to do it. It is a recognition of the fact that, in some parts of this great country, there are differences, or at least there are opinions, concerning this question that would seem to justify the law-making power of the different States in providing a system of that kind. If that be done, I can see no objection to the adoption of the amendment.

Mr. FORAKER. If the Senator will allow me to answer the suggestion, he inquired of me why I put in the words "the same or." I did so in order that there might be a standard by which there could be a comparison as to whether or not the service rendered was equally good. The railroads are not required to give the same, but an equally good service.

Mr. CLARKE of Arkansas. I would ask my friend from Ohio to leave out the words "the same or," leaving in the words "equally good accommodations," which I think would answer every requirement.

Mr. FORAKER. "Or equally good."

Mr. CLARKE of Arkansas. "Equally good accommodations."

Mr. FORAKER. Between all classes?

Mr. CLARKE of Arkansas. Yes, sir; "equally good accommodations for all classes" or "any other classes carried on that train" or any term that will make it clear.

Mr. FORAKER. When we get to a place where we can consider that, I will see if I can so frame the language as to meet the Senator's views. I am not disposed to haggle about any words, just so that I get the substance of what I want.

Mr. CLARKE of Arkansas. That is exactly the spirit in which I am discussing this matter. I do not intend to be censorious in trying to obtain what I desire, nor do I wish to indulge in any hypercritical criticism, for, as I have before stated, I regard this as a substantial step in recognition of the fact that experience in my section of the country has shown that this class of legislation has been necessary; and it is that which has

created that impression here. Such legislation would not have been possible a few years ago. I am disposed to meet the proposition in a friendly spirit and to do justice to the motives which induce Senators on the other side to make these concessions.

The VICE-PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute proposed by the Senator from Texas [Mr. CULBERSON] to the amendment of the Senator from Ohio [Mr. FORAKER].

Mr. BERRY and Mr. CULBERSON called for the yeas and nays.

The yeas and nays were ordered.

Mr. ALDRICH and Mr. LODGE. Let the proposed substitute be again stated.

The VICE-PRESIDENT. The amendment in the nature of a substitute will be again stated.

The SECRETARY. In lieu of the matter proposed to be inserted by Mr. FORAKER, it is proposed to insert:

That no carrier engaged in interstate commerce shall, directly or indirectly, issue or give any free ticket, free pass, or free transportation to any person, except to the officers, agents, employees, and attorneys of the carrier issuing the same, or to ministers of religion, inmates of hospitals, eleemosynary or charitable institutions. Any carrier violating this provision shall be deemed guilty of a misdemeanor, and shall for each offense pay to the United States a penalty of not less than \$100 nor more than \$2,000.

Mr. CULBERSON. At the suggestion of one or two Senators, I desire to modify the amendment, after the word "attorneys," by inserting the words "exclusively in the service."

The VICE-PRESIDENT. The modification will be stated.

The SECRETARY. After the word "attorneys" insert "exclusively in the service."

Mr. GALLINGER. Mr. President, I shall vote against this proposed substitute, for the reason that the amendment is not as comprehensive a law as the present statute. The present statute covers the matter more satisfactorily, to my mind, than does this amendment.

The VICE-PRESIDENT. The Secretary will call the roll on the amendment, in the nature of a substitute, proposed by the Senator from Texas [Mr. CULBERSON] to the amendment of the Senator from Ohio [Mr. FORAKER].

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON], and therefore withdraw my vote.

Mr. DILLINGHAM (when Mr. PROCTOR's name was called). I desire to announce that my colleague [Mr. PROCTOR] is necessarily absent. He is paired with the senior Senator from Florida [Mr. MALLORY], who is also necessarily absent.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CLARK of Montana (after having voted in the affirmative). I inquire if the senior Senator from Indiana [Mr. BEVERIDGE] has voted?

The VICE-PRESIDENT. The Chair is informed that the senior Senator from Indiana has not voted.

Mr. CLARK of Montana. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. GAMBLE (after having voted in the affirmative). I inquire whether the senior Senator from Nevada [Mr. NEWLANDS] has voted?

The VICE-PRESIDENT. The Chair is informed that he has not voted.

Mr. GAMBLE. Then I withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 38, nays 35, as follows:

YEAS—38.

Bacon	Dolliver	Long	Rayner
Balley	Dubois	McCreary	Simmons
Berry	Foster	McEnery	Stone
Blackburn	Frazier	McLaurin	Sutherland
Burkett	Frye	Martin	Taliaferro
Clapp	Gearin	Money	Teller
Clarke, Ark.	Kittredge	Nelson	Tillman
Clay	Knox	Nixon	Warner
Culberson	La Follette	Overman	
Daniel	Latimer	Pettus	

NAYS—35.

Aldrich	Clark, Wyo.	Fulton	Millard
Alger	Crane	Gallinger	Perkins
Allee	Cullom	Hale	Piles
Ankeny	Dick	Hansbrough	Platt
Brandegee	Dillingham	Hemenway	Scott
Bulkeley	Dryden	Hopkins	Smoot
Burnham	Elkins	Kean	Warren
Burrows	Flint	Lodge	Wetmore
Carter	Foraker	McCumber	

NOT VOTING—16.

Allison	Clark, Mont.	Heyburn	Patterson
Beveridge	Depew	Mallory	Penrose
Burton	Gamble	Morgan	Proctor
Carmack	Gorman	Newlands	Spooner

So Mr. CULBERSON's amendment to the amendment of Mr. FORAKER was agreed to.

Mr. WARREN. I offer an amendment to the substitute just offered, which I send to the desk. I ask the attention of the Senator from Texas to the amendment.

The VICE-PRESIDENT. The amendment is not, in the opinion of the Chair, in order at the present stage of the bill.

Mr. WARREN. May I ask at the present time when it will be in order?

The VICE-PRESIDENT. It will be in order when the bill goes into the Senate. Are there further amendments to section 1?

Mr. NELSON. I rise to a question of order.

The VICE-PRESIDENT. The Senator will state his point of order.

Mr. NELSON. Is not the question now upon agreeing to the amendment as amended?

The VICE-PRESIDENT. The Senator is correct. The question is on agreeing to the amendment of the Senator from Ohio as amended.

Mr. WARREN. I rise to a parliamentary inquiry, Mr. President. I inquire what is the parliamentary condition of the amendment now? I understand from the Chair that I can not offer an amendment to the amendment until the bill gets into the Senate.

The VICE-PRESIDENT. Section 1 is open to further amendment.

Mr. GALLINGER. The substitute has not been adopted.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. There is so much confusion that it is difficult to hear Senators. Will the Senator from Wyoming please state his parliamentary inquiry?

Mr. WARREN. My inquiry is as to the present parliamentary condition of the substitute just adopted. I wish to offer an amendment to it. I understand from the Chair that I must wait until the bill gets in the Senate.

The VICE-PRESIDENT. The Chair now understands the Senator, which he did not when the inquiry was first made. The question is on agreeing to the amendment of the Senator from Ohio as it has been amended by the substitute proposed by the Senator from Texas.

Mr. WARREN. It is then open to amendment; and I desire to offer an amendment.

The VICE-PRESIDENT. The Chair understands now—

Mr. CULBERSON. I rise to a question of order, Mr. President.

The VICE-PRESIDENT. The Senator will state his question of order.

Mr. CULBERSON. The substitute having been adopted in lieu of the amendment, is not the question now whether section 1 shall be amended by the adoption of the substitute?

Mr. OVERMAN. That is the question which was put.

The VICE-PRESIDENT. It is an amendment to an amendment.

Mr. CULBERSON. It has been adopted as a substitute in lieu of the proposed amendment, and now, I submit, the question is on the adoption of the substitute as an amendment to section 1.

Mr. WARREN. That is the way I understand it. I now wish to know whether it is still subject to amendment.

Mr. BERRY. It is not open to amendment, I suggest, Mr. President. The question is on agreeing to the amendment as amended, and it is not open to another amendment.

The VICE-PRESIDENT. That is correct. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. ELKINS obtained the floor.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. ELKINS. Certainly.

Mr. FORAKER. Is it in order now to offer another amendment to section 1?

The VICE-PRESIDENT. Section 1 is still open to amendment.

Mr. ELKINS. I offer the amendment which I send to the desk, to be found on page 147 of the bound copy of amendments.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of section 1, it is proposed to add the following:

It shall be unlawful for any common carrier subject to the provisions of this act, unless authorized by its charter to do so, to en-

gage, directly or indirectly, in the production, manufacture, buying, furnishing, or selling of coal or coke or any other commodity or commodities of commerce in competition with any shipper or producer on its line or lines: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal exclusively for its own use.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. DOLLIVER. Mr. President, I should like to inquire of the Senator whether it is the purpose of his amendment to prevent a common carrier from engaging in the mining of coal or any other business, if the operations are not conducted upon its own line?

Mr. ELKINS. Mr. President, I want to confine the railroads to the legitimate business for which they are incorporated—the transportation of freight and passengers—and to forbid them engaging in any other business, especially the business of mining, producing, and selling coal or any other commodity on their lines in competition with a shipper.

Mr. GALLINGER. Why does the Senator insert the words "unless authorized by its charter to do so?" Will not that absolutely destroy the potency of the amendment?

Mr. ELKINS. There are a great many ancient charters in the United States—

Mr. GALLINGER. If the Senator will permit me, I move to strike out the words I have indicated.

Mr. ELKINS. I will state, Mr. President, this reason: There are a great many old State charters, some, I think, sixty years old, some fifty, some forty, some thirty, and some more modern, which authorize the railroad companies—common carriers—to engage in other business. It is known to Senators here, and to the country, that there are a great many of what are called "coal-carrying roads," which, when they were first organized and incorporated, were authorized especially to mine and sell coal. Whether or not an act of Congress is competent to interfere with the vested rights of these corporations is a question. Some say that an act of Congress could, under the power of Congress to regulate interstate commerce, prohibit them from carrying on the business of mining and selling coal, and could annul or set aside their charters to that extent. I do not want to bring on any conflict by this amendment. I want to be fair. I do not want to interfere with any vested rights.

Mr. GALLINGER. But, Mr. President, if the Senator will permit me—

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

Mr. ELKINS. Certainly.

Mr. GALLINGER. Unless some such amendment as I have suggested be adopted it is very manifest that we shall have a certain class of railroads permitted to do this work and a certain other class prohibited from doing it. I think that would be anomalous and a very unjust condition of things.

Mr. ELKINS. As to railroads that are hereafter to be incorporated, I think this would prohibit them from mining and selling coal.

Mr. HOPKINS. Will the Senator allow me a moment?

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. ELKINS. Yes.

Mr. HOPKINS. I will suggest to the Senator that the ancient charters of which he speaks were issued by the States, and that this bill deals with interstate traffic. Therefore, the words in the amendment of the Senator from West Virginia suggested to be eliminated by the Senator from New Hampshire should be eliminated, or else, as suggested by the Senator from New Hampshire, a monopoly will be created by excluding some roads, and putting the carrying of interstate commerce and engaging in the coal business with certain railroads that have these privileges under the State charters.

Mr. ELKINS. It is only a legal question as to whether or not it can be done. For my part, if the Senate will agree to the amendment, I will accept the amendment of the Senator from New Hampshire, and agree that the words he suggests may be stricken out.

Mr. BAILEY. Mr. President, what are the words which it was agreed should be stricken out?

The VICE-PRESIDENT. The Secretary will state the words which are proposed to be stricken out.

The SECRETARY. In lines 2 and 3 of the proposed amendment it is proposed to strike out the words "unless authorized by its charter to do so."

Mr. BAILEY. That was a suggestion which I intended to make, but there is a graver objection to this amendment than that. It is unquestionably true that Congress has a right to forbid a carrier engaged in the production of coal and other commodities from engaging in interstate commerce; but Congress has no power to control within a State the production of

coal or any other commodity. The Senator from West Virginia has not, in my opinion, phrased his amendment so as to make it valid. Instead of forbidding any common carrier who is producing these commodities to engage in interstate commerce, the prohibition ought to be against any carrier producing these commodities engaging in interstate commerce.

In other words, the question of the production of coal or of any other commodity is beyond the jurisdiction of the Congress, but who shall be permitted to engage in interstate commerce is wholly for the General Government to decide. I suggest to the Senator from West Virginia, who undoubtedly wants to make his amendment effective, that he change the prohibition by making it read "that no common carrier engaged in the production or distribution of these commodities shall be permitted to engage in interstate commerce." Then he will have an amendment that will hold beyond all doubt.

Mr. ELKINS. I do not agree with the Senator from Texas [Mr. BAILEY]. It seems to me the language of the amendment is plain and unmistakable and that it meets the objection raised by the Senator from New Hampshire [Mr. GALLINGER]. What I am aiming to do is to prohibit interstate roads, carriers of interstate commerce, from engaging in or doing any other business than the transportation of freight and passengers.

Mr. BAILEY. But the Senator forgets that a railroad is not subject to the jurisdiction of Congress because it engages in State commerce. It is only subject to the jurisdiction of Congress when it does engage in interstate commerce. For instance, the Pennsylvania Railroad, running from New York to St. Louis, is only subject to the jurisdiction of the Federal Government in respect to those transactions which are interstate, and the Federal Congress has absolutely no power over a transaction begun and concluded within a State through which it runs. The Federal Government has no power to say whether this railroad shall produce coal or iron, or whether it shall manufacture either or both in the State of Pennsylvania or in any other State; but the Federal Government does have a right to say that a railroad which is engaged in producing these commodities and in distributing them on its own account shall not be permitted to engage in interstate commerce. That is the whole power of the Federal Government.

Mr. ELKINS. I think it is clearly expressed in the amendment, which reads:

It shall be unlawful for any common carrier subject to the provisions of this act, unless authorized by its charter to do so, to engage, directly or indirectly, in the production, manufacture, buying, furnishing, or selling of coal or coke or any other commodity or commodities of commerce in competition with any shipper or producer on its line or lines, etc.

Mr. President, I want to get this amendment in such shape that it will stop an evil or an abuse that obtains in West Virginia, Pennsylvania, and other coal-mining States. The Supreme Court of the United States, in a recent opinion in a case coming up from West Virginia, decided that under the existing law, railroads can not engage in the mining, manufacturing, and selling of coal.

Mr. BAILEY. They did not decide that.

Mr. ELKINS. They intimated it strongly.

Mr. BAILEY. They did not decide it.

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

Mr. ELKINS. He has already said what he wanted to, I hope.

Mr. BAILEY. I want the Senator from West Virginia to be right as we go along.

Mr. ELKINS. I understand what the Senator means. I do not mean to say that they have decided it definitely, but they intimated in a way that is notice to the country and to Congress and to everybody concerned that the railroads were not empowered to produce and sell coal. I thought, following that intimation, it would be better to put into the statutes of the United States a positive prohibition that railroads should not engage in the mining and manufacture and production and selling of coal and coke, and that they should be confined to the legitimate business for which they were chartered, to wit, the transportation of freight and passengers. I do not see how there can be any objection to this, and I do not quite comprehend the Senator's legal objection. I do not want to reverse the wording of this at all. It seems to me it is plain on its face. It shall be unlawful for any carrier of interstate commerce or interstate railroad to do what? To engage in certain kinds of business. If Congress has not jurisdiction over interstate railroads, then all this talk for weary months is vain, stale, flat, and unprofitable.

Mr. BAILEY. The jurisdiction of Congress is over interstate commerce and not over a carrier, whose line happens to extend across two States, except as to interstate transportation.

The jurisdiction of Congress is complete over a line wholly within a State as to interstate-commerce transactions.

Mr. ELKINS. I understand that distinction. But under the recent acts of Congress and the decisions of the courts, you can hardly get a line that is wholly within a State, that is altogether a State line, or intrastate line, because the decisions of the court are to the effect that if products are carried out of the State in which they are produced the road becomes an interstate road, and Congress would have jurisdiction.

Mr. NELSON. Will the Senator from West Virginia allow me to make a statement?

Mr. ELKINS. Yes.

Mr. NELSON. I think the Senator from Texas is entirely correct. The Supreme Court in the Knight case—the sugar-refining case—with which all lawyers are familiar, decided that the authority of the United States did not extend to the mere manufacture or production; that it only related to the transportation of commerce between the different States; that where it related wholly to a matter of the manufacture and production in a given State it was completely under the jurisdiction of the State. I think the objection of the Senator from Texas is well taken, and unless you amend it as suggested by the Senator your amendment will be of no avail to you in the court.

Mr. BAILEY. Let me state this case to the Senator from West Virginia, in order to illustrate it. Suppose you should make it an indictable offense for the carriers subject to the provisions of this act to produce coal, and suppose you indicted them in the Federal courts. The proof is they were producing coal in the State of West Virginia. The Federal court would instantly say there is no power in the Federal Government to punish such a crime. The Federal Government can not regulate the production or the manufacture of any article within any State, and it seems to me—I may be mistaken about it, but if I am I am very egregiously mistaken, if I am mistaken at all, for it seems to me too plain for argument—that the Senator from West Virginia has attempted to prohibit what we have no power to prohibit, and he omits to prohibit what we may clearly prohibit.

Mr. LODGE. Mr. President—

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

Mr. LODGE. Oh, no. I will wait until the Senator is through.

Mr. CLAPP. If the Senator will pardon me, it would seem wise—

Mr. ELKINS. I yield to the Senator from Minnesota.

Mr. CLAPP. I would suggest some such amendment as you have in your hand.

Mr. ELKINS. As an amendment to the amendment or as a substitute?

Mr. CLAPP. As a substitute.

Mr. ELKINS. I want to ask the attention of the Senator from Texas to this language. Would it cover the point he makes?

Mr. BAILEY. I read it hurriedly, but I think it does.

Mr. CLAPP. If it does not, it can be easily amended.

Mr. ELKINS. I will read it:

It shall be unlawful for any common carrier engaged in the production, manufacture, buying, furnishing, or selling, directly or indirectly, of coal, coke, or any other commodity of commerce, to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or furnishing or producing other commodities exclusively for its own use.

Will that meet the Senator's objection?

Mr. BAILEY. I think it does.

Mr. CLAY. I desire to ask the Senator from West Virginia whether he provides any penalty for a violation of this law? If the amendment offered by the Senator from West Virginia simply makes it unlawful to do a certain thing and then does not fix any penalty, the law in reality will have no effect.

Mr. ELKINS. On that point I will say that the general penalty clause of section 10 will cover this very case. I call the Senator's attention to section 10. It provides a penalty for anything done contrary to, or anything omitted to be done required by, the interstate-commerce act.

Mr. LODGE. Mr. President—

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

Mr. ELKINS. For the purpose of offering an amendment?

Mr. LODGE. I want to suggest this form of amendment. It is not in order, but I should like to have it read.

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. After the word "lines," in line 6 of the proposed amendment, add the following:

And any common carrier who shall violate this provision shall be debarred from taking part in interstate commerce.

Mr. ELKINS. I ask that the amendment I sent up, suggested by the Senator from Minnesota, be read at the desk.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from West Virginia.

The SECRETARY. It is proposed to add at the end of section 1, after the amendment already adopted at that place, the following words:

It shall be unlawful for any common carrier subject to the provisions of this act to engage, directly or indirectly, in the production, manufacture, buying, furnishing, or selling of coal or coke or any other commodity or commodities of commerce in competition with any shipper or producer on its line or lines: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal exclusively for its own use.

Mr. GALLINGER. That is the original.

Mr. ELKINS. That is the original. Let the Secretary read the one he has in his hand, suggested by the Senator from Minnesota.

The Secretary read as follows:

It shall be unlawful for any common carrier engaged in the production, manufacture, buying, furnishing, or selling, directly or indirectly, of coal, coke, or any other commodity of commerce, to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or furnishing or producing other commodities exclusively for its own use.

Mr. ELKINS. I wish to ask the Senator from Texas a question. Does this substitute, offered by the Senator from Minnesota, meet the objection raised by the Senator from Texas?

Mr. BAILEY. The amendment—

Mr. ELKINS. Just read at the desk.

Mr. BAILEY. I think it does.

I will say I have not much confidence in work that is done in a hurry, even when I do it myself. But reading that hastily, I think it does not only provide against the evil, but does so in a way clearly within the power of Congress.

Mr. LODGE. I should like to have my amendment read again.

The VICE-PRESIDENT. The Secretary will again state the amendment proposed by the Senator from Massachusetts.

The SECRETARY. In the print of the amendment of the Senator from West Virginia [Mr. ELKINS], in line 6, after the word "lines," it is proposed to insert:

And any common carrier who shall violate this provision shall be debarred from taking part in interstate commerce.

Mr. KNOX. I should like to inquire of the Senator from Massachusetts, who, I understand, proposed this modification of the amendment, by what process he proposes to ascertain the violation of the law, and how he proposes to enforce the penalty of nonadmission to the channels of interstate commerce?

Mr. ALDRICH. I should like to have the last proposition of the Senator from West Virginia again read.

Mr. ELKINS. The substitute?

Mr. ALDRICH. Yes.

Mr. ELKINS. The substitute offered by the Senator from Minnesota.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. The Senator from West Virginia modifies his original amendment so as to read as follows:

It shall be unlawful for any common carrier engaged in the production, manufacture, buying, furnishing, or selling, directly or indirectly, of coal, coke, or any other commodity of commerce to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or furnishing or producing other commodities exclusively for its own use.

Mr. DANIEL. I beg to ask that the amendment may be sent me.

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Virginia?

Mr. ELKINS. I have the floor.

Mr. DANIEL. I beg pardon.

The VICE-PRESIDENT. The time of the Senator from West Virginia has expired.

Mr. ELKINS. I did not get to say anything I wanted to say.

Mr. McCUMBER. Mr. President—

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

Mr. DANIEL. I want to make a few remarks about this amendment.

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

Mr. DANIEL. I did not hear what the Senator said.

Mr. McCUMBER. I did not understand the Senator.

Mr. DANIEL. I had just taken the floor to speak to this amendment. I did not hear what the Senator from North Dakota said.

Mr. McCUMBER. I should like to ask a question, and the Senator can answer it at the same time, if that is satisfactory, to the Senator.

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

Mr. DANIEL. I yield for a question.

Mr. McCUMBER. I simply wish to place this proposition before the Senate. Suppose the mining is done in a State, and the coal is sold in the same State, and in a State which does not prohibit it. Has Congress any authority to prevent a railway which does that from engaging in interstate commerce?

That is exactly what this amendment does, if it does anything. I do not anticipate that we can prevent a railway doing business in interstate commerce simply because it is doing some act wholly within a State that is not prohibited by the laws of that State.

Mr. DANIEL. I beg to request that the first amendment offered by the Senator from West Virginia be sent to me.

Mr. President, it was with respect to the identical question that the Senator from North Dakota has addressed to me that I desire to say a few words about this amendment. It is my desire that when an amendment is put in the bill on this subject it shall be an effective one, and the end I would subserve would be this, to prevent those railroads which are engaged also in mining from carrying their own product to market in competition with the shippers who have to pay to get to market.

Now, as it would seem to me, and as it has seemed also to strike the mind of the Senator from North Dakota, this amendment would not accomplish that purpose. There are two propositions in this amendment. First:

It shall be unlawful for any common carrier engaged in the production, manufacture, furnishing, or selling, directly or indirectly, of coal, coke, or any other commodity of commerce to engage in interstate commerce.

Now, what does that mean?

There are some States of this Union, including the State of West Virginia, in which some of the railroads have lawful authority from the State to engage in mining, manufacturing, furnishing, and selling of coal and coke, and as long as they exercise their charter within the scope of the sovereignty which has granted it it does not strike my mind that it is within the power of Congress or of any other power to interfere with their lawful undertaking.

Provided—

Says this amendment—

That nothing in this act shall be construed to prevent a carrier from mining coal or furnishing or producing other commodities exclusively for its own use.

I see no use whatsoever of putting in the second proviso. We do not undertake to interfere with any things except those which we mention, and there is no use in putting in things that we do not propose to interfere with. But the main proposition and the gravamen of this first declaration, I fear, will be a vain one. What is sought to be aimed at is the transportation of articles produced by a common carrier in interstate commerce in competition with articles which are bought by shippers or are delivered to the railroads for carriage by customers. How can Congress avail that purpose by attempting to deny the right of a carrier which is engaged in a lawful occupation, under the charter of a State, from engaging in interstate commerce at all?

It seems to me that the amendment takes hold of the subject by the wrong handle and puts its interdiction on the wrong thing. It is the transportation of such things in interstate commerce, not engaging in interstate commerce at all, to which it seems to me the aim of Congress should be directed. If the amendment would say in so many words that no carrier shall transport in interstate commerce articles of which it is itself the producer or the manufacturer, that would reach it, if Congress can reach it.

I concur in the remarks which the Senator from Texas has made, and they are very clear, with respect to the amendment in the form in which it was first offered by the Senator from West Virginia. There was excepted from the amendment the very companies which are the source of the competition which Congress desires to reach—the companies that are chartered by States and with which we have nothing to do in so far as they operate within those States. The exception would simply have solidified and continued a practice which it is the desire of some in Congress to prevent, and I fear if we were to take hold of this matter by this handle we would find that we had exceeded our power in putting an absolute inhibition upon engagement in interstate commerce at all upon those companies which at home are exercising a legitimate and legal calling. But, on the other hand, if we can do this it can only be done by interdicting interstate-commerce transportation by a carrier of articles produced, manufactured, or mined by itself to come in competition with those of its shippers.

Mr. CLAPP. Mr. President, I fail to see the force of the argument of the Senator from Virginia, much as I dislike to

take issue with him. If Congress can interdict the carrying by a carrier of an article that the carrier mined in the State, and under State law was lawfully engaged in doing so, it is because the carrier took its charter under the State law subject to the reserve power in Congress to regulate that carrier when it comes to interstate commerce. There can be no question—

Mr. DANIEL. Will the Senator allow me to put an illustration before him in order to define better what my meaning is?

Mr. CLAPP. Yes.

Mr. DANIEL. Suppose a carrier, we will say, in Maryland, was engaged in mining coal and in manufacturing iron, both. Suppose its only transactions in mining coal and selling it and in manufacturing iron were within Maryland, and suppose its only interstate transactions were those that were absolutely unimpeachable, and that it did not in interstate commerce engage in any practice whatsoever that was subject to criticism. You would thereby inhibit it from going on with perfectly legitimate relations to the Federal Government when it had not obtruded into interstate commerce a thing that was objectionable, and was merely doing what at home was entirely legitimate and in accordance with State law. Now, then, instead of doing that—

Mr. CLAPP. If the Senator will pardon me, we are limited to fifteen minutes each. I have no objection to the question—

The VICE-PRESIDENT. The Senator from Minnesota declines to yield further.

Mr. CLAPP. What I was going to say was that no matter how legal the business of the corporation might be in Maryland under the laws of Maryland, the only ground upon which Congress could prohibit the carriage of those commodities, which the carrier itself produces, is under the power of Congress to regulate interstate traffic; and if we can lay a prohibition upon that which is produced by a carrier, under a State charter, which authorizes the production of that commodity, then we can lay any prohibition we please upon that carrier when it comes to interstate commerce.

The difficulty with the Senator's position, it seems to me, is here. We are face to face now with one of the gravest questions involved in this whole legislation, and we have a right to invoke law which not only seeks to prohibit, but seeks to prohibit by a penalty for the violation of that prohibition. We can say this to a carrier, taking its charter under a State law, for no matter what that charter contains it was taken subject to the power of Congress to regulate that carrier the moment it engaged in interstate traffic and regulate it as to interstate traffic. It seems to me we ought to make that as strong as possible, by not only prohibiting that carrier from carrying products which it has itself mined or produced, but also a prohibition upon that carrier exercising the right of commerce under Federal regulation.

Mr. FULTON. Mr. President—

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

Mr. CLAPP. Certainly.

Mr. FULTON. I want to ask the Senator a question.

Mr. KEAN. We can not hear the Senator.

Mr. FULTON. I do not wish to take the floor. I desire simply to ask the Senator from Minnesota a question. Can Congress, in the exercise of the power to regulate interstate commerce, so exercise it as to practically regulate intrastate or purely domestic commerce within a State, unless it is necessary to do so in the exercise of the power of regulating interstate commerce? Does not the proposition which the Senator is advocating amount practically to a regulation of purely State or intrastate commerce as distinguished from interstate commerce?

Mr. CLAPP. It regulates in the last analysis the mining, buying, and selling of commodities by railroads, and if, in the exercise of our power, we do that which prohibits or prevents their exercising that right, it is an incident to the exercise of power by Congress—it is not the objective point, but it is the incident—and it must yield to the higher power of Congress, provided, as we have assumed here, that Congress can regulate interstate commerce. I repeat, if Congress, in the exercise of that power, can successfully prohibit the carrying by this carrier of coal which it has mined under a charter which authorizes it so to do within the State, we can, in the exercise of our power to prevent that wrong, go further and say that that carrier, while so engaged in that work, shall not participate in the benefits of interstate traffic. I feel, Mr. President, there can be no question as to the legality of that position.

Mr. FULTON. I should like to say a word. I concede that if it becomes necessary, in order to exercise the power of regulating interstate commerce, to incidentally interfere with the

domestic commerce of the State, it is within the province of Congress to do it. But I submit that Congress can not, under the pretense of regulating interstate commerce, interfere with the domestic commerce of a State, any more than a State can, under a pretense of regulating its own commerce or interstate commerce, interfere with or regulate interstate commerce.

Mr. CLAPP. That is not accurate. If in the regulation of rates for interstate traffic under the power of Congress the matter should reach that point where there was a conflict between the rates prescribed by Congress or Congressional machinery and the State rates, in that controversy the State rate must yield to the interstate rate. That is the underlying principle of the authority of Congress to regulate interstate traffic.

Mr. SPOONER. Mr. President, the evil sought to be remedied by this amendment is one as to the existence of which there can be no question. I think it has relation principally to the mining of coal. Companies engaged in interstate transportation, even though engaged lawfully in the States in mining and producing coal, have been able to freeze out independent operators. They have been able thereby to diminish the output of a necessary of life, and to put upon consumers throughout the country a price to suit their own will. That ought to be remedied. But the Senator who believes that it is a subject free from difficulty and intricacy I think makes a very grave mistake. It requires much thought, more thought, I think, than has been bestowed upon it in the preparation of this amendment.

There was great wisdom in the observations of the Senator from Virginia [Mr. DANIEL], because we want to be careful, I think, in striking at this evil and penalizing the interstate traffic of such a corporation so far as is necessary to eliminate the evil, not to punish the people and the cities and villages along the line.

What we want to accomplish, it seems to me, is to prevent the transportation in interstate commerce of the commodities referred to in this amendment—coal, if you please, or coke—but to say, going beyond that, that the carrier shall not engage in interstate commerce at all, that he shall not carry freight, that he shall not carry passengers to and from sections of the country, may be striking with a very heavy hand at hundreds of thousands of people along the line and at cities and terminal points and points midway along the line. That is what this amendment would do if adopted. It would say to the carrier, though permitted by the law of the State to mine coal, "If you do not abandon that business you shall not carry a passenger from State to State; you shall not carry any freight from State to State." That punishes the carrier, but it punishes the people.

I rose simply to suggest whether it is not the practicable remedy, and as far as Congress may safely go, to prohibit a carrier so situated from transporting from State to State to a market the product of which it is the producer. I take it that that will be less objectionable from the standpoint of the law than this broad provision which penalizes all the traffic for the purpose of preventing some of it. I suggest whether the object might not be accomplished by prohibiting the transportation from State to State by any such carrier of the commodity which it produces in competition with people along its line.

Mr. McLAURIN. Mr. President, I offer an amendment which I think will cover the objection which has been made. I am inclined to believe that Congress has the power to prevent a common carrier from engaging in any kind of interstate commerce so far as carriage is concerned, as a penalty for any act that Congress may think objectionable to the welfare of the country. But I doubt whether Congress has the right to say that anybody, whether an artificial person or an actual person, can be prohibited from engaging in interstate commerce.

The amendment prohibits those engaged in the mining or production of coal or coke or other commodities from engaging in interstate commerce of any kind. I think the amendment would be unobjectionable if after the words "interstate commerce" it added "as a common carrier of articles and commodities of its own production, mining, or manufacture." I do not think that because a railroad company is engaged in the mining of coal it should be prohibited from engaging in any kind of interstate commerce as a common carrier or in hauling the United States mail. I do not think the mere fact that a common carrier is engaged in the mining of coal should preclude that common carrier from carrying flour, or meal, or meat, or wheat, or any other commodity except the one in the production of which it is engaged.

Therefore I think the amendment is a good amendment with the addition I have sent to the desk, and I ask that it shall be read.

Mr. ELKINS. Let it be read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Mississippi.

Mr. BEVERIDGE. Is there not an amendment to the amendment already pending?

The VICE-PRESIDENT. There is an amendment proposed by the Senator from Massachusetts to the amendment.

Mr. BEVERIDGE. Then another amendment is not in order.

Mr. LODGE. It is to be read for the information of the Senate.

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

Mr. BEVERIDGE. It is not then now offered?

The VICE-PRESIDENT. It can not be offered now.

Mr. CULLOM. Let it be read.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Mississippi to the amendment will be read for the information of the Senate.

The SECRETARY. Amendment intended to be proposed to the substitute offered by the Senator from West Virginia [Mr. ELKINS]. After the words "interstate commerce" insert "as a common carrier of articles and commodities of its own production, mining, or manufacture;" so that if amended it will read:

It shall be unlawful for any common carrier engaged in the production, manufacture, buying, furnishing, or selling, directly or indirectly, of coal or coke or any other commodity of commerce to engage in interstate commerce as a common carrier of articles and commodities of its own production, mining, or manufacture; *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or producing other commodities exclusively for its own use.

Mr. BAILEY. Mr. President, the amendment proposed by the Senator from Mississippi [Mr. McLAURIN] is undoubtedly an excellent one if it is the desire of the Senate to go no further than that; and I can see that there may, as suggested both by the Senator from Mississippi and the Senator from Wisconsin [Mr. SPOONER], a grave difficulty arise out of a total prohibition of interstate transportation on the part of a carrier engaged in the prohibited enterprises. But my own opinion is that in practical effect no serious embarrassment will grow out of it, because the moment you forbid a common carrier engaged in the production of these commodities to engage in interstate commerce, the interstate commerce being more valuable to it than the production of commodities, it would at once desist from further transactions included in the prohibition.

There is a danger that under the amendment suggested by the Senator from Mississippi a railroad which owns large coal fields in Pennsylvania or in West Virginia will continue in the production of coal, and distributing the coal produced by itself within the State of its production, then continue to transport coal produced by other collieries for interstate commerce. So it might happen that the amendment, if limited, might not be adequate to the correction of the evil.

I have no kind of doubt, since the decision in the Lottery Ticket case, that Congress can absolutely prohibit interstate commerce. Before that case I would have doubted it, because I never have believed that the power to regulate included the power to destroy, though I do understand that the power to destroy includes the power to regulate. But as long as the Lottery case stands as the final expression from the Supreme Court, it looks to me like we can not safely say that Congress exceeds its power when it absolutely prohibits interstate commerce.

If a State in this Union creates a corporation and endows it with powers and faculties contrary to the general public good, I have no question that under the decisions of the Supreme Court Congress may prevent that corporation from engaging in commerce among the States and with foreign nations. If the States have chartered railroads, and if they have expressed in their charters that the railroads may also engage in business other than that of a common carrier, we can simply confine the creature of the State to the boundaries of the State and protect all other States from the injury which would result from combining transportation with production in any form.

Mr. ALDRICH. Mr. President—

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

Mr. BAILEY. I do.

Mr. ALDRICH. Has the Senator from Texas any doubt but that the remedy suggested by the Senator from Mississippi would be effective? It seems to me there can be no doubt about that. In all the cases I know of which have been brought to our attention coal and the other commodities are necessarily articles which must go into interstate commerce, and in order to go into interstate commerce they must be transported by the railroad companies themselves. Therefore, I think the prohibition suggested by the Senator from Mississippi would be found to be one that would practically stop the practice. It seems to me there can be no doubt about that.

Mr. BAILEY. I would like to annihilate the practice. I want a common carrier to engage in the business of a common carrier, and I want that common carrier to leave the business of all other men alone. I know I am not more earnestly in favor of that than the Senator from Mississippi, and, as he has given this matter very great attention, I am sure he thinks that his amendment is sufficient to correct the abuses which have become so gross as to provoke universal condemnation.

I had supposed that this is one correction upon which all Senators would agree, because I have not during this prolonged discussion heard any Senator express any opposition to the divorce between the business of a common carrier and the business of a miner, a manufacturer, or a producer. I have assumed that there would be no controversy about it and I have therefore given it no attention. I first participated in the debate because it seemed to me that the amendment as proposed was fatally defective, Congress having no power at all over the ownership of land and the operation of mines, but plenary power over interstate commerce.

It may be a sufficient protection for the people against these abuses to interdict the transportation of the commodities which a carrier produces; but while that may be, I know the other will be sufficient, and I should like to make the prohibition as broad as the practice and eradicate the evil at once and for all time.

Mr. LODGE. Mr. President, the Senator from Pennsylvania [Mr. Knox] asked me a question when I introduced my amendment, which was intended to cover the point just made by the Senator from Texas. I want, if possible, to break up absolutely and finally this ownership and operation of other businesses by the common carrier. I have assumed that railroads entered into interstate commerce solely on the conditions and by the permission of the Government of the United States. I have assumed that we could prohibit their engaging in interstate commerce if they violated the provisions that we laid down.

As for the manner in which we should enforce it, I assume that we should enforce it as we enforce every other order made by the Commission. A question of this sort would come before the Commission, and the Commission would be bound, under the law, to make an order that they should not engage in interstate commerce because, having violated the provisions of the statute by carrying on the coal or coke business, and then the order would be enforced in the manner provided in the act. I know of no other way in which to get at it. Very possibly in practice the amendment proposed by the Senator from Mississippi will reach the difficulty, but I should think it much safer to put an absolute prohibition upon it and bring to an end finally the operation of other great businesses by the common carrier.

Mr. TILLMAN. Mr. President, I think when Senators consider this question a little more they will find that there are other sides to it which will add to its perplexities. Granting that all of us are earnestly desirous of accomplishing the result of divorcing production and transportation—and I have heard no objection to it, stated in a general way like that, from any source—the more you consider it the more troublesome it grows. At least that has been my experience, and I have been thinking a great deal about it, and I have had suggestions from various sources. I have asked half a dozen great lawyers to suggest amendments; each and every one of them differ; and as yet I have not been able to get any satisfactory solution so far as my own mind goes.

Now, I will state some of my perplexities. This amendment deals with the three great problems: First, of monopoly—the railroad controlling coal lands and freezing out competitors who are engaged in the business as private owners. Second, it deals with the question of discrimination—preventing a fair deal between the private owner and the railroad by distribution of cars and access to market. It also deals with the more perplexing question or idea of the destruction of private rights and private interests.

For instance, suppose we should limit the engaging in interstate commerce of a public carrier to the production by others, forbidding transport beyond the State line of any article which he himself was producing, what would become of that class of cases or those conditions in some region where the country is sparsely settled and where there is a great lumbering industry—that is, a great deal of lumber standing in trees? I have known half a dozen railroads in the South, in my own limited scope of view, that have been built entirely and solely for the purpose of hauling out the lumber from the swamps and backwoods to get it to market; and but for the fact that the lumbermen built their own road they absolutely would have had no market for their product.

Take coal. Go into West Virginia and you find in some of

those coves and backwoods large and rich deposits of coal which will lie there—I will not pretend to guess how long, but fifty or a hundred years—undeveloped and unproductive, lacking in value to the present owners, if you say to a company, "You shall not buy this coal and construct a road to market your coal and get it out so as to put it on the market." So you will put a ban on those lands and they will lie there useless.

I take West Virginia as an illustration, because I have had a great many communications from down there complaining about the discrimination and injustice of the Baltimore and Ohio and the Chesapeake and Ohio in their dealings with private operators. Lots of those people have been bottled up, but those little roads have been built primarily for the purpose of getting to the through roads or interstate-commerce roads. While they will transport small quantities of other products, they will build primarily and solely for the purpose of marketing the coal which they have bought, and without the coal there would have been no road, and without the road the coal is valueless. So if you say a man who undertakes to build his own road solely for the purpose of marketing his own coal shall not continue to run the railroad, you put up a barrier to his utilization of his own property.

As I said, you can not have any sweeping and general provision here without doing serious injury somewhere. The more I think about it the more I consider the condition in the anthracite field where this coal monopoly already exists, where the five railroads penetrating the anthracite field have absolute domination over every ton of coal and have parceled out the product and fixed the price. You see the perplexity and the difficulty of legislating along this line without seriously jeopardizing somebody's interests.

Now, I want to stop it. I want Senators to consider seriously the various aspects and difficulties involved. While the amendment offered by the Senator from Mississippi [Mr. McLAURIN] will go a long way toward helping, it will itself bottle up and destroy private interests in ownership in coal lands which can never be utilized or reach the market unless the man who owns the land shall also be allowed to build a railroad to get to market.

So, Senators, you will not quickly dispose of it in any wise and judicious way. By careful consideration we may be able to discover a method by which we can accomplish what we seek to do, but unless we are very cautious we will make a mistake, and we had better go not quite far enough than to go too far.

Mr. ELKINS. Mr. President, I am gratified that this has attracted so much attention.

Mr. BEVERIDGE. Before the Senator begins his remarks, I should like to suggest to him a form of amendment to his amendment, that it may be considered during his time:

No carrier of interstate commerce shall engage in any other business except the carriage of passengers and freight for hire: *Provided*, That said carrier may mine or make fuel exclusively for its own purposes.

I should like to ask the Senator from West Virginia and the Senator from Minnesota whether that does not, in the fullest way, cover not only those engaging in the business of coal mining, but every other possible business?

Mr. ELKINS. Mr. President, I think the suggestion of the Senator is broad and very comprehensive.

Mr. BEVERIDGE. I give notice that I shall offer that amendment to the amendment in the morning.

Mr. ELKINS. I have drawn the amendment two or three times and at the advice of good lawyers. The amendment suggested by the Senator from Mississippi [Mr. McLAURIN] seems to find favor with the good lawyers of the Senate. I am willing to accept an amendment in any form that will correct this great abuse, because it has become the fashion of late for interstate roads to engage in the owning, mining, and selling of coal, which leads to the crushing out, as stated by the Senator from South Carolina, of independent operators.

The VICE-PRESIDENT. The Chair would remind the Senator from West Virginia that he has already occupied the floor.

Mr. ELKINS. On the amendment of the Senator from Mississippi I have not said a word.

The VICE-PRESIDENT. The Senator has not spoken to that amendment.

Mr. ELKINS. I am speaking now to the amendment of the Senator from Mississippi.

The VICE-PRESIDENT. The Senator is in order upon that amendment.

Mr. ELKINS. Mr. President—

Mr. McCUMBER. I do not know whether or not the Senator is through, but I only desire to make one suggestion.

Mr. DANIEL. Mr. President, if the Senator will permit me, I wish to offer an amendment as a substitute for the pending

amendment which I think will reach the matter. I ask that the amendment may be read.

Mr. LODGE. Mr. President, there have been a number of amendments offered, and I suggest that they be printed and go over until tomorrow, so that we may have an opportunity to consider them. There is an amendment by the Senator from Mississippi [Mr. McLAURIN]; one by the Senator from Virginia [Mr. DANIEL], and another to be offered by the Senator from Indiana [Mr. BEVERIDGE]. If they are printed we can then have an opportunity to examine them, and I think we shall be shortening our work by doing so.

The VICE-PRESIDENT. The Senator from Virginia [Mr. DANIEL] proposes an amendment in the nature of a substitute for the pending amendment, which will be stated.

The SECRETARY. It is proposed to substitute for the pending amendment the following:

It shall be unlawful for any common carrier to transport from one State, Territory, or district of the United States to another State, Territory, or district of the United States or to any foreign country any article of commodity whatever which may be owned by it or in which it has any interest, excepting such as are necessary for its own use in its business as a carrier and not intended for sale, barter, or commercial traffic of any sort.

The VICE-PRESIDENT. The amendment to the amendment will be printed and laid upon the table, in the absence of objection.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. CLAY. Will the Senator withhold the motion for a moment that I may offer an amendment?

Mr. GALLINGER. Certainly.

Mr. CLAY. Mr. President, I desire to offer—although I know it is not in order at this time—a substitute to the amendment offered by the Senator from West Virginia [Mr. ELKINS]. I simply ask to have it printed.

The VICE-PRESIDENT. The proposed substitute offered by the Senator from Georgia will be printed, as will all the amendments which have been proposed and are pending, and the amendment will lie upon the table.

Mr. BEVERIDGE. I offer the amendment which I send to the desk, to be printed and lie upon the table.

The VICE-PRESIDENT. The amendment will be printed and lie upon the table, in the absence of objection.

Mr. FORAKER. I understand there is nothing further at present to be considered, and I give notice that I will offer the amendment which I now send to the desk.

Mr. TELLER (to Mr. FORAKER). Have it printed.

Mr. FORAKER. I will offer the amendment now, and ask that it may be printed.

The VICE-PRESIDENT. The proposed amendment will be ordered to be printed and lie upon the table.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, May 8, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 7, 1906.

PROMOTIONS IN THE ARMY.

Lieut. Col. James B. Quinn, Corps of Engineers, to be colonel from May 5, 1906, vice Suter, retired from active service.

Maj. George McC. Derby, Corps of Engineers, to be lieutenant-colonel from May 5, 1906, vice Quinn, promoted.

Capt. Clement A. F. Flagler, Corps of Engineers, to be major from May 5, 1906, vice Derby, promoted.

First Lieut. Gustave R. Lukesh, Corps of Engineers, to be captain from May 5, 1906, vice Flagler, promoted.

Second Lieut. Robert P. Howell, jr., Corps of Engineers, to be first lieutenant from May 5, 1906, vice Lukesh, promoted.

APPOINTMENT IN THE NAVY.

Abraham H. Allen, a citizen of Pennsylvania, to be an assistant surgeon in the Navy from the 2d day of May, 1906, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE NAVY.

Gunner Conrad W. Ljungquist to be a chief gunner in the Navy from the 10th day of March, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904

Midshipman Bradford Barnette to be an ensign in the Navy from the 2d day of February, 1906, to fill a vacancy existing in that grade on that date.

REGISTER OF THE LAND OFFICE.

J. J. Payne, of Des Moines, Iowa, to be register of the land office at Des Moines, Iowa, vice Thornton S. Howard, term expired and resigned.

POSTMASTERS.

GEORGIA.

Stephen B. Vaughn to be postmaster at Augusta, in the county of Richmond and State of Georgia, in place of Edward D. Smythe. Incumbent's commission expired January 21, 1906.

INDIANA.

Walter G. Bridges to be postmaster at Greenfield, in the county of Hancock and State of Indiana, in place of Newton R. Spencer. Incumbent's commission expires June 5, 1906.

J. Albert Spekenhire to be postmaster at Richmond, in the county of Wayne and State of Indiana, in place of Daniel Surface. Incumbent's commission expires June 5, 1906.

Luther Worl to be postmaster at Matthews, in the county of Grant and State of Indiana, in place of Frank Smiley. Incumbent's commission expired March 15, 1906.

INDIAN TERRITORY.

John McL. Dorchester to be postmaster at Pauls Valley, District Seventeen, Indian Territory, in place of John McL. Dorchester. Incumbent's commission expired April 2, 1906.

KANSAS.

Lavelle H. Boyd to be postmaster at Russell, in the county of Russell and State of Kansas, in place of Lavelle H. Boyd. Incumbent's commission expires June 30, 1906.

KENTUCKY.

George M. Crider to be postmaster at Marion, in the county of Crittenden and State of Kentucky, in place of George M. Crider. Incumbent's commission expired January 13, 1906.

L. W. Key to be postmaster at Mayfield, in the county of Graves and State of Kentucky, in place of James H. Happy. Incumbent's commission expires May 14, 1906.

Samuel T. Moore to be postmaster at Princeton, in the county of Caldwell and State of Kentucky, in place of Samuel T. Moore. Incumbent's commission expired February 28, 1906.

MASSACHUSETTS.

Louise G. Newton to be postmaster at South Ashburnham, in the county of Worcester and State of Massachusetts, in place of Wilbur F. Whitney, resigned.

MICHIGAN.

William S. Linton to be postmaster at Saginaw, in the county of Saginaw and State of Michigan, in place of William S. Linton. Incumbent's commission expired March 31, 1906.

Henry D. Northway to be postmaster at Midland, in the county of Midland and State of Michigan, in place of Henry D. Northway. Incumbent's commission expires July 1, 1906.

MINNESOTA.

Kee Wakefield to be postmaster at Hutchinson, in the county of McLeod and State of Minnesota, in place of Kee Wakefield. Incumbent's commission expires May 8, 1906.

MISSOURI.

Willis E. Flanders to be postmaster at Paris, in the county of Monroe and State of Missouri, in place of Willis E. Flanders. Incumbent's commission expired January 22, 1906.

Joseph H. Smith to be postmaster at Warrensburg, in the county of Johnson and State of Missouri, in place of Nellie S. Van Matre, resigned.

Isaac N. Strawn to be postmaster at Hopkins, in the county of Nodaway and State of Missouri, in place of Isaac N. Strawn. Incumbent's commission expires June 28, 1906.

MONTANA.

Edward A. Winstanley, of Montana, to be receiver of public moneys at Missoula, Mont., to take effect May 21, 1906, at the expiration of his term. (Reappointment.)

NEBRASKA.

John R. Hays to be postmaster at Norfolk, in the county of Madison and State of Nebraska, in place of John R. Hays. Incumbent's commission expires May 19, 1906.

NEW HAMPSHIRE.

Addison H. Frizzell to be postmaster at Groveton, in the county of Coos and State of New Hampshire, in place of Addison H. Frizzell. Incumbent's commission expires June 11, 1906.

NEW JERSEY.

Henry B. Hagerman to be postmaster at Mahwah, in the county of Bergen and State of New Jersey. Office became Presidential January 1, 1906.

Carl L. Richter to be postmaster at Fort Lee, in the county of Bergen and State of New Jersey. Office became Presidential January 1, 1906.

NEW MEXICO.

Dora W. Howard to be postmaster at San Marcial, in the county of Socorro and Territory of New Mexico. Office became Presidential April 1, 1906.

NEW YORK.

Edward T. Cole to be postmaster at Garrison, in the county of Putnam and State of New York, in place of Edward T. Cole. Incumbent's commission expires July 1, 1906.

David O. Williams to be postmaster at Mount Vernon, in the county of Westchester and State of New York, in place of David O. Williams. Incumbent's commission expires June 24, 1906.

NORTH CAROLINA.

Patrick J. O'Brien to be postmaster at Durham, in the county of Durham and State of North Carolina, in place of Patrick J. O'Brien. Incumbent's commission expires May 19, 1906.

Joshua P. Jessup to be postmaster at Hertford, in the county of Perquimans and State of North Carolina, in place of Joshua P. Jessup. Incumbent's commission expires June 27, 1906.

Joseph G. Walser to be postmaster at Lexington, in the county of Davidson and State of North Carolina, in place of Joseph G. Walser. Incumbent's commission expired March 24, 1906.

NORTH DAKOTA.

Henry F. Speiser to be postmaster at Fessenden, in the county of Wells and State of North Dakota, in place of Homer A. Jackson, resigned.

OHIO.

George G. Sedgwick to be postmaster at Martins Ferry, in the county of Belmont and State of Ohio, in place of George G. Sedgwick. Incumbent's commission expires July 1, 1906.

PENNSYLVANIA.

Alpheus B. Clark to be postmaster at Hastings, in the county of Cambria and State of Pennsylvania, in place of Alpheus B. Clark. Incumbent's commission expired April 10, 1906.

George H. Moore to be postmaster at Verona, in the county of Allegheny and State of Pennsylvania, in place of George H. Moore. Incumbent's commission expired April 10, 1906.

Jesse N. Watson to be postmaster at Hatboro, in the county of Montgomery and State of Pennsylvania, in place of Jesse N. Watson. Incumbent's commission expired April 3, 1906.

Franklin Wisener to be postmaster at Beaver Falls, in the county of Beaver and State of Pennsylvania, in place of Harry F. Hawkins. Incumbent's commission expired January 30, 1906.

WASHINGTON.

William T. Cavanaugh to be postmaster at Olympia, in the county of Thurston and State of Washington, in place of William T. Cavanaugh. Incumbent's commission expired January 16, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 7, 1906.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Maj. Albert D. Kniskern, commissary, to be deputy commissary-general with the rank of lieutenant-colonel from April 24, 1906.

Capt. Charles P. Stivers, commissary, to be commissary with the rank of major from April 24, 1906.

Artillery Corps.

Capt. John C. W. Brooks, Artillery Corps, to be major from March 16, 1906.

Capt. George T. Bartlett, Artillery Corps, to be major from March 26, 1906.

Capt. Charles A. Bennett, Artillery Corps, to be major from April 1, 1906.

Capt. Edward A. Millar, Artillery Corps, to be major from April 14, 1906.

Cavalry Arm.

First Lieut. Ben H. Dorcy, Fourth Cavalry, to be captain from April 26, 1906.

PROMOTION IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Second Lieut. Pedro J. Parra, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from February 23, 1906.

PROMOTIONS IN THE NAVY.

P. A. Surg. Holton C. Curl to be a surgeon in the Navy from the 16th day of December, 1905.

To be assistant naval constructors in the Navy from the 30th

day of April, 1906, to fill vacancies existing in that grade on that date:

Edwin G. Kintner.
Alexander H. Van Keuren.
Paul H. Fretz.
Roy W. Ryden.
Fred G. Coburn.
Waldo P. Druley.

Lieut. Commander William L. Rodgers to be a commander in the Navy from the 7th day of January, 1906.

Lieut. Thomas J. Senn to be a lieutenant-commander in the Navy from the 7th day of January, 1906.

POSTMASTERS.

CALIFORNIA.

La Fevre Webster to be postmaster at Ventura, in the county of Ventura and State of California.

COLORADO.

Frank B. Thomas to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado.

FLORIDA.

Dick M. Kirby to be postmaster at Palatka, in the county of Putnam and State of Florida.

ILLINOIS.

Levi W. Davison to be postmaster at Earlville, in the county of Lasalle and State of Illinois.

Milton A. Ewing to be postmaster at Neoga, in the county of Cumberland and State of Illinois.

Joseph E. Helfrich to be postmaster at Carthage, in the county of Hancock and State of Illinois.

Frank Rockwell to be postmaster at St. Charles, in the county of Kane and State of Illinois.

Jerome B. Stewart to be postmaster at Wilmington, in the county of Will and State of Illinois.

Sylvanus S. Thompson to be postmaster at Marseilles, in the county of Lasalle and State of Illinois.

KANSAS.

Frank E. Shoemaker to be postmaster at Neodesha, in the county of Wilson and State of Kansas.

Alonzo H. Williams to be postmaster at Holton, in the county of Jackson and State of Kansas.

LOUISIANA.

John A. Duplan to be postmaster at Patterson, in the parish of St. Mary and State of Louisiana.

MICHIGAN.

E. Harvey Drake to be postmaster at Yale, in the county of St. Clair and State of Michigan.

Hannibal A. Hopkins to be postmaster at St. Clair, in the county of St. Clair and State of Michigan.

John D. Smead to be postmaster at Blissfield, in the county of Lenawee and State of Michigan.

MINNESOTA.

Claude Atkinson to be postmaster at Hibbing, in the county of St. Louis and State of Minnesota.

John T. Hammar to be postmaster at Madison, in the county of Lac qui Parle and State of Minnesota.

Frank B. Lamson to be postmaster at Buffalo, in the county of Wright and State of Minnesota.

Fred A. Swartwood to be postmaster at Waseca, in the county of Waseca and State of Minnesota.

MISSOURI.

James H. Nay to be postmaster at Holden, in the county of Johnson and State of Missouri.

MISSISSIPPI.

William F. Elgin to be postmaster at Corinth, in the county of Alcorn and State of Mississippi.

Sallie Millsaps to be postmaster at Hazlehurst, in the county of Copiah and State of Mississippi.

NEBRASKA.

Edward R. Sizer to be postmaster at Lincoln, in the county of Lancaster and State of Nebraska.

NEW JERSEY.

Edward S. Hance to be postmaster at Wharton, in the county of Morris and State of New Jersey.

NORTH DAKOTA.

Arnold J. Brunner to be postmaster at Minot, in the county of Ward and State of North Dakota.

OHIO.

Samuel H. Bolton to be postmaster at McComb, in the county of Hancock and State of Ohio.

John H. Oakley to be postmaster at Ravenna, in the county of Portage and State of Ohio.

Manning M. Rose to be postmaster at Marietta, in the county of Washington and State of Ohio.

Seth M. Snyder to be postmaster at Coshocton, in the county of Coshocton and State of Ohio.

PENNSYLVANIA.

Silas C. Daugherty to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania.

Charles A. Dunlap to be postmaster at Manheim, in the county of Lancaster and State of Pennsylvania.

Richard M. Hunt to be postmaster at Houtzdale, in the county of Clearfield and State of Pennsylvania.

Lott I. Leech to be postmaster at Chicora, in the county of Butler and State of Pennsylvania.

R. A. Fulton Lyon to be postmaster at Greensburg, in the county of Westmoreland and State of Pennsylvania.

John Scher, jr., to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania.

Sydney S. Smith to be postmaster at Punxsutawney, in the county of Jefferson and State of Pennsylvania.

TENNESSEE.

Gale Armstrong to be postmaster at Rogersville, in the county of Hawkins and State of Tennessee.

Frank E. Britton to be postmaster at Jonesboro, in the county of Washington and State of Tennessee.

William A. Pamplin to be postmaster at Fayetteville, in the county of Lincoln and State of Tennessee.

TEXAS.

William S. Hart to be postmaster at Humble, in the county of Harris and State of Texas.

Tom Richards to be postmaster at Sherman, in the county of Grayson and State of Texas.

Walter S. Yates to be postmaster at Forney, in the county of Kaufman and State of Texas.

VERMONT.

Minnie A. Benton to be postmaster at Saxtons River, in the county of Windham and State of Vermont.

Fred G. Haskins to be postmaster at Bristol, in the county of Addison and State of Vermont.

Charles A. Parker to be postmaster at West Rutland, in the county of Rutland and State of Vermont.

David A. Perrin to be postmaster at White River Junction, in the county of Windsor and State of Vermont.

WASHINGTON.

James M. Vernon to be postmaster at Everett, in the county of Snohomish and State of Washington.

Emery Troxel to be postmaster at Connell, in the county of Franklin and State of Washington.

WISCONSIN.

Rollin C. Lybrand to be postmaster at Richland Center, in the county of Richland and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, May 7, 1906.

The House was called to order at 12 o'clock m. by the Speaker, who, on assuming the chair, was greeted with great applause.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Thou who art supremely great and glorious, creating, recreating, life-giving, life-sustaining potentate, increase, we beseech Thee, our faith and confidence in Thee and in the integrity of mankind that, in spite of the enigmas of life, its sorrows and disappointments, we may, with unfaltering footsteps and undying allegiance to right, truth, and duty, follow the dictates of conscience wherever it may lead, leaving the result to Thee, who doeth all things well. Let Thy blessing descend upon each Member of this House, especially upon him who presides over its deliberations crowned by the glory of seventy years of usefulness to-day. Lengthen his years, keep him in health, strength, and vigor to his family, friends, and country. All of which we ask in the name of Jesus Christ, our Lord. Amen.

The Journal was read.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. WILLIAMS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry; has any motion been made to approve the Journal?

The SPEAKER. No motion has been made.

Mr. SHERMAN. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The gentleman from New York moves that the Journal be approved.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, upon that I call for the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Twenty-five have voted in the affirmative.

Mr. DALZELL. The other side, Mr. Speaker.

The SPEAKER. Those opposed to ordering the yeas and nays will rise and stand until they are counted. [After counting.] Upon this question there are 25 in the affirmative and 111 in the negative, not a sufficient number, and the yeas and nays are refused.

Mr. WILLIAMS. Mr. Speaker, upon this motion I ask for tellers.

The SPEAKER. The gentleman from Mississippi calls for tellers. [After counting.] Thirty-seven gentlemen have arisen—not a sufficient number; and tellers are refused and yeas and nays are refused [applause on the Republican side], and the Journal is approved.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and discharge the Committee on Indian Affairs from further consideration of the Indian appropriation bill with Senate amendments, to disagree to all the Senate amendments, and to ask a conference thereon with the Senate.

The SPEAKER. The gentleman from New York moves to suspend the rules and take from the Speaker's table the Indian appropriation bill with Senate amendments, disagree to the Senate amendments, and ask for a conference. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] asks unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. Mr. Speaker, I object to that.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] and the gentleman from Mississippi [Mr. WILLIAMS] will take their places as tellers.

The House divided; and the tellers reported—ayes 142, noes 52.

So a second was ordered.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. SHERMAN. Mr. Speaker, I simply desire to say that there are 212 amendments to the bill, that in amount there is nearly \$3,000,000 added to the bill, that the amendments cover a wide range of subjects, including the ratification of agreements, including legislative matters as well as matters of appropriation, and it is apparent that an unusual amount of time must of necessity be consumed in the conference committee in giving full and proper consideration to all of these various amendments and the subjects to which they relate. Therefore, Mr. Speaker, it is perfectly clear to anyone that we should get into conference at the earliest possible moment. I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I quite agree with every word that has been uttered by the gentleman from New York, and I think the motion which has been made ought to prevail. I have been actuated merely by the desire to discover whether there was a quorum in the House of Representatives or not to do this or any other sort of business.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees on the part of the House: Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was 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 and joint resolution of the following titles:

On April 27:

H. R. 15910. An act to amend the act entitled "An act to regu-