

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LEVER: A joint resolution (H. J. Res. 176) directing the Secretary of Agriculture to cause a survey and investigation to be made of the swamp and tidal lands of Virginia, North Carolina, South Carolina, and Georgia, to determine the feasibility and cost of leveeing and draining said lands, and the benefits to agriculture and the public health which would result therefrom—to the Committee on Agriculture.

By Mr. BARTLETT: A resolution (H. Res. 595) to pay Daniel G. Heidt, jr., amount due for clerk hire—to the Committee on Accounts.

By Mr. KAHN: A memorial of the legislature of California, favoring maintenance of appropriation for hydrographic branch of the Geological Survey—to the Committee on Appropriations.

Also, a memorial of the legislature of California favoring the suspension of section 2324 of the Revised Statutes on account of the recent calamity in that State—to the Committee on Mines and Mining.

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. SMITH of Arizona: A bill (H. R. 20280) to set aside certain lands to the town of Flagstaff for park purposes—to the Committee on the Public Lands.

By Mr. MOON of Tennessee: A bill (H. R. 20281) for the relief of the widow of the late Capt. Daniel C. Trewitt—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 20282) granting an increase of pension to Joseph Morrell—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 20283) granting an increase of pension to Henry D. Bole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20284) granting an increase of pension to Lewis Hazlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20285) granting an increase of pension to Alexander Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20286) granting an increase of pension to Bartholomew Holmes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER: Petition of Daughters of the American Revolution for aid for the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. BARCHFELD: Petition of Grange Association of Pennsylvania, for pure-food bill (Hepburn bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Board of Trade of Chicago, for a thorough inspection of packing-house meat products—to the Committee on Agriculture.

Also, petition of D. Hernan, Streator, Ill., for pure-food bill and Federal inspection of meat-packers' products—to the Committee on Interstate and Foreign Commerce.

Also, petition of United Trades and Labor Council, Streator, Ill., for the Gardner eight-hour bill—to the Committee on Rules.

Also, petition of Chicago Commercial Association, for the ship-subsidy bill or bill for upbuilding of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of United German Societies of New York City, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of M. Saperstein, Tarentum, Pa., against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of Grange Association of Pennsylvania, for pure-food bill (Hepburn bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Mary S. Ross et al., for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HUFF: Paper to accompany bill for relief of Lewis

Hazlett, Alexander Thompson, Bartholomew Holmes, David W. McClure, and Henry D. Bole—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Hawarden Commercial Club, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Samuel W. Jones et al., of Iowa, for the pure-food bill and Federal meat inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Thomas R. Elliott—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of Nebraska Stock Growers' Association, for Government inspection of packing-house meat products—to the Committee on Interstate and Foreign Commerce.

By Mr. WEISSE: Petition of the Sheboygan Herald, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for better system of distribution of immigrants in the United States—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, June 19, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

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

The VICE-PRESIDENT. The Journal stands approved.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 34, 35, 38, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 57, 58, 59, and 63; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, 15, 16, and 17 of said amendment strike out the following: "Provided, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: And provided further, That the present pay and allowances of any officer now in the Navy shall not be reduced: Provided further," and insert in lieu thereof, as a new paragraph:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: Provided, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: Provided further, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and;" and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the words "rank, highest;" and in lines 4 and 5 of said amendment strike out the comma after the word "commander" and the words "and of no higher rank;" and in lines 6 and 7 strike out the words "be appointed from civil life in the manner and at" and insert in lieu thereof the word "receive;" and at the end of said amendment insert the following: "Provided further, That such officer shall not have the benefit of retirement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following: "or that may occur for other reasons;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed, or executed by the Secretary of the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three million four hundred and seventy-five thousand eight hundred and twenty-nine dollars;" and the Senate agree to the same.

On amendments numbered 2, 6, 7, 13, 32, 33, 37, 55, and 56 the committee of conference have been unable to agree.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,

Managers on the part of the Senate.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,

Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments still in disagreement and request a further conference with the House of Representatives on the disagreeing votes of the two Houses, the Chair to appoint the conferees.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

Mr. WARREN. Before the Senator from Maine leaves the subject I desire to ask a question, or two questions, for that matter. Is the amendment regarding the large battle ship still open?

Mr. HALE. It is still open, and will be in the next conference.

Mr. WARREN. I presume the Senator has the figures in mind, and I should like to know what change the report just adopted makes in the salaries of the chaplains, and what is the maximum of the two different grades—that is, per year or per month—that the chaplains shall receive hereafter?

Mr. HALE. It puts them on the same basis of appointment as chaplains in the Army, and they succeed finally to the rank of lieutenant-commander. The largest pay of the chaplains ultimately is increased from \$2,800 to \$3,500.

Mr. WARREN. Does the Senator mean that it amounts to that with the longevity service additional, or is that the straight salary alone?

Mr. HALE. That is the final salary. They commence the appointment, as they do in the Army, with the salary of a lieutenant of the lower grade. Then they are promoted by longevity, as in the Army, and when they reach the rank of lieutenant-commander they receive the same pay that the present chaplains in the Army receive.

Mr. WARREN. And the same allowances?

Mr. HALE. And the same allowances.

Mr. BAILEY. Mr. President, I dislike to complain against the clergy. I do not intend to complain against them. I simply want to complain against Congress. Ninety per cent of the ministers of the gospel in this country work very much harder than these chaplains and receive very much smaller salary. I suppose, however, that a man who is expected to save the souls of soldiers ought to be pretty well paid for it. I understand that generally they are not very religiously inclined.

The salary is bad enough, and I want to ask the Senator from Maine if, in addition to that, the chaplains are entitled to the provisions for the retirement of officers of the Army and Navy?

Mr. HALE. Undoubtedly.

Mr. BAILEY. Then, Mr. President, that makes two reasons why this provision, for which the Senator from Wyoming is so solicitous, ought not to be incorporated in the bill.

Mr. HALE. The conferees strictly confined themselves to their right in the matter.

Mr. BAILEY. The Senator from Maine will observe that I did not say I wanted to complain against the conference; I said against the Congress.

Mr. HALE. Congress is always very liberal, and is so with chaplains undoubtedly.

Mr. BAILEY. It has been extravagant. It is bad enough to be liberal with other people's money; it is inexcusable to be extravagant with it.

Mr. HALE. The pressure was from the chaplains. They are a very worthy body of men, and are very modest in not asking for any advance in pay for any other corps.

Mr. BAILEY. I, of course, do not contradict the statement that the chaplains have been very modest.

Mr. HALE. In that respect.

Mr. BAILEY. I never did understand why a soldier of the Lord needed a rank in the Army of his country. But I make no complaint about that. I am perfectly willing to give them the rank, and I am perfectly willing to give them the pay that is commensurate with the duties they perform, both considered with reference to their importance and with reference to the work required. But I do declare that these chaplains do less work than 98 per cent of the ministers in actual service through the various States and communities, and they are receiving probably double, and it may be more than double, the average pay of ministers of equal piety, education, and ability.

Mr. HALE. Undoubtedly.

Mr. BAILEY. It seems to me that where a man must work as the average minister of the gospel in this country does work, he ought to be fairly paid. I believe every man in any field of endeavor ought to be properly paid. But it seems to me that the Government, using the funds of the people, ought not to consider itself justified in paying for a given service twice as much as that given service commands in what we call the "open market."

If ministers of the gospel, very learned, very pious, and very industrious, serving congregations in the various communities of this land are well content with a salary that ranges from \$1,200 to \$2,000, without any provision for retirement, such as the Army and Navy law provides, it would seem that the Congress ought to have followed as nearly as it could the example of our constituents at home, and fixed the salary of these ministers according to the difficulty of their employment.

Mr. HALE. I am very glad to hear the remarks of the Senator from Texas, and I commend them to the chaplains as being good, easy reading.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the chairman of the Chickamauga and Chattanooga National Park Commission setting forth the necessity for the immediate reconstruction of two bridges, and recommending that an additional appropriation be made for this purpose to be included in the sundry civil appropriation bill; which, with the accompanying

paper, was referred to the Committee on Appropriations, and ordered to be printed.

HYGIENIC LABORATORY, WASHINGTON, D. C.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon-General, Public Health and Marine-Hospital Service, submitting an estimate of appropriation for improvement to the grounds of the Hygienic Laboratory, Washington, D. C., \$15,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LEPROSY HOSPITAL, HAWAII.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon-General, Public Health and Marine-Hospital Service, submitting an amendment to be included in the sundry civil appropriation bill for the maintenance of the leprosy hospital in Hawaii; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

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

S. 1031. An act granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State; and

S. 1442. An act to increase the efficiency of the militia and promote rifle practice.

ENROLLED BILLS SIGNED.

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

S. 230. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island;

S. 4250. An act to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon;

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park and to operate electric cars thereon;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.; and

S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the North American Gymnastic Union, of Indianapolis, Ind., remonstrating

against the adoption of a certain amendment to the sundry civil appropriation bill excluding alcoholic beverages from Soldiers' Homes; which was referred to the Committee on Military Affairs.

He also presented a petition of the International Missionary Union, of Clifton Springs, N. Y., praying for a moderate enforcement of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the National German-American Alliance, of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented the petitions of M. Condon, of Clara City; Elorum & Davis, of Amidon; the Farmers' Elevator Company, of Springfield; C. W. Chamberlain, of Amboy, and the First National Bank, of Luverne, all in the State of Minnesota, praying for the enactment of legislation providing for rigid Government inspection of packing meat products; which were referred to the Committee on Agriculture and Forestry.

Mr. WARREN. I present a telegram in the form of a petition. It is from one of the prominent and one of the oldest citizens of what is now Wyoming, a man who settled there before there was any Wyoming and before there was any live-stock business. It consists of but three lines. I have had several scores of letters and telegrams bearing upon the same subject. I ask that this telegram may be read.

There being no objection, the telegram was read, and referred to the Committee on Agriculture and Forestry, as follows:

CHEYENNE, WYO., June 18, 1906.

Hon. F. E. WARREN,

United States Senate, Washington, D. C.:

It is of vital importance to stock raisers that we have prompt legislation providing for rigid inspection of packing meat products at Government expense.

R. S. VANASSEL.

Mr. HANSBROUGH. In connection with the telegram just read I desire to state that last night and this morning I received ten or twelve telegrams, very much like the one just read and almost in the same language. I did not think it was necessary to present them to the Senate, but I will simply call attention to the fact that I received such telegrams, so that those who have charge of legislation on the meat question may take notice thereof.

Mr. STONE. I should like to state also that I have received a great number of similar telegrams, which I have not sent to the desk, as I did not consider it necessary; but there is great interest in the matter in my State.

Mr. PENROSE presented a petition of the Civic Club of Philadelphia, Pa., 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.

He also presented a petition of the Civic Club of Philadelphia, Pa., praying that an appropriation be made for a scientific investigation of the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Oxford, Nine Points, and Quarryville, Pa., remonstrating against the enactment of legislation providing for the transfer of the education and care of the Indians and Eskimos of Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

Mr. KEAN presented the memorials of J. H. Shannon, of Blairstown; Rev. Henry Ward, D. D., Edwin Du Rie, David D. Ackerman, Dr. L. B. Parsell, John Z. Demarest, and A. D. Atwood, all of Closter, in the State of New Jersey, remonstrating against Hon. REED SMOOT, a Senator from the State of Utah, retaining his seat in the Senate; which were ordered to lie on the table.

Mr. PLATT presented memorials of the Wellsville Oil Company; of sundry citizens of Wellsville, N. Y., and of J. T. Jones, Gulfport, Miss., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were ordered to lie on the table.

He also presented the memorial of Dr. M. T. Greene and E. P. Gordon, of Castile, N. Y., remonstrating against Hon. REED SMOOT, a Senator from the State of Utah, retaining his seat in the Senate; which was ordered to lie on the table.

Mr. KNOX presented the memorial of the Pennsylvania Refining Company, of Oil City, Pa., and the memorial of J. I. Buchanan, of Pittsburg, Pa., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were ordered to lie on the table.

He also presented petitions of Rev. W. T. Tapscott, of Easton; Antislavery League, of Pittsburg; Temperance Committee, General Assembly, Presbyterian Church, of Pittsburg; Rev. Charles

E. Dunn, of Philadelphia; D. L. Huffman, of Ashland; G. F. Snyder, of Altoona; Frank Williams, of Ashland; E. B. Killinger, of Ashland; David S. Curry, of York, all in the State of Pennsylvania, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in National Soldiers' Homes; which were referred to the Committee on Military Affairs.

Mr. MILLARD presented petitions of the Nebraska Stock Growers' Association; of J. H. Norsworthy, of Gothensburg; of the United States National Bank, of Omaha; of the First National Bank of Omaha; of E. D. Gould, of Wolbach; of W. H. Butterfield & Son, of Norfolk, and of H. W. Yates, of Omaha, all in the State of Nebraska, praying for the enactment of legislation providing for a rigid meat inspection at Government expense; which were referred to the Senate conference committee on the agricultural appropriation bill.

Mr. BLACKBURN presented sundry papers to accompany the bill (S. 5267) for the relief of the estate of Solomon Jones, deceased; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SIMMONS, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 5945) providing for an inspection of certain agricultural products, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 19854) to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River, reported it without amendment.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 8214) granting an increase of pension to Joseph Slagg, reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 14211) granting an increase of pension to Deborah J. Pruitt, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 19533) granting an increase of pension to Mary A. Hall, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 4659) granting an increase of pension to John F. Morris, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 12892) granting an honorable discharge to Seth Davis, reported it with an amendment, and submitted a report thereon.

BLANK & PARKS.

Mr. BAILEY. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 4580) for the relief of Blank & Parks, of Waxahachie, Tex., to report it with a favorable recommendation, and I submit a report thereon. I ask unanimous consent for its immediate consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Blank & Parks, of Waxahachie, Tex., the sum of \$400, paid under protest to the collector of internal revenue at Dallas, Tex., said payment having been demanded and payment required under threats of restraint and sale of said Blank & Parks's property in consequence of a technical violation of the internal-revenue laws of the United States.

Mr. SCOTT. I should like the Senator from Texas to explain what the technical violation was. Oftentimes we find the internal-revenue law violated where a still is operated in the mountains, and a man will claim that he did not know but that he had a right to still his own apples and grain, and therefore it was only a technical violation.

Mr. BAILEY. The violation in this case consisted in the firm of Blank & Parks, who were engaged in a marketing business at Waxahachie, Tex., ordering, at the request of a restaurant keeper, 40 pounds of oleomargarine, to be shipped along with an order which they had made from Swift & Co. They turned the oleomargarine over to the restaurant keeper without any profit to themselves or without any thought of profit, he simply paying his portion of the freight and the amount which Blank & Parks had to pay to the packer. Under the law the internal-revenue collector felt called upon to collect from them the tax

as a dealer, whereas, as a matter of fact, they were never dealers.

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

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

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

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 49, 50, 52, 53, 54, 60, 61, 65, 66, 67, 74, 76, 77, 78, 79, 83, 84, 85, 86, 87, 96, 97, 120, 127, 128, 129, 130, 131, 132, 135, 138, 139, 141, 149, 152, 154, 155, 179, 191, 192, 197, 200, 201, 202, 204, 205, 208, 209, 210, 211, 220, 221, 227, 228, 237, 247, and 250.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 41, 42, 43, 45, 47, 48, 51, 56, 57, 58, 59, 63, 64, 69, 73, 75, 81, 82, 88, 90, 92, 93, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 111, 112, 113, 114, 115, 116, 117, 118, 119, 125, 133, 134, 136, 137, 144, 145, 146, 147, 151, 153, 157, 158, 159, 161, 162, 163, 164, 165, 166, 167, 169, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 193, 194, 195, 196, 199, 206, 212, 213, 214, 215, 216, 217, 218, 219, 222, 223, 224, 226, 229, 230, 231, 232, 233, 234, 235, 236, 238, 239, 240, 242, 243, 244, 245, and 251; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 5 of the bill, in lines 20 and 21, strike out the words "Relations with Cuba" and insert in lieu thereof "Cuban Relations;" and in lines 22 and 23 strike out the words "improvement of the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "sixty-nine privates, at one thousand and fifty dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-seven thousand six hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert, on page 32 of the bill, after line 14, as a separate paragraph, the following:

"For plans and estimates for a newspaper stack, to be procured by the Joint Committee on the Library, if said committee shall decide such stack to be necessary, two thousand five hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "hereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and eight thousand nine hundred and seventy dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: On page 44 of the bill, in lines 12, 13, and 14 strike out the words "two superintendents of technical divisions, at two thousand seven hundred and fifty dollars each" and insert in lieu thereof the following: "superintendent of computing division, two thousand seven hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: On page 44 of the bill, in line 16, after the word "dollars," insert the words "chief of inspection division, two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-three thousand four hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one stenographer and typewriter, one thousand four hundred dollars; one typewriter copyist, one thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-two thousand five hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and thirty-one thousand three hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert "rent of office and quarters in Juneau;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-four thousand three hundred and eighty-six dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two chiefs of division at \$2,000 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment insert the words "three clerks;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$60,350;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with

an amendment as follows: After the word "For," in said amendment, insert the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and one thousand three hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: On page 99 of the bill, in line 25, strike out the word "four" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "eighteen" and insert in lieu thereof the word "sixteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fifty-three thousand eight hundred and seventy dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lines 8 and 9 of said amendment strike out the words "sixty-one thousand five hundred dollars" and in lieu thereof insert the following: "namely: twelve clerks, qualified as draftsmen, at one thousand two hundred dollars per annum each; fifty copyists at nine hundred dollars per annum each; and one messenger at six hundred dollars per annum; in all, sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,769,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 171, 172, 173, and 174, and agree to the same with an amendment as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

"For photolithographing or otherwise producing plates and illustrations for the Official Gazette, for work to be done at the Government Printing Office in producing the Official Gazette, including the letter press, the weekly, monthly, bimonthly, and annual indexes therefor, exclusive of expired patents, in all one hundred and thirty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For rent for storage for Patent Office model exhibit, ten thousand dollars or so much thereof as may be necessary; and the Secretary of the Interior shall dispose of a part or all of the models of said exhibit, either by sale, gift, or otherwise."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and twenty-six thousand six hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-one thousand nine hundred and ninety dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: Before the words inserted by said amendment insert the words "not more than;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and seventeen thousand and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "expended," insert the words "during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: On page 161 of the bill, after the word "service," at the end of line 16, insert the following: "and the heads of Departments shall cause this provision to be enforced;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "preceding," in line 5;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: At the end of said amendment, after the word "originate," insert "in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates;" and the Senate agree to the same.

S. M. CULLOM,
F. E. WARREN,
H. M. TELLER,

Managers on the part of the Senate.

LUCIUS N. LITTAUER,
L. F. LIVINGSTON,

Managers on the part of the House.

The report was agreed to.

JURIES IN NEW MEXICO.

Mr. KNOX. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 19379) providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico, to report it favorably with an amendment. I ask for the present consideration of the bill as it involves the procedure of impaneling juries in the Territory of New Mexico.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the Judiciary was, on page 1, line 10, after the words "United States," to insert:

Provided, That no person shall be eligible for jury service in the Territory of New Mexico who does not understand the English language sufficiently, in the opinion of the court, to qualify him for such service.

Mr. HANSBROUGH. In regard to that amendment, I desire to say that I have information to the effect that the juries in the Territory of New Mexico are composed largely and necessarily of Mexicans, and that a great many of those drawn as jurors can not speak the English language. I think it is a matter of common knowledge that in almost all the courts in the Territory it is necessary to have interpreters. I do not know whether the amendment should be adopted or not, because if it is true that a great many of the jurors can not speak the English language they would be disqualified, if the amendment is agreed to.

Mr. KNOX. I regret that the senior Senator from Wisconsin [Mr. SPOONER] is not present, as the amendment was proposed in the committee by him, and the committee adopted it upon the statement that it was a habit in the trial of criminal cases in New Mexico to send out the interpreter with the jury. We considered that matter and concluded it was substantially a trial by interpreter instead of a trial by jury, and for that reason the committee came to the conclusion to recommend the amendment.

Mr. PATTERSON. Mr. President—

Mr. HANSBROUGH. Unless the Senator from Pennsylvania is anxious to press the bill, in view of the fact that the Senator from Wisconsin is not present, I suggest to the Senator that the bill be allowed to go over.

Mr. KNOX. I have no objection to its going over.

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

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 6484) granting an increase of pension to William Cassidy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced the following bills; which were

severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6485) granting an increase of pension to Samuel Cook (with accompanying papers);

A bill (S. 6486) granting a pension to John Little; and

A bill (S. 6487) granting an increase of pension to Israel Plain.

Mr. PENROSE introduced a bill (S. 6488) authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 6489) for the relief of Laura A. Wagner; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6490) for the relief of A. J. Clark; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT submitted an amendment proposing to appropriate \$31,000 to pay the day inspectors of customs of the port of New York the difference between the per diem salary of \$4 paid them during the months of October, November, and December, 1905, and their proper per diem salary (\$5 per diem) for the same period, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KEAN submitted an amendment providing for analyses, tests, examinations, or investigations by the Geological Survey of structural materials, fuel, and mineral substances, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MALLORY submitted an amendment relative to the appropriation for vehicles and automobiles for the use of the superintendent of the Government Hospital for the Insane, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment providing that the appropriation made for the Government Hospital for the Insane shall be disbursed under the supervision of the Secretary of the Interior by the disbursing officer of the Department of the Interior, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment relative to the Jamestown Tercentennial Exposition to be held in Hampton Roads, Va., in 1907, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to purchase certain lands on the battlefield of Gettysburg, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate \$25,000 for the addition of a new roof and the construction of a new cornice on the public building at Pottsville, Pa., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$11,112.22 to pay the estate of David B. Landis, deceased, of Lancaster, Pa., and also \$34,055 to pay the estate of Jacob F. Sheaffer, deceased, of Lancaster, Pa., being amounts found due by the Court of Claims for taxes and penalty collected on distilled spirits that had been destroyed by fire, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

VOLUNTEER RETIRED LIST.

Mr. PLATT submitted an amendment intended to be proposed by him to 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; which was referred to the Committee on Military Affairs, and ordered to be printed.

STATISTICS RELATING TO PASSENGER RATES.

Mr. LODGE. On June 8 I presented to the Senate a letter from Mr. H. T. Newcomb, of Washington, D. C., submitting tables showing comparisons between passenger charges on European railways and those in force for similar distances in the

United States, being Senate Document No. 479. The print is entirely exhausted, and I ask for a reprint of the document.

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

GEOLOGY OF THE OWL CREEK MOUNTAINS.

On motion of Mr. WARREN, it was

Ordered, That there be printed for the use of the Senate 9,000 copies of Senate Document No. 219, Fifty-ninth Congress, first session, with the illustrations.

WITHDRAWAL OF PAPERS—GEN. PHILIP H. SHERIDAN.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of "A bill to purchase a bust of Gen. Philip H. Sheridan," accompanying Senate bill 1111, Fifty-fourth Congress, first session, copies of the same to be left in the files as provided by clause 2 of Rule XXX.

APPEALS IN CRIMINAL PROSECUTIONS.

The VICE-PRESIDENT. The morning business is closed.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 15434) to regulate appeals in criminal prosecutions.

Mr. GALLINGER. It will be observed by referring to the Record that unanimous consent was given for the consideration this morning of the bill I reported on yesterday—Senate bill 6147. If that be laid before the Senate, I will be glad to yield to the Senator from Minnesota.

The VICE-PRESIDENT. The Chair lays before the Senate, in accordance with the unanimous-consent agreement of yesterday, Senate bill 6147.

The SECRETARY. A bill (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes.

Mr. GALLINGER. If there be no objection, I will yield to the Senator from Minnesota [Mr. NELSON], if the bill he wishes to call up does not lead to debate.

The VICE-PRESIDENT. The Senator from Minnesota asks for the present consideration of a bill, which will be read.

Mr. NELSON. The bill was unanimously reported from the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15434) to regulate appeals in criminal prosecutions, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From the decision or judgment quashing or setting aside an indictment;

From the decision or judgment sustaining a demurrer to an indictment or any count thereof;

From the decision arresting a judgment of conviction for insufficiency of the indictment;

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

Mr. NELSON. At the suggestion of the Senator from Colorado [Mr. TELLER], who is not here, I offer an amendment to come in at the end of line 15 of the committee amendment.

The SECRETARY. After the word "jeopardy," line 15, page 2, insert the following proviso:

Provided, That if on such writ of error it shall be found that error in the ruling of the court during the proceeding or trial and the verdict was in favor of the defendant, such verdict shall not be set aside.

Mr. CULBERSON. The Secretary was interrupted in the reading by a message, and I did not get its full force.

The VICE-PRESIDENT. The Secretary will again read the amendment to the amendment.

The SECRETARY. In one of the cases the committee reported is the following:

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

To this the following is offered as an amendment:

Provided, That if on such writ of error it shall be found that error in the ruling of the court during the proceeding or trial and the verdict was in favor of the defendant, such verdict shall not be set aside.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAY. I would be glad if the Senator in charge of the bill would explain it. As I understand the bill, and I only caught it as it was read, it gives the Government of the United States the right of appeal in criminal cases in certain instances, and it is certainly a new departure. I would be exceedingly glad if the Senator would explain it. I have not had time to read the bill carefully, but when the Government undertakes

an appeal from the decision of a judge in a criminal case, it is certainly a new departure in the history of judicial trials.

Mr. NELSON. I will say to the Senator that in a great many of the States they allow appeals. This only relates to cases where the defendant has not been put in jeopardy and where he has not been acquitted. If the Senator will read the substitute, he will find that the only cases in which a writ of error can be taken is, first, from the decision or judgment quashing or setting aside an indictment; second, from the decision or judgment sustaining a demurrer to an indictment or any count thereof; third, from the decision arresting a judgment of conviction for insufficiency of the indictment, and, fourth, from the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy. Then the amendment which I offered on behalf of the senior Senator from Colorado expressly provides that no matter what errors may be found, if the defendant has been acquitted that is the end of it; he will not be tried again. Under the amendment as proposed the defendant can not be put in jeopardy a second time, and if acquitted he can not be tried a second time.

Mr. CLAY. I see on page 2 the bill provides for a writ of error from the decision or judgment quashing or setting aside an indictment. Now, if the defendant is indicted on the criminal side of the court and there is a defect in the indictment and the judge quashes the indictment, there is nothing to do but send it to the grand jury or get a new indictment. That has been the immemorial practice since our Government was organized.

Mr. NELSON. I will say to the Senator that sometimes an indictment is set aside on the ground that the law under which the indictment was found is held to be unconstitutional. The object is to allow the Government to take the case up and get a ruling of the Supreme Court.

Mr. CLAY. I desire to call the Senator's attention to this fact: If a defendant under this bill is indicted and the indictment is quashed for any irregularity or defect, and the Government of the United States desires to take that case to a higher court, the defendant is compelled to employ counsel and follow his case in the higher court before there has been any trial, when under the present law all that would have to be done would be to indict him again, and then he could stand his trial at home and save the necessary expense.

Mr. NELSON. But it may be that if the case goes up to the appellate court and the decision of the appellate court involves the question of the constitutionality of the law under which the defendant is prosecuted, the decision of the appellate court may end the case and there may be no subsequent indictment. This bill was carefully considered by the Judiciary Committee, and every member of that committee agreed to it.

Mr. GALLINGER. Mr. President, I rose simply to say that I yielded with the understanding that the bill would not be debated, and if it is to be debated I must object to its further consideration.

Mr. CLAY. I would prefer to look into the bill before it passes.

The VICE-PRESIDENT. The bill will lie over, retaining its place on the Calendar.

Mr. GALLINGER. I yield to the Senator from Iowa [Mr. DOLLIVER] if the bill he wishes to call up does not lead to debate.

SAC AND FOX INDIANS.

Mr. DOLLIVER. I ask unanimous consent for the consideration of the bill (H. R. 10133) to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

VINCENNES UNIVERSITY, INDIANA.

Mr. GALLINGER. I yield to the Senator from Indiana [Mr. HEMENWAY] if the measure he desires to call up does not lead to debate.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the joint resolution (S. R. 52) authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction.

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

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

LAND GRANTS TO NEW MEXICO.

Mr. HANSBROUGH. Mr. President—

Mr. GALLINGER. If there be no objection I will yield to the Senator from North Dakota if his bill does not lead to debate.

Mr. HANSBROUGH. The bill for which I ask consideration is House bill 18600. It has heretofore been read, and there was objection made to it on that occasion by the Senator from Wisconsin, who has since advised me that he withdraws his objection to it. I think there will be no debate upon the bill.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 18600) to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes, so as to read as follows:

SEC. 10. That the land reserved for university purposes, including all saline lands, and sections 16 and 36, reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; but until the meeting of the next legislature of said Territory the governor, secretary of the Territory, and the solicitor-general shall constitute a board for the leasing of said lands, and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases. And it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, except when in the opinion of the Secretary of the Interior the leasing of a larger area is deemed advisable, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State; and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of separate funds for the use of said institutions, and shall be paid out only as directed by the legislative assembly of said Territory and for the purposes indicated herein. The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; and all such necessary costs and expenses as may be incurred in the management, protection, and sale of said lands may be paid out of the proceeds derived from such sales; and not more than one quarter section of land shall be sold to any one person, corporation, or association of persons, and no sale of said lands or any portion thereof shall be made for less than \$1.25 per acre; and all money received on account of such sales, after deducting the actual expenses necessarily incurred in connection with the execution thereof, shall be placed to the credit of separate funds created for the respective purposes named in this act, and shall be used only as the legislative assembly of said Territory may direct, and only for the use of the institutions or purposes for which the respective grants of lands are made: *Provided*, That such legislative assembly may provide for leasing all or any part of the lands granted in this act on the same terms and under the same limitations prescribed above as to the lands that may be leased only; but all leases made under the provisions of this act shall be subject to the approval of the Secretary of the Interior, and all investments made or securities purchased with the proceeds of sales or leases of lands provided for by this act shall be subject to like approval by the Secretary of the Interior.

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

NORTHWEST NORMAL SCHOOL AT ALVA, OKLA.

Mr. LONG. Mr. President—

Mr. GALLINGER. Mr. President, the Senator from Kansas has said to me that he has a bill which will not lead to debate, and I will yield to him to ask for its consideration.

Mr. LONG. I ask unanimous consent for the present consideration of House bill 11787.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of the bill named by him, the title of which will be stated.

The SECRETARY. A bill (H. R. 11787) ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905.

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

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

JOHN W. WILLIAMS.

Mr. BLACKBURN. Mr. President—

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

Mr. GALLINGER. I yield to the Senator from Kentucky, who has stated to me that he has a small House bill for which he desires consideration, which will not lead to debate.

Mr. DANIEL. I hope the Senator from New Hampshire will let us introduce a few routine matters.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of the bill (H. R. 3459) for the relief of John W. Williams. I am sure it will lead to no debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John W. Williams, of Powell County, Ky., \$200 for one horse purchased by him at Government sale June 3, 1865, and recovered by the legal owner by judicial proceedings, which established a lack of title in the Government and made Williams liable for the value of said horse and cost.

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

SPANISH TREATY CLAIMS COMMISSION.

Mr. GALLINGER. Mr. President, the Senator from Pennsylvania [Mr. Knox] informs me that he has a bill in which the Senator from Alabama [Mr. Pettus] is interested. The Senator from Pennsylvania is about to leave the city, and I will yield to that Senator, if the bill for which he desires consideration does not lead to debate.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901. The bill was reported from the Committee on the Judiciary this morning.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments; which were, on page 2, line 10, after the word "brought," to insert a comma and the words "or to be hereafter filed;" on page 2, line 12, after the word "cases," to insert a comma and the words "including those heretofore passed on by said Commission;" and in line 21, after the word "Navy," to strike out "not heretofore filed, or which shall not be filed, which are hereby allowed, within six months from the passage of this act shall be forever barred" and to insert "growing out of the destruction of said battle ship, not heretofore filed, may be filed with said Commission within six months from the passage of this act, and if not so filed shall be forever barred."

The amendments were agreed to.

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

Mr. CARTER. Mr. President, I ask that the title of the bill be again stated.

The VICE-PRESIDENT. The title of the bill will be read by the Secretary.

The SECRETARY. A bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901.

Mr. CARTER. From what committee was the bill reported?

The VICE-PRESIDENT. It was reported this morning from the Committee on the Judiciary by the junior Senator from Pennsylvania [Mr. Knox].

Mr. CARTER. That, I understand, is the bill which provides for appeals to the Supreme Court of the United States?

Mr. BLACKBURN. No.

Mr. KNOX. This bill does not provide for such an appeal; but provides for a certiorari. It provides practically the same right which exists under the present court of appeals act—that is, the Commission itself, when a question of law arises and it desires the opinion of the Supreme Court on it, can request that opinion; and the Supreme Court, upon such application, if it thinks the question of sufficient importance to challenge its attention, may send for it by writ of certiorari; but there is no appeal granted.

Mr. CARTER. It does not in any respect limit the power of the Commission or provide that it shall have any greater power?

Mr. KNOX. No, sir.

Mr. BURROWS. Has the bill been read, Mr. President?

The VICE-PRESIDENT. The bill has been read, and is now in the Senate.

Mr. BURROWS. I should like to hear it again read.

The VICE-PRESIDENT. The bill will be read as it has been amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That section 13 of an act entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898," approved March 2, 1901, be amended so that the same will read as follows:

"Sec. 13. That the Commission may, as to any question of law arising upon the facts in any case before them, state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same. In any case heretofore finally determined and decided, or that may hereafter be finally determined and decided, by the Commission created by this act, it shall be competent for the Supreme Court to require, by certiorari, any such case to be certified to the Supreme Court for its review and determination. But such application to the Supreme Court for the writ of certiorari in any such case heretofore decided shall be made within one year from the passage of this act, and in any such case hereafter decided within one year after the final decision of the aforesaid Commission therein: *Provided*, That the foregoing provisions shall not apply to any case brought, or to be hereafter filed, on account of personal injury or death sustained by reason of the destruction of the battle ship *Maine*, but that in all such cases, including those heretofore passed on by said Commission, the Commission, except to show the extent of the injuries received, shall not allow or require any testimony other than such as may be deemed necessary to show that the plaintiffs are the parties injured, or their next of kin or legal representatives, and shall make awards as in other cases of such amounts as will in equity and justice compensate the petitioners, such awards to exceed in no case the sum of \$4,000; and all claims in favor of officers, sailors, or marines of the United States Navy, growing out of the destruction of said battle ship, not heretofore filed, may be filed with said Commission within six months from the passage of this act, and if not so filed shall be forever barred."

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

PUBLIC BUILDING AT GREAT FALLS, MONT.

The VICE-PRESIDENT laid before the Senate a message from the House of Representatives, returning to the Senate, in compliance with its request, the bill (S. 544) to provide for the purchase of a site for a public building in the city of Great Falls, Mont.

Mr. CARTER. I ask that the motion heretofore entered by my colleague [Mr. CLARK of Montana] to reconsider the vote by which the bill was passed be submitted to the Senate.

The VICE-PRESIDENT. The question is on the motion heretofore submitted by the Senator from Montana [Mr. CLARK] to reconsider the vote by which the bill was passed.

The motion was agreed to.

Mr. CARTER. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

DISTRICT STREET RAILWAYS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes.

Mr. GALLINGER. I ask, Mr. President, that the amendments reported by the Committee on the District of Columbia may now be stated.

The VICE-PRESIDENT. The amendments reported by the Committee on the District of Columbia will be stated.

The first amendment was, in section 1, on page 1, after the word "avenue," at the end of line 6, to insert "with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station;" so as to make the section read:

That the City and Suburban Railway, of Washington, be, and it hereby is, authorized and required to construct a double-track extension of its lines from New Jersey avenue and G street NW. eastwardly to and along Massachusetts avenue with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station to junctions with the existing tracks at Third and D streets NE. and at the northwest corner Stanton square; also to extend its double tracks on North Capitol street southwardly from the intersection of G street to Massachusetts avenue to connect with the tracks of the City and Suburban Railway hereinbefore authorized; also to construct a double-track extension, beginning at the intersection of East Capitol street and First street east, south on First street east to E street south, to the now existing tracks of the Anacostia and Potomac River Railroad Company at E street.

The amendment was agreed to.

The next amendment was, in section 2, on page 2, line 14, after the word "authorized," to insert "also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6;" so as to make the section read:

Sec. 2. That the Washington Railway and Electric Company be, and it hereby is, authorized and required to construct a double-track extension of its line from Delaware avenue and C street northeastwardly along Delaware avenue to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway, of Washington, hereinbefore authorized; also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6.

The amendment was agreed to.

The next amendment was, in section 3, on page 2, line 22, after the words "Union Station," to strike out "thence across

said plaza to Massachusetts avenue" and insert "together with a double-track loop passing in front of the station on said plaza;" and on page 3, line 5, after the words "Florida avenue," to insert "also a double-track extension for connecting its lines from First and B streets northeast southerly along First street to B street southeast;" so as to make the section read:

Sec. 3. That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct a double-track extension of its lines from C street and Delaware avenue northeastwardly along Delaware avenue to the plaza in front of the proposed Union Station, together with a double-track loop passing in front of the station on said plaza, and northwestwardly along Massachusetts avenue to New Jersey avenue, and thence along New Jersey avenue to Florida avenue; thence along Florida avenue to a junction with its present tracks at Seventh street and Florida avenue northwest; also a double-track extension of its line beginning at Seventh and T streets northwest; thence eastwardly along T street to its intersection with Florida avenue; also a double-track extension for connecting its lines from First and B streets northeast southerly along First street to B street southeast.

The amendment was agreed to.

The next amendment was, in section 5, on page 3, line 16, before the word "years," to strike out "three" and insert "two;" and in line 20, after the word "determine," to strike out "All work to be done in accordance with plans acceptable to and approved by the Commissioners of the District of Columbia;" so as to make the section read:

Sec. 5. That the construction of the aforesaid street-railway lines shall be commenced within one year and completed within two years from the date of the passage of this act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately cease and determine.

The amendment was agreed to.

The next amendment was, in section 6, on page 4, line 6, before the word "tracks," to insert the word "double;" so as to read:

Provided, That there shall be at least two sets of double tracks immediately in front of the main entrance to the Union Station facing Massachusetts avenue, the most northerly rail being not more than 50 feet south of the said main entrance.

The amendment was agreed to.

The next amendment was, to strike out section 8, as follows:

Sec. 8. That all acts or parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 4, line 17, to insert as a new section the following:

Sec. 8. That authority is hereby given the Commissioners of the District of Columbia to use such portions of reservation 77 as may in their judgment be necessary for sidewalks and roadways and for street railway use. And authority is hereby given the Commissioners to acquire by purchase or to condemn in accordance with existing law for street purposes so much of square 626 lying north of the north building line of square 567 extended as they may deem necessary, and the cost of acquiring said property as above shall be paid equally by the Capital Traction Company and the City and Suburban Railway Company: *Provided*, That where a portion of any lot is authorized to be acquired as above the said Commissioners may, in their discretion, acquire the entire lot; the portion thereof, when so acquired, lying south of the north building line of square 567 extended to become the joint property of the said City and Suburban Railway Company and the said Capital Traction Company so soon as the entire cost of acquisition as above specified shall be paid by them.

Mr. HANSBROUGH. I wish to say, Mr. President, that that is rather a remarkable amendment. It authorizes the Commissioners of the District of Columbia to acquire property by condemnation, and then turns it over to the corporations. My attention had not been called to the amendment until I heard it read. It seems to me to be rather a strange procedure. I may be wrong about it, but I call the attention of the lawyers of the Senate to the provision.

Mr. GALLINGER. Let the question be taken, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee, which has been stated.

Mr. SCOTT. Has the amendment been printed?

Mr. GALLINGER. It is in the bill, I will say to the Senator from West Virginia, and if he will examine the bill he will find it there.

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

The amendment was agreed to.

Mr. HANSBROUGH. I reserve the right to call attention to this amendment later, after the bill shall have been reported to the Senate.

The next amendment reported by the Committee on the District of Columbia was, on page 5, after line 12, to insert as a new section the following:

Sec. 9. That any and all of the said companies are hereby authorized to construct temporary tracks on plans and along such streets as may be approved by the Commissioners of the District of Columbia from the new Union Station to the intersection of C street with Dela-

ware avenue or North Capitol street, and to operate cars thereon by overhead trolley pending the construction of the permanent tracks herein authorized, said temporary tracks to be removed on the completion of said permanent tracks.

Mr. SCOTT. I ask the Senator from New Hampshire if there ought not to be a time limit on the use of overhead trolleys? It might so happen that the street railways would use that system for years.

Mr. GALLINGER. The time limit for completing these extensions is two years, and the presumption is that they will be completed in a fraction of that time; but, in the event of the permanent improvements not being made, it is manifest that there ought to be an allowance for this little spur to accommodate the traveling public. It will not be kept there any longer than it is absolutely necessary, I assure the Senator.

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

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, on page 5, after line 21, to insert as a new section the following:

SEC. 10. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it necessary, in order to reasonably accommodate vehicular traffic, to widen the roadway of any street or streets in which such track or tracks are to be laid the cost and expense of such widening, including the laying of the new sidewalks, the adjustment of all underground construction, and of every public appurtenance, shall be borne by the said railway company, and the said railway company shall deposit with the collector of taxes of the District of Columbia the estimated cost of changing and widening the said street or streets, the work to be done by said Commissioners; and whenever, at any future time, the said Commissioners deem it necessary to widen the roadway of any street or streets occupied by the extensions herein authorized said railway company shall bear one-half the cost of widening and improving such street or streets, to be collected in the same manner as the cost of laying or repairing pavement lying between the exterior rails of the tracks of said street railroad and for a distance of 2 feet exterior to such track or tracks is collectible under the provisions of section 5 of an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1873.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to insert as a new section the following:

SEC. 11. That whenever in the construction of any of the tracks herein authorized it is necessary, in the opinion of the Commissioners, to improve, by paving or otherwise, the roadway of any street occupied by such track or tracks, said company shall adjust the grade of its tracks to the new grade of the street or streets, the cost thereof to be borne by said company in the same manner as the cost of paving between the exterior of the tracks of the street railroad companies, as referred to in the preceding section.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert as a new section the following:

SEC. 12. That the arrangement of all tracks herein authorized within the lines of the plaza in front of the Union Railroad Station shall be in accordance with the plans approved by the Commissioners of the District of Columbia, and all work of constructing the extensions herein authorized shall be executed in accordance with plans to be approved by the Commissioners of the District of Columbia, and under a permit or permits by the said Commissioners.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert as a new section the following:

SEC. 13. That all acts and parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

Mr. HANSBROUGH. I ask the Senator from New Hampshire whether that completes the committee amendments?

Mr. GALLINGER. It does, I will say to the Senator.

Mr. HANSBROUGH. I offer the amendment which I send to the desk, to be added as a new section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 12, it is proposed to insert as a new section the following:

SEC. 13. That every railway company now authorized by law, or which may hereafter be authorized by law, to operate cars on any of the streets, avenues, or highways of the District of Columbia, and all other public-service corporations of said District, including the Chesapeake and Potomac Telephone Company, Potomac Electric Lighting and Power Company, the Washington Gaslight Company, and the Georgetown Gaslight Company, shall annually pay to the collector of taxes of the District of Columbia, as a franchise tax, in addition to the taxes now imposed upon them by law, an amount equal to 12 per cent of their respective net earnings, which said net earnings shall be ascertained by deducting from their respective gross receipts from all sources only the current repairs and expenses for the same year, excluding interest, dividends, sinking fund, cost of betterments, extensions, and enlargement of plant: *Provided*, That on or before the 1st day of August, 1906, the board of assessors of the District of Columbia are hereby authorized and directed to appraise and assess the personal property of all such public-service corporations, and in making such appraisal the said board shall appraise the value of the franchises of each of said companies and include the same in the said personal property appraisal: *Provided further*, That any of such corporations as may elect so to do may pay to the collector of taxes of the District of Columbia

an amount equal to 1½ per cent of said appraised value, as now provided for by law for general taxation of personal property in said District, which shall be in lieu of the 12 per cent per annum tax on net incomes, as above provided, and of the gross earnings tax now provided by law: *And provided further*, That the real estate of all said street railway companies in the District of Columbia shall be taxed as other real estate.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota. [Putting the question.] By the sound the "ayes" have it.

Mr. GALLINGER. I ask that the question be again put, Mr. President.

The VICE-PRESIDENT. The Chair will again put the question. [Putting the question.] By the sound the "noes" have it.

Mr. HANSBROUGH. I ask for a division.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. Am I too late to ask that the amendment be again read?

Mr. GALLINGER. I will let the Senator read it, if he wishes.

Mr. TILLMAN. Other Senators would like to hear it, if the Senator please.

Mr. GALLINGER. Very well; let it be read.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. On page 7, after line 12, it is proposed to add as a new section the following—

Mr. SCOTT. I suggest the absence of a quorum. If the amendment is to be again read, I think it would be well for the Senate to hear it.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

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

Allee	Culberson	Hopkins	Perkins
Ankeny	Cullom	Kean	Piles
Benson	Daniel	Kittredge	Rayner
Berry	Dick	La Follette	Scott
Beveridge	Dolliver	Lodge	Smoot
Blackburn	Flint	Long	Stone
Brandeggee	Foraker	McCumber	Sutherland
Bulkeley	Frazier	McLaurin	Tallaferro
Burkett	Fulton	Mallory	Tillman
Burnham	Gallinger	Martin	Warren
Burrows	Gamble	Morgan	Whyte
Carter	Hansbrough	Patterson	

The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum is present. The Secretary will again read the amendment proposed by the Senator from North Dakota.

The Secretary again read Mr. HANSBROUGH's amendment.

Mr. HANSBROUGH. Mr. President, I had supposed that most of the members of the Senate understood the purport of this amendment, because the matter was up in the Senate some three or four weeks ago and was debated at some length. The bill was subsequently recommitted to the Committee on the District of Columbia on the request of the chairman, for the reason that it appeared that the managers of the public-service corporations of the District desired to be heard on the question of taxation. The bill remained in the committee for some weeks, but was finally reported out, or at least that portion which has been read this morning was reported out.

The amendment which I have proposed, Mr. President, provides for a tax of 12 per cent on the net earnings of the public-service corporations in the District of Columbia. Twelve per cent upon the net earnings of these corporations it is believed will amount on an average to less than the percentage which is now paid by the private citizens of the District. With respect to those corporations that have net earnings, of course the tax will amount to more than they now pay; with respect to those that have no net earnings, they will pay no additional taxes. It is a sort of automatic system, and, in my judgment, the only equitable system of taxation.

Mr. President, it is not proposed to visit any hardship upon these corporations. I think that I am justified in saying that they pay less taxes in the District of Columbia than in any other place in the United States. In my own State of North Dakota I think the taxes are from 4 to 5 per cent. Here in the District of Columbia the rate is 1½ per cent, and the public-service corporations here pay less than 1 per cent.

There is a proviso in this amendment under which, if the public-service corporations should be obliged to pay more than the rate paid by the private citizens, to wit, 1½ per cent, then these corporations may take advantage of the private citizen's rate and pay that rate, instead of 12 per cent on their net earnings; so that there can be no hardship whatever inflicted upon

any of these corporations. It can not be said, because it can not be maintained, that they will be required to pay more than the private citizen. If any one can convince me, or convince the Senate, that these corporations should not pay as great a tax as the private citizen, then I have no more to say, but I have never yet heard any satisfactory reason why they should not pay the rate paid by the private citizen.

Mr. GALLINGER. Mr. President—

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

Mr. GALLINGER. I thought the Senator was through.

Mr. HANSBROUGH. I yield to the Senator.

Mr. GALLINGER. I will wait until the Senator gets through.

Mr. HANSBROUGH. There is another proviso, Mr. President, to which I desire to call attention, and that is—

Provided, That on or before the 1st day of August, 1906, the board of assessors of the District of Columbia are hereby authorized and directed to appraise and assess the personal property of all such public service corporations, and in making such appraisal the said board shall appraise the value of the franchises of each of said companies and include the same in the said personal property appraisal.

That provision is for the purpose of enabling the proper District officials to arrive at an equitable basis upon which these corporations may be taxed. I have figured out—and I call the attention of the Senate to the figures—as to what would happen under such an adjustment. We find from the returns made by the street-railway corporations that their total funded debt and capitalization amount to \$49,489,000. We will suppose that the board of assessors should conclude to assess their property at two-thirds of the funded debt and capitalization, then, in such case, they would pay 1.1 per cent. In other words, if the street-railway corporations should pay on two-thirds of their funded debt and capitalization, they would pay 11 mills, against 15 mills which the private citizen is now paying. So that, Mr. President, under no condition that I can conceive of can it be said that the corporations would be required to pay more than the private citizen, and in order that they may not be required to pay more I have put in the proviso to which I called attention a while ago, to the effect that if they preferred to pay the private-citizen rate rather than the special rate under the gross receipts and net earnings system, then they may elect to pay 1½ per cent, the same as the private citizen pays.

Mr. GALLINGER. Mr. President, this matter was discussed at considerable length some time ago, and I do not think we need to occupy much time in discussing it to-day.

The bill that is under consideration is a bill providing for the extension of the existing railway lines to the Union Station, which station will, under the law, be open to the public in a little over a year, and it is the intention to have it open, partially at least, at a considerably earlier period. It is very necessary that when it is opened the traveling public coming to Washington should have an opportunity to get to the various parts of the city on the rapid-transit cars, and the only purpose of this bill is to give the traveling public that opportunity.

The Senator from North Dakota [Mr. HANSBROUGH] proposes to complicate this matter by adding to it a scheme of taxation, revolutionizing the existing scheme of taxation, which was worked out a few years ago with great care and particularity. I do not know whether—

Mr. HANSBROUGH. Will the Senator allow me?

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

Mr. GALLINGER. Oh, yes.

Mr. HANSBROUGH. Mr. President, the Senator will not undertake to leave the impression upon the Senate that a scheme of taxation was worked out two years ago?

Mr. GALLINGER. I did not say two years ago.

Mr. HANSBROUGH. Or within recent years, which affects these corporations.

Mr. GALLINGER. Mr. President, it is not necessary for the Senator to correct me. I know what I am talking about.

Mr. HANSBROUGH. Will the Senator allow me?

Mr. GALLINGER. I was one of those who worked it out.

Mr. HANSBROUGH. The Senator does not care to have me make a statement. I will make it in my own time.

Mr. GALLINGER. That is the Senator's privilege.

Now, Mr. President, I do not know whether or not it is desirable to go into this matter of taxation in the District of Columbia. The Senator from North Dakota not only proposes on a bill which is intended to provide means to get the street railroads to the new station to adopt a different system of taxing the railroads of the District, but of the electric light company, the telephone company, and the gas company of the District as well.

I remember that a few weeks ago, when the shipping bill

was before the Senate, we proposed to increase the tonnage taxes so as to make foreign vessels pay a larger revenue than they are paying now, and this Chamber thundered with denunciations of that method of providing taxation, saying it was a function which belonged to the House of Representatives primarily, and I withdrew that section of the bill because of the opposition that developed. I will suggest to the Senator from North Dakota that possibly it would be well for him to inquire whether or not we can constitutionally proceed to increase this taxation primarily in this body.

Mr. HANSBROUGH. I have not any doubt about it.

Mr. GALLINGER. Well, very distinguished lawyers had doubt about it when it related to the shipping bill, and it is equally applicable to this bill.

Now, Mr. President, as to the question of the taxation of the street railroad companies of Washington, the fact is that they pay 5.54 per cent on their gross receipts in taxes. Now, let us look at the other States. The Senator's State does not appear in the list, because I believe there are only three and a half miles of street railway in North Dakota. Of course, it is a new State. I find that Maryland, Louisiana, Massachusetts, Pennsylvania, Tennessee, Kentucky, Missouri, Connecticut, Illinois, and New York pay a little higher tax than is paid in the District of Columbia, while the Territories and all the remaining States pay a much less tax. While the District of Columbia pays a tax of 5.54, Alabama pays 2.47; Arkansas, 1.94; California, 4.97; Colorado, 2.42; New Hampshire, 1.29, and so on, the average of all the States being less than that paid by the District of Columbia. I will put the entire list in the Record.

So while it may be wise to increase the taxes upon these corporations and other corporations of the District, it is a matter that ought to be examined into with great care, and it ought not to be done in the haphazard way which the Senator from North Dakota proposes in his amendment.

Above all, Mr. President, it does seem to me bordering on the ridiculous to attempt to regulate taxation on electric-light companies and gas-light companies and telephone companies in a bill which proposes to extend the lines of existing street railway companies to the new Union Station.

Of course, if the Senator desires to defeat the bill which is under consideration, no one can find fault with the method he is adopting, because it would, in the nature of things, defeat the purpose that I have in view.

I feel, Mr. President, as chairman of the Committee on the District of Columbia, that I have a responsibility resting upon me in regard to this matter. I should be glad to be relieved of that responsibility; but I apprehend that I would be very severely criticised if I did not make every exertion in my power to secure these extensions before the great Union Station is opened to the general public.

It will be remembered that these street railway corporations will not get a single passenger more because they go to the Union Station than they get now in going to the two stations. This bill requires those companies to expend about \$900,000 to make those extensions. Now, is it a reasonable thing, is it a just thing, is it a proper thing for us under those circumstances to undertake to load down this legislation with propositions such as the Senator from North Dakota has injected into the discussion?

Mr. President, I think I have said all I care to say, and I move to lay the amendment on the table.

Mr. HANSBROUGH. Mr. President, I hope the Senator will not take that method of procedure until—

Mr. GALLINGER. The matter has been discussed heretofore, Mr. President, and I move to lay the amendment on the table.

Mr. PATTERSON. Mr. President, I will say—

Mr. HANSBROUGH. I do not think the Senator will shut off discussion by this means.

Mr. PATTERSON. I think that is rather snap judgment. I hope the Senator from New Hampshire will not make the motion; at least not at this time.

Mr. GALLINGER. The Senator from Colorado discussed this very question for more than an hour the other day.

Mr. PATTERSON. Not on this bill.

The VICE-PRESIDENT. The motion to lay on the table is not debatable.

Mr. SCOTT. Mr. President, I rise to ask a question. When I suggested the absence of a quorum, was not the Secretary in the act of calling the roll on this amendment?

The VICE-PRESIDENT. The roll call had not been begun.

Mr. PATTERSON. I hope the Senator from New Hampshire will withhold his motion.

Mr. GALLINGER. I withhold it for a little time, but I shall renew it in the near future.

Mr. HANSBROUGH. I ask the Senator from Colorado to yield to me just a moment.

Mr. PATTERSON. Certainly.

Mr. HANSBROUGH. I simply desire to make a brief statement in regard to the taxes paid by street railway companies elsewhere. I wish to call the attention of the Senate briefly to a pamphlet published by the New England Society of Orange, N. J., entitled "Street Railway and Municipal Franchises." It is a most interesting document. I find in that document, under the heading of "Toronto," a statement to the effect that the street railway companies of Toronto, Canada, upon \$1,000,000 gross receipts per year pay 8 per cent. Here in the District of Columbia they pay 4 per cent on \$3,300,000.

Mr. GALLINGER. What road was that?

Mr. HANSBROUGH. In Toronto, Canada. On gross receipts amounting to \$1,000,000 per year they pay 8 per cent, on gross receipts amounting to \$1,500,000 they pay 10 per cent, on gross receipts amounting to \$2,000,000 per year they pay 12 per cent, amounting to \$3,000,000 per year they pay 15 per cent, and amounting to upward of \$3,000,000 per year they pay 20 per cent. In the District of Columbia the gross receipts of the street railways last year were about \$3,300,000, and they paid 4 per cent as against 20 per cent in Toronto, Canada.

Now, Mr. President, if the Senator from Colorado will indulge me a moment, the Senator from New Hampshire thought that this amendment would result in the defeat of this measure, or in preventing the measure from becoming a law. I think it will facilitate the passage of the bill, because I have no earthly objection to the street railways going into the Union Station. Indeed, they ought to be allowed to go in there. But I think that this taxation amendment and one other amendment which I intend to propose would greatly facilitate the passage of the bill. I do not know who would help to defeat the bill if these amendments were put on unless it is the public service corporations themselves. I do not think that any Senator or any Member of the House can be so deeply interested in preventing these corporations from paying their just share of taxes as to defeat the bill because we have put the tax amendment upon it.

Mr. PATTERSON addressed the Senate. After having spoken for fifteen minutes.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KNOX rose.

Mr. GALLINGER. Will the Senator from Pennsylvania kindly yield to me for a moment?

Mr. KNOX. Certainly.

Mr. GALLINGER. I will ask unanimous consent that when the debate upon the unfinished business closes to-day the District street railway bill may be further considered.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that when the debate upon the unfinished business closes on to-day the consideration of the bill which has been before the Senate in the morning hour shall be resumed. Is there objection? The Chair hears none.

Mr. GALLINGER. Now, will the Senator from Pennsylvania yield to me for just one moment further?

Mr. KNOX. Certainly.

Mr. GALLINGER. I desire to state in a very few words that while the taxes on the railway corporations of the District of Columbia are larger than the average tax in the several States and three times as much as in some States, it should be taken into consideration that we have an underground system here, which costs more than twice the cost of the overhead trolley; that we reserve ducts for the District of Columbia and the Government, which is a reservation of great value to the District and to the Government, and that we compel the railways to sell six tickets for 25 cents, instead of getting a straight 5-cent fare, as is given in almost every city of the country. I will add that if these street railways were permitted to collect a 5-cent fare there would be no controversy over the question of taxation, even though it might be very inequitable and unjust.

Mr. President, in addition I desire to put in the Record and to have printed as a document some statistics that I have here relating to the taxation of public-utility corporations in the District of Columbia and the several States.

There being no objection, the paper was ordered to be printed as a document and to be printed in the Record, as follows:

Statement showing percentage of taxes to gross receipts paid by street-railway companies in the District of Columbia for the year 1905, compiled from Report No. 3792, to accompany Senate bill No. 43.

	Gross receipts, 1905.	Taxes for year 1905.	Per cent.
Washington Rwy. and Electrical Co. and subsidiary railway companies.....	\$1,810,744.33	\$104,795.99	5.79
Capital Traction Co.....	1,500,956.59	79,001.06	5.26
Washington, Alexandria and Mount Vernon Rwy.....	28,297.59	1,131.90	4.00
Total.....	3,339,998.51	184,928.95	5.54

JUNE 6, 1906.

Statement showing percentage of taxes to gross receipts payable by street-railway companies in the District of Columbia for the year 1905 under proposed law imposing additional tax of 12 per cent on net earnings, compiled from Report No. 3792, to accompany Senate bill No. 43.

	Gross receipts, 1905.	Taxes for year 1905.	Per cent.
Washington Rwy. and Electric Co. and subsidiary railway companies.....	\$1,810,744.33	\$222,019.61	12.26
Capital Traction Co.....	1,500,956.59	196,630.37	13.10
Washington, Alexandria and Mount Vernon Rwy.....	28,297.59	1,131.90	4.00
Total.....	3,339,998.51	419,781.88	12.57

* Does not include 12 per cent tax on net earnings.

JUNE 7, 1906.

List of States in which the percentage of taxes to gross receipts is higher than in the District of Columbia.

	Per cent.
Maryland.....	8.21
Louisiana.....	6.88
Massachusetts.....	6.81
Pennsylvania.....	6.08
Tennessee.....	6.08
Kentucky.....	6.06
Missouri.....	6.06
Connecticut.....	6.00
Illinois.....	5.94
New York.....	5.63

List of States in which the percentage of taxes to gross income is lower than in the District of Columbia.

	Per cent.
Arizona, District of Columbia, Idaho, and New Mexico combined.....	5.34
New Jersey.....	5.28
California.....	4.97
Indiana.....	4.86
Rhode Island.....	4.75
Georgia.....	4.67
Wisconsin.....	3.82
Ohio.....	3.62
Minnesota.....	3.52
Michigan.....	3.50
South Carolina.....	3.23
Washington.....	3.08
Utah.....	2.85
Montana.....	2.84
Virginia.....	2.81
Delaware.....	2.79
West Virginia.....	2.54
Alabama.....	2.47
Nebraska.....	2.46
North Carolina.....	2.44
Colorado.....	2.42
Texas.....	2.37
Florida.....	2.35
Kansas.....	2.27
Iowa.....	2.25
Arkansas.....	1.94
Maine.....	1.89
Vermont.....	1.78
Mississippi.....	1.74
Oregon.....	1.69
New Hampshire.....	1.29

JUNE 6, 1906.

Statement showing percentage of taxes to gross receipts for street and interurban railways in the United States, compiled from Special Report of the Census Office on Street and Electric Railways, 1902.

State.	Gross income.	Total taxes.	Percentage of taxes to gross income.
Alabama.....	\$1,497,351	\$37,047	2.47
Arkansas.....	371,560	7,213	1.94
California.....	9,967,838	495,179	4.97
Colorado.....	2,227,760	78,264	3.42
Connecticut.....	4,353,775	261,445	6.00
Delaware.....	500,550	13,973	2.79
Florida.....	529,743	12,439	2.35
Georgia.....	2,375,224	110,846	4.67
Illinois.....	25,029,257	1,488,359	5.94
Indiana.....	3,813,076	185,014	4.86
Iowa.....	2,403,834	54,115	2.25
Kansas.....	370,481	8,401	2.27
Kentucky.....	2,933,800	177,775	6.06

Statement showing percentage of taxes to gross receipts for street and interurban railways in the United States, etc.—Continued.

State.	Gross income.	Total taxes.	Percentage of taxes to gross income.
Louisiana.....	\$2,910,244	\$200,156	6.88
Maine.....	1,571,562	29,704	1.89
Maryland.....	4,888,627	402,223	8.21
Massachusetts.....	23,653,410	1,610,341	6.81
Michigan.....	6,521,173	228,538	3.50
Minnesota.....	3,727,648	181,128	3.52
Mississippi.....	258,654	4,501	1.74
Missouri.....	10,734,682	646,682	6.06
Montana.....	492,023	13,975	2.84
Nebraska.....	1,148,994	28,252	2.46
New Hampshire.....	604,131	7,822	1.29
New Jersey.....	8,176,923	431,912	5.28
New York.....	60,881,780	3,428,461	5.63
North Carolina.....	442,467	10,791	2.44
Ohio.....	16,390,851	601,142	3.62
Oregon.....	1,042,895	17,622	1.69
Pennsylvania.....	30,357,727	1,844,880	6.08
Rhode Island.....	2,964,260	140,814	4.75
South Carolina.....	653,736	21,100	3.23
Tennessee.....	1,866,835	113,573	6.08
Texas.....	1,547,846	36,919	2.37
Utah.....	586,611	16,702	2.85
Vermont.....	249,228	4,427	1.78
Virginia.....	1,097,022	46,845	2.81
Washington.....	2,542,906	78,239	3.08
West Virginia.....	1,102,171	28,060	2.54
Wisconsin.....	3,923,884	150,059	3.82
All other States and Territories.....	3,021,063	161,418	5.34
All States.....	250,504,627	13,366,335	5.34

NOTE.—Gross income is the sum of gross earnings from operation (Table No. 37) and income from other sources (Table No. 37). Total taxes is the sum of taxes, operating companies (Table No. 38) and taxes, nonoperating companies (Table No. 39).

JUNE 5, 1906.

Statement showing percentage of taxes to gross receipts for electric-lighting companies in the United States, compiled from Special Report of the Census Office on Central Electric Light and Power Stations, 1902.

State.	Gross income.	Total taxes.	Percentage of taxes to gross income.
Alabama.....	\$340,289	\$6,970	2.05
Arizona.....	293,066	6,344	2.16
Arkansas.....	882,278	6,350	1.06
California.....	4,897,444	124,284	2.52
Colorado.....	1,648,979	70,765	4.30
Connecticut.....	1,273,613	26,099	2.05
Florida.....	191,637	4,206	2.19
Georgia.....	225,795	6,261	2.77
Idaho.....	186,554	5,045	2.70
Illinois.....	5,578,012	152,076	2.73
Indiana.....	1,604,099	55,425	3.46
Indian Territory.....	94,246	1,115	1.18
Iowa.....	1,207,589	29,614	2.28
Kansas.....	588,138	16,997	2.89
Kentucky.....	787,700	17,040	2.16
Louisiana.....	894,240	35,355	3.95
Maine.....	678,250	18,402	2.71
Maryland.....	928,062	26,477	2.85
Massachusetts.....	6,070,643	296,444	4.88
Michigan.....	1,855,714	54,580	2.94
Minnesota.....	1,448,034	40,991	2.83
Mississippi.....	245,788	5,762	2.34
Missouri.....	2,121,604	79,161	3.73
Montana.....	1,009,763	28,936	2.87
Nebraska.....	540,859	16,322	3.02
Nevada.....	44,549	1,550	3.48
New Hampshire.....	829,072	23,621	2.85
New Jersey.....	3,378,651	121,131	3.58
New Mexico.....	135,307	2,737	2.06
New York.....	16,631,802	719,699	4.33
North Carolina.....	154,407	3,112	2.02
North Dakota.....	143,205	4,157	2.90
Ohio.....	3,729,330	99,936	2.68
Oklahoma.....	171,179	2,250	1.31
Oregon.....	670,262	20,080	2.99
Pennsylvania.....	9,057,503	294,151	3.25
Rhode Island.....	1,017,630	56,675	5.57
South Carolina.....	338,219	5,018	2.37
South Dakota.....	179,114	4,073	2.27
Tennessee.....	828,189	26,420	3.19
Texas.....	1,957,568	37,607	1.95
Utah.....	711,483	18,882	2.65
Vermont.....	433,392	8,302	1.94
Virginia.....	154,806	2,873	1.86
Washington.....	635,443	14,566	2.29
West Virginia.....	235,276	4,607	1.74
Wisconsin.....	1,166,533	34,515	2.95
Wyoming.....	159,216	3,439	2.17
All other States.....	722,809	11,263	1.56
All States.....	78,735,500	2,654,885	3.37

NOTE.—Gross income is from Table No. 67, and total taxes is from Table No. 72.

Statement showing percentage of taxes to gross receipts paid by electric lighting companies within the District of Columbia for the year 1905, compiled from Report No. 3792, to accompany Senate bill No. 43.

Potomac Electric Power Company:	
Gross receipts, 1905.....	\$663,558.83
Taxes for year 1905.....	\$34,590.92
Per cent.....	5.21

Statement showing percentage of taxes to gross receipts payable by electric lighting companies within the District of Columbia for the year 1905 under proposed law imposing additional tax of 12 per cent on net earnings, compiled from Report No. 3792, to accompany Senate bill No. 43.

Potomac Electric Power Company:	
Gross receipts, 1905.....	\$663,558.83
Taxes for year 1905.....	\$93,759.78
Per cent.....	14.1

JUNE 8, 1906.

Mr. GALLINGER. I thank the Senator from Pennsylvania. Mr. PATTERSON. I will simply say that I will notice what the Senator from New Hampshire has said when the debate on this bill may be resumed.

Mr. BURNHAM. Mr. President—
The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. KNOX. I do.
Mr. BURNHAM. Just a moment. I desire to give notice that I shall call up the Alaska railroad bill at the conclusion of the consideration of the District railway bill, and I ask unanimous consent that the Senate will agree at that time to consider the Alaska bill, of which I gave notice yesterday evening.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the Alaska railway bill be taken up for consideration after the bill reported by the Committee on the District of Columbia that has been under consideration shall have been disposed of.

Mr. BERRY. I object.
The VICE-PRESIDENT. Objection is made.
Mr. BURNHAM. I shall ask unanimous consent, and I shall ask for a vote of the Senate on proceeding to the consideration of the bill notwithstanding the objection.

MESSAGE FROM THE HOUSE.

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

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy; and

S. R. 66. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Mr. José Martin Calvo, of Costa Rica.

The message also announced that the House had disagreed to certain amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, agrees to the amendment of the Senate numbered 29, with an amendment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii; and

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands.

AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to certain amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, agreeing to amendment No. 29 with an amendment, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PROCTOR. In view of the importance of one amendment made by the House, I ask that the bill lie upon the table, and that the amendment of the House to Senate amendment numbered 29, which is in the nature of a substitute and is quite lengthy, be printed.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Vermont? The Chair hears none, and it is so ordered.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KNOX. Mr. President, if it were not for what I regard as a real obligation upon my part to myself, to the Senate, and to the gentlemen upon the Committee on Inter-oceanic Canals, with whom I am in accord upon the subject of the type of the proposed canal, I would not feel justified in taking the time of the Senate this afternoon. But I do feel that I owe it to myself, to the Senate, and to my associates upon that committee to state the reasons which have led me to the conclusion that the lock type of canal, as recommended by the minority of the Board of Consulting Engineers, is the most practicable, useful, and cheapest canal that the Government can construct.

Mr. President, in June, 1902, the Congress of the United States passed an act, commonly known as the "Spooner Act," providing for the connection of the Atlantic and Pacific oceans by means of a canal at the Isthmus of Panama. A more comprehensive and yet concise piece of legislation it has not been my fortune to inspect. The authority conferred upon the President of the United States is found in very brief paragraphs and it is plain and simple and easily understood. After providing that the President of the United States shall, if he finds that he will be able to obtain a good title therefor, purchase from the Panama Canal Company all of its property upon the Isthmus of Panama, all its stock in the Panama Railway Company, and all its archives in the city of Paris, the act provides as I shall read, and it is the execution of this act that the President is now engaged in, and it is the manner of the execution of this act which we are now considering. The act provides that—

The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end, as far as practicable, the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal—

The act provides—

shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean.

So, Mr. President, if the Congress of the United States is of the same mind that it was in June, 1902, the thing that it desired is that the President of the United States shall proceed to the execution of this act by constructing a canal which shall be of sufficient capacity and depth to afford convenient passage for the largest vessels now in use and those which can be reasonably anticipated.

For the execution of this work the Congress made three separate and distinct appropriations in this act. The first is found in section 5. Section 5 provides:

That the sum of \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected.

Further in section 5 it is provided as follows:

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses. . . . Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of \$135,000,000 should the Panama route be adopted, or \$180,000,000 should the Nicaragua route be adopted.

So, then, it was contemplated by Congress at the time of the passage of this act that the sum of \$135,000,000, plus the sum of \$10,000,000 appropriated in the first paragraph of section 5, which I have read, plus the sum of \$40,000,000 which was appropriated for the purchase of the property of the New Panama Canal Company of France, that that total of \$185,000,000 should secure that property and execute the work.

Mr. President, it is wholly unnecessary for me to recite to the Senate what has been done up to the present time. We are familiar with the fact that, on account of the agitation in the public press, the question arose as to the type of the canal, which seems to me to have been contemplated by the act to have been a lock canal, or such a canal as could have been built within the limits of the appropriation. But for the reason that I have pointed out, or for some other one equally good, the President of the United States convened not long since a board of consulting engineers, calling together the highest engineering talent of all the earth, and submitted to them the question as to whether or not, in their judgment, a lock canal should be constructed at Panama or a sea-level canal.

Mr. CLAY. I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does

the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. CLAY. If the Senator is clear that the act contemplated that a lock canal should be built and the President so understood and he was executing that act, why was it that the President summoned a board of engineers and held a consultation to ascertain whether he would build a sea-level canal or a lock canal?

Mr. KNOX. I have just endeavored to explain that to the Senator by saying that because of the public agitation as to the type of the canal the President deemed it wise to submit that question to Congress, which he did in a message transmitting the report of the Board of Engineers. As to my own personal judgment, from the language of the act of 1902, that "such canal shall be of sufficient capacity and depth as shall afford convenient passage," etc., "and shall be supplied with all necessary locks and other appliances," and that it shall be built within the sum of \$135,000,000 plus \$10,000,000, I think it contemplated clearly that a lock canal should be constructed.

However, it is not my purpose to discuss the provisions of the act, but to discuss this proposition as it finds itself now before the Congress of the United States.

Mr. TALIAFERRO. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. KNOX. Certainly.

Mr. TALIAFERRO. Would it interrupt the Senator from Pennsylvania if I should ask him to advise the Senate as to the views of the President on the type of the canal at the time he assembled the Board of Consulting Engineers?

Mr. KNOX. It would be wholly impossible for me to answer such a question as that.

Mr. TALIAFERRO. The President delivered a speech to the Board, which is contained in the report of the engineers and to which I thought the Senator from Pennsylvania might readily refer.

Mr. KNOX. The President's views were expressed to Congress in the message by which he transmitted the report of the Commission and the report of the Board of Consulting Engineers. Whether he had any views outside of that, of course I know not, and I do not regard it as material to anything I propose to discuss.

Mr. TALIAFERRO. I simply wanted to call the Senator's attention to the fact that the President of the United States in submitting this question to the Board of Consulting Engineers distinctly spoke in favor of a sea-level canal, if a sea-level canal were found to be feasible and practicable.

Mr. KNOX. That would be very persuasive evidence with me that the President of the United States had reached a view which was not conclusive. I am speaking of my own views upon the type of canal based upon diligent attention and the testimony of engineers and others who were called before our committee, and diligent study of the subject made since.

Mr. President, the fact is that the Board of Consulting Engineers disagreed. The majority of them reported in favor of a sea-level canal and a minority in favor of a lock canal. I have had drawn a map, which is upon the wall in this corner, to which I shall take occasion to refer, because from that map there will be seen at a glance the difference between the lock canal and the sea-level canal in that respect. It shows the difference between those two canals in respect to the ability of the one as against the other to accommodate the commerce which will pass across the Isthmus of Panama. At this point [indicating] it is proposed to construct the Gatun lock. The construction of the Gatun dam will gather the waters of the Chagres River and its tributaries, which flow through this portion of the country, into a lake which will extend from the dam at Gatun practically to Obispo, a distance of some 25 miles. The area of this lake is 110 square miles. I have had this map drawn, not for the purpose of showing the perimeter of that lake, but for the purpose of showing in blue only such portions of the lake as contain 45 feet of water, so that Senators by merely glancing at this map will observe the area of navigable waters of the depth of 45 feet. I would ask Senators to make a special note of what I say, that all they see before them in blue is navigable water 45 feet deep, and that the largest vessels that have ever been constructed can penetrate into those portions of this lake and find safe and navigable water of that depth.

As against this, Mr. President, if the eye will define this red line [indicating] drawn from the middle of the Gatun dam and following this line, it will see what is proposed as the sea-level canal, which at no place is to exceed 200 feet in width and at portions of it, I think about 15 miles, will be 150 feet in width.

So, Mr. President, if there is no difficulty in the way of constructing this dam at Gatun, there could hardly be any question as to which of these propositions would be the best for the ac-

commodation of the commerce of the world—the blue space disclosing, as I have said, navigable water 45 feet deep, and this at 40 feet only 200 feet in width.

That brings me to the proposition which I propose to discuss, and practically the only one, except that I shall generalize on some practical features of the case: Is there any difficulty in constructing that canal which will give this great area of navigable water, and is there any difficulty in respect to the works that are proposed in connection with this project by the minority of the committee?

Mr. President, the Senator from New Hampshire [Mr. GALLINGER], when the Senator from South Dakota [Mr. KITTREDGE] spoke on this subject, asked him a question which it seems to me can furnish a text or the key of the inquiries which I am making. Reading from page 7724 of the Record, the Senator from New Hampshire made the following inquiry:

Mr. GALLINGER. The Senator from Illinois [Mr. HOPKINS] lays stress upon the depth it will be necessary to go to find rock foundations for these small dams. Am I correct, I will ask the Senator from South Dakota, in supposing that the enormous dam at Gatun that will be necessary if we have a lock canal, a mile and a half long, half a mile wide, and I have forgotten how high, will necessarily be built upon a mud foundation?

To which the Senator from South Dakota replied:

Mr. KITTREDGE. The Senator is absolutely correct, as I will later show.

Mr. President, it seems to me that this is the key of the whole situation; and as that is the key to the whole project, so is the accuracy of the answer of the Senator from South Dakota the key of the argument which I propose to make. Senators will observe that there was no qualification of this answer; Senators will observe that the answer was, "The Senator is absolutely correct."

Mr. President, in my deliberate judgment, the answer is not correct. The answer is correct in this sense, and in this sense alone: It depends altogether upon what Senators and what engineers may choose to call the substance upon which that proposed dam will rest. There is not any doubt as to what it is, borings having been made, but the only doubt is what it shall be called. Witnesses appeared before the committee who said it was mud; witnesses appeared before the committee who said it was indurated clay, and witnesses appeared before the committee who said it was rock. There are many things that we can learn from engineers; there are many things that we must accept from scientists; we must take a great deal in this world upon faith; but I contend that the question as to whether a given material is mud, indurated clay, or rock is a question that the Senate can decide for itself.

Mr. President, I will produce, for the inspection of such Senators as care to examine them, borings taken from different places along the site of this Gatun dam, and Senators may see for themselves whether these substances, which I hold in my hands, are rock, mud, or indurated clay.

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. Will the Senator tell us at what point beneath the proposed Gatun dam these borings were made?

Mr. KNOX. The number of the bore hole is plainly marked on the specimens.

Mr. KITTREDGE. And where located?

Mr. KNOX. Yes, sir; and where located.

The length of the proposed dam across the valley at Gatun—

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. Will the Senator kindly give the marks upon these borings?

Mr. KNOX. I will pass these specimens around, if the Senator from South Dakota does not mind, as I prefer to go on now with my remarks, and let Senators examine them for themselves.

Mr. KITTREDGE. Very well.

Mr. PATTERSON. Does the Senator from Pennsylvania intend to explain these specimens and under what headings they will come?

Mr. KNOX. Yes, sir; I will later on.

The length of the proposed dam across the valley at Gatun will be about 7,700 feet. The width, or thickness, at the top, 100 feet; at the top of water resting against it, 374 feet; at the bottom of the dam, 2,625 feet, or one-half mile. The extreme height of the dam will be 135 feet, or everywhere 50 feet higher than the water in the lake. The dam will contain about 22,000,000 cubic yards of material, principally clay, all

put in by sluicing or hydraulic process, and will weigh about 30,000,000 tons. It will weigh sixty-three times as much as the entire pressure against it from the water in the lake.

The character of the foundation upon which this artificial mountain is to rest was determined by borings. The borings across the entire length of the dam site show that the rock comes everywhere nearly to the surface—excepting at two places, one about 1,000 feet in width, where the rock was found at varying depths, the greatest being 200 feet. In the other case, for a width of about 750 feet, rock was found at varying depths, the blanket of impervious clay and fine sand being not less than 200 feet in thickness. In the case of the latter depression, coarse sand and fine gravel, containing some water, were found in the extreme bottom for a thickness of from 50 to 58 feet.

It is not believed, as the result of careful experiments made by eminent hydraulic engineers during the last few years, that any artificial preparation of the foundation of this dam would be necessary other than to remove the top soil and alluvial material from the space to be occupied by the same, thus allowing it to rest directly on the heavy impervious strata of clay and fine sand lying on top of the rock. However, to place the matter entirely outside of the realm of speculation or criticism, it is proposed to put down a large number of additional drill holes, and then, if conditions would seem to indicate the slightest necessity for such precaution, to either drive steel sheet piling or to force down cement grout, probably the latter, to render any water-carrying material absolutely impervious, the cost of such possible work having been provided for in the estimate. Thus the foundation of the Gatun dam is clearly shown to be an impervious stratum of clay and fine sand, through which water will not penetrate, from 20 to 200 feet in thickness, resting everywhere on rock. It is not mud in any sense of the word.

I will insert in my remarks a table showing in the thirteen bore holes across the two depressions the situation as regards the presence of water. There were thirteen borings, and water flowed from only one of them at a depth of 32 feet. Of the other twelve it did not flow from six at any depth, and from the remaining six it flowed only at a much greater depth than 32 feet. There is not the slightest basis for the statement that at all depths below 32 feet the material is freely water bearing.

Number of bore hole.	Depth of bottom of hole below sea level.	Remarks.
16 86	-103	No water is reported to have flowed from pipe at any depth.
1915	-204	Do.
2081	-190	At 32 feet water flowed over top of casing and continued to -62 feet. Also flowed at -170 feet over top of casing.
22 40	-173	No water reported until a depth of -124 feet was reached, when water flowed over top of casing.
23 37	-180	No water reported until a depth of -72 feet was reached, when water flowed over top of casing.
27 30	-182	No water reported until a depth of -151 feet was reached, when water flowed over top of casing and continued to flow to 170 feet.
29 75	-62	No water flowed from pipe at any depth.
31 50	-53	Do.
32 32	-57	Do.
50 58	-116	Do.
52 67	-218	At -41 feet water flowed over top of casing and continued to flow to -214 feet.
54 51	-200	No water reported until depth of -192 feet was reached, when water flowed over top of casing and continued to flow to -220 feet.
56 48	-197	No water reported until depth of -118 feet was reached, when water flowed slightly and continued to -131 feet.

It is proposed to construct this Gatun dam entirely by the hydraulic or water-sluicing process, the material taken largely from the prism of the canal, between the dam and Limon Bay, being largely clay with some fine sand. This material will be moved in barges up through the old French canal, and then handled by pumping plants directly into the dam. This process results in the solidest and most stable bank that can be made of earthen materials, and would become sedimentary rock were it subjected to heavy pressure. Owing to the excellent character of the material and to the process of depositing it in the work, the result will be an enormous mass, over sixty times as massive, as shown above, as any force that can be exerted against it, one that will be absolutely impervious to water, even with the pressure of the lake; and a dam which will be 50 feet higher than the water surface of the lake it will create.

The face or upstream side of the dam, as shown by the profile in blue, where the water rests against it will be ripped or covered with large stones, to prevent any wave wash, and the

extreme toe or lower wedge end at the downstream side will be made of large rock, to prevent any very improbable filtration of water from any source or cause from carrying away any portion of the material.

Careful investigations and experiments have been conducted which show that even if the entire section of the material in the foundations of this dam, in the two depressions spoken of above, were pervious to water—or, in other words, if water could percolate it—the result would be a total of water thus escaping of but 10 cubic feet per second—an entirely negligible quantity.

Mr. President, in my judgment, based upon the testimony which I have heard and the examinations which I have made, there can be no doubt as to the safe and entirely reliable character of the foundations of this dam; once built and in service. The only wonder will be why it was ever criticised. The whole structure will be as solid and eternal as the hills and mountains inclosing the Chagres Valley, and when the latter are destroyed, then, and only then, will the Gatun dam fail of its intended purpose.

Now, Mr. President, having described the physical features of the Gatun dam and the character of its foundation to show that it rests not upon mud throughout its entire length, but upon rock, let me direct the attention of Senators to the following quotation from the speech of the Senator from South Dakota on May 28, 1906. The Senator asserted that the majority of the Board of Consulting Engineers questioned the stability of the Gatun dam. He said (RECORD, p. 7731):

The majority of the Board—eight to five—strenuously opposed the idea of a dam and locks at Gatun on two grounds: First, that the introduction of locks in the treatment of the question was objectionable from many points of view, and, second, that the maintenance of a summit level by means of an earth dam of immense magnitude to control the flood waters of this river introduces an element of great danger.

Mr. President, this statement is not supported by the report of the Board of Consulting Engineers, and I propose to show that even the majority of that Board did not question the stability of the Gatun dam.

Mr. Frederic P. Stearns testified before the Committee on Inter-oceanic Canals (page 1889) that it was at least six weeks after the first description of this dam was presented to the Board before any criticism was made unfavorable to the safety of the dam, and it was then made by only one member of the Board, who did not criticise it at all in detail, but stated that it was an engineering guess to which he would not subscribe his name.

In the testimony before the Committee on Inter-oceanic Canals Professor Burr, of the majority of the Board of Consulting Engineers, has testified as to the danger of such a dam, while Mr. Parsons, in oral testimony, and Mr. Hunter, in a letter, both of the majority, have expressed an opinion in favor of the stability of the dam.

Mr. President, permit me to read a portion of that testimony, Mr. Parsons being on the stand. I read from page 404:

Senator TALIAFERRO. Have you taken up the question of the dams, Mr. Parsons?

Mr. PARSONS. Not in any detail; no, sir.

I ask Senators to note that answer, because I shall refer to it later on in my argument. When asked if he had taken up the question of the dam, Mr. Parsons replied, "Not in detail; no, sir."

Senator TALIAFERRO. Do you consider the dam as proposed by the minority at Gatun, is it not—

Mr. PARSONS. At Gatun; yes.

Senator TALIAFERRO (continuing). Do you consider that a safe dam?

To which Mr. Parsons replied:

Mr. PARSONS (after a pause). Yes; I consider it as a safe dam. I do not particularly like a dam at that point, but I think that dam would stay. I would rather have a dam in which I knew the water of percolation to be cut off. You are going to get water percolating beneath that dam, and some questions are going to arise. Some of our friends think those questions are very very serious. I do not know that I quite go to the length that some of them do; but when you have a question mark opposite the key detail of your whole structure one naturally hesitates.

These matters of detail were conjectured by him, because he replied that he had not taken up the subject of the dam in detail. But in reply to that portion of the question which may be considered a general question as to the stability of the dam, he replied that he thought that that dam would be safe. Reading further from the testimony (p. 419):

Senator KNOX. Right in that connection, because it is a part of the same subject, is there a sufficient amount of water, in your judgment, flowing through those channels to affect the stability of the dam?

Mr. PARSONS. As I said yesterday, Senator, I believe that dam will be stable, even under those conditions. It is a dam that I would rather not build, but if it was the only way to build the Panama Canal I would build the dam that has been proposed by the minority. I do not believe in the arrangement of the dam, and the most objectionable feature is the one I explained yesterday in connection with the three locks.

Senator KNOX. I understand that view thoroughly. I only wanted to be satisfied in my own mind about the question of stability.

Mr. PARSONS. I believe that the dam will be stable. It is somewhat conjectural, but I believe that with proper care the dam would be stable—

The published report of the majority of the Board of Consulting Engineers nowhere specifically states that the Gatun dam is unsafe.

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. I will ask the Senator if it is not a fact that when the majority report was written, the minority report proposing a lock plan had not yet been formulated?

Mr. KNOX. Exactly; I am coming to that in a moment.

As I had just observed, Mr. President, the published report of the majority of the Board of Consulting Engineers nowhere specifically states that the Gatun dam is unsafe, although there are many suggestions as to the instability of earth dams of many kinds, but these suggestions necessarily include the dams proposed by the majority as well as by the minority.

The reason for this peculiar phraseology of the report is not difficult to understand on the assumption that nearly all the members of the majority believe the Gatun dam to be a stable structure.

The foreign members left this country before the draft of the report was made, as is stated in the minutes of the proceedings of the Board of Consulting Engineers, and after it had been drafted and printed the report was taken to Europe by the chairman for the signature of the five European members. It was so well known that these members regarded the Gatun dam as a stable structure that in drafting the report care was evidently taken not to make any statement that this dam was unsafe, as such statement would undoubtedly have been stricken out before the additional signatures were appended. I believe that this accounts fully for the absence of any expression of opinion with regard to the Gatun dam which does not also apply to other dams.

Mr. President, regarding the possibilities and probabilities of the situation, knowing as we did know, knowing as the most ordinary layman would know, that the whole scheme of the lock system depended upon the stability of the dam at Gatun, if those consulting engineers had a defined and settled opinion to the effect that that dam was unsafe, they would have branded it as unsafe in no mistaken terms, and they need not have gone further with their criticism of that scheme, because that in itself would have been sufficient to eliminate it.

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. Perhaps my inquiry was not understood by the Senator from Pennsylvania. I understand the fact to be—and I ask the Senator if I am not correct—that the report of the majority of the Board of Consulting Engineers was written and in the hands of the minority of the Board of Consulting Engineers, who favored the lock plan, before they proposed the lock plan now suggested by the minority of the Committee on Inter-oceanic Canals. Is not that the fact?

Mr. KNOX. Mr. President, I do not know how that may be. I did not understand the Senator's previous question. I repeat, I do not know how that may be, and I do not think it is at all material to anything for which I am now contending.

The Senator from South Dakota, in his speech, endeavored to make the following general statement applicable to the Gatun dam. He said (CONGRESSIONAL RECORD, p. 7731): "In this connection I will read a few sentences from the report of the Board of Consulting Engineers upon the subject of the Gatun dam." Then he quoted the following paragraph, by reading which it will be seen that it is not a statement upon the subject of the Gatun dam, but is a general statement relating to all dams. It is as follows:

The United States Government is proposing to expend many millions of dollars for the construction of this great waterway, which is to serve the commerce of the world for all time, and the very existence of which would depend upon the permanent stability and unquestioned safety of all dams.

And, Senators, note that the sea-level scheme depends for its integrity upon four dams that impound an area of water of over 44 square miles. It depends upon dams, not for the purpose of facilitating transportation along the line of the canal, but it depends upon dams to prevent the destruction of the canal. The radical distinction between the lock system and the sea-level system is this: That under the lock system we impound the water at Gatun and make that lake the canal, whereas the impounded area of over 44 square miles by the four dams of the

sea-level system is not utilized at all for the purposes of navigation.

Mr. KITTREDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KITTREDGE. I do not wish to interrupt the Senator if it at all disturbs him.

Mr. KNOX. I would not infer that the Senator did, but I will yield.

Mr. KITTREDGE. Of course, I do not wish to disturb the Senator, but I should like to ask the Senator one more question.

Mr. KNOX. Certainly.

Mr. KITTREDGE. I should like to ask him whether all the dams proposed by the sea-level scheme had not the full approval of all the members of the Board of Consulting Engineers, minority as well as majority?

Mr. KNOX. Mr. President, I do not know how that may be. But I do not want to be misunderstood. I am not contending here that it is not possible to build a sea-level canal, and I do not think any intelligent engineer has ever contended that it was not possible to build a lock canal. The question here is, Which is the better of the two under all the circumstances? If the Senator from South Dakota will permit me to proceed, I think many of the things to which his mind would naturally be directed will be anticipated in my remarks. However, I do not wish to indicate that a question annoys me in the slightest degree.

Continuing the quotation from the report of the Board of Consulting Engineers:

The Board is therefore of opinion that the existence of such costly facilities for the world's commerce should not depend upon great reservoirs held by earth embankments resting literally upon mud foundations or those of even sand and gravel. The Board is unqualifiedly of opinion that no such vast and doubtful experiment should be indulged in, but, on the contrary, that every work of whatever nature should be so designed and built as to include only those features which experience has demonstrated to be positively safe and efficient.

Senators will note that this is a general statement. It makes the broad statement that it is the opinion of the Board that the canal should not depend upon great reservoirs held by earth embankments, and yet the report of the majority favoring a sea-level canal proposes to build four great reservoirs held by such embankments.

Now, let us for a moment consider these dams and reservoirs in connection with the opinion contained in the above quotation, that the work "should be so designed and built as to include only those features which experience has demonstrated to be positively safe and efficient."

The plans of the minority of the Board of Consulting Engineers provide for the formation of two great reservoirs, one of them retained by the Gatun dam, with a depth of water against it of 85 feet, and the other retained by three dams at the Pacific end of the canal, with a depth of water against them of 55 feet.

The sites of these dams have been carefully examined by the Board of Consulting Engineers; there have been numerous borings showing the character of the foundation, and they have been designed with care by the best engineering authorities on the construction of dams with a view to making them safe without regard to the cost of the work.

The testimony discloses that the proposed dams are well within the limits of actual experience, as earth dams of much smaller mass and with a pressure of water against them as great as that against the Gatun dam have not only successfully held water for the last forty years near San Francisco, but these same dams, with the reservoirs behind them full, have successfully withstood the recent earthquake shocks at that place, and, notwithstanding the fact that the main fault, or fissure line, of the earthquake, which extends continuously for 50 miles or more, passes directly by the end of one of these dams, and the ground at this place was so severely shaken that trestles and other structures were wrecked, the dams remain intact. These dams have not more than one-sixth of the mass or of the resisting power that will be possessed by the proposed Gatun dam.

There is another dam, also shaken by the California earthquake, which has against it a depth of water of 115 feet, 30 feet greater than that proposed against the Gatun dam, and this also, although shaken by the earthquake, was not affected.

The closest precedent for the Gatun dam is a great earth dam built in connection with the Wachusett reservoir of the Metropolitan Water Supply, of Massachusetts. This is one-third longer than the Gatun dam, will have 20 feet less depth of water against it, and it rests on fine material, where borings showed a maximum depth of rock of 286 feet, while the maxi-

mum depth to rock at Gatun is 258 feet. It is similar in general design, as its thickness at the highest place is one-third of a mile, while the thickness of the dam at Gatun is one-half of a mile.

Mr. Stearns tells us the character of the material under the Wachusett dam, which is locally known as the "North dike of the Wachusett reservoir," is more permeable than that indicated by the borings at Gatun. The water pressure is now against it, although the reservoir is not full, and the quantity percolating beneath the dam is so small that it is evident that it will be negligible even when the reservoir is entirely filled.

We know that the construction of dams on alluvial foundations is no novelty. All of the levee systems of the Mississippi River are built upon alluvial foundations, and some of these levees which cross crevasses are high, yet no engineer connected with the levee system would doubt his ability, with sufficient funds, to construct safe levees at such places. The famous dikes of the Netherlands, which prevent the encroachment of the sea, rest on material which has been deposited in water, often to some extent containing mud, so that it will settle.

These comparisons, Mr. President, show that the dams of the lock canal are well within the limits "which experience has demonstrated to be positively safe and efficient."

Let us for a moment next examine the character of the dams proposed in connection with a sea-level plan. There are four of them—the same number as required in the plan for a lock canal.

The greatest dam is that at Gamboa, for the purpose of holding back the waters of the Chagres River. The Board recommended at this place "either an earth dam with a heavy masonry core carried down to bed rock, or an all masonry structure founded at the same depth and upon the same material" (Report, p. 47), in this way giving their approval to an earth dam with a masonry core wall at this place.

The highest flow line of this reservoir is 130 feet above the river bed and 170 feet above the bed rock, which at this place is at sea level. The lake formed by the dam would have an area of 29½ square miles. In other words, Mr. President, the vessels which would have to navigate the sinuous windings of this 200-foot-wide canal would have impending over them at a height of 170 feet, held back by an earthen dam with a masonry core, a lake 24 miles in area; a lake which for its integrity not only depended upon the dam which held back its waters, but likewise depended upon the integrity of the three other dams which dammed up the tributaries of the Chagres River.

In approving an earth dam of this height with a core wall the Board has gone directly contrary to their unqualified opinion that "no vast and doubtful experiment should be indulged in," and that the works should "include only those features which experience has demonstrated to be positively safe and efficient." I make this statement because no earth dam of any kind has been constructed to retain water to a greater height than about 115 feet, which is held by the California dam already referred to, and no earth dam with a concrete core wall has ever been in use in which the height of the core wall has exceeded 125 feet, while in this dam it would require a height of 170 feet.

The Board, in the consideration of the subject of dams (Report, p. 46), states:

The earth dams which have already been built for the retention of large bodies of water, some of them exceeding 100 feet in height, show that this type of structure may give satisfactory results when properly designed and constructed, but the character of the foundation material on which such dams are built and the means for preventing dangerous seepage underneath or through such foundations must always be carefully considered.

The report then proceeds to recommend three dams, respectively, across the rivers Gigante, Gigantito, and Cano Quebrado, without giving any designs, without any engineer having looked at the sites of these dams to determine whether they were favorable or not, and without any borings at their sites to show the character of the material or the depth to rock. That these dams can be built at these places is merely a matter of conjecture, based upon the rough topographical surveys of a large section of territory made by the French before the canal came into the possession of the United States.

Notwithstanding the statement of the majority above quoted, that the character of the foundation material on which such dams are built and the means for preventing dangerous seepage beneath or through such foundations must always be carefully considered, they have, without any such consideration, recommended as a vital part of their project that these dams be built to hold back great reservoirs of water, which, although not so large as that to be held back by the Gatun dam, are,

nevertheless, such great reservoirs that if the water were to be let loose by the failure of the dams the destruction of the canal would inevitably result.

All three of these proposed dams—I am speaking of the three proposed dams of the sea-level type outside of the Gamboa dam—will have a height of about 75 feet above the surface of the ground. That required to close the Gigante will be 2,800 feet long, that to close its main tributary, the Gigantito, will be about 490 feet long, and that to close the Cano about 820 feet long. The lakes which they form have an aggregate area of ground of upward of 10 square miles.

As to the effect of the destruction of dams holding back so great a body of water, it is well to note that the damage done by the Johnstown flood resulted from letting loose the water from a reservoir having an area of only two-thirds of a square mile.

Mr. President, in this connection I want to observe that the failure of that dam was caused not by any weakness in the foundation, although it was nothing but an earth dam, not by any pressing out or washing away of the dam from the pressure of water which it held back, but because of the enormous precipitation of the night before, when the waters of the dam rose with such rapidity that the sluiceway, or spillway, was not able to carry them off, and they rushed over the top of the dam, cutting out the outer surface, thereby causing the failure. In that connection I wish to call attention to the fact that in this proposed lock at Gatun, supported by the dam of which I have been speaking, the crest of the dam rises 50 feet above the normal height of the lake, and the lake is so vast in area that it will gather upon its bosom the waters of the Chagres and all its tributaries and so scatter them that at high flood the waters will not rise more than 2 or 3 feet, leaving an absolute margin of safety of from 45 to 47 feet.

The Senator from South Dakota (CONGRESSIONAL RECORD, p. 7733) quoted at length and asked to have incorporated in his remarks a statement from the address of Mr. William R. Hill, the engineer in charge of the Croton dam, the great water reservoir for the city of New York. He quoted, speaking of the Croton dam:

Such a structure can not be regarded as anything but an experiment. It is abnormal and unprecedented in all of its dangerous features. The engineer might apply in vain for science to aid in computing the efficiency of such a structure; he could get no light, for he could find not even the slightest guaranty of safety in a structure so built.

It is unfortunate for the Senator's cause that the remarks which he has quoted apply to the Croton dam, which was an earth dam with a masonry core wall, such as the majority of the Board of Consulting Engineers propose to build at Gamboa, and does not apply in the least to the type of dam proposed in connection with the lock canal at Gatun.

Mr. KITTREDGE. Mr. President—

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

Mr. KNOX. Certainly.

Mr. KITTREDGE. I will ask one more question of the Senator from Pennsylvania. Do not the plans of the majority of the Board of Consulting Engineers contemplate the construction of a masonry dam, or an earth dam with a masonry core wall?

Mr. KNOX. Yes; that is correct—either a masonry dam or an earth dam with a masonry core wall.

Mr. KITTREDGE. I merely wished to call the Senator's attention to that fact.

Mr. KNOX. Yes; I will refer to that later on. It is absolutely correct—either one or the other.

Mr. Hill, the engineer whom the Senator from South Dakota quoted with approval, in almost the next sentence of the address quoted from, stated that the "core wall cracked in five places within a length of 100 feet."

Further, after calling attention to the great height of this core wall, which was 200 feet, or only 30 feet higher than one of the alternatives, I will add, proposed by the majority of engineers to the dam at Gamboa, Mr. Hill says:

Considering the height of the wall, and this in artificially placed earth, it could be but an experimental structure, inasmuch as it would be about twice the height of any heretofore built.

Mr. President, in reviewing the dams proposed in connection with the lock canal and with the sea-level canal it can be confidently asserted that the dams of the lock canal have been designed by engineers of the highest reputation in this branch of engineering after a careful examination of their sites and after extended borings to show the character of the material beneath them, and that they do not go beyond the limits of actual practice, except in being made more massive and stronger than any dams heretofore constructed to retain the same depth of water. On the other hand, it can be confidently asserted that three out of the four dams of the sea-level canal have not

yet been designed; that their sites have not been examined; that the character of the material or the depth to rock at the sites is entirely unknown, and that the fourth dam is far beyond the limits of any actual practice.

The difference in the degree of detail with which the sea-level and lock-canal plans are presented by the majority and minority of the Board of Consulting Engineers is very marked, and should be carefully considered and given great weight in drawing conclusions concerning their respective merits. The structural features of the lock plan, and their locations, are described in such detail that intelligent investigation and criticism can be applied to all of them, while, on the other hand, the intentions of the majority in the presentation of similar parts of the sea-level plan are so vaguely and indefinitely expressed as to evade the scrutiny and exact knowledge necessary before safe conclusions can be reached as to their practicability, cost, and stability.

Mr. President, it required the unanimous consent of the foreign engineers upon that Board to make this majority, and when I have gone over the report they have made and seen the lack and want of detail, it seems to me that these gentlemen practically opened their arms and walked away and said it can be done, but not how it can be done; and it is for us to work out the execution of their scheme, and if we fail it is our failure.

As I have said, the principal structures in the sea-level plan are the Gamboa dam and controlling sluices, the four dams across the Gigante, Gigantito, Cano, and Agua Benita rivers, the spillway for the lake formed by these dams, the structures for the control of the other tributaries of the Chagres, and the tide lock at the Pacific end.

Those in the lock plan are the Gatun dam, the three dams forming Lake Sosa, and the several locks.

Reviewing in detail the consideration and information concerning these works given in the two reports submitted by the majority and minority of the Consulting Board, we find a remarkable difference. Taking first the sea-level report, information concerning the keystone of the project is limited to the following statement:

At the site of the Gamboa dam, 30 miles from Colon, the river bed has an elevation of about 50 feet above mean sea level, but the deepest rock is at practically sea level, making it necessary to sink the foundations of a dam to a maximum depth of only 53 or 54 feet below water at the low stages of the river before finding material on which to form a suitable foundation bed. At the proposed site of the dam the high hills approach each other within 2,020 feet at an elevation of 180 feet and within 1,170 feet at the bottom of the valley. The earth overlying the rock is of moderate depth, so that the conditions are favorable for the construction of any type of dam which may be adopted.

The consideration of these and other reasons have prompted the Board to recommend at Gamboa—

I am still reading from the report—

either an earth dam with a heavy masonry core carried down to bed rock or an all-masonry structure founded at the same depth and upon the same material.

Mr. President, no further description is given, nor is any design submitted for a dam, which is both the most important structure in the canal and one of the largest dams ever proposed. There is nothing said about the design of the controlling sluices or the method by which their discharge is to be conducted into the canal. We also look in vain for designs or descriptions of the four dams and spillway to control the four tributary rivers on the left bank before mentioned. We know of the French surveys that their accuracy is inversely as their distance from the canal, and it may be assumed that these structures, vital to the construction and operation of the canal, are in a region where the maps are largely based on sketch work. No examination for the purpose of locating dams and spillways has ever been made nor any borings for foundations. We are only informed that these dams are to be built, while their dimensions and underlying foundations are unknown. It was impossible, therefore, to make a design or to state whether they were to be of earth or masonry or of a combination of these materials. It can, however, be stated that they are of very considerable dimensions, holding a head of water above sea level of probably 70 feet, or nearly the same as the Gatun dam, and probably aggregating in length a mile or more. Such an all-pervading lack of study and exact information does not inspire much confidence in the practicability of the plan, and still less in the estimates.

Still more unfortunate is the absence of design in the proposition to deal with the other tributary streams, both in their treatment during construction and in their final introduction into the prism of the canal. Of these streams there are fifteen or twenty of sufficient importance to require costly work of great stability, as many of them descend from considerable heights in a short distance with a rapid and violent fall.

The discharge of all these streams, and of the Chagres, is,

during construction, to be carried to an outfall through diversion channels on either side of and at considerable height above the canal. These channels will therefore require a capacity, or sectional area and fall, proportioned to the combined discharge at all times of the Chagres and its tributaries below Gamboa if the canal is to be protected during construction from the incursion of these streams, in order that the work may be free from interruptions and damage. It is not apparent in the majority report that adequate provision is made for this.

Concerning the final disposal of these waters we are told in the report—and I quote from that document:

The tributary streams, whose beds at point of junction with the canal are considerably above the prism of the latter, will be discharged over masonry-stepped aprons or through metallic discharge pipes, or these beds will be sloped and lowered so as to prevent objectionable currents at junction points. The means for the accomplishment of these results are such as are in common use on nearly all important canals.

No preference is given to either of these schemes, although the last two seem impracticable, while the first involves construction work of great cost and strength. It must be remembered that the height from which these streams descend ranges up to 150 feet and the flood discharge to 3,000 second-feet. Yet for these important structures, on whose stability and success the uninterrupted operation of the canal depends, no design or description beyond that already quoted is given.

It seems incredible that the sum allowed in the estimate for the sea-level canal for the foregoing work, amounting only to \$3,500,000, viz, the four dams and spillway on the left bank, the temporary works for river control, and the final regulated admission of these waters into the canal prism, is at all adequate.

On the other hand, the minority of the Consulting Board make their presentation of a lock canal with a fullness of description and design that gives a firm basis for conclusions and for estimate. Its detail gives information and inspires confidence.

The Gatun dam with the spillway are carefully worked out, leaving no doubt of what is intended and how it is to be accomplished. The information of location, of foundation, and of method of construction is full and satisfactory. It is so thorough that no further information or explanation is required for the dams forming Lake Sosa, at the Pacific end. A sufficient outline is given of the locks for all necessary information concerning their location, dimensions, arrangement, and stability. Whatever information we may have of the tide lock of the Pacific end of the sea-level canal can only be inferred from the minority report concerning the high-level canal locks.

This marked difference in the fullness of information and detail marks the two reports throughout. The candor of the one inspires a confidence which is missing in the other.

Mr. President, I recapitulate the reasons that have induced me to favor the lock proposition as follows:

First. In view of the fact that the overshadowing engineering problem to be solved in either case is that of control of the flood waters of the Chagres and other streams. I favor the lock type because it affords absolute control of these and involves no uncertain features, no danger of collapse of any part of the work or works embraced in the proposition, and avoids all deposits of silt, rock, timber, or other obstructions in or near the navigable channel, which, on the other hand, in the case of currents and obstructions are unavoidable in the sea-level type.

Second. Because of the marked superiority of width of channels and depth of water of the lock type, as compared with the sea-level. The longitudinal currents are not to be avoided in the sea-level plan, and the cross currents made by many small streams which must be brought directly into the navigable prism of the sea-level canal, the fall of which varies from 10 to 100 feet, would endanger ships navigating the sea-level canal under their own steam, owing to the great amount of curvature and narrow channel.

Third. Because it will be an impossibility, in case the necessity arises during the transit of war vessels, to turn such vessels in a sea-level canal in case of a change of orders requiring a different movement of the ships, whereas in a lock-level canal such turning could be accomplished in over two-thirds of the length of the canal, and because the speed of all ships in a sea-level canal of 200 feet or 100 feet, or 50 feet, as it is for a great portion of the distance, necessarily would be the speed of the slowest ship making the transit.

Fourth. Because I am not impressed by the alleged danger to locks or ships in passing ships through the locks in flights, and think it largely imaginary. Ships would not be handled by their own power or crews, but they would be handled by lock crews especially trained to the business, and would be easily handled by stationary power, which would entirely obviate the

danger from the transmission of wrong signals and wrong movements.

Fifth. Because it is amply proven by a great number of borings, 110 in all, which have been made on the exact site of the proposed Gatun locks, many of them to a depth of 60 feet below sea level, that the material afforded for the foundation of these locks is rock, and not only can these locks be constructed with the dimensions proposed, namely, 95 feet wide and 900 feet in length, but it is possible to construct locks fully 250 feet longer than the dimensions called for above, with a corresponding increase in width if necessary; that these borings have proven beyond question that there is ample room for three additional locks in duplicate, and also for an additional similar installation of locks alongside, in case they will ever be required.

Sixth. Because there are no problems connected with the lock type which have not been fully and thoroughly considered and the details worked out, and that such is not the case with the sea-level type; that many of the most important propositions connected with the sea-level type have been guessed at, as, for instance, the plans for the Gamboa dam, the location, the foundations, the character of the four dams to impound the waters of other streams, some of them approaching almost in size and importance the Gatun dam as proposed in the lock type, and no intelligent plan has been even suggested for taking care of the small streams, which it is proposed to divert directly into the narrow channel of the sea-level canal.

Seventh. Because the consideration of time and cost are much greater in the sea-level than in the lock type.

The depth to which excavation must be made for the sea-level type opens up many dangers of great difficulties from unknown geological faults, possibly involving serious complications in expensive material to be removed, and also a great amount of excavation to be removed below sea-level in case of the sea-level type, for which no competent engineering authority has been or is able to fix an intelligent estimate of cost. On the other hand, the excavation of Culebra cut is not carried to a depth in the lock type sufficient to justify any belief that more than ordinary construction contingencies will be encountered.

Eighth. Because I do not believe that any intelligent criticism can justly be directed against either type, as regarding the results from earthquake shocks. The Gamboa dam, the tidal lock at Sosa, the very high excavation through the summit of Culebra cut, in the sea-level type, are equally vulnerable with the Gatun and Sosa locks, and vastly more so than the immense earthen dam proposed at Gatun, in the lock type. I believe that in the case of either type the damage from earthquake shocks is a purely negligible quantity. It does not seem to me, Mr. President, that we should be shaken in our understanding or unduly alarmed because of the recent disaster at San Francisco, because it appears to me the two things that were absolutely proven by that catastrophe were, first, that it did not occur at Panama, and, second, that earthen dams were not affected by the vibration of the earth at San Francisco.

Ninth. Because the lock type of canal can, if the necessity ever arises, be transformed into a true sea-level canal, one of from five to six hundred feet in width, and 50 feet or more in depth of water. The lock type, if constructed, will handle from 60,000,000 to 70,000,000 tons of freight per annum, or vastly more than will probably ever be reached during the next fifty years, and the amount of water required for this large tonnage can be supplemented to take care of at least 20,000,000 of tons additional per year, at a small cost by the construction of additional water reservoirs.

The difference in cost of construction between the lock type and the sea-level type as proposed, compounded at 2 per cent for a period of fifty years, added to the saving in fifty years in fixed charges, will amount to about \$500,000,000, a sum which will be available at the end of fifty years to transform the lock canal into a true sea-level canal, if the necessity for it exists.

Tenth. Because I believe that owing to the inflowing of silt and other matter into the narrow and depressed channel of the sea-level type it would require the constant maintenance and operation of a number of dredges to keep the channel open for navigation for any class of ships, and, further, that even with this channel open it would be found a practical impossibility to force a ship, say, 800 feet long by 80 feet beam and drawing 35 feet of water through such a channel.

Eleventh. Because I believe the safety of the proposed earthen dam at Gatun can not be intelligently attacked. The 200 feet or more blanket of clay and other similar materials beneath it, the construction which will give a weight of sixty-three times the extreme pressure which can come against it, and the great height—50 feet—to which it is proposed to carry this dam

above the water's surface, renders it absolutely safe from destruction by any known forces of nature; and this point is emphasized by consideration of the proposed method of construction, namely, that this earth is not to be deposited loosely, but to be put in by sluicing with water, which will render the whole structure of the dam almost as solid as sedimentary rock.

Twelfth. And, finally, Mr. President, because a lock canal furnishes better commercial facilities for half the expenditure of time and money.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

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

DISTRICT STREET RAILWAYS.

The VICE-PRESIDENT. Under the unanimous-consent agreement the Chair lays before the Senate Senate bill 6147.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes.

Mr. GALLINGER. The Senator from Colorado [Mr. PATTERSON] had the floor, and I presume he desires to continue.

Mr. PATTERSON. Mr. President, the public has always been more deeply interested in matters of taxation than in any other. Taxation has led to more discussion, more trouble, and greater dissatisfaction than almost any other subject connected with public administration. There is one thing the public usually insists upon, and that is equality in taxation; and it should be the first aim of legislative bodies, when taxation is found to be unequal, to change the inequality and make it just and fair for all.

There is no question but that the taxes levied on and paid by the public utility corporations of Washington are wholly insufficient compared with the value of their holdings, and measured by the taxes that are assessed upon the property of individuals and other corporations the tax is wholly unequal and falls far below the rates which all the rest are compelled to pay.

Mr. GALLINGER. Mr. President—

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

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The taxes paid by the street railways in this District are 5.54 on the gross earnings. If 12 per cent on their net earnings were added, they would be paying 12.57 on their gross receipts. The State of Colorado pays 2.42.

Mr. HANSBROUGH. Will the Senator allow me just a word?

Mr. PATTERSON. Certainly.

Mr. HANSBROUGH. I wish to say that the street railway companies charge up a great many things to taxes in this District that do not belong to taxes. I have the exact figures of the taxes that they pay over signatures of the tax collector and the assessor. The amount of taxes they pay is 4.5.

Mr. GALLINGER. I simply beg to say that the Senator is wrong; that is all.

Mr. PATTERSON. Mr. President, the best answer to any criticism made upon the amendment of the Senator from North Dakota is the amendment itself. The provisions of the amendment are so inherently just that it is difficult to understand how an objection can be made to them. It is true it mentions 12 per cent of the net proceeds of these corporations, but there is contained in the amendment a substitute for that, that if these corporations are disinclined to pay the tax upon net receipts they may be relieved from paying that as well as the percentage they already pay upon gross receipts by paying one and one-half per cent upon the appraised value of their property, as do other property holders in the District.

Mr. GALLINGER. Mr. President—

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

Mr. PATTERSON. Certainly.

Mr. GALLINGER. More than one-half of the street railways in the District of Columbia are not earning a dollar profit; in fact, they are not paying their operating expenses. Does the Senator think that they ought to be burdened very much in addition to what they are now paying in taxes?

Mr. HANSBROUGH. They would not pay any additional tax in that case.

Mr. PATTERSON. The Senator from New Hampshire is presenting obstacles that do not exist, and is raising objections that are not justified. When a citizen is taxed upon his personal property and real estate, the taxing power does not inquire whether his business is good or bad, or whether he is solvent or insolvent. The value of his property is determined, and the assessment is made upon the basis of that valuation.

I understand that the assessment is 1½ per cent on all personal property in the District. What the per cent is on real estate I do not know.

Now, Mr. President, if the property of all others in the District is taxed upon the same uniform basis, is it aught but fair to all other taxpayers that the property of the utility corporations, consisting of tracks, cars, buildings, machinery, and franchises, shall be appraised by the same body that values all other property for taxation, and that upon that valuation a levy of 1½ per cent shall be made? What would that be, Mr. President, but taxing the utility corporations of the District precisely as the individual is taxed upon his property and as other corporations are taxed upon theirs?

When an amendment is offered that proposes a special tax and, in addition, proposes that if the bodies to be taxed prefer, in lieu of the special tax, they may pay the tax that owners of other property in the District are required to pay, the proposition can not be out of time. There is not a single element of justice that is lacking in the proposition, and to refuse to accept it seems to me to be willing to wantonly perpetuate a wrong upon the great body of the tax-paying community.

Mr. President, I haven't the slightest idea that this amendment will be adopted. The alacrity with which the bill reported by the Senator from North Dakota the other day was recommitted to the Committee on the District of Columbia, and the decided vote by which it was recommitted, prove that this body is unwilling at this time to place any additional tax upon the corporations, however just it may be.

I have no objection to the bill that is reported from the District Committee being passed, because by the system under which these utilities are operated it is quite necessary that it should be passed, for the traveling public will be afforded no other facilities of travel to and from the new depot when it shall be completed.

But, Mr. President, there never will be any change in the system until the matter of the taxation of public utilities is discussed more generally and earnestly than it has been heretofore, and until more correct information is disseminated, and the bodies that have such matters committed to them shall have a better understanding of the true principle upon which the taxation of public-utility corporations rests.

I also believe, Mr. President, that the mere matter of taxation will never bring the reform that is inseparably associated with the true relation of these public utilities to municipal governments. It is almost impossible that taxation should be fair and just as applicable to them, because the property they own, the franchises they secure, the monopoly that is inherent in their business, place their assets, tangible and intangible, upon a basis quite different from that upon which other property rests.

It is largely for that reason that another system of dealing with these utilities has taken root not only in this country, but in foreign countries. Instead of turning the ownership and management of these public utilities over to private corporations, the municipalities themselves are undertaking their operation. It is only by municipal ownership and operation that the city populations can secure from them all the benefits the public is entitled to have.

Mr. President, Washington, above every other city in the country, should own its own utilities. Washington should own its street railways and its lighting plants. It does, I understand, own its own water supply. Many other cities are not quite so favorably situated as Washington in that regard, because a number as yet do not even own their own water supply. But quite a large number of cities have wholly freed themselves from the trammels of all these private corporations, now owning and operating their own water, light, and street transportation systems.

The great social and political problem in the United States to-day is that of city government. The concentration of great masses of people in the towns and cities, the problems that these people are engaged in solving, the necessity for the utmost economy that the mass may be able to live in any degree of comfort, the necessity for the increase of compensation for labor, for the lessening of the tax burden, for the betterment of all public facilities in city life is growing stronger every day, and all over the country more attention is now being given to problems of this character than has ever been given before.

We see the politics of New York revolutionized at an election held within a year through the interest in municipal ownership. We see the issue distinctly made in Chicago and the municipal-ownership proposition prevailing by a decided majority. We notice cities that were Democratic and cities that have been Republican, in Ohio and other States, now governed by practically nonpartisan administrations by reason of the deep hold municipal ownership has taken on the minds of voters.

The fact that municipal ownership sentiment is spreading so rapidly, its growth is so phenomenal, with no backward step noted in any direction, with the reform advancing, growing in might and power, should be sufficient to induce the Committee on the District of Columbia to calmly and deliberately take up the matter for consideration and to determine whether the capital of the nation shall not be made the very leader among cities in adopting and advancing the reform.

Mr. President, those who have studied city life and the influences that operate in municipalities for good or evil do not hesitate to declare that public-utility corporations are the source of greater corruption in city life than any other element. And why? The owners of these utilities are, as a rule, men of the largest wealth. They are men of the widest social influence. By reason of their wealth and social standing they are sought out for their influence and feared for their power. These men, in their desire to secure these great franchises for the corporations they control, do not hesitate to corrupt the electorate of cities by whatever means may be necessary.

Show me a city of a quarter million people or of a hundred thousand with street railways, water, and light plants owned by private corporations and I will show you cities in which these corporations unqualifiedly control the politics. They control nominating conventions and dictate the nominees for the parties, and they spend their money lavishly to secure the election of the men whom they regard as most devoted to their service; and I will also show you cities in which these municipal corporations control the councils and rule their mayors, and obtain control of them either at the election or by purchase afterwards; all to the end of acquiring and holding the franchises for these utilities. Their aim is also to escape their proper share of taxation and to secure renewal of franchises when they are about to expire.

It is idle, Mr. President, for any political party in a State dominated by the utility and other corporations to struggle for honest conventions or honest elections; and honest city administrations are an impossibility. The vast wealth of the men who control these utilities, their social standing, the extremes to which they go to maintain their supremacy in city affairs, override and overawe all combinations that attempt to combat them. One of the great troubles is that only men outside of their class—only the poorer, the weaker, and the less influential of the public—are, as a rule, willing to come out into the open to join issue with these corporations.

[At this point Mr. PATTERSON was interrupted by the expiration of the morning hour, and he resumed and concluded his speech later in the day.]

Mr. PATTERSON. Mr. President, when I was interrupted with the unfinished business, I was talking about the evil influences of these utility corporations upon city life; their control for evil of the politics of the cities; their control of elections, of city councils, of police forces, of boards of public works. Wherever these corporations are they dominate political conventions, nominate tickets, elect candidates, and control city councils, and the people of the cities seem powerless to combat them.

Municipal ownership of these utilities means a change in the conditions to which I have called attention. I suggested the wealth, the social influence, and power of the men who, as a rule, control these corporations, and that their influences are for evil by reason of their selfish interests and the great value of the franchises they hold and the control of which they are always struggling to retain. Municipal ownership will change these men into instruments for good instead of for evil.

City ownership of street railways and great water and light plants involves city management of properties of such vast value that all, rich and poor, are interested in their good management—they become interested in cheap water rates, cheap light rates, and cheap street transportation, and for these reasons all tax-paying citizens desire honest, good, and efficient government. So we would have the controlling influence in our great cities lined up upon the side of economy, honesty, and justice, instead of combatting these conditions.

But the change, Mr. President, will not only give us better city life in most of its phases, it will also give to the public cheaper light and water and street transportation. These are all in the nature of taxes, of fixed charges upon everybody who lives within a city. The owner of a home must not only confront interest upon his investment and taxes for the maintenance of city government, but he must take into consideration the cost of water, of light, and of street-car service; and these charges are as much fixed on the home owner in a city as are the taxes that he pays into the city treasury. If by municipal ownership these charges can be reduced and better and more efficient service be secured, the palpable wisdom of municipal ownership reform stands out too prominently to be ignored.

Mr. President, this reform has gotten very considerable headway in Great Britain. It has been worked out there much more largely than here. The Secretary of Commerce and Labor, recognizing this fact, sent a commissioner over to Great Britain to examine into the problem and to report the result of his investigation. I have here in a volume issued only last January from the Department of Commerce and Labor the result of as well as most of the details of the investigation that was made by the commissioner.

The claim is set up by a great many that municipal ownership is a socialistic idea or development. Such, Mr. President, is not the case, and it was not found to be the case by our commissioner when he went abroad. I would call the attention of the Senate to something upon that subject at the very opening of this report. The commissioner shows most conclusively that municipal ownership came from the commercial, the manufacturing, and the taxpaying classes of Great Britain generally, rather than from any phase of the socialistic cult. Upon this subject he says:

In its beginnings municipal ownership was not socialistic; it was not even an outgrowth of the labor movement; it came rather from the mercantile or commercial classes. The councils of several boroughs, notably West Ham and Battersea, are controlled by labor representatives, but the larger cities and county boroughs are in the hands of business men, who, with the more public-spirited of the leisure class, make up the personnel of municipal administration.

Again, he says:

In its present stage of development municipal ownership is inspired by no ideal of a changed social order, and the movement is likely to continue to be one for improved service, for business thrift, for the relief of the taxpayer from the burdens of taxation, and for increased revenue for the community.

Then referring to the motives which led to the efforts for municipal ownership, the commissioner, Professor Howe, says:

These facts—

Facts that he referred to in previous paragraphs of his report—

These facts explain in a measure why municipal ownership has proceeded with so much rapidity within recent years. Other causes are also operative on public opinion. The general reasons assigned in Great Britain for this growth may be classed under four heads, as follows:

First. A desire for better and more efficient service. It was felt that private ownership, interested, as it was, only in dividends, could not be relied upon to operate enterprises so as to produce the largest social results. With this was the belief that under public ownership rates and charges could be reduced to the consumer and that the earnings could be used for the betterment of the service or the lowering of its cost.

I will read now, because I do not desire to quote too extensively from the report, a summing up of his investigations. He recites that—

The literature of municipal ownership is found in municipal reports, in parliamentary returns, and the daily press. The justification of the extension of municipal activities, as set forth by its advocates in these writings, as well as in the comments of officials and the people, may be summarized under six general heads, as follows:

First. That municipal ownership stimulates public spirit, promotes good citizenship, and arouses a sense of local patriotism growing out of the services which the city extends to the citizen.

Second. That public operation is alone consistent with the best interests of the community. It permits city administration to be coordinated, and the service of the tramways, electricity, gas, and water undertakings to be made to serve one another and the community.

Third. That public ownership has greatly cheapened the cost of service, whether in water, gas, electricity, or transportation. The same is true of telephones.

Fourth. That municipal ownership has proved a financial success; already in many cities it has out of its earnings paid off a part of its indebtedness, and in many instances contributed to the reduction of the local taxes.

Fifth. That municipal ownership has improved the condition of labor by increasing wages, shortening hours, and establishing cordial relations between the public and its servants.

Sixth. That in addition to this, public operation is subject to public opinion; that every voter is a critic and can make his influence felt upon service and conditions; that this makes the industry responsive to the needs of the community in a way that is never true of private operation.

Then, speaking more directly on street railways, he says:

The tramways, coming in close and intimate touch with the people, stimulate an interest in the city that is almost universal. The change from private to public operation has apparently always been followed by a marked increase in their use by the community. The most aggressive, the most active, and the best-governed cities from the point of view of the average Englishman are the cities that have gone in for municipal ownership. Glasgow, Liverpool, Manchester, Sheffield, Bradford, Leeds, and Birmingham are examples. The London county council also has been most aggressive in the enlargement of its functions and activities.

I will conclude quotations from this report by the author's statement of the benefits the change from private to public ownership wrought. He says:

An examination of the water, gas, tramway, electricity, and telephone undertakings, in so far as the latter have been municipalized,

shows that the change from private to public operation has resulted in—

1. Marked reduction in rates and charges to consumers.
2. Greater economy in operation through lower interest charges, and great extension of use.
3. In many instances a considerable relief to the burden of taxation.
4. A coordinated municipal policy by which the city and its undertakings are made to work together and with one another. This is true as to health and cleanliness, in policing and lighting, in the administration of the streets and public places, in the unification of all departments working through the common body—the town council. Friction is eliminated, and one department is made to serve another and the public.

Passing over others—

7. The condition of the employees has been greatly improved. Thousands of men have been raised to a fair wage, and relieved from the fear of capricious dismissal. Their service has been dignified, and their standard of living improved, not only by better wages, but by shorter hours.

Mr. President, if such are the results of municipal ownership in Great Britain—if the cost for street-car service has been lessened, if the wages of the employees have been increased and their hours of labor have decreased, if it has banished to a very large extent corruption from the government of English cities—I may ask is it any wonder that the example is being followed by American cities and that the movement for municipalization of the utilities has taken such mighty strides?

Mr. President, municipal ownership of public utilities does not in any sense mean city ownership or management of any other industry or business. It only includes such public service as in their very nature are monopolies; service that can not be exercised without public grants of privileges or franchises, and service that supplies the people with things that have become necessities of life. Water is a necessary of life; light has become one of the great necessities of life and adds inconceivably to its comfort. Street transportation has become as much a necessity in city life as has light and heat. Through the extension of lines of street railways, city boundaries have been enlarged; the congestion of human life in city centers has been dissipated; life has been made more comfortable and beautiful. You may select at random ninety persons out of every hundred and you will find that those ninety people are compelled to use street transportation as a necessity of their daily business and existence.

These businesses can not be conducted except by special grants from the municipality, and these special grants of franchises are of immense value, and when they are owned by private corporations they are used so as to earn the greatest profit for the corporation and give the poorest service to the public that will be submitted to. But should the cities own and operate them, they would be operated for the benefit of all, without reference to profits for private companies. Then why should not Washington lead in such a reform? Washington could manage these utilities to much greater advantage than could any other American city. It would have fewer obstacles to overcome. Its government is altogether in the hands of Congress. I am glad that in Washington private corporations, from the very nature of the District government, can not exercise the same evil influences which they do in the government of other cities. The standard of government in Washington is created by the President and approved by the Senate; for the President appoints its Commissioners and the Senate approves them. The Board of Commissioners of Washington stand in lieu of the mayor and the common council in other cities; the President and the Senate stand in lieu of the voter; and for these reasons alone, the government of Washington can the more readily and with the fewer obstacles secure the reforms that municipal ownership brings.

Mr. President, what do we find in the British cities that have adopted municipal ownership? The Senator from New Hampshire spoke about the street railways of Washington selling six tickets for a quarter. The average fare in Great Britain, where street railways are municipalized, is a fraction less than 2 cents. Compare a 2-cent fare in British cities with a 4-cent fare in Washington, and it means that transportation to every family in the cities of Great Britain costs but one-half what American families must pay in Washington, and it costs less than one-half of what fares cost the people of cities where the fare is 5 cents straight.

In addition, Mr. President, the statistics show that where the 2-cent fare prevails the profits to the companies amount to very nearly one-half of the gross receipts; and it is only when you study the statistics that are contained in the report made by Professor Howe that you can comprehend the immense profits that are associated with the operation of these public utilities by private corporations. You can then understand how

it is that the street railways of Washington pay their interest upon \$17,000,000 worth of bonds, or thereabouts, and how they pay heavy dividends upon their immense capitalization, and how their stock sells upon the market at something in the neighborhood of 50 per cent above par.

The bonded indebtedness of these companies represents the full amount of their entire investment.

Mr. GALLINGER. Mr. President—

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

Mr. PATTERSON. With pleasure.

Mr. GALLINGER. Is the Senator aware of the fact that there are \$9,000,000 of bonds out on these street railways which are selling at 89 on the market to-day?

Mr. PATTERSON. No.

Mr. GALLINGER. There are \$9,000,000 of those 4 per cent bonds; and if the Senator will go to the evening paper he will find they are quoted at either 88 or 89, and the Senator can buy them all at that price.

Mr. PATTERSON. I am not aware, Mr. President, of what the bonds of all of these street railway companies may be selling for. I do know that by market quotations the stocks of some of them are selling at about 50 per cent above par, and I know that such would not be the case if the interest upon the bonds was not regularly paid, and if large dividends, after paying all the interest, were not assured to the investors.

Mr. GALLINGER. Mr. President, a very considerable part of the common stock of the street railways of Washington can be bought at 40, and those street railways have never paid a dividend from the time they were built to the present.

Mr. PATTERSON. Mr. President—

Mr. HANSBROUGH. Will the Senator from Colorado yield to me?

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

Mr. PATTERSON. With pleasure.

Mr. HANSBROUGH. The statement made by the Senator from New Hampshire [Mr. GALLINGER] in regard to these stocks, dividends, etc., applies to a few small roads that are controlled by what is known as the Washington Railway and Electric system.

Mr. GALLINGER. It applies to the consolidated roads, I will say to the Senator.

Mr. HANSBROUGH. The Washington Railway and Electric Company owns all the roads to which I have referred. There are five street railways in operation controlled by the Washington Railway and Electric Company, which is a paying institution; but the other four are not.

Now, as to the Capital Traction Company—

Mr. GALLINGER. But, if the Senator from Colorado will permit me—

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The common stock of that consolidated road, which is known as the "Washington Railway and Electric Company," can be bought at 40. It has never paid a dividend.

Mr. PATTERSON. Yes; but the Senator should add to that, that the preferred stock of that company is selling for about 90, and is paying 5 per cent.

Mr. GALLINGER. It is indeed; and it would be a very remarkable circumstance if the preferred stock did not sell at a hundred when the company was paying a dividend.

Mr. HANSBROUGH. In addition to that, I want to say, if the Senator from Colorado will allow me—

Mr. PATTERSON. With pleasure.

Mr. HANSBROUGH. That the stock of the Capital Traction Company is selling for about 140, and has sold, I believe, as high as 150, its par value being 100. I think that company pays 5 per cent regularly. I am not sure but that it pays 6 per cent. It pays 5 per cent anyway.

Mr. PATTERSON. I notice that the stock of the latter company, mentioned by the Senator from North Dakota, was quoted within the last few weeks at 146 and a fraction. I can well understand how, by a consolidation of a splendidly paying line of road with a number of outlying ill-paying ones, that the stock of such a combination might be low upon the market, while its bonds would be gilt edged, and the future would insure a very heavy return upon every dollar put into them.

The Senator from New Hampshire must always bear in mind, when he is quoting the stocks and bonds of these utility corporations, that the bonds usually represent the amount that is invested in the physical property and the stock represents simply the franchise; and when the bonds are at par and the stock selling at 50 cents on the dollar, it means that the stock at 50 cents is velvet in the enterprise, and it does not indicate in any

degree that there is not a splendid profit being returned to those who happen to own them.

The benefits, Mr. President, from this class of property are that as soon as the franchise in a reasonably large and thrifty city is granted, the grantee may, as a rule, upon the security of the franchise alone, borrow money enough to construct the lines of railway and put them in operation. The bonds they issue are paid out of the profits of the roads, and when the bonds are paid the owners possess great lines of street railway that did not cost them a dollar. The money that was borrowed upon the franchise constructed the road; the bonds were paid off out of the profits, and the owners have remaining all the visible property, the lines with the franchise, which stand the original promoters practically nothing.

Those profits, Mr. President, should belong to the cities themselves. If the city were to own the lines of street railway in Washington, there would be no necessity to pay out to the stockholders a quarter or a half million dollars as dividends each year. The money that would go to the stockholders would go into the city treasury to pay the expenses of the city government. The street railways, as well as the gas and electric lighting companies, would all be run for the benefit of the people, the profits going to the people either in cheaper service or directly into the treasury, thereby lessening the tax burden, while the people would have a vastly improved service.

Mr. President, if we can not have municipal ownership in Washington at this time—and I am frank to admit that information on the subject is not sufficiently diffused to expect it now—then the District should at least have the corporations owning these utilities taxed to the same degree that the people themselves are. I can not understand how, when a Senator proposes a reform that will compel these corporations to pay only the amount of taxes paid by all other citizens upon their property in the District, anyone can be found with nerve enough to object. The proposition is one that does not need any very long time for investigation. To state the proposition is to establish the justice of it; and what is it? Either that these utility corporations shall pay an additional 12 per cent upon their net receipts—and, of course, if there are no net receipts, there will be no additional taxes—or if the companies regard the percentage of net receipts as burdensome, then to have their property appraised and pay upon its appraised value the same rate that every private citizen is required to pay to carry on the government of the District.

Mr. GALLINGER. Mr. President—

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

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The Senator's argument interests me. The Senator is a very influential man in his home city. He owns one or two great newspapers. Has the Senator advocated the adoption in Denver of this system of taxation which he suggests?

Mr. PATTERSON. Indeed I have. I have been advocating municipal ownership for many years.

Mr. GALLINGER. Municipal ownership—I understand that; but the people of Denver do not agree with the Senator on that proposition. But as to this system of taxation the Senator is so eloquent over, the fact is that the public-utility corporations of Denver pay only about one-half in taxes what similar corporations pay in the city of Washington. Why does not charity begin at home?

Mr. PATTERSON. Mr. President, I have been, in my weak way and with whatever instrumentalities I possess for molding public opinion in Colorado, engaged now ever since 1895—a period of more than ten years—attempting to induce the city of Denver to adopt the very system that I am advocating here. The reason we have failed, Mr. President, is because the utility corporations of Denver are so powerful that the people have been powerless against them.

Mr. President, the utility corporations of Denver hold the executive committees of both political organizations in a grip of iron. The Republican executive committee is but a pliant tool of those corporations, and the Democratic executive committee of Denver is even more pliant, if that were possible. The recent election in Denver, upon the one side the two old party political organizations, with five or six corporations aligned with them, endeavoring to secure as many franchises as possible from Denver at the election, and upon the other side the people of Denver—and with what result, Mr. President?

The Senator from New Hampshire says that we failed in the last election. Well, Mr. President, in four weeks we organized a people's movement under the head of municipal ownership; the ticket it put up was defeated by but about 1,000 votes. Three of the franchises were defeated, and the two greatest

were carried apparently, but by such narrow majorities that contests have been inaugurated against them. Within less than a week after the election we unearthed the issuance of more than 1,000 fraudulent tax receipts, with which tax-paying voters were manufactured. They were given to those who did not own a dollar's worth of property that they might qualify to vote for these franchises.

Nay, more, Mr. President, we found a judge brave and independent enough to call a grand jury. Realizing that the sheriff, the district attorney, and others of the officials of the city were wholly under the control of these utility corporations, the district judge set them aside. From that action an appeal was taken, and pending the decision of the supreme court the investigation of the grand jury is suspended.

Mr. President, it is by reason of experiences such as these, realizing that party organizations are as a rule, where these public-utility corporations are in the saddle, mere shams, that there can be no such thing as an honest political fight and no fair show for the people, that I here and elsewhere, wherever the occasion may arise, do what I can to change the iniquitous private-ownership system.

Mr. President, as I have suggested, if we can not now have municipal ownership in Washington, if Congress is not ready for it, there should at least be fair and equal taxation of their property; and I ask the Senator from New Hampshire whether the proposition to require these corporations to be assessed 14 per cent upon the valuation of their property is or is not just?

Mr. GALLINGER. Mr. President, I will answer the Senator by saying that I do not know whether it is or not. That is a matter that would need investigation, and that I have not made.

Mr. PATTERSON. Let me ask the Senator another question.

Mr. GALLINGER. I want to answer the first one. I think if a street railway company is bankrupt it ought not to be taxed as a profitable, well-paying corporation is taxed. In my State we exempt from taxation many corporations, and we think it good public policy.

Mr. PATTERSON. Let me ask the Senator this question: The assessed valuation of any corporation's property should depend, as a rule, should it not, upon its real value?

Mr. GALLINGER. It will depend somewhat on that; yes.

Mr. PATTERSON. Very well. If the street-railway property is assessed at its real value, what has that got to do with the insolvency of the corporation? If the street railways are assessed at the real value of their property they will be required to pay only that which every other taxpayer must pay upon the assessed value of his property. Why is not that just? I want to ask the Senator when the District assessor assesses the value of a lot and building, does he inquire as to the solvency or the insolvency of the owner?

Mr. GALLINGER. The Senator has entered upon a novel theory. There is not a city on earth that taxes its corporations upon the basis the Senator suggests. I say to the Senator that it is a matter which ought to be investigated. I do not know but that it might be good policy; but it is an untried scheme, and the Senator will not get me to commit myself either one way or the other on the proposition he has presented until I have looked into it.

Mr. PATTERSON. The Supreme Court of the United States has decided time and time again that franchises, rights, and privileges are as much property as the cars that run upon the rails; that their value may be determined by the taxing power, and that it is the duty of the Government to assess such franchises and privileges at their value as is other property.

Mr. GALLINGER. I am trying not to give the Senator a new text, because I hope to get a vote on this bill to-night; but I will suggest to the Senator that if we adopt a system of taxation in lieu of that method, as we have done in Washington and in every other city in the country, then his citations do not apply to this case.

Mr. PATTERSON. I will not longer take up the time of the Senate, Mr. President. I simply want to reasstate that the proposition contained in the amendment of the Senator from North Dakota is so fair, so just, and is so free from criticism that no person, in my opinion, should object to it. The proposition in the amendment now discussed is one that requires no investigation. I do not understand what halo surrounds a public-utility corporation to place it in a different class in the matter of taxation from any other corporation.

The taxation of private-utility corporations does not, however, meet the evil. I advocate the municipalizing of all utilities and the operation of them for the benefit of all the public and not for the benefit of private stockholders. Through city ownership we will have a better city life, a purer electorate,

cheaper water, light, and street transportation, and, at the same time, the public will have the direct benefit of the large profits that are now distributed among the stockholders of these utility companies.

Mr. HANSBROUGH. Mr. President, I have a tabulated

statement on this subject that I think would be quite interesting if Senators had an opportunity to examine it. I ask that it may be inserted in the Record.

The VICE-PRESIDENT. Without objection, it is so ordered. The table referred to is as follows:

Company.	Gross receipts.	Tax last year.	Per cent of tax on gross receipts.	Net earnings.	Tax under proposed law.	Total tax under proposed law.	Per cent of tax on gross receipts under proposed law.	Funded indebtedness.
Capital Traction Co.	\$1,500,956.59	\$68,552.06	4.5	\$980,244.23	\$117,629.31	\$186,181.37	12.4	\$1,080,000.00
Washington Rwy. and Electric Co. and controlled lines.	1,810,744.33	81,944.99	4.5	976,863.59	117,223.62	199,168.61	10.9	17,364,100.00
Total	3,311,700.92	150,497.05		1,957,107.82	234,852.93	385,349.98		18,444,100.00
Washington Rwy. and Electric Co.	1,133,439.17	52,416.21	4.6	683,311.21	81,997.35	134,413.56	11.9	12,647,100.00

Company.	Capitalization.	Dividends.	Interest on funded debt.	Total interest and dividend.	Funded debt and capitalization.	Rate of tax under proposed law on two-thirds bonds and stocks.	Amount that would accrue under 1½ per cent rate.
Capital Traction Co.	\$12,000,000.00	\$720,000.00	\$43,200.00	\$763,200.00	\$13,080,000.00	Per cent. 2.1	\$130,000.00
Washington Rwy. and Electric Co. and controlled lines.	19,044,990.00	425,000.00	868,205.00	1,293,205.00	33,403,090.00	.8	364,090.80
Total	31,044,990.00	1,145,000.00	911,405.00	2,056,405.00	49,483,090.00	1.1	494,890.80
Washington Rwy. and Electric Co.	15,000,000.00	425,000.00	632,355.09	1,057,355.09	27,647,100.00	.7	276,471.00

^a Average.

Mr. HANSBROUGH. Mr. President, I should also be glad if the Senator from New Hampshire would withdraw his motion to lay the amendment on the table, so that the Senate may vote directly on the question whether they want the street railway companies in the District of Columbia, that can afford to pay something approaching the tax paid by private citizens, to be given an opportunity to do that. I should like to have a vote taken directly on the amendment, if the Senator will withdraw his motion, and I will agree not to say anything further on the subject.

Mr. GALLINGER. Is the Senator ready to take a vote now?

Mr. HANSBROUGH. I am ready to take a vote now.

Mr. GALLINGER. Then I withdraw my motion to lay the amendment on the table.

Mr. HANSBROUGH. I understand the yeas and nays were ordered on the amendment.

The VICE-PRESIDENT. The yeas and nays were ordered on the amendment proposed by the Senator from North Dakota. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. As he is not present, I withhold my vote.

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I do not see him in the Chamber. If he were present, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], who is out of the Chamber.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not see him in the Chamber, and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY], and therefore withhold my vote.

The roll call was concluded.

Mr. BAILEY. I announce my pair with the Senator from West Virginia [Mr. ELKINS]. As I do not know how he would vote if he were present, I withhold my vote.

The result was announced—yeas 13, nays 21, as follows:

YEAS—13.

Benson	Daniel	La Follette	Patterson
Berry	Dolliver	McCumber	
Burkett	Fulton	Nelson	
Carter	Hansbrough	Overman	

NAYS—21.

Aldrich	Clay	Hemenway	Perkins
Allee	Dick	Kean	Piles
Blackburn	Foraker	Lodge	Wetmore
Brandeggee	Foster	Long	
Bulkeley	Gallinger	Martin	
Burnham	Hale	Millard	

NOT VOTING—55.

Alger	Cullom	Knox	Rayner
Allison	Depew	Latimer	Scott
Ankeny	Dillingham	McCreary	Simmons
Bacon	Dryden	McEnery	Smoot
Bailey	Dubois	McLaurin	Spooner
Beveridge	Elkins	Mallory	Stone
Burrows	Flint	Money	Sutherland
Carmack	Frazier	Morgan	Taliaferro
Clapp	Frye	Newlands	Teller
Clark, Mont.	Gamble	Nixon	Tillman
Clark, Wyo.	Gearin	Penrose	Warner
Clarke, Ark.	Heyburn	Pettus	Warren
Crane	Hopkins	Platt	Whyte
Culberson	Kittredge	Proctor	

The VICE-PRESIDENT. A quorum has not voted. The Secretary will call the roll.

Mr. SCOTT. In order to make a quorum, I shall take the liberty of voting in the absence of my pair.

The VICE-PRESIDENT. It is too late. The Secretary will call the roll.

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

Aldrich	Carter	Kean	Perkins
Allee	Clay	La Follette	Piles
Bailey	Cullom	Lodge	Scott
Benson	Daniel	Long	Simmons
Berry	Dick	McCumber	Stone
Blackburn	Foraker	Mallory	Tillman
Brandeggee	Foster	Martin	Warren
Bulkeley	Fulton	Millard	Wetmore
Burkett	Gallinger	Nelson	
Burnham	Hansbrough	Overman	
Burrows	Hemenway	Patterson	

The VICE-PRESIDENT. Forty-one Senators have answered to their names. A quorum is not present.

Mr. HALE entered the Chamber and answered to his name.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. SMOOT entered the Chamber and answered to his name.

Mr. GALLINGER. Would it be in order to ask for a call of the absentees?

The VICE-PRESIDENT. It is in order.

Mr. GALLINGER. I should like to have that done.

The VICE-PRESIDENT. The Secretary will call the names of the absentees.

The Secretary proceeded to call the names of absent Senators.

Mr. CLAY (when Mr. BACON's name was called). My colleague [Mr. BACON] has necessarily been called to Georgia on account of the recent death of a Member of the House, Mr. Lester, from my State, and he is absent by order of the Senate.

Mr. SCOTT (when Mr. ELKINS's name was called). My colleague [Mr. ELKINS] is unavoidably detained at his home in Elkins.

Mr. PERKINS (when Mr. FLINT's name was called). I will state that my colleague [Mr. FLINT] is quite ill at his home.

Mr. GEARIN and Mr. KITTREDGE answered to their names when called.

Mr. BLACKBURN (when Mr. McCREARY's name was called). My colleague [Mr. McCREARY] is necessarily absent from the city.

Mr. STONE (when Mr. WARNER's name was called). My colleague [Mr. WARNER] is absent by order of the Senate, in attendance at the funeral of the late Representative Lester, of Georgia.

The call of the names of absent Senators was concluded.

Mr. ANKENY entered the Chamber and answered to his name.

Mr. NELSON. My colleague [Mr. CLAPP] is absent by order of the Senate, attending the funeral of the late Congressman Lester.

Mr. KEAN. My colleague [Mr. DRYDEN] is necessarily absent from the city.

Mr. CARTER. I desire to announce that my colleague [Mr. CLARK of Montana] is unavoidably absent.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. Without objection, further proceedings under the call will be suspended.

Mr. GALLINGER. Let the roll be called on agreeing to the pending amendment.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH].

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR].

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. Not knowing how he would vote, I, of course, withhold my vote. I should vote "yea" if he were here.

Mr. KEAN. I suggest to the Senator from West Virginia to transfer his pair to the junior Senator from Michigan [Mr. ALGER].

Mr. SCOTT. I will transfer my pair to the junior Senator from Michigan [Mr. ALGER]. I vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the Senator from Minnesota [Mr. CLAPP].

Mr. STONE (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. CLARK].

Mr. TILLMAN (when his name was called). I again announce my pair with the Senator from Vermont [Mr. DILLINGHAM].

Mr. WARREN (when his name was called). If agreeable to the Senator from South Carolina [Mr. TILLMAN], we will arrange a transfer of pairs, so that the Senator from Vermont [Mr. DILLINGHAM] will stand paired with the Senator from Mississippi [Mr. MONEY].

Mr. TILLMAN. Very well.

Mr. WARREN. I vote "nay."

The roll call was concluded.

Mr. TILLMAN. I vote "yea."

Mr. LONG. I inquire if the Senator from Idaho [Mr. DUBOIS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. LONG. I will transfer my pair with the Senator from Idaho to the junior Senator from New Jersey [Mr. DRYDEN], and vote. I vote "nay."

Mr. BAILEY. In order to make a quorum, notwithstanding my pair with the Senator from West Virginia [Mr. ELKINS], I will vote. I vote "yea."

Mr. MALLORY. I understand that one vote is very much needed. I will, therefore, vote. I vote "nay."

Mr. McLAURIN. I desire to state on behalf of my colleague [Mr. MONEY] that he is paired with the Senator from Wyoming [Mr. WARREN]. That pair has, I understand, been transferred to the Senator from Vermont [Mr. DILLINGHAM].

The result was announced—yeas 17, nays 29, as follows:

YEAS—17.

Bailey	Daniel	La Follette	Scott
Benson.	Dolliver	McBarny	Tillman
Berry	Fulton	McLaurin	
Burkett	Gearin	Overman	
Carter	Hansbrough	Patterson	

NAYS—29.

Aldrich	Clay	Kittredge	Perkins
Allee	Cullom	Lodge	Piles
Ankeny	Dick	Long	Smoot
Blackburn	Foraker	Mallory	Warner
Brandeggee	Foster	Martin	Wetmore
Bulkeley	Gallinger	Millard	
Burnham	Hemenway	Nelson	
Burrows	Kean	Penrose	

NOT VOTING—43.

Alger	Depew	Hopkins	Proctor
Allison	Dillingham	Knox	Rayner
Bacon	Dryden	Latimer	Simmons
Beveridge	Dubois	McCreary	Spooner
Carmack	Elkins	McCumber	Stone
Clapp	Flint	Money	Sutherland
Clark, Mont.	Frazier	Morgan	Taliaferro
Clark, Wyo.	Frye	Newlands	Teller
Clarke, Ark.	Gamble	Nixon	Warren
Crane	Hale	Pettus	Whyte.
Culberson	Heyburn	Platt	

So Mr. HANSBROUGH's amendment was rejected.

Mr. GALLINGER. Mr. President, while it is evident that after considerable effort a voting quorum may be obtained, I am quite well satisfied that the pending bill can not be gotten through this evening, and I will venture to ask unanimous consent that it be taken up immediately after the routine morning business to-morrow.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the pending bill be taken up for consideration immediately after the routine business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 20, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 19, 1906.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Herbert H. D. Peirce, of Massachusetts, now Third Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to Norway, to fill an original vacancy.

THIRD ASSISTANT SECRETARY OF STATE.

Huntington Wilson, of Illinois, now secretary of the legation at Tokyo, Japan, to be Third Assistant Secretary of State, vice Herbert H. D. Peirce, nominated to be envoy extraordinary and minister plenipotentiary to Norway.

RECEIVER OF PUBLIC MONEY.

C. Frost Liggett, of Colorado, to be receiver of public moneys at Lamar, Colo., his term having expired February 20, 1906. (Reappointment.)

REGISTER OF LAND OFFICE.

John A. Williams, of Colorado, to be register of the land office at Lamar, Colo., his term having expired March 10, 1906. (Reappointment.)

CONFIRMATION.

Executive nomination confirmed by the Senate June 19, 1906.

POSTMASTER.

SOUTH DAKOTA.

John E. Hipple to be postmaster at Pierre, in the county of Hughes and State of South Dakota.

WITHDRAWAL.

Executive nomination withdrawn June 19, 1906.

Albert W. Brickwood, jr., of Arizona, to be consul of the United States of class 8 at Nogales, Mexico.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 19, 1906.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I submit a report from the Committee on Agriculture on the agricultural appropriation bill, with Senate amendments.

The SPEAKER. The gentleman from New York submits a report from the Committee on Agriculture on the agricultural appropriation bill. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union.

EFFICIENCY OF THE MILITIA.

Mr. MORRELL. Mr. Speaker, I desire to move to suspend the rules and pass the Senate bill 1442 in lieu of House bill 7136.

The SPEAKER. Is the Senate bill on the Speaker's table or in the committee?

Mr. MORRELL. The Senate bill has passed the Senate and is on the Speaker's table.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the following Senate bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 1442) to increase the efficiency of the militia and promote rifle practice.

Be it enacted, etc., That section 1661 of the Revised Statutes, as amended by the acts of February 12, 1887, and June 6, 1900, is hereby amended and reenacted so as to read as follows:

"SECTION 1. That the sum of \$2,000,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipment for issue to the militia, such appropriation to remain available until expended."

SEC. 2. That section 2 of the act of February 12, 1887, is hereby amended and reenacted so as to read as follows:

"SEC. 2. That said appropriation shall be apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State respectively is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe: *Provided, however,* That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia shall be at least 100 men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury: *Provided also,* That the sums so apportioned among the several States and Territories and the District of Columbia shall be available for the purposes named in section 14 of the act of January 21, 1903, for the actual excess of expenses of travel in making the inspections therein provided for over the allowances made for same by law; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same and for such other incidental expenses in connection with encampments, maneuvers, and field instruction provided for in sections 14 and 15 of the said act of January 21, 1903, as the Secretary of War may deem necessary."

SEC. 3. That section 3 of the act of February 12, 1887, is hereby amended and reenacted as follows:

"SEC. 3. That the purchase or manufacture of arms, ordnance stores, quartermaster stores, and camp equipment for the militia under the provisions of this act shall be made under the direction of the Secretary of War, as such arms, ordnance and quartermaster stores, and camp equipment are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the Governors of the States and Territories and by the commanding general of the National Guard of the District of Columbia, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States."

SEC. 4. That section 4 of the act of February 12, 1887, is hereby amended so as to read as follows:

"SEC. 4. That whenever any property furnished to any State or Territory, or the District of Columbia, as hereinbefore provided, has been lost or destroyed, or has become unserviceable or unsuitable from use in service, or from any other cause, it shall be examined by a disinterested surveying officer of the organized militia, to be appointed by the governor of the State or Territory, or the commanding general of the National Guard of the District of Columbia, to whom the property has been issued, and his report shall be forwarded by said governor or commanding general direct to the Secretary of War, and if it shall appear to the Secretary of War from the record of survey that the property has been lost or destroyed through unavoidable causes, he is hereby authorized to relieve the State from further accountability therefor; if it shall appear that the loss or destruction of property was due to carelessness or neglect or that its loss could have been avoided by the exercise of reasonable care, the money value thereof shall be charged against the allotment to the

States under section 1661 of the Revised Statutes as amended. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them, except unserviceable clothing, which shall be destroyed, and if sold the proceeds of such sale shall be covered into the Treasury of the United States."

The SPEAKER. Is a second demanded?

Mr. PAYNE. I demand a second, Mr. Speaker, in order to have an explanation of the bill, and I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania is entitled to twenty minutes and the gentleman from New York to twenty minutes.

Mr. PAYNE. I would like to ask the gentleman what change this bill makes in existing law. First, as to the annual appropriation, and if this amount is a permanent annual appropriation, how much?

Mr. MORRELL. It changes the annual appropriation from \$1,000,000 to \$2,000,000. The present annual appropriation made by the United States is \$1,000,000 as against \$4,500,000 which is contributed by the States themselves. In other words, it provides for the maintaining of 122,000 officers and men of the militia of the different States, \$5,500,000. Under the old proportion, the United States Government paid, as near as can be calculated, \$8 per year per man as against \$37 per year per man paid by the States themselves.

Mr. PAYNE. What necessity is there for doubling this appropriation now?

Mr. MORRELL. In answer to that, I would like to have the Clerk read a letter from the Secretary of War.

The Clerk read as follows:

WAR DEPARTMENT, January 18, 1906.

Respectfully returned to the chairman Committee on the Militia, House of Representatives, with the information that the annual appropriation for the support of the militia has been found inadequate for its development along the lines proposed by the Department, and consequently the favorable consideration of Congress is urged for the increase in appropriation herein proposed. This measure also removes certain limitations upon the use of the appropriation which have proved unreasonably restrictive, and provides for its use in the promotion of rifle practice, which is a most important feature in promoting the efficiency of the militia, and which has heretofore received neither recognition or provision for its development. The remaining sections remedy defects in the law governing the accountability of State authorities for militia supplies issued by the United States, and provides an adequate means of properly enforcing accountability therefor.

This measure has the unqualified indorsement of the Interstate National Guard Association, and the Department heartily recommends favorable action by Congress with a view to promote the efficiency of the militia.

WM. H. TAFT, Secretary of War.

Mr. MORRELL. I have also here letters from the adjutant-general of the State of New York—in fact letters from the adjutant-generals of all the States directed to different Members of Congress of the different State delegations calling attention to the importance of this bill, particularly as far as promotion of rifle practice is concerned.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. MORRELL. Certainly.

Mr. TAWNEY. What is the necessity for making this a permanent definite appropriation?

Mr. MORRELL. For the reason that the object for which this money will be expended will be necessary to be carried on in the following years.

Mr. TAWNEY. What is the necessity for this appropriation being a permanent definite appropriation, greater than the necessity would be for a permanent definite appropriation for the maintenance of the Army of the United States? The Secretary of War must submit his estimates for the maintenance of the Army annually. Now, why can not he, and why should he not, submit his estimates for the militia establishment just the same as he submits his estimates for the Army, so that Congress may have some control and supervision over the expenditure?

Mr. MORRELL. I will yield to the chairman of the Committee on Military Affairs.

Mr. HULL. The reason for it is to my mind very plain. The Army is created by Federal law and maintained from year to year on estimates submitted by the War Department. The militia is primarily a State force, organized by the State governments. It is incorporated into what we call the second line of defense only in time of war, so that the Government can only call upon it at that time. It is primarily the police force of the State, but for all time the Government has borne part of the expense of the maintenance of the organized militia of the State. However until only within the last few years there was but little money appropriated, but there was a large appropriation for arms.

Now, we have adopted a plan of a small standing army. With over 80,000,000 people our standing army amounts to only about

60,000 men all told. It is supposed that by having a well-trained militia force the expense of the regular military establishment will be decreased and the necessity for increasing the number, except in time of war, beyond the 60,000 will be obviated. It would be impossible, these being State organizations, for the War Department to submit estimates to Congress in time for action each year. If you attempted that, you would have to appropriate specifically for each State. This bill gives the Department the power to apportion among the States, so that each State gets the proportion of the money that it is entitled to by the efficiency of the guard that it maintains. No State can arrange its expenditures for the guard if it is not known in advance the amount to be contributed permanently for the maintenance of the guard by the Federal Government.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. HULL. Yes.

Mr. TAWNEY. Why would it not be just as competent for Congress to annually appropriate the aggregate amount Congress deems necessary for the militia, and make the allotment on the recommendation of the Secretary of War, as it is to appropriate annually for the Army? Then we would obviate the poor, if not dangerous, policy of permanent definite appropriation.

Mr. HULL. This Congress can not bind any of its successors, and whenever Congress desires, it can cut off this appropriation; but by making it annual until Congress otherwise orders, you increase the efficiency of the militia and help to develop this strong arm of national defense. To depend on annual appropriations would work badly. I hope the bill will pass.

The question was taken; and (two-thirds voting in the affirmative) the rules were suspended, and the bill passed.

By unanimous consent, the corresponding House bill was ordered to lie on the table.

PUBLIC LANDS IN CALIFORNIA.

Mr. SMITH of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1031) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, granted to the State of California 5 per cent of the net proceeds of the cash sales of the public lands which have been heretofore made by the United States since the admission of said State, or may hereafter be made in said State, to aid in the support of the public or common schools of said State; and the sum of money necessary to pay said 5 per cent to said State is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. I demand a second.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from California asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California is entitled to twenty minutes, and the gentleman from Missouri [Mr. CLARK] is entitled to twenty minutes.

Mr. SMITH of California. Does the gentleman from Missouri desire to ask any question?

Mr. CLARK of Missouri. I want to know what this bill is about, and the reasons for such an extraordinary proposition.

Mr. SMITH of California. I will state, Mr. Speaker, that from the time of the admission of Ohio into the Union, in 1802, down to the admission of Oklahoma, last week, every State in the Union, with the single exception of California, has received, in its enabling act, 5 per cent of the cash sales of the public lands within the State. Some of them have had various subsequent acts, giving all the way from 10 to 26 per cent. Now, the reason California did not receive her share was because she never was a Territory. She came to us from Mexico; and without any preliminary action of Congress she prepared and adopted a constitution, elected her Senators and Representatives, and sent them here to Washington.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. SMITH of California. Yes.

Mr. TAWNEY. I think I shall have to correct the gentleman's statement that California is the only State that has not received this payment. The State of Minnesota has not received it.

Mr. GILBERT of Kentucky. Nor has the State of Kentucky. Mr. TAWNEY. And there is a bill now pending before Congress for the purpose of making that payment to the State of Minnesota.

Mr. SMITH of California. Minnesota, by an act of Congress,

found in the fifth volume of the Statutes at Large, at page 73, received her 5 per cent; that was in 1857. Again, in 1858, she was given another 5 per cent. The gentleman probably has in mind the land that was covered by military bounty warrants. That question is unsettled in a great many States, including California also.

Mr. TAWNEY. The act of 1857 preceded the admission of the Territory into the Union.

Mr. SMITH of California. Certainly. That was the enabling act.

Mr. TAWNEY. Yes; that was the enabling act, I suppose. The State was admitted in 1858.

Mr. SMITH of California. This 5 per cent is generally authorized in the enabling act, just as it was in the Oklahoma case last week. We gave Oklahoma 5 per cent, and \$5,000,000 beside. California alone is the only State that has never received any share of the cash sales of the public lands.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask the gentleman if this tax is retroactive and undertakes to get 5 per cent of all the lands that are sold?

Mr. SMITH of California. Yes, sir.

Mr. CLARK of Missouri. What have Californians been doing for fifty-four years if they haven't got it before?

Mr. SMITH of California. Since 1879 California has been trying as industriously as she could to get this money. The bill has passed the Senate ten times and never received an unfavorable report in either branch of Congress. It now passes the Senate unanimously as a matter of course, because they have heard it discussed until they know exactly what it means.

Mr. HULL. How much will it carry?

Mr. SMITH of California. In the neighborhood of \$900,000; that is, according to the statement which the Auditor of the Treasury made to Senator Bard a year or two ago.

Mr. HULL. It carries 5 per cent on all public lands that have been sold.

Mr. KAHN. Yes; since 1857.

Mr. SMITH of California. On all cash sales. When California was admitted, you must remember that she was a long way off and the East knew practically nothing about her conditions. There were reports about the Spanish grants, and things of that kind, and Congress declared that it could not take care of this question at that time, but would await further information. But in 1851 they appointed a commission to investigate the boundary of the Spanish grants, and in the meantime withdrew the public lands from entry, and it wasn't until 1857 that they were restored; and immediately after that, in 1858, the legislature of California memorialized Congress to take care of this question.

Mr. CLARK of Missouri. Did the homestead act ever apply in California?

Mr. SMITH of California. Yes; it does yet.

Mr. CLARK of Missouri. Does this bill undertake to mulct the Government in 5 per cent of the lands that have been homesteaded?

Mr. SMITH of California. No; it does not touch the homestead or military bounty entries, and does not touch anything except the cash entries. The bill is reported favorably by the Public Lands Committee.

Mr. HINSHAW. In addition to the \$900,000 directly appropriated, it will hereafter take 5 per cent of any lands that are sold?

Mr. SMITH of California. Yes; the same as all other States.

Mr. HINSHAW. How much public land have you out there?

Mr. SMITH of California. I don't know; there is a large amount of desert and mountain land that is not going on the market very fast. There is a large part of California in the forest reserve, and much of the balance is desert land that is not going at any price.

Mr. RUCKER. How much would the bill carry for the land already sold?

Mr. SMITH of California. I have already stated—about \$900,000.

Mr. RUCKER. How much public land have you yet in California?

Mr. SMITH of California. I stated a moment ago that I was not able to state exactly. There is a very large amount of it in forest reserve and parks, and still more of it rough land—mountainous land and desert lands.

Mr. TAWNEY. Does this admit of the payment for lands that were located under the military warrants?

Mr. SMITH of California. No, sir.

Mr. TAWNEY. It would apply only to the cash sales?

Mr. SMITH of California. Yes, sir.

Mr. TAWNEY. Five per cent of the cash sales?

Mr. SMITH of California. Yes; the bill specifically mentions

cash sales. There is another bill pending here involving the military bounty question in which California is interested, but it is not involved in this bill.

Mr. GILBERT of Kentucky. I would like to know the difference between California in this proposition and Kentucky and Vermont and other States which were admitted prior to 1802. What is the difference in the public land question?

Mr. SMITH of California. I am not familiar with the Kentucky question.

Mr. GILBERT of Kentucky. Is it not true that Vermont and Kentucky and a number of other States admitted into the Union prior to 1802 were in the same attitude California is?

Mr. SMITH of California. This statement shows that Kentucky has been allowed 10 per cent.

Mr. GILBERT of Kentucky. What about Vermont?

Mr. SMITH of California. It is in the same category; it has been allowed 5 per cent, I think.

Mr. GILBERT of Kentucky. Kentucky never had any public lands; she never was a Territory.

Mr. SMITH of California. There was a blanket act, I think, in 1841, giving all of the States 10 per cent, and that was in addition to many 5 per cent grants which they had had on coming into the Union. I reserve the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I now yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I desire only to use about two or three minutes. I wish to say that as I understand this bill—and the committee investigated it pretty carefully—it simply puts California on the same footing as to the 5 per cent fund as the other States that have been admitted into the Union. It is not 5 per cent on homestead entries; and as I understood the bill it is 5 per cent on the cash sales. It is simply what Alabama and Missouri and the other States which came into the Union since the date the gentleman from California refers to received. All of them which have come in since that time have come in on that footing. The mere fact that it is retroactive does not deprive it of the equity that it has, simply because California waited for fifty years to get that which they were entitled to, and which other States got. That certainly is no argument against their having it at this time. I think that the bill is just. The fact is that a great many of us think that there is a good deal more coming to other States from this 5 per cent arising from other sales of land. There is a bill pending, and it has been reported by the Public Lands Committee, giving it to the other States in addition to this 5 per cent fund. But this bill does not embrace that. This simply stands flat-footed on the proposition that California asks for just what the rest of us have gotten. It seems to me that it is equitable and they should have it.

I yield back the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, I would like very much to agree with my colleague on the committee and support this bill, but I can not do it. This bill is predicated upon the fact that the Government owes the State of California \$900,000, which is sought to be obtained here under suspension of the rules in a very few minutes' time without adequate debate, while I know and many of my associates know that in the case of individual claims and demands against the Government it is very difficult to secure action. I personally have a bill pending now for relief of an old gentleman who is aged and infirm, and who may not live to see another session of Congress, which I am not permitted to call up. His bill is so just and equitable that no one will oppose it. Everyone who has any knowledge of it concedes it absolute merit, it has been unanimously reported, but I can not get consideration of it. It is only for \$200 or \$300, but that is to an individual. But when it comes to paying eight or nine or ten hundred thousand dollars to a great State on an assumed liability, legal or equitable, of the Government for past transactions, the House will pass it under suspension of the rules. I can not give my approval to it.

Mr. KAHN. Is it not a fact that Missouri has received 20 per cent of the sales of her public lands?

Mr. CLARK of Missouri. No; that is not true.

Mr. RUCKER. I am not prepared to say. I do not think so. I know one thing, that Missouri has not received any more than she is entitled to, and I am sure of another thing, that Missouri has nobody here asking the Congress of the United States to grant her one dollar she ought not to have. If the gentleman says she has received 20 per cent, I will assume that it is true, because I know the gentleman would not make a statement unless it is true.

Mr. KAHN. Is not California by the same rule entitled to her share?

Mr. RUCKER. If California is entitled to it, the question is, Why hasn't she had it? The gentleman says that since 1879 she has been seeking it.

Mr. KAHN. Members of Congress from that State have succeeded in passing such a bill through one or the other House constantly since that time. There has never been an adverse report, so that everybody has conceded the justice of the claim.

Mr. RUCKER. Mr. Speaker, I want to say I was not present in the committee when this bill was considered, therefore I do not pronounce against the justice of the bill. It may be just, but so far as I am personally concerned, I can not support it for the reasons just stated.

I yield back the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, this is a particularly appropriate time to do this act of justice to the people of California. The legislation proposes to give to the State and the people of California that proportion of the proceeds of the cash sales of public lands that all of the other public-land States have received. I sympathize with the gentleman from Missouri [Mr. RUCKER] in view of the fact that he has not up to this time been able to bring his meritorious proposition up for consideration, but I submit that that is no argument against doing this act of simple justice to California. It is not proposed by this legislation to do more for California than has been done for the people of all the other public-land States of the Union, and at this time, when that great State is still under the shadow of an overwhelming catastrophe, it is, as I said, most proper and opportune that we should give to the State these sums to which she has been so long entitled.

Mr. CLARK of Missouri. Mr. Speaker, I have not half as much objection to this particular bill as I have to this way of legislating. Here the gentleman comes in under suspension of the rules with a claim for \$900,000, and there is not a man in the House who has time enough to investigate the facts and find out whether it is a just claim or not.

I remember one time I was objecting to Speaker Reed in a private conversation about the strictness with which he demanded that he should investigate bills to know what was in them himself before he would recognize me or anybody else to call one of them up under unanimous consent. This arrangement is very close kin to the unanimous-consent business. He said that on the face of it it looked like the fairest way in the world to pass a bill was to call it up by unanimous consent, but as a matter of fact that it was the most dangerous way that legislation was ever adopted by this House, and I believe that that is true. We have not time to investigate what these other States got and under what kind of acts they got them.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a question?

Mr. CLARK of Missouri. Yes.

Mr. MONDELL. The gentleman knows that the committee has very carefully examined this matter, and the members of the committee have assured the gentleman that 5 per cent of the cash sales of the public lands has been paid to all the public-land States, and a number of the public-land States—I think including the gentleman's own State—received a larger amount.

Mr. CLARK of Missouri. I want to take that as an illustration, the proposition that you do not know what you are doing. It says, "Missouri, 2 per cent, February 28, 1859." Two per cent on what in 1859? "Missouri, 3 per cent, May 3, 1822." Three per cent on what?

Mr. MONDELL. Mr. Speaker—

Mr. CLARK of Missouri. Wait a minute until I get through. "Missouri, 10 per cent, September 4, 1841." Ten per cent on what?

Mr. MONDELL. Mr. Speaker, if the gentleman will yield I think I can inform him.

Mr. CLARK of Missouri. Well, that is what I want.

Mr. MONDELL. These sums have all been paid on the basis of cash sales—2½ per cent, 3 per cent, or 10 per cent, as the case might be, on the amount of cash sales of land within the borders of the State. Now, all of the States have received at least 5 per cent on cash sales; all of them have received that. Some of the States have had special legislation whereby, in addition, they have received 5 or 10 per cent on certain classes of sales of land not sold for cash, figured on a cash basis of \$1.25 an acre. Now, we are not proposing to give California the grant that a number of other States have had over and above the uniform amount of 5 per cent on cash sales, but every State in the Union has received at least 5 per cent on the cash sales of their public lands, and California is certainly entitled to that amount.

Mr. CLARK of Missouri. Let me ask a question. How does it happen Missouri, for instance—I take that because it is my own State—has not received any per cent on public lands sold since 1841?

Mr. MONDELL. On the contrary, I want to say to the gentleman—

Mr. SMITH of California. Those acts were of a continuing nature; they were to continue as long as there were public lands.

Mr. MONDELL. And Missouri has received every year and is receiving now and will receive this year 5 per cent on the cash sales of her public lands, and every other State in the Union save California alone.

Mr. SMITH of California. May I make an explanation with reference to the 2 per cent feature? I have not examined that particular State, but I have followed through a great many, and in the case of Alabama, you see, when she came into the Union she was given 3 per cent for a few years, and then Alabama was given 2 per cent—

Mr. CLARK of Missouri. Two per cent to start on, and then 3.

Mr. SMITH of California. Yes; and now the act admitting Alabama provided this: That 5 per cent of the sales of public lands of Alabama should be set aside for the benefit of the State; that 3 per cent, or 2, should be expended by the State of Alabama on her highways and on river improvements, and the other should be spent by the Federal Government for her benefit; and then a few years later an act of Congress was passed turning over that to the State also, and she got the benefit of the full 5 per cent from the beginning. Congress disposed of a portion of it at first, and then turned it all over to her.

Mr. CLARK of Missouri. If it turns out that the statements of the gentleman from California and the gentleman from Wyoming are correct—

Mr. MONDELL. I assure the gentleman the statements are correct.

Mr. CLARK of Missouri. Then California is only getting what she is entitled to.

Mr. SMITH of California. That is all we are asking for.

Mr. CLARK of Missouri. But if the act authorizing this to Missouri and the rest of these States is not a continuing act, and they have not all got this percentage to which they are entitled under these various acts, then in the next Congress every State in the Government, except California, will be back in here with a bill to give them what California has gotten, and, like the fellow with his bread and molasses, it will never come out even.

Mr. MONDELL. If the gentleman will yield again, I want to assure the gentleman that every member of the Committee on Public Lands, and a great many Members of the House, are familiar with this situation. Every State in the Union is receiving, and has received since its admission, 5 per cent, at least, of the cash sales of the public lands.

Mr. PAYNE. I would like to ask the gentleman if he has any knowledge of the amount received by each State? For instance, how much did New York receive? The report says 10 per cent, and 10 per cent is about the only money received by the State of New York that I know of, and that was the loan made to the State in 1840 and 1841. That loan was made to New York and to other States based not upon the sale of lands, but upon the population. Now, if our quota was detained from the sale of land, it would hardly be enough, in my judgment, to send the children to school, let alone giving \$1,000,000 to California at one fell swoop.

Mr. MONDELL. I can not tell the gentleman at this moment what the actual amount paid to each State has been, but each State has received 5 per cent of the amount received in cash from the sale of lands within her borders belonging to the United States.

Mr. PAYNE. It looks to me like a very inequitable distribution.

Mr. SMITH of California. Let me ask a question. The deposit which was made in the various States was outside and entirely independent of this 5 per cent, or whatever it was, that was given out of the proceeds of the sale. It was absolutely a gift from the public Treasury—that is, a deposit which has resulted in a gift.

Mr. PAYNE. I am a little curious to know what New York got at the rate of 10 per cent of the sale of public lands in the State of New York.

Mr. MONDELL. They probably would not get much at this time.

Mr. PAYNE. If I had had information that this bill was coming up, I would have looked into it. If the committee had

wanted to give full information to the House, they probably would have put that into the report.

Mr. CLARK of Missouri. Here is the act of 1841:

That from and after the 31st day of December, A. D. 1841, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States are entitled to by the terms of the compact entered into between them and the United States upon their admission into the Union, the sum of 10 per cent on the net proceeds of the sales of the public lands which, subsequent to the day aforesaid, shall be made within the limits of each of the said States, respectively.

That seems to be a continuing act.

Mr. SMITH of California. Yes, sir; it is.

Mr. CLARK of Missouri. I have done my duty by the House by calling their attention to this slipshod way of legislating here.

Mr. PAYNE. I call my friend's attention to the fact that New York is not included in the act of 1841.

Mr. CLARK of Missouri. I made a mistake because the memorandum is wrong in the report of the committee.

Mr. PAYNE. I am inclined to think that the whole thing is a mistake. Inasmuch as the report does not include those States, it looks as if some one had made a mistake in making up the report.

Mr. SMITH of California. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I will ask leave to insert in my remarks, for the convenience of the House, a copy of the enabling acts relating to this matter in the States of Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri, and down to and including Wyoming. There was no preceding enabling act for the State of California, and consequently California did not get the 5 per cent that was given to the other public-land States. I will give the act of Missouri as an illustration, for the benefit of my friend from Missouri [Mr. CLARK]. Missouri got 5 per cent of the net proceeds of the land for making public roads, canals, improving the navigation of rivers, three-fifths of which was to be applied in the State under the direction of the legislature, and two-fifths to the making of a road or roads leading to the State under the direction of Congress. At that time it was a hard matter to get a wagon road over into Missouri, so that the people could go there, and two-fifths of the money was to be spent by Congress to get a road into that then distant State.

Mr. CLARK of Missouri. That was the old Cumberland road.

Mr. LACEY. That was the original proposition; but after that road was built and joined with the other roads leading to Missouri, and after Missouri needed no more such roads she still continued to get the 5 per cent, and has been getting it ever since, and has been building her own roads. Now, as to the State of Missouri, the consideration that she gave for this grant was this: She provided "no taxes should be imposed on lands the property of the United States within the State, and the navigable waters within the State shall remain public streams, and that without any tax, duty, or impost." Most of the States added one other condition providing that there should be no tax upon public lands sold by the United States for five years after they had been sold, exempting the property of the private citizen who purchased such land from the United States from taxation for five years. The condition varies a little as to the purpose for which the money was to be used in the different enabling acts, but all the different States had an enabling act, with the exception of the State of California.

Gentlemen who are familiar with the history of that time will recall the fact that there was a great struggle between the free States and the slave States; and the question was about the admission of California into the Union, doing it immediately, without an enabling act, and passing a fugitive-slave law, and a number of things became part of the general compromise, and California was rushed into the Union without a previous enabling act; and therefore it had never set apart the 5 per cent of the proceeds of the public lands that all the other new States had. She has been calling for it ever since I have been a Member of Congress; and the Committee on Public Lands have made a favorable report in nearly every Congress of which I have been a Member to give to them the same as was given to Missouri, Arkansas, and Kansas. There is no reason why California should not be put on the same footing. There is no provision in this bill as to what should be done with the money. I apprehend that California will take care of that. I suggest that it might be wisest to turn it over to the relief of San Francisco—

Mr. SMITH of California. California will give it to the benefit of public schools.

Mr. LACEY. There being no enabling act. There was a different proposition in the other States applying to the conditions

surrounding each separate enabling act as the enabling act was passed. I ask to insert as a part of my remarks these different enabling acts.

There was no objection.

The enabling acts are as follows:

PUBLIC LAND STATES.
Dates of admission to the Union.

State.	Date.	United States Statutes.
Ohio.....	Apr. 30, 1802	Vol. 2, p. 175
Louisiana.....	Feb. 20, 1811	2, 641
Indiana.....	Apr. 19, 1816	3, 200
Mississippi.....	July 4, 1826	3, 349
Illinois.....	Mar. 3, 1857	3, 430
Alabama.....	Apr. 18, 1818	3, 389
Missouri.....	Mar. 2, 1855	3, 545
Arkansas.....	Mar. 6, 1820	5, 53
Michigan.....	June 23, 1836	5, 59
Iowa.....	do	5, 790
Florida.....	Mar. 3, 1845	5, 790
Wisconsin.....	do	9, 53
Minnesota.....	Aug. 6, 1846	11, 167
Oregon.....	Feb. 26, 1857	11, 384
Kansas.....	Feb. 14, 1859	12, 127
Nevada.....	May 4, 1853	13, 30
Nebraska.....	Mar. 16, 1864	13, 47
Colorado.....	Apr. 19, 1859	13, 34
California.....	Mar. 3, 1875	9, 453

OHIO.

[5 per cent.]

Sec. 7. 3d. That one-twentieth part of the net proceeds of the lands lying within the said State sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass:

Provided always, That the three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by Congress from and after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale. (U. S. Stats., vol. 2, p. 175.)

LOUISIANA.

[5 per cent.]

Sec. 5. And be it further enacted, That five per centum of the net proceeds of the sales of the lands of the United States after the first day of January, shall be applied to laying out and constructing public roads and levees in the said State, as the legislature thereof may direct.

Sec. 3. * * * And provided also, That the said convention shall provide by an ordinance, irrevocable without the consent of the United States, that the people inhabiting the said territory do agree and declare that they forever disclaim all right or title to the waste or unappropriated lands lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land sold by Congress shall be and remain exempt from any tax laid by the order or under the authority of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof; and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to persons residing therein; and that no taxes shall be imposed on lands the property of the United States; and that the river Mississippi and the navigable rivers and waters leading into the same or into the Gulf of Mexico shall be common highways and forever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor imposed by the said State. (U. S. Stats., vol. 2, p. 641.)

INDIANA.

[5 per cent.]

Sec. 6. 3d. That five per cent of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress.

FIFTH. * * * And provided always, That the five foregoing provisions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the first day of December next shall be and remain exempt from any tax laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after day of sale. (U. S. Stats., vol. 3, p. 290.)

MISSISSIPPI.

[5 per cent.]

Sec. 5. And be it further enacted, That five per cent of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for mak-

ing public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress.

Sec. 4. * * * And provided also, That the said convention shall provide, by an ordinance irrevocable without the consent of the United States, that the people inhabiting the said Territory do agree and declare that they forever disclaim all right or title to the waste or unappropriated lands lying within the said Territory; and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land sold by Congress shall be and remain exempt from any tax laid by the order or under the authority of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to persons residing therein; and that no taxes shall be imposed on lands the property of the United States, and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor imposed by the said State. (U. S. Stats., vol. 3, p. 349.)

ILLINOIS.

[5 per cent.]

Sec. 6. 3d. That five per cent of the net proceeds of the lands lying within such State, and which shall be sold by Congress from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: Two-fifths to be disbursed, under the direction of Congress, in making roads leading to the State, the residue to be appropriated by the legislature of the State for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

FOURTH. * * * Providing always, That the four foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the first day of January, one thousand eight hundred and nineteen, shall remain exempt from any tax laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale; And further, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt, as aforesaid, from all taxes for the term of three years from and after the date of the patents, respectively; and that all the lands belonging to the citizens of the United States residing without the said State shall never be taxed higher than lands belonging to persons residing therein. (U. S. Stats., vol. 3, p. 430.)

ALABAMA.

[5 per cent.]

Sec. 6. 3d. That five per cent of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of September, in the year one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for making public roads, canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the said State, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress.

4th. * * * And provided, always, That the said convention shall provide by an ordinance, irrevocable without the consent of the United States, that the people inhabiting the said Territory do agree and declare that they forever disclaim all right and title to the waste or unappropriated lands lying within the said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land sold by the United States after the first day of September, in the year one thousand eight hundred and nineteen, shall be and remain exempt from any tax laid by the order or under the authority of the State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof; and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to persons residing therein; and that no tax shall be imposed on lands the property of the United States; and that all navigable waters within the said State shall forever remain public highways, free to all citizens of said State and of the United States, without any tax, duty, impost, or toll therefor imposed by the said State. (U. S. Stats., vol. 3, p. 489.)

MISSOURI.

[5 per cent.]

Sec. 6. 3d. That five per cent of the net proceeds of the sale of land lying within the said Territory or State, and which shall be sold by Congress from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the State, under the direction of the legislature thereof, and the other two-fifths in defraying, under the direction of Congress, the expenses to be incurred in making of a road or roads, canal or canals leading to the said State.

FIFTH. * * * Provided, That the five foregoing propositions herein offered are on the condition that the convention of the said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the first day of January next shall remain exempt from any tax laid by order or under the authority of the State, the patentees, or their heirs, remain exempt as aforesaid from taxation for the term of five years from and after the day of sale; And further, That the bounty lands granted, or hereafter to be granted for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt as aforesaid from taxation for the term of three years from and after the date of the patents, respectively. (U. S. Stats., vol. 3, p. 545.)

ARKANSAS.

[5 per cent.]

THIRD. That five per cent of the net proceeds of the sale of lands lying within said State, and which shall be sold by Congress from and after the first day of July next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals within the said State, under the direction of the general assembly thereof.

FIFTH. * * * *Provided*, That the five foregoing propositions herein offered are on the condition that the general assembly or legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said general assembly of said State shall *never interfere with the primary disposal of the soil within the same by the United States*, nor with any regulation Congress may find necessary for securing the title of such soil to the *bona fide* purchasers thereof; and that *no tax shall be imposed on lands the property of the United States*, and that in no case shall nonresident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain *exempt from any tax* laid by order or under the authority of the State, county, township, or any other purpose, for the term of three years from and after the date of the patents, respectively. (U. S. Stats., vol. 5, p. 58.)

MICHIGAN.

[5 per cent.]

FIFTH. That five per cent of the net proceeds of the sales of all public lands lying within the said State which have been or shall be sold by Congress from and after the first day of July, eighteen hundred and thirty-six, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the condition that the legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said State shall *never interfere with the primary disposal of the soil within the same by the United States*, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that *no tax shall be imposed on lands the property of the United States*; and that in no case shall nonresident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents, respectively. (U. S. Stats., vol. 5, p. 59.)

IOWA AND FLORIDA.

[5 per cent.]

5th. That five per cent of the net proceeds of sales of all public lands lying within the said State which have been or shall be sold by Congress from and after the admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the condition that the legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said State shall *never interfere with the primary disposal of the soil within the same by the United States*, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that *no tax shall be imposed on lands the property of the United States*; and that in no case shall nonresident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents, respectively. (U. S. Stats., vol. 5, p. 790.)

WISCONSIN.

[5 per cent.]

5th. That five per cent of the net proceeds of sales of all public lands lying within the said State which have been or shall be sold by Congress from and after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making public roads and canals in the same, as the legislature shall direct: *Provided*, That the foregoing propositions herein offered are on the conditions that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that *said State shall never interfere with the primary disposal of the soil within the same by the United States*, nor with any regulations Congress may find necessary for securing the title in such soil to *bona fide* purchasers thereof; and that *no tax shall be imposed on lands the property of the United States*; and that in no case shall nonresident proprietors be taxed higher than residents. (U. S. Stats., vol. 9, p. 58.)

MINNESOTA.

[5 per cent.]

SEC. 5. 5th. That five per cent of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of the said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the legislature shall direct: *Provided*, The foregoing propositions herein offered are on the condition that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that *said State shall never interfere with the primary disposal*

of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof; and that *no tax shall be imposed on lands belonging to the United States*; and that in no case shall nonresident proprietors be taxed higher than residents. (U. S. Stats., vol. 11, p. 167.)

OREGON.

[5 per cent.]

SEC. 4. 5th. That five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the legislature shall direct: *Provided*, That the foregoing propositions hereinbefore offered are on the condition that the people of Oregon shall provide, by an ordinance irrevocable without the consent of the United States, that *said State shall never interfere with the primary disposal of the soil within the same by the United States*, or with any regulations Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof; and that in no case shall nonresident proprietors be taxed higher than residents.

6th. And that the said State shall never tax the lands or the property of the United States in said State. (U. S. Stats., vol. 11, p. 384.)

KANSAS.

[5 per cent.]

SEC. 3. 5th. That five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, or for other purposes, as the legislature may direct: *Provided*, That the foregoing propositions hereinbefore offered are on the condition that the people of Kansas shall provide, by an ordinance irrevocable without the consent of the United States, that *said State shall never interfere with the primary disposal of the soil within the same by the United States* or with any regulations Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof.

6th. And that the said State shall never tax the lands or the property of the United States in said State. (U. S. Stats., vol. 12, p. 127.)

NEVADA.

[5 per cent.]

SEC. 10. * * * That five per centum of the proceeds of the sales of all public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the State, as the legislature shall direct.

SEC. 4. 3rd. That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the land belonging to the residents thereof; and that *no taxes shall be imposed by said State on lands or property therein belonging to or which may hereafter be purchased by the United States*. (U. S. Stats., vol. 13, p. 30.)

NEBRASKA.

[5 per cent.]

SEC. 12. * * * That five per centum of the proceeds of the sales of all public lands lying within said State which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all expenses incident to the same, shall be paid to the said State for the support of common schools.

SEC. 4. 6rd. That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof; and that *no taxes shall be imposed by said State on lands or property therein belonging to or which may hereafter be purchased by the United States*. (U. S. Stats., vol. 13, p. 47.)

COLORADO.

[5 per cent.]

SEC. 10. * * * That five per centum of the proceeds of the sales of all public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all expenses incident to the same, shall be paid to the said State for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land of the State, as the legislature shall direct.

SEC. 4. 3rd. That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the land belonging to citizens of the United States residing without the said State shall never be taxed higher than the land belonging to residents thereof; and that *no taxes shall be imposed by said State on lands or property therein belonging to or which may hereafter be purchased by the United States*. (U. S. Stats., vol. 13, p. 34.)

CALIFORNIA.

[5 per cent.]

Be it enacted, * * * That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 3. * * * That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the

primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States; and in no case shall nonresident proprietors who are citizens of the United States be taxed higher than residents; and that all the navigable waters within the said State shall be common highways and forever free, as well to the inhabitants of said state as to the citizens of the United States, without any tax, impost, or duty therefor. (U. S. Stats., vol. 9, p. 453.)

NORTH DAKOTA, SOUTH DAKOTA, MONTANA, AND WASHINGTON.

[February 22, 1889, 25 Stats., sec. 13, p. 676.]

IDAHO.

[July 3, 1890, 26 Stats., sec. 7, p. 215.]

WYOMING.

[July 10, 1890, 26 Stats., sec. 7, p. 222.]

* * * That five per centum of the proceeds of the sales of public lands lying within said States, which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States to be used as a permanent fund, the interest of which only shall be expended for the purpose of common schools within said States, respectively.

The SPEAKER. The question is on suspending the rules and passing the Senate bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I offer the following motion.

The Clerk read as follows:

I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the consideration of the Senate amendments to the agricultural appropriation bill, disagree to all the Senate amendments except No. 29, to concur in amendment 29, with the amendment recommended by the Committee on Agriculture, and ask a conference with the Senate on the disagreeing vote.

The SPEAKER. Is a second demanded?

Mr. LAMB. I demand a second.

Mr. WADSWORTH. I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. I would like to ask the gentleman from New York if he can not agree upon a few minutes additional time beyond that allowed under the rule when a second is ordered?

Mr. WADSWORTH. I think the subject is so well understood by the House that twenty minutes on a side will be sufficient, which we are granted on a motion to suspend the rules.

The SPEAKER. Is unanimous consent given that a second be considered as ordered?

Mr. DAVIS of Minnesota. I would like to make a parliamentary inquiry.

The SPEAKER. Does the gentleman object to a second being considered as ordered?

Mr. DAVIS of Minnesota. For the present I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIS of Minnesota. Under the proceedings contemplated is it the intention that an amendment may be offered to the committee substitute?

The SPEAKER. A motion to suspend the rules and pass a bill covers the bill and such matters as are covered by the motion, and nothing else. Is a second considered as ordered?

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent. Has the matter of a second been disposed of?

The SPEAKER. The Chair is trying to see.

Mr. WILLIAMS. I will wait until it is.

The SPEAKER. Is unanimous consent granted that a second may be considered as ordered? [After a pause.] The Chair hears no objection. The gentleman from New York is entitled to twenty minutes and the gentleman from Virginia to twenty minutes.

Mr. WILLIAMS. Now, Mr. Speaker, I wish to submit a request for unanimous consent, that there may be forty minutes' debate on each side.

Mr. WADSWORTH. I hate to be discourteous, Mr. Speaker, but I shall have to object.

The SPEAKER. The gentleman from New York objects. Without objection, the committee amendment proposed by way of substitute for the Senate amendment will be read, not to be taken out of anyone's time.

Mr. HENRY of Texas. What was the statement of the Chair?

The SPEAKER. That if there be no objection the proposed amendment, recommended by the House committee, will be read.

Mr. HENRY of Texas. We want to have it read.

The SPEAKER. It is also printed in bill form. The Clerk will read.

Mr. WADSWORTH. So that there may be no confusion, I

want to say to the House that the print of June 19, 1906—to-day—is the print from which the Clerk will now read. It is found on page 15, and it is amendment numbered 29 to the agricultural appropriation bill.

The Clerk read as follows:

That for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture as herein provided for.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a postmortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned," all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthy, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That, subject to the rules and regulations of the Secretary of Agriculture, the provisions hereof in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this act.

That when any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "Inspected and passed" under the provisions of this act; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle, or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such

products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted.

The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed."

That the Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products, is conducted during the nighttime.

That on and after October 1, 1906, no person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "inspected and passed," in accordance with the terms of this act and with the rules and regulations prescribed by the Secretary of Agriculture: *Provided*, That all meat and meat food products on hand on October 1, 1906, at establishments where inspection has not been maintained, or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

That no person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this act, or any certificate in relation thereto, authorized or required by this act or by the said rules and regulations of the Secretary of Agriculture.

That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this act, or except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported.

That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described, and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this act.

That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine not exceeding \$10,000 or imprisonment for a period not more than two years, or by both such fine and imprisonment, in the discretion of the court.

That the Secretary of Agriculture shall appoint from time to time

inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by this act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this act.

That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than \$5,000 nor more than \$10,000 and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than \$1,000 nor more than \$10,000 and by imprisonment not less than one year nor more than three years.

That the provisions of this act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$1,000 or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: *Provided also*, That the Secretary of Agriculture is authorized to maintain the inspection in this act provided for at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this act shall apply notwithstanding this exception.

That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000,000, for the expenses of the inspection of cattle, sheep, swine, and goats and the meat and meat food products thereof which enter into interstate or foreign commerce and for all expenses necessary to carry into effect the provisions of this act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year. And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

Mr. WADSWORTH. Mr. Speaker, on yesterday, at the request of the Committee on Agriculture, the agricultural appropriation bill, with the amendments thereto, was recommitted to the Committee on Agriculture for the purpose of making certain slight amendments thereto. Those amendments have been incorporated in the copy which the Clerk has just read. All of them, with two exceptions, are mere verbiage. These two exceptions are the clause eliminating the "civil-service provision," and what might be called the "appeal or review clause."

I want, first, to call the attention of the House to just a few of the changes in the verbiage of the "inspection" clauses. In the amendment on page 31, at the end of line 11, you will read these words:

And all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof.

In the original bill which we reported we covered all that by saying:

And all carcasses or parts thereof thus inspected and condemned shall be destroyed for food purposes, and an inspector shall personally superintend such destruction.

I think the House will admit that that is simply verbiage. There is no new idea or thought contained in it.

This verbiage is repeated three times in the bill.

You will find the next amendment on page 32, at the bottom,

line 25. I want to read the clause, because some dispute has taken place about it:

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times to every part of said establishment.

Now, we have added the words:

By day or night, whether the establishment be operated or not.

That, it must be admitted, is simply verbiage.

Now, on page 36, in line 16, we provide:

That all meat and meat food products on hand on October 1, 1906—

The original provision was "on the passage of this bill." I think October 1 is better at establishments where inspection has not been maintained or which have been inspected under existing law—

shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

The original bill had it—

That all meat and meat food products on hand at the passage of this bill, at establishments where inspection has not been maintained or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe.

You will observe that we have simply added—

and shall then be allowed to be sold in interstate or foreign commerce.

Mr. KEIFER. Will the gentleman yield for a question as to that clause of the bill?

Mr. WADSWORTH. Yes; with pleasure.

Mr. KEIFER. I want to inquire why it is provided that the meats or meat food products on hand on October 1, 1906, at establishments where inspection has not been maintained or which have been inspected under existing law, after being inspected and labeled, are required to be sold, whether fit for food or not? This is the only provision in the bill that requires the sale of all labeled goods which may be on hand October 1, 1906. It is true it is to be inspected under rules and regulations prescribed by the Secretary of Agriculture, but after it is inspected it is provided that then it shall be allowed to be sold in interstate and foreign commerce, which I think is an extraordinary provision in a bill intended to get pure food into foreign commerce.

Mr. WADSWORTH. In answer to the gentleman I can only say that that will be left to the rules and regulations of the Secretary of Agriculture. If after the inspection these goods are labeled "condemned," they will not be allowed to go outside of the factories. If they are labeled and "passed," they will be allowed to be sold in interstate commerce.

Mr. KEIFER. The provision is that they shall then, after being inspected, be sold in interstate and foreign commerce?

Mr. WADSWORTH. Allowed to be sold.

Mr. KEIFER. Allowed to be sold, no matter how the inspection resulted?

Mr. WADSWORTH. That is not the intent. I think that is a stretch of the meaning of the words. Of course under the rules and regulations of the Secretary of Agriculture they would not be allowed to be sold unless labeled and passed as fit for food.

Mr. HULL. Not allowed to be sold as a food product?

Mr. KEIFER. The language is, "after being labeled under direction of the Secretary of Agriculture they are then allowed to be sold in interstate and foreign commerce," regardless of how they are labeled.

Mr. WADSWORTH. If there is any doubt about that, the conferees would be very glad to receive any suggestion or amendment, but I do not think it is necessary.

Mr. OLMSTED. I would like to ask the gentleman a question.

Mr. WADSWORTH. I will yield to the gentleman.

Mr. OLMSTED. I wish to make a suggestion to the gentleman, which may or may not be worthy of his attention. On page 36 it is especially provided that no carrier of interstate or foreign commerce shall transport any meat or meat product unless it is stamped "inspected and passed." And he is subject to fine and imprisonment if he does. Now, on page 42 you provide, and very properly, that this shall not apply to animals slaughtered on a farm or at a retail butcher's shop, which may be transported by interstate commerce to customers. How is the interstate carrier or railroad officer to know, how is he to determine between a carcass slaughtered by a farmer or a retail butcher and shipped when slaughtered somewhere else, and how dare he carry it for a farmer or a retail butcher unless it is inspected and passed?

Mr. WADSWORTH. That clause was put in to exempt the

farmer and retail butcher—the small dealer who might be located near the State line and who, in the course of his business, peddling from a wagon or cart, passes over a State line.

Mr. OLMSTED. I think it is a very proper provision.

Mr. WADSWORTH. But that clause does not apply to anybody shipping by common carrier, but to a dealer in meat products supplying consumers.

Mr. OLMSTED. It says "sold and transported as interstate and foreign commerce."

Mr. WADSWORTH. What line is the gentleman reading from?

Mr. OLMSTED. Page 42, lines 19 and 20.

Mr. WADSWORTH. That does not apply to the farmer.

Mr. OLMSTED. My point is, How is the interstate carrier going to know whether the carcass came from a farmer or butcher, or anybody else?

Mr. WADSWORTH. It is not necessary to know when he receives it from a farmer or a retail dealer.

Mr. OLMSTED. How is the shipping agent going to know a farmer?

Mr. WADSWORTH. If the gentleman will read the language, I think he will have no difficulty about it.

Mr. OLMSTED. My point is that a railroad company would not dare to carry the product of a farm or a butcher without it was inspected.

Mr. WADSWORTH. Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has consumed ten minutes.

Mr. WADSWORTH. Now, on page 35, line 16, the language in the original bill is "products are rendered unsound, unhealthful, unwholesome, or otherwise unfit for human food." We thought we had adjectives enough; but the word "unclean" was suggested, and it was put in. Now, Mr. Speaker, I think I have shown examples enough. So, speaking generally in regard to all these small changes and verbiage, if, like Mrs. Winslow's soothing sirup, they soothe, pacify, and quiet, let them all go in. No one objects to them. [Laughter and applause.]

We have eliminated the so-called "civil-service clause." We put it in the bill originally in order to expedite its operations, in order that the Secretary of Agriculture might not only get his inspectors through the civil service, but also from the outside. There is absolutely no objection to its going out if the House, in its wisdom, sees fit.

Now I come, Mr. Speaker, to the review clause, and after consultation with some of the ablest lawyers in the House it was decided that the court-review clause was unnecessary, if the entire paragraph allowing the appeal from inspector to inspector and so on to the Secretary of Agriculture and then to the court was eliminated. The paragraph in the original Senate amendment made the judgment of the Secretary of Agriculture mandatory and final. That clearly was unwise and injudicious, if not unconstitutional, and the committee, in order to make matters entirely fair and just, inserted in the bill a clause giving the right to resort to the courts, which the ablest lawyers on the floor claim is granted now under the Constitution and the existing general laws. Therefore, the clause was entirely eliminated in the bill just read by the Clerk, and the packers and slaughterers in Chicago, if they consider any of the rights of their property are injured in any way by the operations of this law, can invoke the jurisdiction of a United States judge in Chicago; and I know of no difference between the honesty and integrity of a United States judge in Chicago and the honesty and integrity of a United States judge in St. Louis, Kansas City, Fort Worth, St. Joe, or any other place where these slaughtering and canning establishments are located. [Applause.]

Mr. Speaker, in conclusion I simply want to assure this House on behalf of the Committee on Agriculture that the provisions of this bill will insure to the public a rigid meat and meat food inspection law. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. PADGETT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The gentleman has eight minutes of his time remaining.

Mr. WADSWORTH. And, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New York reserves the remainder of his time.

Mr. PADGETT. Mr. Speaker, I want to ask the gentleman from New York a question.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. LAMB. Mr. Speaker, at this stage of the proceedings I shall ask unanimous consent, and I hope my colleague from New York [Mr. WADSWORTH] will not object to it, to extend this discussion forty or fifty minutes, renewing the request

made by the gentleman from Mississippi [Mr. WILLIAMS]. I pause for an answer.

Mr. WADSWORTH. Mr. Speaker, I shall have to object. I objected once, and I shall have to do so again.

The SPEAKER. The gentleman from Virginia is recognized for twenty minutes.

Mr. LAMB. Mr. Speaker, I congratulate the Committee on Agriculture and this House upon the fact that after considering this measure for more than a week and offering various amendments to the Beveridge bill they have come into this House and adopted every feature, save one, that was contended for by the seven minority members of the Committee on Agriculture. Time will not permit now to go through with the features of this bill as has been done in part by the chairman of this committee. On those features, save one, this committee stood unanimous. The members of the minority disagreed with the majority on the question of paying the cost of inspection. The minority committee report is familiar to Members of the House. Their reasons for putting at least a part of this cost for inspection on the packers, who have produced the conditions that now confront us, are set forth in that report. It says:

We might be willing that that part of the cost of inspection which has heretofore been paid by the Government, amounting to about \$800,000, shall be continued, although strong objections thereto can be urged upon principle and precedent, but we are opposed—

And I hope this House will be opposed—

to an addition of more than \$2,000,000 for inspection of canned goods and meat food products generally, the sole benefit of which operates for a particular industry to correct a wrong done by them. We believe this to be class legislation of an indefensible character. For the payment of inspection fees in cases of this character there is abundant precedent. The national banks now are required to pay the cost of their own examinations. The same is true of renovated butter, steamboat inspection, the immigration head tax, and other cases that might be mentioned.

Mr. Speaker, if the rule under which we are proceeding here allowed it, the minority would offer an amendment to the last paragraph of this bill that would cover this case completely and would make this bill, in my humble judgment, about as perfect a measure as human skill and human ingenuity can make it. I shall ask to have read in my time by the Clerk the amendment which I would offer if I could, and I invite the careful attention of the House to the same.

The Clerk read as follows:

And there shall be paid into the Treasury of the United States, under such rules and regulations as the Secretary of the Treasury may prescribe, by the proprietor of any slaughtering, packing, meat-canning, rendering, or similar establishment, for whom inspection is maintained, an inspection fee of 5 cents for each bovine inspected under the terms of this act, an inspection fee of 3 cents for each sheep or goat inspected under the terms of this act, and an inspection fee of 3 cents for each head of swine inspected under the terms of this act. The fund thereby created shall be subject to the requisition of the Secretary of Agriculture, as if appropriated by Congress, and shall be in addition to the appropriations by Congress for the necessary expenses of carrying out the provisions of this act, and shall continue permanently available until used, and all the provisions of existing law relating to the collection of the revenue shall, in so far as they are applicable, apply to the collection of the fees provided for by this act.

Mr. LAMB. Mr. Speaker, if any amendment were permitted here and this House could take a vote, it would be wise legislation to substitute the one I have had read for this provision in the bill that saddles an annual appropriation on this Government of over three millions of dollars with which to pay for the inspection of meat and canned foods to gratify the wishes and carry out the edict, I may say, of these packers—middlemen who stand between the consumer and the producer. I need not stop here to discuss the question of whether these people will recoup from the cattlemen or from the consumer. Possibly they would do as they have been doing for the last decade or more and recoup from both parties. That is very likely what they would try to do, but this charge is so small that they would not be able, in my judgment, to do this. The packers have produced this condition by their own neglect, by their own methods, and we claim that the people of the United States who do not use their products, the 30 per cent of our population, the farmers on the farms in this country who kill their own cattle and raise their own produce, should not be saddled with a tax to pay for this inspection. Much more might be said, but the time is too short to discuss such a question.

I now yield five minutes to the gentleman from Mississippi, [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, we have been for some time in apprehension of a very serious and interesting, if not sensational, discussion, between the two gentlemen from New York—one at the other end of the Avenue and one in this House; but to-day

everything seems to be in a smiling condition. We might quote Shakespeare's utterance:

Now is the winter of our discontent
Made glorious summer by these sons of New York.

[Laughter and applause.]

Of course, this legislation could not be defeated if I wanted to defeat it, and I do not, because, as I understand, the two real ruling authorities under this boasted American form of free government have consulted together about it and determined upon and here prescribed just exactly what shall be done, to wit, the President of the United States and the Speaker of the House of Representatives. [Applause.] Whenever those two gentlemen meet in amity, after a few days of blustering discussion of one another, and of various and sultry thunderings in the index not following up later on, why, of course, we know that "the winter of our discontent has been made glorious summer."

There might be some objections to this legislation cured by amendment that I would offer, Mr. Speaker, if a helpless individual Member of the House of Representatives, or if the House itself, even, could consider an amendment, but we can not. We must, under the rules of the House, vote this proposed legislation up just as it comes to us, nursed by the Speaker and the President, and approved of by the committee, because the Committee on Agriculture could not well do anything except approve after these two great ruling authorities had spoken. We must, I say, either vote it up or vote it down. There has been some thundering in the index at the other end of the line of Pennsylvania avenue that was likewise not followed up, but we must remember, Mr. Speaker, you and I—even you, much more I—that men of iron, like other products of iron, are subject to expansion and contraction by the effect of the weather. [Applause and laughter.] As a broad general principle, Mr. Speaker, all sanitary legislation ought to be paid for by the public. The reason for that rule is that nobody is, as a rule, responsible for insanitary conditions. When the bubonic plague or yellow fever invade the country, everybody knows that nobody wants to be the vehicle of the transfer of those dangerous diseases. Nobody wants to catch them for the purpose of giving them to other people. That is the reason of the rule that the public ought to pay the expense, but the very reason points out the exception. Sometimes an insanitary condition is brought about by the voluntary action of evil doers. Whenever that is the case, then the expense of curing the condition which has been brought about by their acts ought to be borne by them. [Applause.] And I for one had hoped that the White House thundering in the index about making the evil doers stand the expense of curing the condition brought about by their own evil doing, would be followed up more strenuously than it has been. But here we are. We are faced with this precise resolution, and being faced with it, it is about as good an outcome as could have been expected, and I for one shall vote for the legislation, even though deprived of the power to try to better it by amendment lodging the burden on the shoulders of the evil doers.

Mr. SCOTT. I would like to ask the gentleman a question—

Mr. WILLIAMS. In a moment. Now, Mr. Speaker, I wish to add this: There has been some muck raking that has been going on in connection with this matter, and I want to pay my individual tribute to a Member of this House—the gentleman from New York, Mr. WADSWORTH. I think that in this particular legislation he has been mistaken, especially upon the point of not making the evil doers pay for curing the evil condition brought about by their own action. There has been some muck raking in which there has been a disposition to charge all sorts of wrong motives upon the gentleman from New York [Mr. WADSWORTH], the chairman of the Committee on Agriculture. I served with him for eight or ten years upon a committee of this House. I have known him to cast more votes against his own interests than almost any man in this House. [Applause.] He is a worthy son of a noble sire [applause], and an honest man, if God makes honest men [applause], and I believe He does. If the abbreviated disturbance between the two gentlemen from New York had come off, my conviction and my reasoning would have been with the other gentleman from New York, the one who occupies the White House, but my affections and feelings would have been with this gentleman from New York. [Applause.] I think we have had entirely too much tolerance for the idea that whenever men honestly differ about a public measure their motives are to be impugned and their integrity to be attacked. Now I yield to the gentleman from Kansas. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. SCOTT. Will the gentleman from Virginia yield another

minute to the gentleman from Mississippi, that I may ask him a question?

Mr. LAMB. Yes.

Mr. SCOTT. The gentleman bases his argument for charging the cost of this inspection upon the packers upon the ground that the packers are responsible for the condition which makes this legislation necessary.

Mr. WILLIAMS. Yes; for this condition. These packers have been poisoning our wives and our children, or, at any rate, the wives and children of the poor and all sorts of people.

Mr. SCOTT. I presume he would admit that the railroads are responsible for the condition which makes railroad rate legislation necessary. Would he, therefore, argue that the railroads should pay the expense of enforcing the requirements of the rate bill?

Mr. WILLIAMS. Mr. Speaker—

Mr. SCOTT. Is it not a parallel case?

Mr. WILLIAMS. No; far from it. The rate bill was passed not in the interest of the railroads, nor can the effect of it be in the benefit of the railroads except in the safety of their property and stability of institutions brought about by right legislation, but this is totally a different thing from that.

The railroads may have extorted, and they have. The railroads may have charged too much or discriminated, and they have; but the railroads have not entered into our families with poison. And this legislation differs in this respect, too, that it will mainly result in benefit to the very evil doers themselves, who, without some legislation of this sort, can have neither a foreign nor an interstate market for their products. This market they have lost by greed and selfishness. They ought to pay for the inspection, which by reinspiring confidence will restore it. That is the difference.

The SPEAKER. The time of the gentleman has expired.

Mr. LAMB. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I venture at the outset of my very brief remarks to attempt a homely, but I think a deserved, tribute to some other persons engaged in this legislation who have have not yet been mentioned with approval. The main question of difference now between the two elements of the committee is as to who shall pay for the inspection. Not as to how the inspectors shall be paid, but as to whether or not the packers shall be taxed something to make a fund in whole or in part to meet the expense to be taken out of the Treasury to pay these inspectors. I find, upon looking over the papers in the case after they had been changed and presented and withdrawn, and as they now exist, that there are three gentlemen here—the gentleman from Virginia [Mr. LAMB] and the gentleman from Mississippi [Mr. CANDLER] and the gentleman from Alabama [Mr. BOWIE]—who, it seems to me, in the tossing of bouquets ought to have at least a whiff of the pleasant odor going about through the House at this time. [Applause.]

These gentlemen, according to my conception, have demonstrated in connection with this matter a devotion to public duty as well as a comprehension of it which will entitle them to the gratitude of their constituents and to the good wishes of the people of the United States in general. They have been consistent enough and honest enough and bold enough and independent enough to take the position and to hold the position that those for whose benefit this inspection is to be made ought to contribute to the public fund out of which the inspectors are to be paid.

The proposed amendment read in the time of the gentleman from Virginia [Mr. LAMB], but of course not possible to be voted upon in this House at this time, or perhaps at any time, would impose upon these packers a tax of 5 cents for each animal of the bovine species inspected and 3 cents for each hog, sheep, and goat; and yet, against this extortion, against this great exaction, against this tremendous draft upon the exchequers of the rich packers, there is found in the majority of the committee, and will perhaps be found in a majority of the House, that deep and tender sense of justice and that profound regard for the defenseless packers that would reach into the Treasury of the United States and take out nobody knows how many millions annually in order that that great 5 and 3 cent tax may be saved to the coffers of these rich packers! Somebody says that the packers will throw it back upon the stock raisers. Imagine the spectacle of a man with a steer that, at the lowest price that cupidity and combination and monopoly and wrong can impose upon the seller, will command, we will say, a price of \$40, standing helpless as that sum is scaled down 5 cents! The truth about it is that this inspection tax which it is proposed to lay upon the packers would, as nearly as it is possible for the masses of the

people to get anything out of the monopolists who ride over them, booted and spurred, be paid by the packers themselves. Now, to this great committee, at the head of which is our distinguished friend from New York [Mr. WADSWORTH], distinguished not only as an agriculturist, but also lately distinguished in the realms of literary achievement [applause], to this committee, to these gentlemen, there appears awful injustice, terrible, threatened, impending outrage in compelling millionaire packers—through whose establishments the Presidential agents lately went, and had to go with their noses swathed and saturated with disinfectants—in a ruthless, unfeeling, outrageous way to put up 5 cents for the inspection of a beef and 3 cents for a hog or sheep in order that their products may go through interstate and foreign commerce and be made salable! What an outrage! [Applause on the Democratic side.]

Mr. LAMB. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. LAMB. I yield to the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS of Minnesota. Mr. Speaker, in the exceedingly short space of time allotted to me for discussion of this very important measure I will of necessity be very brief. Since this matter was presented to the Committee on Agriculture, of which I have the honor of being a member, it has been my earnest desire to secure the passage of a bill that would insure the best possible inspection of all the meats and meat food products which are used and consumed by our people and to provide ample funds at all times in order that a sufficient number of competent inspectors would be employed in this work. With this end in view I have thrown aside all partisan feeling and worked earnestly for the common good.

In the beginning of our investigations there were many divergent views of the various members of the committee, but at all times I was willing to yield my judgment whenever presented with facts showing that I might be mistaken, and I will say at this time that the present substitute of the committee for the so-called "Beveridge amendment" in many respects is very commendable and will, I trust, insure better inspection of all meats and meat food products hereafter produced by the large slaughtering and packing establishments of our country. The former amendment heretofore submitted to the House by our committee did not contain many of the present important provisions now set forth in the present bill. All of these important amendments, I am pleased to say, were strenuously contended for by the seven minority members, of which I was one, notably of which amendments I allude to the broad court review clause, which we of the minority desired to have eliminated and which has now been accomplished. Also, the present substitute does not nullify the civil-service law in regard to the appointment of inspectors who are to carry out the provisions of this bill, the former substitute of the committee having a provision expressly providing for the suspension of the civil-service law in this regard for one year. Again, the minority members urgently insisted that violations of some of the provisions of the proposed law should not only be declared to be a felony, but that the punishment therefor should be by both fine and imprisonment, and I am pleased to say that the committee's substitute contains such provisions, so that the willful violator shall now be punished, as he justly deserves, by both an adequate fine and a suitable term of imprisonment. We have always contended that ample funds should be supplied, either by the Government direct or otherwise, to carry into successful operation all of the provisions of the proposed law, and that such funds should be at all times available, in order that the Department of Agriculture, through its Bureau of Animal Industry, might not at any time be hampered for the necessary money to protect our people from all possible danger in consequence of any negligence, carelessness, or misconduct of those engaged in the manufacturing of meat food products.

There was and still is a great diversity of opinion among the members of the committee as to who should pay the cost of this inspection, some contending that it should be borne exclusively by the Government by direct appropriation out of the Treasury, and others that an inspection fee should be charged upon each animal slaughtered, while others considered that it would be more equitable that the Government should bear a part and the packers a reasonable share. In this connection I will say that the minority members were in sympathy with an amendment which they desired to have incorporated into the proposed law, and which they would earnestly support, as follows: Insert after the word "year," in line 24 on page 43 of the pending committee substitute, the following:

Provided, That for the purpose of reimbursing the Treasury of the United States for the expenses incurred under the provisions of this

act in the inspection, labeling, marking, stamping, or tagging of all meat and meat food products prepared or manufactured in any and all of the slaughtering, meat canning, salting, packing, rendering, or similar establishments hereinbefore mentioned, out of and from the carcasses, or parts thereof, of all animals or carcasses inspected under the provisions of this act, the Secretary of Agriculture is directed to ascertain, prescribe, and fix a reasonable fee, to be paid upon each carcass or part thereof so used in the preparation and manufacture of said meat and meat food products, which fee shall be fixed by the Secretary of Agriculture at a rate which, as nearly as possible, will serve only to defray the cost and expense of said inspection of said meat and meat food products, and such fees shall be uniform throughout the United States. The Secretary of Agriculture shall collect said fees from the person, company, or corporation preparing or manufacturing said meat and meat food products, and which fees, when collected, shall be deposited in the Treasury. A schedule of such fees, together with the rules and requirements relating to the collection thereof, shall be set forth in regulations prescribed by the Secretary of Agriculture.

Mr. Speaker, this amendment I intended to offer upon the floor of the House whenever opportunity presented, but at this time the parliamentary situation is such that no amendments whatever can be offered to the pending measure. Hence, I will have to be content by merely presenting to the House our good intentions. I will say, however, that this parliamentary situation was forced upon the minority and against their protest.

Cattle raising in the United States is one of its greatest industries and is one of the great sources of our food supply. It is also our judgment that one duty of government is to aid in keeping that food supply pure and wholesome. Therefore, it is proper that the contemplated appropriation of \$3,000,000 should be made for this purpose and the whole or so much thereof as may be necessary shall be used to accomplish this end. This proposed amendment contemplates that after the Government has caused all animals which are to be slaughtered to be thoroughly inspected while alive, and that as soon as killed the carcass shall be thoroughly subjected to a rigid post-mortem examination, thus insuring that the meat of this carcass is pure and wholesome for human food, that thereafter in case any person, company, or corporation shall in any manner manufacture this carcass into different meat food products which shall require further inspection as to their purity, wholesomeness, or fitness for human food, the cost and expense of this subsequent inspection shall be borne by the persons, company, or corporation so transforming the pure carcass into other and different products. The justness of this proposition is apparent. The stock raiser should not be subjected to any tax or charge when he offers for sale the product of his farm. The Government is willing to separate the diseased from the sound animal and see that only sound ones are slaughtered for human food. This being accomplished, is it not right, is it not justice that the man or set of men who seek to transform the carcass of this animal into the many forms of food products should be compelled to pay for any expense caused by his own acts?

From the hearings recently had before the Committee on Agriculture it was ascertained that about 92 per cent of the meat products of this country is disposed of and consumed as fresh meat; that the remaining 8 per cent is manufactured into various forms of meat food products, and that all or nearly all of this 8 per cent of the finished products require inspection, owing to the fact that various ingredients are used in the manufacture thereof. Now, it is to this portion of the meat food products and the expense of the proper inspection thereof, that the contemplated amendment, which I have proposed, is intended to provide for, and to compel the manufacturer thereof to pay the expense of inspecting the same. Or, in other words, the Government having in the first instance appropriated all the money to pay for all inspection contemplated under the proposed bill, that the manufacturer should pay back into the Treasury a sufficient sum to reimburse the Government for all expense which he has directly caused to be incurred.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. May I have one-half minute?

Mr. WADSWORTH. The gentleman will have to ask it on the other side.

Mr. DAVIS of Minnesota. Will the gentleman from Virginia yield me half a minute?

Mr. LAMB. I have no time; my time has expired.

Mr. WADSWORTH. I yield one minute to the gentleman from Colorado.

Mr. DAVIS of Minnesota. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BROOKS of Colorado. Mr. Speaker, I had intended to submit some remarks on the action of the committee in eliminating that particular feature of the bill which gave to the Secretary of Agriculture the power to make a final conclusive decision on all questions of fact or law. I think that elimination was the most important thing we have done. I do not care to

take the time of the House now, but I rise to ask, on behalf of myself and a great many others who wish the same privilege, the right to extend remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Colorado asks unanimous consent for general leave to print on this subject.

Mr. SHERLEY. If the request is limited to the gentleman, I shall not object; but if this request is extended to all Members of the House, inasmuch as we have not been given opportunity to have any consideration of the bill, I shall object. I do not think these speeches that are never delivered ought to go in the RECORD, as if there had been a real consideration of this important bill.

Mr. BROOKS of Colorado. Then I separate the request for myself.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BROOKS of Colorado. Now, I renew my request on behalf of the House.

Mr. WADSWORTH. I yield the balance of my time to the gentleman from Wisconsin [Mr. ADAMS].

Mr. DAVIS of Minnesota. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. That has already been granted.

Mr. MADDEN. Mr. Speaker, the live-stock industry is one in which one-third of our people are engaged more or less directly, and the proper preparation of meat food products is of such vast importance that it is now engaging not only the attention of this body, but that of all the American people and those of Europe as well.

The Twelfth Census of the United States shows that never in any country has such marvelous development in any industry been witnessed as that which has taken place in America in the one now under discussion during the past fifty years. In the last half century the development of this industry has been phenomenal. The settlement of the western country and the consequent expansion of territory devoted to stock raising; the extension of railroads and the increased facility of communication; the methods devised to insure the preservation of meats, such as improved methods of curing and the introduction and improvement of mechanical and chemical processes of refrigeration, rendering summer packing possible; the utilization of every part of the animal, and the adoption of labor-saving devices are among the factors that have contributed to its growth.

In fifty years the number of establishments have increased from 185 to 929, and the capital invested from \$3,482,500 to \$237,699,440; the number of wage-earners from 3,276 to 74,132; the wages paid from \$1,231,536 to \$40,447,574; the cost of materials from \$9,451,096 to \$805,856,969, and the value of products from \$11,981,642 to \$913,914,624.

The average amount of capital invested per establishment grew from \$18,824 in 1850 to \$205,427 in 1900. The average yearly earnings of the wage-earners grew from \$376 to \$488, and the average value of products per establishment rose from \$64,766 to \$852,945. During the ten years covered by the English census, taken in 1860, the center of the meat industry was at Cincinnati and in the Ohio Valley.

The average amount of capital per establishment increased from \$18,824 to \$39,221, or 108.4 per cent, while the average value of products per establishment increased from \$64,766 to \$113,675, or 75½ per cent.

In the decade from 1860 to 1870 a greater relative growth is shown. The number of establishments increased 509, or 196½ per cent. The sum of \$14,066,330 was added to the investment, 3,308 wage-earners more than formerly found employment, and the benefit to the stock raiser is shown in the increase of \$38,109,591, or 161.7 per cent, paid for materials used. The value of the product increased \$46,384,724, or 157½ per cent.

The refrigerator car was invented in 1869. The first cargo of dressed beef was shipped from Chicago to Boston.

To the improvement of various refrigerating processes is due in a large measure the development of the trade from 1870 to 1880, because of which summer packing on a large scale became possible.

But 505,500 hogs were killed during the summer of 1872-73. Summer packing from that time on continued to increase until in the season of 1879-80, 4,051,248 hogs were killed and packed.

The summer packing in 1872-73 amounted to 8½ per cent of the pack for the entire year, while in 1879-80 it grew to 37½ per cent. During the same period winter packing grew from 5,410,314 hogs in 1872-73 to 6,950,451 hogs in 1879-80. Winter packing increased 28½ per cent, while summer packing increased 701.6 per cent.

This latter growth shows the influence that refrigeration had on the growth of the meat trade. Up to 1875 the dressed-beef

trade had been of minor importance except for local consumption, but with the introduction of the refrigerator car it assumed large proportions. The beginning of the export of fresh beef dates from 1876. The canning of beef was attempted in 1860, but it was not until 1879 that it was taken up on a large scale.

From 1880 to 1890 the capital invested and the wages had nearly the same growth per cent, although the total amount of wages was a little more than one-fifth of the capital invested. The value of the products increased \$258,049,255, or 85 per cent. The average amount of capital per establishment increased from \$56,673, an increase of 44.3 per cent. This decade is the only one in which the growth per cent in the value of the product exceeded the growth per cent in the cost of materials used. This was due to the fact that the packer began to use the waste that was formerly thrown away.

The capital invested per establishment in 1900 had increased to \$205,427, compared with \$104,551 in 1890, or an increase of 96½ per cent. The miscellaneous expenses in 1890 were but 2.8 per cent of the value of the product, while these expenses had reached 3.1 per cent in 1900.

Until within comparatively late years little attempt was made to utilize the waste products of the abattoir. To-day nothing is allowed to go to waste. The horns, hoofs, bones, sinews, hide trimmings, and other so-called "waste materials" are now utilized in the manufacture of glue, gelatin, brewers' isinglass, curled hair, bristles, wool felt, hair felt, laundry soap, and soap powders, toilet soaps, glycerin, ammonia, fertilizers, bone meal, cut bones, poultry food, albumen, neat's-foot oil, pepsin, knife handles, and many other things. Each large establishment has its chemical laboratory, where expert chemists are constantly seeking for new combinations to render more valuable and extensive the already long list of by-products.

It must be apparent to everyone that an industry putting out a product in a single year of over \$913,000,000 is of the utmost importance to the people of the country. It is essentially western in its location and growth. The largest establishments are located in the Mississippi Valley. The States leading in the production of live stock for slaughter are west of the Mississippi. The territory devoted to the raising of hogs on a large scale is coextensive with the corn belt. The corn crop, the hay crop, and the grasses take on an added value when converted into the form of meat products. The corn crop is the foundation upon which depends the live-stock industry, and this industry is coming more and more to be a question of corn supply. The greater the cattle market the better the price of corn. A great cattle market enables the consumption of the surplus corn and a restriction of the cattle market will lower the price of corn.

From this western stock-raising territory the movement is northward and eastward to Chicago, Kansas City, South Omaha, St. Louis, South St. Joseph, and the other great slaughtering centers. The geographical movement of the slaughtering and packing area furnishes a view of the settlement and development of the West.

The advantages of the transportation facilities possessed by Chicago, backed with the wide area devoted to stock raising, spreading westward from Lake Michigan to the Rocky Mountains, give that city the lead in this industry. The tendency, however, is for the slaughtering centers to move still nearer the corn belt. The rise within recent years of Kansas City and South Omaha, and more lately of South St. Joseph, may be traced directly to this factor and to the improved railroad facilities that followed any enlargement of the territory devoted to corn production.

Another comparatively new development is the extension of the feeding or fattening operations for market. The conversion of the surplus corn into beef, pork, and mutton yields a large profit to the feeder. Poor-grade stock is bought in the fall, fattened during the winter, and later is sent back to market to be sold at a considerable advance.

The Union Stock Yards at Chicago present a monument to the opportunity and good business sense of the American people.

To the stranger entering the yards for the first time the scene is novel. He enters the main entrance beneath an iron arch bearing an inscription that informs him that the territory within is the "Union Stock Yards, chartered 1865." Once within, factories, pens, and viaducts surround him on every side. Noise and confusion reign everywhere, but the apparent confusion is well ordered, and considering the immense number of animals that are constantly being handled, the wonder is that they are handled with so much facility.

The stock arrives at the yard in the night or early morning, often after a long, hard ride of hundreds of miles. As soon as possible after the arrival at the yard the herds are driven to

pens, fed, and watered, and after that the selling begins. Owners, buyers, sellers, agents of the packing houses, and commission men mingle in the excitement of the market. An official statement of the weight is given the seller. The animals are then driven to the slaughterhouses. The worry and exhaustion of the cattle, occasioned by the long ride, have heated them so much that a period, generally of about twenty-four hours, is given to allow their temperature to cool to the normal point. Hogs, however, are not allowed this respite, but are sprinkled and immediately driven to a large solid wheel, with chains fastened at intervals along the rim. The wheel revolves, slowly raising the squealing porker. As he gets near the top, the hog is detached automatically from the wheel, and a hook attached to a sloping rail carries the victim to the butcher. With a swift motion, almost mechanical because of its long practice, the throat is cut lengthways and the carcass is run along a short distance to allow the blood to drain out, which is drawn off and used largely in the manufacture of fertilizers. After a short time has been allowed for this draining, the carcass is plunged into a bath of scalding water. It is then brought automatically to a table, across which it is dragged through a scraping machine by an endless chain. This machine does the work better than it could be done by hand, leaving the bristles in much better condition. It does its work very thoroughly, its blades being mounted on cylinders coming in contact with every part of the body. To insure perfect results the body is then gone over by hand scrapers, after which the carcass is thoroughly washed with a hose. Next the head is nearly severed, the gambrels are cut, and the body suspended by them from the rail.

The body is then opened and dressed, the leaf lard is removed, the head is taken off, the tongue removed, and lastly, the body is split in two. All this is done at the rate of twenty hogs per minute. Thence the two halves go to the chill room, where they remain about twenty-four hours, until after the animal heat has left the body and it is thoroughly chilled. After this the sides are run to the cutting tables.

A hog dresses about 80 per cent of its live weight, about 20 per cent being offal. Fresh meat comprises about 10 per cent of the dressed hog and the other 90 per cent is cured. From the cutting room the various parts intended for curing are sent by chutes to the curing rooms, where some cuts lie for at least sixty days in dry salt, and the shoulders, sides, hams, etc., intended for smoking lie for a like period in vats of sweet pickle. After these pieces intended for smoking have lain in pickle for five to eight weeks—the time required and the strength of the pickle varying according to the size of the cut—they are removed to the soaking tank and soaked for about twenty-four hours in order that the heavier salting toward the surface of the cut may be brought to a uniformity with the center. From there the hams go to the trimming table, whence they are taken to the smokehouse, where they are smoked for about twenty-four hours. They then go to the storeroom or the department where the hams and bacon are branded and labeled, and some are covered with canvas.

After the cattle are cooled the body is shackled by the hind legs, hoisted and hooked to a rail along which it slides to the butcher, who, with a quick thrust, severs the large vein of the neck. A pan is quickly shoved in to collect the blood, and the floor is arranged so that whatever quantity of the blood may escape the pan is drained into a large tank. Next the carcass is headed, lowered to the floor, and adjusted in such manner that the hide may be removed most easily. In this operation the division of labor is carried to a high degree. Each workman engaged in removing the hide cuts only a certain portion, and the amount done by each is surprisingly small, but this is compensated for in the additional quickness with which the work is accomplished. Next the beef is sent to the chill room, where it is refrigerated about forty-eight hours, when that which is intended for sale as fresh meat is run to the loading platforms, divided into fore and hind quarters, and loaded into refrigerator cars for shipment to all parts of the United States and to foreign countries. The killing of sheep differs little from the killing of cattle.

The meat used in canning is generally cow beef and of an inferior grade. It is cooked in huge kettles and is handled with pitchforks. As soon as cooked it is pressed into cans, which are capped, soldered, sealed, and inspected by steaming to ascertain if any air holes remain. These holes are closed and the cans are washed, painted, and labeled, when they are ready for shipment to any climate, since, being air-tight, they are proof against climatic changes.

We recognize the fact that the reputation of American meats in the markets of the world depends upon the care and thoroughness with which the meat is inspected. This inspection is

conducted by the Bureau of Animal Industry of the Department of Agriculture, and the cost of the work is borne by the Government.

On arrival at the stock yards all animals intended for slaughter are subjected to an ante-mortem examination by a Government inspector. Any animal that is found to be diseased or not fit for human food is condemned, and marked by having a metal tag stamped "U. S., condemned," placed in its ear.

These condemned animals are killed under the supervision of an employee of the Bureau of Animal Industry, whose duty it is to see that the products of such animals are rendered in such manner that they shall not be fit for human food. At the time of slaughter all animals are again examined, and if found to be diseased the carcass is marked with a yellow condemnation tag and removed and rendered so that no part of it can be placed on sale for food. Provision is made to insure the proper rendering of the condemned carcasses by requiring the return to the inspector of a numbered stub removed from the tag of condemnation at the time the rendering is done. This always insures the proper rendering of the carcasses. Only those carcasses and meats are inspected that are intended for interstate and export trade.

Each article of food made from inspected carcasses must bear a label, on which appears the official number by which the establishment is known to the Department of Agriculture and a statement to the effect that the article has been inspected according to law. A copy of this label is filed with the Department of Agriculture at Washington, to serve as a mark of identification that the products to which it has been attached were properly inspected. Each package shipped has stenciled upon it "For export" or "Interstate trade," as the case may be, and further, the official number of the establishment, the number of pieces or pounds in the package, and the trade-mark of the firm. Upon such packages the official of the Department pastes meat-inspection stamps, which are immediately canceled, certifying to the wholesomeness of the product and its fitness for food. These stamps must be obliterated as soon as the package is opened.

To say that the meat prepared in an establishment of this country under such regulations is not clean and wholesome is to say that which it is hard to believe. The development of the business has been so rapid and its growth so enormous that difficulty may have been experienced in keeping pace with the constantly growing improvements.

But that the meat has been and is being prepared under conditions fully equal to those prevailing in any country of the world no one can deny. That some improvements should be made in the sanitary conditions all will agree; that more rigid inspection might be of benefit does not admit of two opinions. The farmer, the middleman, and the packer all join in the desire for the most rigid regulations in order that their product may have the stamp of approval of those who in authority have the right to exercise a supervisory control over its preparation, and to that end the bill before the House at this time providing for a system of inspection greatly in advance of that heretofore existing and following the product from the hoof to the can should be enacted into law and rigidly enforced.

Value of live stock in the United States January 1, 1905, as shown in Yearbook of the Department of Agriculture.

Cattle (p. 704)	\$661,571,308
Sheep (p. 708)	127,331,850
Hogs (p. 714)	283,254,987

Total 1,072,158,136

Value of milch cows (see same page) 483,272,203

Total milch cows, other cattle, sheep, and hogs 1,554,430,339

Live-stock markets for 1900.

	Cattle.	Hogs.	Sheep.
Chicago	2,729,046	8,696,097	3,548,885
St. Louis	795,800	2,156,972	494,193
Kansas City	1,960,718	3,084,139	644,177
Omaha	828,204	2,200,926	1,373,775

HOW USED.

	Cattle.	Hogs.	Sheep.
Chicago:			
Shipped	934,649	1,452,183	487,254
Slaughtered	1,794,397	7,243,914	3,061,631
St. Louis:			
Shipped	207,988	513,561	65,199
Slaughtered	587,802	1,643,411	368,994
Kansas City:			
Shipped	553,303	223,963	216,272
Slaughtered	1,116,415	2,870,176	644,177
Omaha:			
Shipped	274,479	36,996	552,234
Slaughtered	553,725	2,163,930	724,541

Cattle shipped for 1900.	
Chicago	934,649
St. Louis	207,988
Kansas City	553,303
Omaha	274,479
Total	2,270,429

Cattle slaughtered for 1900.	
Chicago	1,794,397
St. Louis	587,802
Kansas City	1,116,415
Omaha	553,725
Total	4,052,339

Hogs shipped for 1900.	
Chicago	1,452,183
St. Louis	513,561
Kansas City	223,963
Omaha	36,996
Total	2,226,703

Hogs slaughtered for 1900.	
Chicago	7,243,914
St. Louis	1,643,411
Kansas City	2,870,176
Omaha	2,163,930
Total	13,921,431

Sheep shipped for 1900.	
Chicago	487,254
St. Louis	65,199
Kansas City	216,272
Omaha	552,234
Total	1,320,959

Sheep slaughtered for 1900.	
Chicago	3,061,631
St. Louis	368,994
Kansas City	644,177
Omaha	724,541
Total	4,799,283

Grand total:	
Animals shipped	5,818,091
Animals slaughtered	22,773,053

That is to say, in the year 1900, in the cities of Chicago, St. Louis, Kansas City, and Omaha, out of a total of 28,591,144 cattle, hogs, and sheep brought into market, 22,773,053 were slaughtered and only 5,818,091 shipped away. This gives a faint idea of the size of the packing plants and the meat trade six years ago, the date of the last obtainable Government reports.

According to Census Bulletin 217, Twelfth Census, printed June 30, 1902, page 9, Chicago produced a value in packing-house products in 1900 of \$256,527,949, or 32.7 per cent of the total value of the United States.

Kansas City stood second with a total of \$73,787,771, a gain during the decade of \$33,860,579, or 84.9 per cent. In 1900 Kansas City furnished of the total product of the United States 9.4 per cent.

South Omaha in 1900, \$67,889,749, or 8.6 per cent of the total product of the United States.

New York, Brooklyn, Jersey City, and Newark showed a decrease; not on account of consumption, but the importance of western dressed meats in eastern markets. Boston shows a decrease, while Baltimore gained in number of establishments and value of product.

South St. Joseph and St. Joseph furnished 3.8 per cent of the total value of the product for the United States.

In 1900 the list of the thirteen States in their order as to the prominence of packing-house products, etc., was as follows:

Illinois	\$287,922,227
Kansas	77,411,883
Nebraska	71,280,366
New York	57,431,293
Indiana	43,862,273
Missouri	43,040,855
Massachusetts	\$31,633,483
Iowa	25,093,044
Pennsylvania	25,238,772
Ohio	20,660,780
California	15,717,712
New Jersey	14,046,217
Wisconsin	13,649,750

The preliminary summary of the statistics of slaughtering and meat packing for the calendar year 1904, forming a part of the census of manufactories of 1905 taken in conformity with the act of 1902, issued by the Bureau of Animal Industry April 10, 1906, shows, among other things:

Number of packing houses	929
Capital	\$237,699,440
Salaried officials and clerks	12,075
Salaries	\$13,377,908
Wage-earners (average number)	74,132
Wages	\$40,447,574
Miscellaneous expenses	\$30,623,108
Material used, total cost	\$805,656,969
Animals slaughtered:	
Beef	289,040,930
Sheep	44,359,804
Hogs	329,763,430
Calves	12,666,942
All other	61,905
All other materials	129,963,958
Products, total value	\$913,914,624
Beef, sold fresh	247,135,029
Beef, canned	7,697,815
Beef, salted or cured	8,107,952
Mutton, sold fresh	36,880,455

Products—Continued.

Veal, sold fresh	\$12,856,369
Pork, sold fresh	91,779,323
Pork, salted	116,626,710
Hams, smoked	132,210,611
Sausage, fresh or cured	25,056,331
All other meat, sold fresh	9,579,718
Refined lard	74,116,991
Natural lard	8,423,973
Oleomargarine oil	10,201,911
Other oils	2,595,951
Fertilizers	4,397,626
Hides	44,137,802
Wool	5,229,521
All other products	76,880,536

Number of slaughtering and meat-packing houses in the United States, year 1900.

Number of establishments	921
Capital	\$189,198,264
Salaried officials, clerks, etc.	10,227
Salaries	\$10,123,247
Wage-earners (average number)	68,534
Total wages	\$33,457,013
Miscellaneous expenses	\$24,000,412
Cost of materials used	\$683,583,577
Value of product	\$785,562,433

Reports and figures compiled from governmental and private, but equally reliable sources show that the great volume of export dressed beef from America to Europe is to-day over 100,000,000 pounds less than it was five years ago and is gradually diminishing, while shipments from Argentina to Europe during the same period have increased almost 200 per cent and are still growing.

In 1905 the shipments of dressed beef from Argentina to England exceeded the shipments from the United States by over 38,000,000 pounds. Five years ago the United States shipped to England 70 per cent of the total imports of dressed beef and Argentina 17 per cent.

For 1905 the proportion from the United States was 44 per cent and from Argentina over 51 per cent. The United States is compelled to compete in European markets with Argentina beef and the Argentina cattle are sold for about 60 per cent of what the American producer gets.

If the export trade is further hampered and the present tendency continues it is easy to see that the American trade in cattle, meat, and meat products will become a thing of the past.

It is needless to say that the past twelve months show the largest losses to the American shipper on shipments of any twelve months. And the situation has not been bettered in the last month.

The average animal imports into Great Britain from all countries were, during 1895-1897, 293,000,000—223,000,000 contributed by this country (75 per cent); 1898-1900, 412,000,000—296,000,000 contributed by this country (72 per cent); 1901-1903, 462,000,000—305,000,000 contributed by this country (66 per cent); 1904, 487,000,000—268,000,000 contributed by this country (55 per cent). Argentina has furnished during the same period—1895-1897, 6,000,000 pounds, or 2 per cent; 1898-1900, 25,000,000 pounds, or 6 per cent; 1901-1903, 106,000,000 pounds, or 23 per cent; 1904, 188,000,000 pounds, or 39 per cent.

The United States in 1904 imported into thirteen European countries and Cuba \$153,429,026 worth of packing-house products, to say nothing of imports into other quarters of the globe.

The immensity of the meat trade in its ramifications is absolutely beyond comprehension. The amounts of money involved are fabulous. The trade furnishes a livelihood to millions of people. Even the small farmer sends his surplus cattle and hogs to market now, instead of killing them at home, as was the custom. By so doing he gets a good price for the animals, and buys from local meat dealers the cuts of meat he needs for family use, getting the highest price for such parts of the animal as he can not use.

The trade in the United States in tinned meats and preparations other than those denominated "fresh" is simply marvelous. Every general store, butcher shop, grocery, delicatessen, bakery, lunch room, and even the little country store at the crossroads carries a stock of tinned goods, smoked meats, sausage, tongues, and, in fact, every character of meat product. A line of these goods is as essential to the stock of the store as any of the other staples, sugar, or coffee. Many of these merchants and butchers, too, sell pressed corned beef by the pound. The trade carries a fair profit, and as the goods do not deteriorate from age, they are staple in every way, classed and invoiced as such.

Let us pass such legislation as will meet every demand for clean, wholesome meat food products—make it sufficiently stringent to insure confidence on every hand and encourage a greater use of meat food products at home and abroad. But let it be understood that no unworthy motive now or ever has prompted the sale of this commodity, and that though we favor a more

rigid inspection than has heretofore prevailed, we still challenge the world to show that any meat in any form which was unfit for food has ever been placed upon the market.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that every Member of this House who wants to extend his remarks in the RECORD on this subject be permitted so to do. It is evident that many gentlemen wish to do so.

Mr. SHERLEY. I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. ADAMS. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] has told the truth, and it is idle to disguise it, that the President of the United States and the Speaker of this House have agreed with reference to the bill which is now before you. The gentleman from Mississippi, with his characteristic intellectual integrity, manifested in this instance, as it has been in many others, accepts the situation, says it is a good bill, and makes no complaint because the President of the United States and the Speaker of this House agree with him.

Now, Mr. Speaker, what has happened? The Secretary of Agriculture sent a committee to Chicago to investigate the conditions under which the packing-house industry of that city was carried on. That committee submitted an elaborate and complete report, covering every building, covering every room—a report which was simple, direct, concise, evidently prepared without passion and without prejudice, telling the exact truth; and the exact truth was that in the great center of the meat-handling industry of the United States conditions existed which threatened the character and integrity of the meat products of the United States. That report was submitted to the President. In order to confirm it, or not confirm it, he selected two men in whom he had confidence, who did not claim to be experts, who were ordinary, intelligent citizens, having the judgment of ordinary, intelligent citizens, and sent them there to make such an investigation as you and I would make. The report of those two gentlemen confirmed the report that was made to the Secretary of Agriculture. The President of the United States, understanding, as you and I understand, that meat is something which goes into the consumption of every family, knowing, as you and I know, that the great meat industry of the United States exports to foreign lands \$200,000,000 worth of meat a year, knowing the importance of this subject, communicated the facts to Congress. Why? In order that public sentiment might be stirred all over the United States, and that the legislative judgment of this body and the other across the Capitol might be stirred to enact into law a provision for governmental inspection, which should insure the healthfulness, the wholesomeness, the cleanliness, the purity, and perfection of American meat products. [Applause.] That is all there is of it.

A bill passed the Senate, passed without consideration, a provision conceived by a gentleman who wished to do good things, who was moved by a good purpose. That bill was imperfect. It came over here and was sent to the Committee on Agriculture. Hearings were had. Representatives of the packers were heard; representatives of the Agricultural Department were heard; the men who went to Chicago to investigate were heard. The committee gave ample consideration to the representatives of all these interests; and I want to say to you, gentlemen, with reference to the truth of the charges which have been made, that when Mr. Wilson, the representative of the packers of Chicago, who came there and very modestly and very clearly stated what he deemed the conditions to be in Chicago, and then, in response to questions, admitted that every solitary conclusion of Mr. Neill and Mr. Reynolds in their report should be carried out, he confessed judgment on the essential points in this controversy. [Applause.] And when the board of health of Chicago sent their representative, under the spur of public feeling that has been applied in this case, into the packing-house district and started to work there, in nearly every establishment the truth of the charges was again sustained. There is no question about it. The committee took up that bill in the utmost good faith, every man actuated with the desire to draw and present to this House a measure which should compel rigid and, in so far as human judgment could make it, perfect inspection of meat, to give us a bill which should not only be just to the producing interests of the United States, but also fair and just to those great manufacturing interests which are handling hundreds of millions of dollars' worth of the meat products of this country. The committee worked in absolute good faith. They have no pride of opinion. There was but one purpose among the members of that committee, and that was to make the bill right. I disagreed with the majority in the first report which came here, providing for a court review. I do not believe that every time the Congress of the United States draws a law, under the power which it has over interstate commerce, to regulate

some particular kind of business, we must provide in that particular bill for some particular kind of court review. That provision has gone out of the bill.

It is true that I have consulted with the President. It is true that the Speaker of this House has taken hold of this thing as a Member of the House and as an American citizen, and has worked with Mr. Roosevelt. Neither has shown any pride of opinion, but a simple desire to yield nonessentials in order that the executive branch of the Government and the legislative branch of the Government and the American people, all of whom want a good law, may have it. [Applause.]

Mr. HINSHAW. Mr. Speaker, in view of the large stock interests in my country, I ask leave to extend remarks in the RECORD along this subject.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HENRY of Connecticut. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD upon this subject.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KENNEDY of Nebraska. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the report of the committee of the Omaha Commercial Club on the condition of the Omaha packing houses.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to print in the RECORD the matter to which he refers. Is there objection?

Mr. DE ARMOND. I object, Mr. Speaker.

Mr. HAY. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the motion of Mr. WADSWORTH was agreed to.

Mr. LILLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD upon the agricultural appropriation bill.

Mr. HAY. I object.

SUBDIVISION OF LANDS UNDER RECLAMATION ACT.

Mr. MONDELL. Mr. Speaker, I desire to offer the conference report on the bill (H. R. 18536) providing for subdivision of lands under the reclamation act, to be printed in the RECORD.

The SPEAKER. The report and statement will be printed under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6355. An act concerning licensed officers of vessels;

S. 6406. An act to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch;

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army;

S. 6444. An act to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

S. 6365. An act granting a pension to Edward S. Bragg; and

S. 6268. An act granting a pension to Helen G. Hibbard.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. RUFUS E. LESTER, late a Representative from the State of Georgia.

Resolved, That a committee of seven Senators be appointed by the presiding officer to join a committee appointed on the part of the House of Representatives to attend the funeral of the deceased, at Savannah, Ga.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that the Vice-President, in compliance with the foregoing, had appointed, under the second resolution, Mr. BACON, Mr. CLAPP, Mr. CLAY, Mr. WARNER, Mr. FOSTER, Mr. FULTON, and Mr. OVERMAN as the committee on the part of the Senate.

The message also announced that the Senate had passed with

amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 15513. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce;

H. R. 16290. An act to postpone until 1937 the maturity of \$250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind; and

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase lands leased to them for agricultural purposes in Comanche County, Okla.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands.

PHILIPPINE MERCHANDISE.

Mr. McCLEARY of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19756) to amend section 3844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands.

The Clerk read the bill, as follows:

Be it enacted, etc., That section No. 2844 of the Revised Statutes of the United States is hereby amended by adding thereto the following: "Provided, That the authentication may be made by the collector or a deputy collector of customs in the case of merchandise shipped to the United States from the Philippine Islands."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ADDITIONAL ASSOCIATE JUSTICE FOR SUPREME COURT OF ARIZONA.

Mr. HENRY of Texas. Mr. Speaker, I move to discharge the Committee on the Judiciary from further consideration of S. 948, to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, and to suspend the rules and pass the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act providing for an additional associate justice of the supreme court of Arizona, and for other purposes, approved March 3, 1905, be so amended that the first section thereof shall read as follows:

"That hereafter the supreme court of the Territory of Arizona shall consist of a chief justice and four associate justices, any three of whom shall constitute a quorum, but three justices must concur in order to reverse a judgment or other determination of a district court, except that in cases where two of the five justices are now or hereafter may be disqualified from sitting in such case or cases the justices not disqualified shall constitute a quorum and a majority thereof may reverse or affirm such case or cases."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EFFICIENCY OF THE REVENUE-CUTTER SERVICE.

Mr. ESCH. Mr. Speaker, I move to suspend the rules and pass the bill S. 3044. I am further directed by the committee to move to amend by striking out section 4 and inserting section 7, which is the committee amendment in lieu thereof, section 4 having been enacted into law by a previous act.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after the passage of this act the number of officers on the active list in the grade of third lieutenant in the Revenue-Cutter Service shall not exceed thirty-seven; *Provided*, That until such time as the grade of third lieutenant shall be filled as provided in this act there may be advanced to that grade any cadet of the line who has served not less than two years as such cadet, and is recommended for advancement by the Secretary of the Treasury.

Sec. 2. That hereafter the number of cadets of the line allowed in the Revenue-Cutter Service shall be such as to provide for filling the vacancies that may occur in the grade of third lieutenant in said

Service: *Provided*, That a person to be eligible for appointment as a cadet of the line shall produce satisfactory evidence of good moral character, shall be not less than 18 nor more than 24 years of age at the time of appointment, and shall pass a satisfactory physical examination by a board of officers of the Public Health and Marine-Hospital Service, and a satisfactory educational examination, which must in all cases be written and strictly competitive, by a board of commissioned officers of the Revenue-Cutter Service, both examinations to be conducted under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided*, That no person who has been dismissed or compelled to resign from the Military Academy or from the Naval Academy of the United States for hazing, or for any other improper conduct, shall be eligible for appointment as a cadet in the Revenue-Cutter Service: *Provided*, That no person shall become a cadet of the line who does not obligate himself, in such manner as the Secretary of the Treasury may prescribe, to serve at least four years as an officer in said Service after graduation, if his services be so long required: *And provided further*, That the Secretary of the Treasury may summarily dismiss from the Service any cadet who, during his probationary term, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Service.

SEC. 3. That hereafter appointments into the grade of second assistant engineer in the Revenue-Cutter Service shall be as at present, except that, before being commissioned, the candidate who has successfully passed the required examinations shall serve a probationary term of not less than six months as a cadet engineer to determine his fitness for a commission in said Service, and during which probationary term he shall receive a salary of \$75 per month and one ration per day: *Provided*, That no person shall be commissioned a second assistant engineer who is less than 21 or more than 26 years of age, nor until he shall have served the probationary term herein required.

SEC. 4. That hereafter it shall not be necessary for any commissioned officer of the Revenue-Cutter Service to make oath to his pay accounts.

SEC. 5. That a chief engineer of the Revenue-Cutter Service, to be selected for his special ability in naval construction from the present list of chief engineers by the Secretary of the Treasury, may be commissioned a constructor for engineering duty in said Service with the rank, pay, and emoluments now provided by law for a chief engineer: *Provided*, That the vacancy created in the list of chief engineers by such transfer shall not be filled by promotion or otherwise, but the number of chief engineers now authorized by law shall be reduced by one, and that no additional expense shall be incurred by reason of commissioning such chief engineer a constructor.

SEC. 6. The Secretary of the Treasury is hereby authorized to employ two civilian instructors in the Revenue-Cutter Service, one at a salary of \$2,000 per annum and one at a salary of \$1,800 per annum.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

NAVAL MILITIA.

Mr. FOSS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10858) to establish a Naval Militia and define its relations to the General Government.

The Clerk read the bill, as follows:

Be it enacted, etc., That of the organized militia as set forth in the act to promote the efficiency of the militia, and for other purposes, approved January 21, 1903, such part of the same as each State may elect shall constitute a Naval Militia.

SEC. 2. That all sections of the said act which define the relations between the organized militia and the United States Government shall be applicable to the Naval Militia as part of the organized militia of the several States, Territories, and the District of Columbia, and the duties therein named for the Secretary of War shall, so far as the Naval Militia is concerned, devolve upon the Secretary of the Navy.

SEC. 3. That the Secretary of the Navy be, and he is hereby, authorized and empowered, upon the request of the governor of any State or Territory, or of the Commissioners of the District of Columbia, having an organized Naval Militia, to appoint an officer or officers to inspect, instruct, examine, and train such Naval Militia at such times and places as may be appointed by any of said governors or Commissioners, and also for the purpose of formulating standard regulations for the organization, discipline, training, armament, and equipment of said Naval Militia, and for the professional examination of the officers, petty officers, and men composing the same, with a view to producing uniformity among the Naval Militia of the various States and assimilating them to the standard of the United States Navy.

SEC. 4. That the Naval Militia, when called into the actual service of the United States, shall be governed by the same rules and articles as the Regular Navy.

SEC. 5. That such appropriations as may from time to time be made by the Congress for the benefit of the Naval Militia of the several States, Territories, and the District of Columbia shall be distributed between them according to equitable proportions to be determined by the Secretary of the Navy and applied to the uses and necessities of each organization: *Provided*, That no part of the money appropriated from time to time to carry out the provisions of the act approved January 21, 1903, shall be allotted to that part of the organized militia of any State that is now or may hereafter be designated as Naval Militia.

SEC. 6. That all laws and sections of laws conflicting with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. THOMAS of North Carolina. Mr. Speaker, I demand a second for the purpose of asking a question.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois is entitled to twenty minutes and the gentleman from North Carolina is entitled to twenty minutes.

Mr. THOMAS of North Carolina. Mr. Speaker, I would ask the gentleman from Illinois if this is a unanimous report from the Committee on Naval Affairs?

Mr. FOSS. Yes.

Mr. THOMAS of North Carolina. I would further ask the chairman if this bill is satisfactory to the Naval Militia?

Mr. FOSS. Yes; it is.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ORDNANCE DEPARTMENT, UNITED STATES ARMY.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to move to suspend the rules and pass the bill (S. 1540) to increase the efficiency of the Ordnance Department of the United States Army, as amended by the committee, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Ordnance Department shall consist of one chief of ordnance with the rank of brigadier-general; six colonels, nine lieutenant-colonels, nineteen majors, twenty-five captains, twenty-five first lieutenants, and the enlisted men, including ordnance-sergeants, as now authorized by law.

SEC. 2. That details to the Ordnance Department under the provisions of the act of February 2, 1901, may be made from the Army at large from the grade in which the vacancy exists, or from the grade below: *Provided*, That no officer shall be so detailed except upon the recommendation of a board of ordnance officers, and after at least one examination, which shall be open to competition: *And provided further*, That officers so detailed in grades below that of major shall not be again eligible for such detail until after they shall have served for at least one year out of that department.

The SPEAKER. Is a second demanded? [After a pause.] No second having been demanded, the question is on suspending the rules and passing the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RETIREMENT OF PETTY OFFICERS AND ENLISTED MEN OF THE NAVY.

Mr. DAWSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1649) providing for the retirement of petty officers and enlisted men in the Navy, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in computing the necessary thirty years' time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, or Marine Corps shall be credited.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS MISSISSIPPI RIVER AT ST. LOUIS.

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20210) to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River, together with committee amendments thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the city of St. Louis, a corporation organized under the laws of the State of Missouri, be, and is hereby, authorized to construct, maintain, and operate a railroad, wagon, and foot-passenger bridge, and approaches thereto, across the Mississippi River at St. Louis, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

Mr. HUNT. Mr. Speaker, I demand a second.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri [Mr. BARTHOLDT] is entitled to twenty minutes, and his colleague, the gentleman from Missouri [Mr. HUNT], is entitled to twenty minutes.

Mr. BARTHOLDT. Mr. Speaker, in explaining this bill I desire to say that the people of the city of St. Louis on last Tuesday voted for a proposition to issue bonds to the amount of \$3,500,000 for the purpose of constructing a free municipal bridge across the Mississippi River, to be owned and controlled by the municipality for all time to come. The vote of the people was about 52,000 to 6,400, and in accordance with that verdict I have introduced this bill, the passage of which I now ask.

I reserve the balance of my time.

Mr. HUNT. Mr. Speaker, the bill under consideration is practically the same as House bill (20206) introduced by myself. In fact the phraseology is the same as contained in my

bill. But, Mr. Speaker, above and beyond any personal pride of mine I see the city of St. Louis asking for the necessary Federal permission to construct a municipal highway across the Father of Waters, in short, to enable her to prepare the way for the million or more of people who will take up their homes in the greatest city of the greatest State of these United States. Therefore, Mr. Speaker, I hope that no objection will be made to the passage of this bill. [Loud applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1899, to make certain grants of land to the Territory of New Mexico, and for other purposes; and

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, and approved the 15th of March, 1905.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

Also that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities;

H. R. 4580. An act for the relief of Blank & Parks, of Waxahachie, Tex.; and

H. R. 3459. An act for the relief of John W. Williams.

S. 5136. An act to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901.

S. R. 52. Joint resolution authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

S. 6268. An act granting a pension to Helen G. Hibbard—to the Committee on Invalid Pensions.

S. 6355. An act concerning licensed officers of vessels—to the Committee on the Merchant Marine and Fisheries.

S. 6406. An act to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch—to the Committee on the District of Columbia.

S. 6365. An act granting a pension to Edward S. Bragg—to the Committee on Invalid Pensions.

OBSELETE ORDINANCE.

Mr. MOUSER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19814) authorizing the issue of obsolete ordinance and ordinance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to issue, at his discretion and under proper regulations to be prescribed by him, without cost of transportation to the United States, such obsolete ordinance and ordinance stores as may be available to State and Territorial educational institutions and to State soldiers and sailors orphans' homes, for purposes of drill and instruction.

And the Secretary of War shall require from such institutions or homes a bond in each case in double the value of the property issued, for the care and safe-keeping thereof and for the return of the same to the United States when required: *Provided*, That the issues herein provided for shall be made only to institutions upon recommendation of the governors of States and Territories and shall not be made in any case to any educational institution to which issues of such stores are allowed to be made under provisions of existing law.

The SPEAKER. Is a second demanded? [After a pause.] No second having been demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

FORT CLINCH RESERVATION, FLA.

Mr. CLARK of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1697) confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida, with committee amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That all of the right, title, claim, and interest of the United States in and to the several lots of land in the old town of Fernandina, Nassau County, Fla., located on lot 2 of section 14, in township 3 north of range 28 east of Tallahassee principal meridian, which were granted by Spain to certain persons prior to the cession of Florida to the United States, and afterwards confirmed by the United States to such persons, their heirs, representatives, and assigns, prior to the issuance of the order creating the Fort Clinch Military Reservation, shall be, and the same are hereby, confirmed, granted, released, and relinquished to the said several persons to whom said lots were so granted by Spain and confirmed by the United States, respectively, and their respective heirs, representatives, and assigns; and that all the right, title, claim, and interest of the United States at the date of the patent to Yulee and of the swamp-land selection by Florida hereinafter referred to in and to lots 1 and 2 of section 14, in township 3 north of range 28 east of said meridian, except the said lots granted by Spain to certain persons and confirmed by the United States as above mentioned, and except the block of the old town of Fernandina known as the Plaza, bounded by Estrada, White, Marine, and Somuceros streets, and except also the Military Road from said town to Fort Clinch, be, and the same are hereby, released and relinquished to the several persons and corporations, respectively, now claiming or holding the same under a patent issued by the United States to David L. Yulee, dated the 5th day of September, 1853, to said lot 2, and under an approval and certification by the Secretary of the Interior of the United States to the State of Florida of said lot 1, as swamp and overflowed lands, under an act of Congress dated the 28th day of September, 1850: *Provided, however*, That titles to that portion of said lands which are now held by said town of Fernandina for public purposes, whether claimed under the act of Congress of June 15, 1844 (5 Stat., p. 667), or otherwise, shall be, and hereby are, confirmed, granted, released, and relinquished to said town of Fernandina: *And provided further*, That the said town of Fernandina shall hold the lands hereby confirmed and relinquished to it only on condition that the said town shall keep open and maintain the said Military Road from said town to Fort Clinch without expense to the United States.

The SPEAKER. Is a second demanded?

Mr. LACEY. Mr. Speaker, I demand a second.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Florida asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Florida [Mr. CLARK] is entitled to twenty minutes, and the gentleman from Iowa [Mr. LACEY] is entitled to twenty minutes.

Mr. CLARK of Florida. Mr. Speaker, this bill has been recommended by the Interior Department and by the War Department both. The Committee on Private Land Claims made a unanimous report in its favor, and I do not know how I can better explain than to read briefly from the report. It says:

Your committee have made a very careful examination of the papers submitted with this bill and are thoroughly satisfied with the views taken by the Department of the Interior of the equities of the claimants. An additional fact showing that the Government ought to recognize the equities of the parties who claim under the Yulee patent we have ascertained by causing the records of the General Land Office to be searched. The United States still retains in the Land Office the consideration paid by Yulee for the land patented to him September 5, 1853, as is shown by the letter from the Assistant Commissioner of the General Land Office, under date of May 12, 1906, addressed to Hon. Hilary A. Herbert, as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 12, 1906.

SIR: In reply to your personal inquiry of this date, I have to advise you that, as shown by the records of this Office, lots 2 and 3, sec. 14, T. 3 N., R. 28 E., containing 204.73 acres, were located August 4, 1851, by David L. Yulee, by surveyor-general's certificate No. 2, in part satisfaction of the scrip issued under the provisions of the eleventh section of the act of May 26, 1824 (4 Stat. L. 52), in satisfaction of the Arredondo grant of 33,000 acres. Said location was patented September 5, 1853. The location and the patent issued thereon are intact upon the records of this Office, and the scrip surrendered in payment for the land is on file with the entry papers. At date of location said land was in the St. Augustine district, Florida.

Very respectfully,

J. H. FIMPLE, Assistant Commissioner.

Hon. HILARY A. HERBERT,
1419 G Street NW., Washington, D. C.

Then, omitting some of the report, it further says:

This is a bill to quit and relinquish title to occupants who, with their predecessors, have been in possession of certain lands for over

sixty years, claiming title under the United States. The bill as it passed the Senate was prepared in the General Land Office, and approved by the Secretary of the Interior. As some of the lands are covered by a United States military reservation, it was recommended by the Commissioner of the General Land Office that the bill as prepared there should be referred to the War Department. This reference was made, and from that Department the bill was returned with the statement that there was no objection to the passage of the bill.

I think, Mr. Speaker, with that explanation—

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman from Florida one further question. In the reading of the bill or report something was said about some of this land being swamp or overflowed land.

Mr. CLARK of Florida. Yes, sir.

Mr. LACEY. Would not that particular portion of the land have been the property of the State rather than the United States and have been included in the swamp-land grant?

Mr. CLARK of Florida. Yes; and this is to settle the title as to purchasers from the State as well as—

Mr. LACEY. The State has already parted with its title to these same parties whom the Government would now quiet title in this bill.

Mr. CLARK of Florida. Yes, sir; the Government simply relinquishing its title. One of the lots went to the State as swamp and overflowed land; the other was purchased by Mr. Yulee.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

JOINT COMMITTEE ON REVISION AND CODIFICATION OF LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask for the suspension of the rules and the passage of the following concurrent resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed, consisting of four Senators to be appointed by the Vice-President and five Members of the House of Representatives to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the statutory revision Commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical and other assistance; to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania whether the Senate has passed a resolution similar to this which has gone to the Committee on Revision of the Laws?

Mr. MOON of Pennsylvania. I have no knowledge, Mr. Speaker, that the Senate has passed a similar resolution. I can only say we have had a conference with the Committee on Revision of Laws of the Senate and it was in obedience to their suggestion and in harmony with it that this joint resolution is submitted.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second; I want to get the hang of this thing.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. What is this proposition?

Mr. MOON of Pennsylvania. It is simply to appoint a joint committee of the Senate and House, to sit during the recess, in order to receive and take up the work that is reported to us from the Commission to revise and codify the laws of the United States, get it in form, and present it to the House and Senate at their meeting next December.

Mr. CLARK of Missouri. Was that resolution reported by Mr. HOAR the other day to discharge this Commission the 1st of December carried?

Mr. MOON of Pennsylvania. Yes, sir; that was carried.

Mr. CLARK of Missouri. And all this does is to appoint a joint commission of the House and Senate to examine the work and report to the House and Senate in December?

Mr. MOON of Pennsylvania. Yes, sir.

Mr. CLARK of Missouri. How much is it going to cost?

Mr. MOON of Pennsylvania. Well, I would not suppose it would cost anything very much. We simply ask clerical assistance. I could not exactly state that to the gentleman, but I should suppose the expense would be a very moderate one.

Mr. CLARK of Missouri. Are you going to get through with it by December or is it going to be another continuous performance?

Mr. MOON of Pennsylvania. I say that is our object and

purpose. We are willing to sit during the recess of Congress intending to do that thing. I want to say our committee and the Senate committee, so far as we have talked with them, are exceedingly anxious to get this work forwarded, and we are willing to give our time for that purpose.

Mr. CLARK of Missouri. I suppose, Mr. Speaker, that is the easiest way to get rid of this whole business.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

FORT ROBINSON MILITARY RESERVATION.

Mr. KINKAID. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19181) to grant a certain parcel of land, part of Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes, with committee amendments thereto, and which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to the village of Crawford, a duly incorporated municipality under the statutes of the State of Nebraska as a village, situated in the county of Dawes, in the State of Nebraska, one certain parcel of land, being now a part of the Fort Robinson Military Reservation, the property of the United States, situated in the said county of Dawes, in the State of Nebraska, described as follows: Beginning at a point at the northeast corner of said Fort Robinson Military Reservation and running thence due west 1,584 feet; running thence due south 3,696 feet; running thence due east 1,584 feet; running thence due north 3,696 feet to the point of beginning (134.4 acres): Provided, That the said tract shall be used for park and water-power purposes only: And provided further, That the village of Crawford shall erect and maintain a suitable fence to separate the said tract from the military reservation: Provided further, That if the said village of Crawford shall cease to use the said land for park and water-power purposes the title hereby vested in it shall immediately revert to the United States.

The SPEAKER. Is a second demanded?

Mr. GILBERT of Kentucky. Mr. Speaker, I demand a second.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

Mr. GILBERT of Kentucky. Mr. Speaker, I am willing that the unanimous consent may go and may be considered as waived. I do not care to avail myself of the twenty minutes. However, I want some information about this bill. Why should the Government of the United States donate that tract of land to this village?

Mr. KINKAID. Mr. Speaker, there is plenty of land in that locality, and there will be a great deal to spare after this may have been disposed of in this particular way. There are about 15,000 acres contained in this military reservation, and this particular parcel which this bill will grant, if the bill is enacted, is near the village of Crawford, and the village of Crawford has used it for many years, by a license granted by the Secretary of War, for park purposes.

However, the village has never deemed it wise to make permanent improvements, because it felt it would not be warranted in doing so on account of the uncertainty that the license might at any time be terminated. But all this time, the War Department being advised by different commanders of the post that this was not needed at all for military purposes, the license has run, and the village has been allowed to use this particular parcel, or nearly one-third more than this particular parcel, for park purposes. Now that prospects for the growth of the village have become somewhat improved, it seeks to have the title granted to itself, conditioned that it may be used for park and water-power purposes only, and that it revert to the Government when it shall cease to be so used. It seeks this in order that it may proceed with safety in the making of improvements of a permanent character and which are necessary for the full enjoyment of the land for park purposes.

Mr. GILBERT of Kentucky. Why should the Government donate that tract of land to that municipality?

Mr. KINKAID. It would be just as well as to maintain it as part of the reservation, because it is of no use for reservation purposes. It is a rough piece of land, particularly adapted to park purposes on account of its scenic character, and also it has water-power facilities which have been utilized by the village, and the village needs the water for different purposes. It is in a dry country. It is but a short distance from there to the eastern line of the State of Wyoming. It is in the semiarid region.

Mr. GILBERT of Kentucky. I will withdraw my objection, with a mental reservation that you are not entitled to the property at all.

Mr. KINKAID. All right; I yield you the mental reservation in consideration of 134½ acres of the military reservation. I want the property.

Mr. MANN. Will the gentleman yield?

Mr. KINKAID. Yes, sir.

Mr. MANN. You say the village needs the water. Now, may not the Government need water on the reservation?

Mr. KINKAID. It has at another place an abundance of water on much higher ground, and that is right near where the post is situated—that is, the post buildings. It is as good water as there is in the United States. They would not use this water, for they have water which is so much better.

Mr. MANN. The gentleman stated what of course is common knowledge, that this is in a dry country.

Mr. KINKAID. Usually dry.

Mr. MANN. Is he sure that the Government will never need this water which you propose to give away to the village?

Mr. KINKAID. I can answer that question very authoritatively, because the Secretary of War ordered that an Army officer be detailed to make a thorough examination of the proposition, and an officer was detailed for the purpose. Now, the post commanders at this post had previously recommended that this grant be made, but the Secretary of War was not content with that, and it was perfectly agreeable to me that a very careful and scrupulous investigation be made, which was done; and instead of recommending the granting of 196 acres, the amount asked for, this officer reported that there would be no question about the safety of the Government in making the grant if it were reduced to 134½ acres. That reduction was made by a committee amendment, which I have moved that the House adopt, so that there is nothing remaining in the parcel which this bill will grant that the Government will ever possibly need.

Mr. MANN. Is this reservation an original reservation from the public domain?

Mr. KINKAID. Yes, sir; it is an original reservation from the public domain.

Mr. MANN. No ground that the Government has purchased?

Mr. KINKAID. No, no.

Mr. LITTLEFIELD. Never cost the Government anything?

Mr. KINKAID. No.

Mr. DE ARMOND. What does the Secretary of War say about it?

Mr. KINKAID. The Secretary of War recommends it; nobody has objected to it. [Cries of "Vote!"]

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CANAL AND POWER STATIONS, WHITE RIVER, ARKANSAS.

Mr. MACON. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the Batesville Power Company, a corporation created and organized under a charter granted by the State of Arkansas, its successors or assigns, to erect, construct, operate, and maintain inlet and outlet races, canals, or other structures and a power station or stations at or near Lock and Dam No. 1, upper White River, Arkansas, and to make such other improvements as may be necessary for the development of water power from Pool No. 1, and the transmission or application of the same: *Provided*, That the constructions hereby authorized are not built on any lands belonging to the United States and do not in any way impair the usefulness of any improvement made by the Government for the benefit of navigation: *Provided further*, That in the operation of the aforesaid constructions the withdrawal of water from the river shall at all times be under the direction and control of the Secretary of War, and that until the plans and location of the works herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War, the improvements shall not be commenced or built, and the Secretary of War is authorized and directed to fix from time to time reasonable charges to be paid by said company for the use of said power.

SEC. 2. That unless the work herein authorized be commenced within one year and completed within three years from the date hereof the privileges hereby granted shall cease and be determined.

SEC. 3. That the right to alter, amend, or repeal this act is expressly reserved.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second. I ask unanimous consent that a second may be considered as ordered.

Mr. MACON. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The Chair hears no objection. The gentleman from Arkansas is entitled to twenty minutes and the gentleman from Illinois is entitled to twenty minutes.

Mr. MANN. I just wish to ask the gentleman briefly, first, what committee reports upon this bill?

LOCK AND DAM, WHITE RIVER, ARKANSAS.

Mr. MACON. Mr. Speaker, I have a companion piece here that I should like to have considered now. It will only take a moment. I move to suspend the rules and pass the bill (H. R. 18596) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River,

Arkansas, and for other purposes, with the committee amendments.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered to grant permission to J. A. Omberg, Jr., to build and construct a lock and dam across the White River at such point above Lock No. 3, now built or being built by the United States, as may be approved by the Secretary of War, the said lock and dam to be constructed under his direction, supervision, and control, and in accordance with and conformity to the plans and designs as may be approved by the Chief of Engineers of the United States Army: *Provided*, That the plans and designs of the said structure shall be prepared by the said contracting party at his own expense; and the said contracting party shall purchase and pay for all lands on either side of the river that may be necessary to the successful construction and operation of said lock and dam, including flowage rights and rights of way for ingress and egress from public highways, and deed the same to the United States, and make all excavations, erect all stone, concrete, and timber work, furnish all materials of every character, and pay for all labor employed in the construction of said lock and dam, and give said lock and dam to the United States completed, free of all cost, expense, claims, or charges of any kind whatsoever.

SEC. 2. That the said individual undertaking the construction of said work shall begin the building of said lock and dam within eighteen months from the passage of this act, and the same shall be completed within two years from the date of beginning the construction, the right being reserved to the United States to enter on the construction of said lock and dam, if deemed advisable, at any time before the work is commenced by said contracting party; or if begun and not carried on in strict accordance with the directions of the Secretary of War, then the United States may assume the further construction and completion of said work at its option, the cost of such further construction and completion to be paid by the said contracting individual.

SEC. 3. That the deed to the United States to the land to be purchased and donated to the same, as mentioned in the first section of this act, shall be executed and delivered within twelve months after the passage of this act; and, further, that the Secretary of War shall determine from time to time whether the work is being properly done, and may require an increase in force to be employed by the contractor, so as to force the work to completion within the limit mentioned in the act.

SEC. 4. That in consideration of the construction of said lock and dam free of cost to the United States except as provided in section 1 of this act, the United States hereby grants to the person constructing said lock and dam under the provisions of this act such rights as it possesses to use the water power produced by said dam and to convert the same into electric power or otherwise utilize it for a period of ninety-nine years: *Provided*, That he shall furnish the necessary electric current while his power plant is in operation to move the gates and operate the locks and to light the United States buildings and grounds free of cost to the United States: *Provided further*, That the said person shall operate and maintain the said locks, affording passage to all boats and craft desiring to use the same, but the Secretary of War, in the interest of navigation, may relieve him of this obligation: *And provided further*, That the plans for the necessary works and structures to utilize said water power shall be approved by the Secretary of War, and that nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the proper and complete navigation of the river at all times nor in any way to interfere with the use and control of the same by the United States for the purposes of navigation: *And provided further*, That the Secretary of War is hereby authorized to prescribe regulations to govern the use of the said water power and the operations of the plant and force employed in connection therewith; and no claim shall be made against the United States for any failure of water power resulting from any cause whatever.

SEC. 5. That in case of failure on the part of said J. A. Omberg, Jr., his heirs and assigns, for a period of twelve months to formally notify the Secretary of War of his intention to proceed with the construction of the lock and dam as herein provided, then it shall be lawful for the Secretary of War to contract with any private corporation, company, firm, or persons for the construction of said lock and dam on the terms and in the manner herein provided: *Provided*, That the Secretary of War may require the contracting party to execute a bond, with proper sureties, before the commencement of the work, in such amount as he may consider necessary, not exceeding \$100,000, to insure the commencement, prosecution, and completion of the work herein authorized and compliance with the terms, conditions, and requirements of this act; and in case of failure to comply with the requirements of said bond the said contracting party shall forfeit to the United States the full amount thereof.

SEC. 6. That the right is expressly reserved in the United States to revoke by act of Congress the rights, privileges, and benefits conferred by this act; but in the event of such revocation the United States shall pay to the corporation, company, firm, or persons who may erect said lock and dam under the provisions of this act as full compensation the reasonable value, exclusive of the franchise hereby conferred, of all properties erected and lands purchased by them necessary for the enjoyment of the benefits conferred upon them by the provisions of this act, such value to be determined by mutual agreement between the Secretary of War and the owners of said properties; and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of said property, such proceedings to conform as nearly as may be to the laws of the State of Arkansas in respect of condemning land for the right of way for railroad purposes: *Provided*, That to insure compliance with the terms of the contract or of this act, or to protect the interests of navigation, the Secretary of War shall have power at any time, before or after the completion of the work, to order a suspension of all privileges granted by this act: *And provided further*, That compliance with such order of suspension may be enforced by the injunction of the circuit court of the United States exercising jurisdiction in the district in which the work is situated, and proper proceedings to this end shall be instituted by the Attorney-General upon request of the Secretary of War.

SEC. 7. That nothing in this act shall be construed as in any way interfering with the exclusive jurisdiction over and control by the United States of the White River and the lock and dam therein to be erected for the purpose of navigation, nor as repealing or modifying any of the provisions of law now existing in reference to the protection of navigation.

Mr. MACON. The Rivers and Harbors Committee unani-

mously reported the bill, after a full hearing and due consideration; and the report will show that the committee thinks it is in the interest of the Government that the bill pass.

Mr. MANN. Is this a dam to be built by private parties?

Mr. MACON. It is to be built by an individual, and it is to be under the control of the Government at all times.

Mr. MANN. Is this in connection with locks already constructed by the Government?

Mr. MACON. No, sir; it is an independent matter. The River and Harbor Committee decided to abandon the construction of locks and dams in White River after the completion of Lock No. 3. This is to be constructed above Lock 3.

Mr. MANN. It is customary for these bills with reference to dams to go to the Committee on Interstate and Foreign Commerce. It does not make any difference to me what committee it goes to; but if one committee adopts one proposition in reference to bills going before it it sometimes happens that people manage to get a bill referred to another committee. Now, I know the gentleman would not do that.

Mr. MACON. No, sir; I beg to assure the gentleman that in the construction of this project it is intended to follow the policy adopted by the Committee on Rivers and Harbors on the subject. The Rivers and Harbors Committee decided after the railroad was constructed that paralleled White River up into the mountainous country in Arkansas, that it was not necessary to construct locks and dams farther up the stream. Then this party asked that he be permitted to construct lock and dam No. 4. The Rivers and Harbors Committee had hearings, investigated the matter thoroughly, and decided after due consideration that it was entirely feasible and largely in the interest of the Government that he be permitted to construct it. I do not think the Rivers and Harbors Committee, in doing what it did in the premises, assumed or usurped any of the power of any other committee of the House.

Mr. MANN. It has been the practice in the House to refer to the Committee on Rivers and Harbors a bill, if the dam were to be constructed in connection with river and harbor work.

Mr. MACON. Yes, sir; I think that has been the practice.

Mr. MANN. But where it was a dam across a river, not connected with river and harbor work, the practice has been to refer the bill to the Committee on Interstate and Foreign Commerce.

Mr. MACON. I will say to my good friend that I think this is a river and harbor project. It is carrying out the policy that had formerly been planned by the River and Harbor Committee; but when the railroad was constructed the committee felt that it was not in the interest of the Government to expend \$160,000 for the construction of this particular lock and dam, and after the committee decided that it was not proper for the Government to do this work, then it was that Mr. Ormberg asked that he be permitted to construct the lock and dam at his own expense.

Mr. MANN. Very well.

The SPEAKER. Is a second demanded? If not, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended, and the bill passed.

LEGISLATIVE APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I desire to submit a conference report on the bill H. R. 16472—the legislative, executive, and judicial appropriation bill—to be printed in the Record under the rule.

The SPEAKER. The report and statement will be printed under the rule.

CONFEREES ON AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. The Chair announces as conferees on the agricultural appropriation bill Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB. The Chair will state that the gentleman from South Carolina [Mr. LEVER] came to the Chair and requested to be excused from service upon the conference committee.

ELECTRIC RAILWAY ON NATIONAL CEMETERY ROAD, VICKSBURG, MISS.

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 14811 as amended by the committee.

The Clerk read as follows:

Be it enacted, etc. That permission is hereby given to George T. Houston and Frank B. Houston, their associates, successors, and assigns, to erect, construct, operate, and maintain an electric railway over and along the national cemetery road at Vicksburg, Miss., from said city of Vicksburg northward to the northern boundary of the Government right of way for said road: *Provided*, That a minimum width of 30 feet of the roadway, over and above that used by the railway tracks, be left all along said road for a driveway, sidewalk, and gutters; that the licensees, their associates, successors, and assigns, shall repair all damage done to the Government roadway by the construction of their line of railway, and shall maintain their railway and said roadway within the tracks and for 2 feet on each side of the tracks in proper state of repair thereafter: *And provided further*, That said electric railway shall be constructed, operated, and main-

tained according to plans and specifications to be submitted to and approved by the Secretary of War, and under such regulations as may be prescribed by him.

The SPEAKER. Is a second demanded?

Mr. NEEDHAM. I demand a second, and ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Mississippi has twenty minutes, and the gentleman from California [Mr. NEEDHAM] has twenty minutes.

Mr. NEEDHAM. I do not desire that much time. Is this bill reported by a committee?

Mr. WILLIAMS. It is reported unanimously by the Committee on Military Affairs.

Mr. NEEDHAM. Was it referred to the Secretary of War?

Mr. WILLIAMS. Yes.

Mr. NEEDHAM. I wish to say to the gentleman that in the various national parks of the country, for instance, the Yosemite, the Yellowstone, and other national parks, the policy of the Government has been not to permit electric lines to enter them.

Mr. WILLIAMS. This is not within the park at all. It is upon the road from Vicksburg out to the gates of the park. The Government owns the road.

Mr. NEEDHAM. Why is this legislation necessary?

Mr. WILLIAMS. Because the Government owns the road.

Mr. NEEDHAM. And it is not intended that the electric railway shall enter the confines of the park itself?

Mr. WILLIAMS. No.

Mr. HULL. It will be entirely outside?

Mr. WILLIAMS. Entirely outside.

Mr. MANN. Is any control reserved in this bill over the fare to be charged?

Mr. WILLIAMS. Absolute control. I will read to the gentleman the exact language.

And provided further, That said electric railway shall be constructed, operated, and maintained according to plans and specifications to be submitted to and approved by the Secretary of War, and under such regulations as may be prescribed by him.

Mr. MANN. Does the gentleman think that language sufficient to enable the Secretary of War to require a reasonable charge?

Mr. WILLIAMS. I think so. The language seems to be sufficient, and the Secretary thinks so.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to sit during the recess of this Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

DONATING GUN CARRIAGE TO RIPLEY, TENN.

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass House joint resolution (H. J. Res. 160) authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to deliver to the mayor of the city of Ripley, Lauderdale County, Tenn., if the same can be done without detriment to the public service, one 10-inch carriage for Rodman gun now at New York Arsenal, Governors Island, New York Harbor, the same to be used for the mounting thereon of a 10-inch columbiad cannon recovered from the ruins of Fort Pillow, Lauderdale County, Tenn., by the said municipal corporation of Ripley and the county of Lauderdale, Tenn., acting through their respective agents and officers, to be used and mounted as a monument in the court-house yard or on the public square in said town of Ripley: *Provided*, That the donation shall be without expense to the United States.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS TUG FORK OF SANDY RIVER.

Mr. GAINES of West Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19312) to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near the mouth of Wolf Creek.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Mingo-Martin Coal Land Company, a corporation organized under the laws of West Virginia, its successors

and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad and foot bridge and approaches thereto across the Tug Fork of Big Sandy River at or near Wolf Creek, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

JOSÉ MARTÍN CALVO, OF COSTA RICA.

Mr. HULL. Mr. Speaker, I am authorized by the Committee on Military Affairs to move to suspend the rules and pass Senate joint resolution (S. R. 66) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martín Calvo, of Costa Rica.

The Clerk read the resolution, as follows:

Resolved, etc. That the Secretary of War be, and he is hereby, authorized to permit Mr. José Martín Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said José Martín Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. CLARK of Missouri. Mr. Speaker, I demand a second.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

There was objection.

Mr. CLARK of Missouri. Mr. Speaker, I want to say to the gentleman I thought there was an agreement sometime ago that this business was to be shut off.

Mr. HULL. I know of no such agreement.

Mr. CLARK of Missouri. My understanding is that the gentleman from Iowa was the one who suggested it.

Mr. HULL. I think the gentleman from Missouri is mistaken. This is simply the ordinary courtesy that has never been denied to a South American republic. The only contest I have ever known was in regard to the admission of Chinese to the Military Academy.

Mr. CLARK of Missouri. Are they shut out?

Mr. HULL. They are all shut out unless Congress by affirmative action gives permission.

Mr. PAYNE. I think what the gentleman from Missouri has in mind is a bill that passed the House the other day that cut off the right of any government to send its students here without the consent of Congress in each case, either cadets to West Point or to the Military Academy.

Mr. CLARK of Missouri. I knew there was some kind of an agreement.

Mr. HULL. They have no absolute rights here unless the Congress gives permission.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS COLDWATER RIVER, MISSISSIPPI.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20097) to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River.

The Clerk read the bill, as follows:

Be it enacted, etc. That the board of supervisors of Coahoma County, Miss., be, and they are hereby, authorized to construct, maintain, and operate a drawbridge and approaches thereto across the Coldwater River at or near the point where said river intersects the dividing line between Coahoma County and Quitman County, in the State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE MONONGAHELA RIVER IN THE STATE OF PENNSYLVANIA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19850) "to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania."

The bill was read, as follows:

Be it enacted, etc. That the Monongahela Connecting Railroad Company, a corporation organized under the laws of the State of Pennsylvania, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River at Pittsburgh, from a point on the north shore between Hazlewood avenue and the Glenwood highway bridge to a point on the south shore in the township of Baldwin or the township of Lower St. Clair, in Allegheny County, in the State of Pennsylvania,

in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

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

BRIDGE OVER THE OHIO RIVER.

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19566) "to authorize the Coraopolis Bridge Company to construct a bridge over the Ohio River," with the committee amendments.

The Clerk read the bill, as follows:

Be it enacted, etc. That the Coraopolis and Osborne Bridge Company, a corporation organized under the laws of the State of Pennsylvania, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River from a point on Fourth avenue, near Watt street, in the borough of Coraopolis, to a point on Beaver street or road (about five-eighths of a mile southeast of the line of Sewickley Borough), in the borough of Osborne, all in Allegheny County, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20119) to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc. That the village of Oslo, a municipal corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a pontoon bridge and approaches thereto across the Red River of the North at a point in said village to a point opposite in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded? [After a pause.] No second having been demanded, the question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

UNIVERSITY PREPARATORY SCHOOL, TERRITORY OF OKLAHOMA.

Mr. MCGUIRE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17183) granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north of range No. 1 west of the Indian meridian, in Kay County, Okla., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc. That all of section No. 33, in township No. 26, north of range No. 1 west of the Indian meridian, in Kay County, Okla., same being a portion of the lands reserved to said Territory for public building purposes, be, and the same is hereby, granted to the Territory of Oklahoma for the use and benefit of the University Preparatory School of said Territory of Oklahoma, to be and become the property of the said University Preparatory School for building purposes, but no indemnity shall be allowed for this section: *Provided*, That the board of regents of the said University Preparatory School may set apart any part of said section of land as a campus for said school, and may sell and dispose of and convey the residue of said section of land, either by proper subdivisions or platting the same into town sites as an addition to the said town of Tonkawa, or otherwise, and at public or private sale, as the said board of regents of the said University Preparatory School may deem best, and all money arising from the sale of any of said lands shall be used and expended by the board of regents of said University Preparatory School only for the erection of buildings for the use of said school.

Sec. 2. That the leases to the present tenants thereon, made by the board for leasing school lands of the Territory of Oklahoma, shall remain in full force and effect until their respective expirations, and that the governor of the Territory of Oklahoma shall appoint, on the application of the board of regents of said University Preparatory School, three disinterested freeholders of said county to appraise the value of the improvements on said lands belonging to the lessees thereof, and such improvement shall be appraised at the fair, reasonable value thereof, and the said appraisers shall give ten days' notice of the time when such appraisement shall be made by posting the same in a conspicuous place on each quarter section of said lands, and shall take an oath fairly and impartially to appraise the improvements of the said lessees on said lands at the fair, reasonable value thereof, and shall make report of such appraisement and file the same with the governor of the Territory of Oklahoma with such oath, and the board of regents of said University Preparatory School shall immediately pay

the amount so fixed to the treasurer of the Territory of Oklahoma for the use of such lessees and have immediate possession of said lands: *Provided further*, That if either the board of regents of said University Preparatory School or said lessees shall feel themselves aggrieved by the valuation of such appraisers they may, within thirty days from the filing of such report with the governor of the Territory, appeal to the district court of said county by filing notice with the governor of said Territory and filing a bond to be approved by the governor, conditioned that such person or said board of regents will prosecute such appeal to effect and without unnecessary delay, and pay all costs and judgments that may be awarded against them in said proceeding. And the governor of said Territory shall immediately cause a copy of the application of said board and the appointment and oath and report of said appraisers, together with the bond aforesaid, to be filed with the clerk of the district court of said Kay County, whereupon the question of the amount of damages sustained by such lessees shall be tried de novo by a jury: *And provided further*, That the board of regents of said University Preparatory School are hereby vested with full authority on behalf of said Territory to settle and adjust the difference between said University Preparatory School and the lessees of such lands and make such settlements as the board of regents may deem just and proper: *And provided further*, That when said Territory shall become a State the governor of said State shall be the successor of the governor of said Territory under the provision of this act.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second, and ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Illinois demands a second, and asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Oklahoma [Mr. McGUIRE] is entitled to twenty minutes, and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. MANN. Mr. Speaker, I demand a second for the purpose of having a brief explanation of this bill.

Mr. McGUIRE. Mr. Speaker, this bill relates to section 33 of lands of Oklahoma reserved by the Federal Government for public buildings for the future State of Oklahoma. This land lies adjacent to the city of Tonkawa. At that city is located the Preparatory University of Oklahoma. The school is badly in need of additional land. When we become a State this land could not be granted to this institution, for the reason that it is reserved here for a specific purpose. This bill is indorsed by the governor of Oklahoma, the Territorial secretary, the chairman of the school land board of Oklahoma, and the Secretary of the Interior, and is reported here by the committee.

Mr. MANN. What does this bill do?

Mr. McGUIRE. It gives to the Preparatory University of Oklahoma for school purposes a section of land adjacent to the land now owned by the institution. It simply donates it for school purposes.

Mr. MANN. This is in addition to the other land which has been donated for school purposes?

Mr. McGUIRE. Yes; this is in addition to the land donated for school purposes in Oklahoma.

Mr. MANN. Does not the admission bill provide very liberally for land for school purposes in the new State?

Mr. McGUIRE. No; the admission bill does not. Formerly the land reserved in Oklahoma was abundant. The two sections for school purposes were sufficient.

Mr. MANN. What is the value of this land?

Mr. McGUIRE. I only give this by way of general information, but I think it is probably twelve or fifteen thousand dollars. The real purpose of it is to give additional land for campus purposes for the institution.

Mr. MANN. Devotes the whole section, does it?

Mr. McGUIRE. Yes.

Mr. MANN. That is a large amount for campus purposes.

Mr. McGUIRE. Yes; it is more than they will need for campus purposes, and that in excess of what is needed for campus purposes will be sold and the proceeds given to the institution.

Mr. MANN. Will this be a State university?

Mr. McGUIRE. This is now a preparatory university. In addition to this there is a university proper. This will be a State preparatory university.

Mr. MANN. Will it be maintained by the State of Oklahoma?

Mr. McGUIRE. Yes.

Mr. MANN. Who maintains it now?

Mr. McGUIRE. The Territory of Oklahoma.

Mr. MANN. Out of the public treasury?

Mr. McGUIRE. Yes; out of the funds of the Territory.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BEALL].

Mr. BEALL of Texas. Mr. Speaker, I desire to ask one or two questions of the gentleman from Oklahoma. I understood the gentleman to say that it would not be possible after the Territory of Oklahoma becomes a State for that State to make this disposition of those lands.

Mr. McGUIRE. That is what I said.

Mr. BEALL of Texas. Is the gentleman sure that that is correct? Why would it not be possible?

Mr. McGUIRE. I feel very confident of it as a proposition of law.

Mr. BEALL of Texas. Why wouldn't it be possible, with this land in the control of the State of Oklahoma, for that State to make whatever disposition it might desire to make with respect to this land?

Mr. McGUIRE. This land was given for a specific purpose, and as long as the Government controls the Territory it can control this; but it is my judgment that if the land is given to the Territory for a specific purpose it must be used for that purpose after we become a State. That is simply my judgment as a matter of law.

Mr. BEALL of Texas. For the information of the House, Mr. Speaker, I desire to say this, that the gentleman from Oklahoma [Mr. McGUIRE] has introduced a number of bills having the same general purpose that this bill has—that is, to divert a section or quarter section of land from the purposes for which it was originally intended and devoting that land to some other and different purpose. And I notice this, Mr. Speaker, that in every one of these bills the quarter section of land that is proposed to be donated to some purpose other than that for which it was originally intended is a very valuable quarter section of land. In this case it is an entire section of land located very near a thriving town, and its value is rapidly increasing. There are several bills here like this proposing to take quarter sections of land now belonging to the school fund of Oklahoma and devoting them to the educational interests of particular towns in that Territory. In some of these instances the quarter sections of land are worth thirty or forty thousand dollars. Now, Mr. Speaker, when this matter was in the hands of the subcommittee, of which the gentleman from Missouri [Mr. KLEPPER] was chairman, there were referred down to the Department three separate and distinct bills, of which this bill was one, and the recommendation or report of the Department upon each one of those bills was to the effect that if Oklahoma was to be admitted to statehood at this session of Congress, then it ought to be left to the people of Oklahoma to determine whether or not they want any juggling with these trust funds. I consider it, Mr. Speaker, a very dangerous precedent. While it may have been established in the past, it is a very dangerous thing for Congress to do after having once donated this land to such purposes—

Mr. MANN. Will the gentleman yield for a question?

Mr. BEALL of Texas. Yes, sir.

Mr. MANN. I understood the gentleman from Oklahoma to state that this land was not included in the land which would belong to the State of Oklahoma—was not included in the land set apart for educational purposes.

Mr. BEALL of Texas. It is land donated by Congress to the public-building fund of the Territory of Oklahoma, and when Oklahoma comes in as a State, in my judgment, Oklahoma will have the right to control not only the building-fund land, but the university land, the land for public school purposes, all the land in the State of Oklahoma, unless specially forbidden to do so. I do not believe that the gentleman from Oklahoma is correct in his contention that when Oklahoma comes in as a State she comes in gagged and tied and bound, without the right and without the power to dispose of her lands as she sees fit to do. In fact, in the act admitting Oklahoma to statehood there is this provision:

That section 33 and all lands heretofore selected in lieu thereof . . . for charitable and penal institutions and public buildings shall be apportioned and disposed of as the legislature of said State may prescribe.

The Department said that if Oklahoma was to come in as a State, then Oklahoma should be given the right to determine for herself whether these trust funds should be tampered with. Now, Mr. Speaker, here are lands that have been solemnly set apart by Congress for a particular purpose, which purpose has been confirmed by the recent statehood act, and now these bills propose to divert these lands from purposes for which they were originally intended and to dedicate them to different purposes. A few days ago this Territory was admitted to statehood. Within a very few months' time all the machinery of her government will be in operation. If the million and a half people of Oklahoma, after they have secured statehood, then desire to tamper with these trust funds, upon them rests, where it should rest, the responsibility for doing so; but I do not believe that this House now, with the meager information that it has before it, with its membership having no special interest in the matter, ought to take away from the people of Oklahoma the right to do with these lands as they may want to do with them after they have secured the right to statehood. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, we have just passed the bill to create the State of Oklahoma. These are lands which will belong to the new State, set apart heretofore for a particular purpose. If the State of Oklahoma desires to have that land used for some other purpose, let the State signify its desire in the matter. There certainly can be no need of haste in setting apart 640 acres for a campus for a preparatory school in that Territory at present. Let the State express its wish. It may be the State will want to use this land for the purpose for which it was originally designed instead of transferring it for a campus. Of course everyone in the House knows that there is no need of this ground for a campus. If this preparatory school shall make use of the ground, it will be for other purposes. Whether that will be for the purpose of sale in order to raise money, we are not informed, but it seems to me the gentleman from Oklahoma ought to be willing to let the new State express its desire after it has organized, as to whether it wishes this land to be used for one purpose in preference to another purpose. I can understand how the people in charge of the school may want to get the additional land, but that is not our concern. It ought to be left to the new State's officials to determine their wish, and if then they need any action of Congress it is easily procured after the State speaks.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. McGUIRE. Mr. Speaker, I am a little afraid that the gentlemen do not understand the purpose of this bill. Not only does the school desire the land and believe it to be an equitable proposition, but the people of Oklahoma fully understand the bill. It has been indorsed by the press of Oklahoma; it has been indorsed by the governor of Oklahoma; it has been indorsed by the school-land board of Oklahoma, and it seems to me that it is a fair and equitable proposition. In addition to that, this donation is for educational purposes, and the amount of land set apart for building purposes in that Territory is immense in quantity. We will not need it for building purposes. That institution is in need of this land at this time for this purpose, and it is indorsed by those who are on the ground and are most conversant with the situation.

Mr. BEALL of Texas. Would the gentleman yield for a question?

Mr. McGUIRE. Yes, sir.

Mr. BEALL of Texas. Near what town is this land—Tonkawa?

Mr. McGUIRE. Tonkawa.

Mr. BEALL of Texas. How large is the town?

Mr. McGUIRE. About 3,000 inhabitants.

Mr. BEALL of Texas. How far is this from the town?

Mr. McGUIRE. The institution?

Mr. BEALL of Texas. Yes.

Mr. McGUIRE. It is adjacent to the city.

Mr. BEALL of Texas. This land is adjacent to a town of about 3,000 people?

Mr. McGUIRE. Yes, sir. As I understand it, a part of it lies adjacent to the town and part adjacent to the holdings of this institution.

Mr. BEALL of Texas. What do you think is a reasonable value of this section of land?

Mr. McGUIRE. The value of this land, I am advised, would be twelve thousand or fifteen thousand dollars, if sold in a body, but if this bill should pass and the land should be platted and sold in smaller quantities for town-lot purposes, it would bring probably three times that much; so you have increased the value of this land for educational purposes if this bill passes.

Mr. BEALL of Texas. In other words, it is located close enough to the town to be platted into lots and sold in that way?

Mr. McGUIRE. It is.

Mr. BEALL of Texas. How much of this land do you want for campus purposes?

Mr. McGUIRE. I do not know just what the regents of the university desire. I have not heard them say. Probably 40 acres, anyway.

Mr. BEALL of Texas. That would leave about 600 acres?

Mr. McGUIRE. About 600 acres.

Mr. BEALL of Texas. That you want to divert from the purpose for which it was intended and use it for a different purpose.

Mr. McGUIRE. I beg the gentleman's pardon. I do not understand.

Mr. BEALL of Texas. That will leave about 600 acres that you intend to sell and use for a purpose different from that originally intended.

Mr. McGUIRE. The gentleman is correct.

Mr. BEALL of Texas. How many bills of this kind have you pending before Congress now diverting lands from one purpose to another?

Mr. McGUIRE. I have introduced two bills that have been reported from the committee that I will press, one for the preparatory university and one for the university proper.

Mr. BEALL of Texas. How many bills that you want pressed?

Mr. McGUIRE. Two.

Mr. BEALL of Texas. Chandler?

Mr. McGUIRE. Chandler and Shawnee.

Mr. BEALL of Texas. And Enid?

Mr. McGUIRE. Enid has not been reported from the committee.

Mr. BEALL of Texas. I mean that have not been reported.

Mr. McGUIRE. I do not think that I have introduced any for Enid. In order that the House may understand the purpose of the gentleman's interrogatories, I will say that there are a number of sections of land adjacent to cities of this kind, and there has been something of a pressure where the cities could not build schools by reason of the fact that they could not vote to exceed 4 per cent under the Federal law, and they have been driven almost to exasperation because in many of the cities the children are out of school. So I introduced a few other bills of this kind for this reason.

Mr. LITTLEFIELD. Is that in Indian Territory?

Mr. McGUIRE. Oklahoma. We are under what is known as the "Harrison Act," and for that reason we can not vote to exceed the 4 per cent, and we have not been able to construct school buildings. That is the reason I introduced other bills of this character, and while I take the position that they are meritorious I am not pressing them at this time.

Mr. JAMES. Will you offer the other two bills at the next session?

Mr. McGUIRE. I do not know.

Mr. JAMES. You are compromising by introducing two at this session?

Mr. McGUIRE. The gentleman can call it anything he desires—compromise or not.

Mr. BEALL of Texas. Let me ask the gentleman another question. If Congress permits the diversion of land dedicated to one purpose to another purpose in the case of Oklahoma, why can not the same thing be done in respect to Arizona and New Mexico?

Mr. McGUIRE. I do not see why it can not. I have not taken the position it can not. It is absolutely in the hands of Congress that it can do with it just as it pleases. That is true. If it is a wise thing, I do not see why it should not be a wise thing for New Mexico and Arizona.

Mr. BEALL of Texas. Then it is likely to occur very frequently in the future?

Mr. McGUIRE. No; I think not.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. BEALL of Texas. I ask for a division.

The House divided; and there were—ayes 95, noes 47.

Mr. BEALL of Texas. I demand tellers.

Tellers were ordered.

The House again divided; and the tellers reported—ayes 124, noes 58.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DAMS BETWEEN ST. PAUL AND MINNEAPOLIS, MINN.

Mr. BURTON of Ohio. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 6451 and pass the same.

The bill was read, as follows:

Be it enacted, etc., That a commission is hereby created to examine and report to the Secretary of War, for transmission to Congress, concerning the use of the surplus water which shall not be needed for the purposes of navigation flowing over the dams now under construction by the United States in the Mississippi River between the cities of St. Paul and Minneapolis, Minn.

That such commission shall be composed of one officer of the Corps of Engineers of the United States Army, one officer of the Quartermaster's Department of the United States Army, both of whom shall be designated by the Secretary of War, and one official of the Treasury Department, who shall be an expert in electrical engineering, who shall be designated by the Secretary of the Treasury.

Sec. 2. That this commission shall examine and report upon the following propositions:

First. Whether there will be any surplus water flowing over said dams not needed for the purposes of navigation which might be available for mechanical or commercial power.

Second. Whether such power, or any part thereof, could be economically utilized for furnishing the light and power now needed or which hereafter may be needed in the buildings and property of the United States at St. Paul, Minneapolis, and Fort Snelling, Minn., and, if so, to what extent and what proportion or amount of the available power could be so utilized by the United States or disposed of in any manner to the advantage of the United States.

Third. If it shall appear to said commission feasible and economical for the United States to use or dispose of such power or any part thereof, then said commission shall report a plan or plans, with terms and conditions for such use or disposition, and an estimate of the cost thereof to the United States.

SEC. 3. That the said commission shall meet at such time and place as may be directed by the Secretary of War, and shall transmit said report within two years after the passage of this act.

The SPEAKER pro tempore (Mr. OLMSTED). Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the bill was taken from the Speaker's table and passed.

Mr. BURTON of Ohio. I move that House bill 17138, which is identical in language, lie on the table.

There was no objection.

HARBOR IMPROVEMENTS AT THE EXPENSE OF PERSONS.

Mr. BURTON of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 20266.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, be amended so as to read as follows:

"That whenever any person, company, or corporation, municipal or private, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced."

SEC. 2. That the said act of May 16, 1906, be, and the same is hereby, repealed.

The SPEAKER pro tempore. Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

IMMUNITY FROM PROSECUTION.

Mr. LITTLEFIELD. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 5769, and pass the same as amended, by striking out all after the enacting clause and inserting in lieu thereof the amendment which I send to the desk.

The Clerk read as follows:

A bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

Be it enacted, etc., That under the immunity provisions in the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, in section 6 of the act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and in the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, immunity shall be extended only to a natural person who, as a witness on the part of the Government in any proceeding authorized by any of said statutes, testifies on oath or in obedience to a subpoena produces relevant evidence.

The SPEAKER pro tempore. Is a second demanded?

Mr. MANN. I demand a second.

Mr. LITTLEFIELD. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The gentleman from Maine is entitled to twenty minutes and the gentleman from Illinois to the same.

Mr. LITTLEFIELD. I have just a word only to say. This is a Senate bill.

Mr. MANN. I hope the gentleman will explain it.

Mr. LITTLEFIELD. The Senate bill is a draft made by the Department of Justice for the purpose of establishing a definite standard under which immunity will be granted witnesses. The amendment is the same bill, reported unanimously from the Judiciary Committee on the part of the House, with some changes of phraseology, which in our judgment more adequately accomplishes the result. Our amendment practically defines the circumstances under which immunity would be granted. As, first: That when the witness testifies on the part of the Government on oath; and, second, when he produces evidence under a subpoena duces tecum—that is, documentary evidence, or otherwise, which in our judgment is more accurate and scientific than the provision contained in the Senate bill. The two bills intend to accomplish precisely the same purpose; but we believe ours is the more adequate. It is the unanimous report of the Committee on the Judiciary.

Mr. MANN. If the gentleman will permit, as I understand it, the law as construed by Judge Humphrey—and his construction probably went beyond the construction that would be made by the Supreme Court—anyone who gives any information at all is immune from prosecution. Now, the original interstate-commerce act, as amended by the act of 1893—that is the act as I remember—was intended to provide such an order, that the Commission might obtain information both from railroad companies and from shippers so as to ascertain whether or not the law was being observed or violated. And it is a very common thing with the Commission to obtain information not by calling people as witnesses, but by sending their representatives to the railroad offices and examining the books; and in the rate bill which we expect will become a law it is provided that the inspectors shall have the right to examine the books of the railroad companies. Now, it is perfectly plain, I take it—I should like the gentleman's judgment on that—that we can not forcibly examine the books of the railroad company unless the persons who produce the books for examination are given immunity from prosecution.

Mr. LITTLEFIELD. The gentleman is perfectly right about that.

Mr. MANN. Now, if we pass a law providing that nobody shall have immunity from prosecution unless called as a witness, how are we going to obtain our information before we commence our prosecution?

Mr. LITTLEFIELD. There is no trouble at all, so far as the Interstate Commerce Commission is concerned, or the Department of Commerce and Labor, or the Commissioner of Corporations. Each of them has power to summon witnesses, although no case is pending. They have the power under the statute to compel the attendance of witnesses. Of course, if they make an inquiry, and the party inquired of does not see fit to testify unless he is formally summoned and gives testimony on oath, it would establish a legal standard that would protect him and place the Government in a position where they would know what they were doing. He would have a perfect right to insist on that formality being observed. Now, the Attorney-General is of the opinion that under the existing conditions immunity is granted under a great many circumstances when neither party perhaps expected any such result to follow. I make no criticism whatever upon the decision of the judge in Chicago, but the Attorney-General is very firmly of the opinion that the Department of Justice is bound to be very seriously embarrassed in the enforcement of this legislation unless this definite and specific standard is established by Congress.

Perhaps I ought to say that, in my judgment, the legislation upon which Judge Humphrey largely based his ruling was not the act relating to interstate commerce, under which the Interstate Commerce Commission acts, nor the act creating the Bureau of Corporations, under which the Commissioner of Corporations acts, but probably the resolution appropriating \$500,000, which contained a very broad and loosely drawn provision in relation to immunity. I am not authorized to say upon what the judge based his decision; but having read what he did say, it is rather my judgment that he was controlled in his conclusion very largely by the language contained in that appropriation, which was, in my judgment, very much broader than is found in the interstate-commerce act or in the act creating the Department of Commerce and Labor.

Now, I can see no practical difficulty. The Attorney-General sees none. The Interstate Commerce Commission, as I understand it, does not apprehend any, and the Commissioner of Corporations does not apprehend any, provided we have this definite legal standard, so that the Government shall know when it confers immunity, and so that the people who give this

testimony or appear in court or produce written evidence shall know when they are entitled to immunity. Under existing conditions it is a very uncertain and doubtful proposition.

Mr. SOUTHARD. Under what conditions is immunity granted in this bill?

Mr. LITTLEFIELD. This does not grant any immunity. The immunity is granted first in the interstate-commerce act, next in the act creating the Department of Commerce and Labor and the Bureau of Corporations, and, thirdly, in the appropriation of \$500,000 for the purpose of enforcing the antitrust laws. Those are the three bases of the legislation undertaking to give immunity. Now, this act simply defines what is the legal standard under which the immunity is granted and to which the party testifying can appeal.

Mr. CRUMPACKER. Will the gentleman allow a question or two?

Mr. LITTLEFIELD. Certainly.

Mr. CRUMPACKER. I gather from the reading of the substitute that the immunity applies only where a witness testifies on behalf of the United States?

Mr. LITTLEFIELD. Yes; that is the intention.

Mr. CRUMPACKER. In obedience to a subpoena or furnishes documentary evidence in pursuance of a subpoena duces tecum. Now, would an investigation by the Chief of the Bureau of Corporations, the issuing of a subpoena by him or a summons by him compelling a witness to come before him and give testimony and furnish records be testimony on behalf of the United States within the meaning of the substitute which the gentleman proposes?

Mr. LITTLEFIELD. The committee believe that it would accomplish that result. I will say frankly to the gentleman that it has been suggested to members of the committee since we reported our bill, and since the Senate passed the bill which is now before us for amendment, that there might be some question about that, and if this amendment is adopted and the matter gets into conference it is proposed to work it out so that the examination by the Commissioner of Corporations will be the basis for the immunity.

Mr. CRUMPACKER. Of course it also includes all kinds of compulsory processes.

Mr. LITTLEFIELD. Yes; it is so intended.

Mr. CRUMPACKER. And it ought to be made broad enough to include that. It is very apt to be the case where we undertake to remedy one evil that we perhaps inadvertently create a much worse one.

Now, in an investigation of the question before the Interstate Commerce Commission the suit by a private individual, in a complaint, for instance, as to illegal or unjust regulations, the United States is not a party, the testimony given there is not for or on behalf of the United States, and yet it is compulsory. It may be that there are provisions in the interstate-commerce law prohibiting the use of any testimony that a witness may give against a witness in a criminal prosecution. If there is not, there ought to be.

Mr. LITTLEFIELD. We do not intend that any person shall have the power to offer immunity to a witness except the Government of the United States or some officer acting in behalf thereof. Now, the hope is, if this bill does not cover that, that we can work it out in conference, so that any witness summoned on behalf of the Government in any criminal prosecution under any of these statutes, or summoned by the Interstate Commerce Commission, although a case may not be pending—that is, an indictment pending—or by the Commissioner of Corporations, summoned by him under authority given him by law, that these witnesses will be entitled to immunity when they testify under compulsion.

Mr. CRUMPACKER. Well, that may be the purpose, and I have no doubt that before the bill becomes a law it will be safeguarded. I hope it will. But I know, as a matter of fact, that the practice of the administration of the Department of Justice is in many instances to authorize post-office inspectors to make arrangements with men under indictment for crime that if they will testify for the Government they shall not be prosecuted. There is no law for it.

Mr. LITTLEFIELD. That is a different proposition from this.

Mr. CRUMPACKER. That is another question, I know; but I know where that practice has been greatly abused.

Mr. LITTLEFIELD. I imagine that may be so. I will say that this amendment is broader than the bill originally drawn by the Department of Justice.

Mr. MANN. Mr. Speaker, if I remember correctly, the first legislation granting immunity was an act passed nearly half a century ago, providing that persons should be immune from prosecution who testified before committees of Congress. Sub-

sequently that was enlarged to provide immunity to those who testified in United States courts in behalf of the Government. After the Interstate Commerce Commission was established, in 1888, it was ascertained that the Commission could not obtain the testimony, because under the law as it then stood, and under the law as it will stand after the rate bill becomes a law, it is made a misdemeanor for railroad officials and for shippers to do certain acts.

In 1893 Congress passed a law providing that persons who testified, who should give information in behalf of the Government, should not be subject to prosecution. The first act was declared unconstitutional by the Supreme Court, and thereupon Congress passed the act increasing the immunity granted from prosecutions. The first act which we passed provided that they should not be prosecuted for what they had testified to, and then we provided that a witness who was called should not be prosecuted for anything relating to the subject-matter. Under that act the Interstate Commerce Commission is now engaged with considerable effect in prosecuting people, both railroad people and shippers, who violated the law. The Department of Justice, smarting under the defeat which it had at Chicago before Judge Humphrey, not willing to confine itself to exercising the prerogative of every defeated litigant in a case in court of "cussing" the court, now not only wants to "cuss" the court, but to change the law. It is a change for the worse. It is a change which will prevent the Interstate Commerce Commission from obtaining testimony to enforce the rate bill which will soon become a law.

Now, the Bureau of Corporations was given certain powers to call witnesses. The Commissioner of Corporations never exercised the power given to him to call witnesses. If he had proceeded under the law that was intended for him to proceed under, he would have had no difficulty about the packers at Chicago, but he thought he knew more than Congress as to how he should proceed, and started upon another method not intended or provided, and the court held—I agree with the President that the court held erroneously, but I do not agree with the President that it is our duty to condemn the judiciary because we do not always agree with their opinions.

But this, now, is to restrict the authority which we have given to this Commission. This bill is taking away the power under which the Interstate Commerce Commission has operated in ferreting out the violations of law, because under this bill no one is immune unless called as a witness. You can not send your inspector to inspect the books if anyone refuses. You have no right to compel a witness to give testimony against himself unless you grant him immunity. While on the one hand we are seeking to increase our power over the books of railroad companies, on the other hand we are taking away our right to do that, and I predict that if this bill becomes a law it will not be three years before the gentleman from Maine [Mr. LITTLEFIELD], either in this body or the one at the other end of the building, is fathering and favoring a measure to give the very power which he is now taking away.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the amendment may be again reported.

The SPEAKER pro tempore (Mr. OLMSTED). Without objection, the amendment will again be reported.

There was no objection; and the Clerk again reported the amendment.

Mr. LITTLEFIELD. Mr. Speaker, only just a word. I feel bound to say to the House that I think my distinguished friend from Illinois [Mr. MANN] is unduly apprehensive about the consequences of this legislation. I do not feel called upon to enter upon a discussion of the conduct of the judge in the recent trials in Chicago. I don't know that it is incumbent upon me to either censure or approve. Perhaps I may say that I think there was some opportunity for that judge to hold as he did under the uncertain condition of the existing law. The amendment that is suggested here follows the line followed by the Attorney-General in his argument, and I have not the slightest question but that this legislation is necessary in order that we may have hereafter an orderly and judicious administration of the law. The Commissioner of Corporations, who is the man principally involved in the circumstances that perhaps give rise to this necessary legislation, I do not understand to be disturbed because any of his functions are to be impaired by this bill. I do not understand that the Interstate Commerce Commission have any feeling of disturbance upon that ground whatever.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. LITTLEFIELD. Certainly.

Mr. CAMPBELL of Kansas. Does the gentleman from Maine [Mr. LITTLEFIELD] entertain any doubt whatever that either the

Chief of the Bureau of Corporations or the agents of the Interstate Commerce Commission may go into an office or the offices of corporations, if no objection is made, and examine books under the authority they now have under the law, without granting immunity to the care takers of those books or to the persons who made the entries in the books?

Mr. LITTLEFIELD. I doubt very much under the existing law whether they would have authority to go in at all if the corporations object. The law confers upon the Commissioner of Corporations authority to issue subpoenas and compel the production of books. I doubt very much, if the people object, whether the Bureau has any such authority at all without compulsory process.

Mr. CAMPBELL of Kansas. I am asking the question upon the assumption that there was no objection. Now, then, if the officers I have named secure those books by a subpoena duces tecum in a proper proceeding, will the immunity extend to any other than the person to whom the subpoena was directed?

Mr. LITTLEFIELD. Certainly not.

Mr. CAMPBELL of Kansas. The corporation will not be granted immunity?

Mr. LITTLEFIELD. Not the slightest in the world.

Mr. CAMPBELL of Kansas. Nor any of its officers or agents?

Mr. LITTLEFIELD. Not the slightest.

Mr. CAMPBELL of Kansas. Except alone the one who brought in the books.

Mr. LITTLEFIELD. And the purpose of this legislation is simply to have a definite legal record, so that the Government may know when it is giving immunity and so that the party who is getting immunity may know when he is entitled to it. It never ought to be left to the infirmity, to put it no stronger, of the human recollection as to whether a man is or is not entitled to immunity, or whether he has or has not made a statement that bars the Government from prosecuting him for the commission of a crime. The Department of Justice insists that unless they can have this definite standard, the administration of the criminal law is substantially and dangerously embarrassed, and may in many instances be absolutely defeated. If the House, under these circumstances, wants to vote down the amendment, the committee, so far as they are concerned, have not the slightest earthly concern in it. It comes from the Judiciary Committee with an absolutely unanimous report, every man on the committee believing that it is necessary in order to have a due administration of the criminal law.

Mr. CAMPBELL of Kansas. I have read very carefully the Senate bill and the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD] as a committee amendment, and I see very little difference between the two. Will the gentleman explain the difference between the two? About the only distinction I see in the two measures is that the Senate bill provides that where one testifies under oath he shall be granted immunity, while the House provision provides that he must testify in a relevant proceeding, having been subpoenaed.

Mr. LITTLEFIELD. No. Here is the one great distinction: The Senate bill extends it only to a natural person, who, in obedience to a subpoena, testifies or produces evidence. The House bill extends it to a natural person who, as a witness on the part of the Government, etc. Under the law the Interstate Commerce Commission, upon the application of either party, issues subpoenas, so that with the Senate bill, although they did not so intend it, the defendant might come in and apply for a subpoena, and call whoever it liked as a witness under oath, and give them immunity, and thus defeat the law. Now, the Government ought to have the power to say whether immunity shall or shall not be granted. That is the view of the House committee and that is the great distinction between the two measures.

Mr. CAMPBELL of Kansas. I appreciate the difference in favor of the House committee amendment and am heartily in favor of the House provision.

Mr. LITTLEFIELD. I yield five minutes now to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, I have been out of the room for a few minutes, and consequently have not heard what has preceded me in this discussion, but I certainly hope that the bill which is now before the House will pass without opposition. I have some doubt as to the relative merits of the two bills—the one that comes from the Senate and the one which is on the House Calendar—but the suggestion of the gentleman from Maine [Mr. LITTLEFIELD] will at least bring the matter into conference and solve the question to the satisfaction of all. The necessity for this legislation is very apparent. The circuit courts of the United States are in direct opposition in

their efforts to interpret our immunity statutes, Judge Humphrey, in the celebrated beef-trust case, as it is known, holding to a liberal construction in the interest of the packers that is an innovation upon the law, to say the very least. It is a greater protection to the defendant under the statute than he could have had under the Constitution before the statute. A different view has been taken by at least two other judges of circuit courts since, and it is therefore very proper that Congress should make a legislative interpretation of the intention of Congress in relation to these immunity provisions.

Mr. LITTLEFIELD. I call for the question, Mr. Speaker.

The SPEAKER pro tempore. The question is upon suspending the rules, taking the bill from the Speaker's table, and passing the same as proposed to be amended.

The question was taken; and two thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President of the United States had approved and signed bills and joint resolutions of the following titles:

On June 11:

H. R. 239. An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and foreign nations to their employees;

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 13917. An act to remove the order of dismissal from the military record of Robert W. Liggett;

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto;

H. J. Res. 118. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof;

H. J. Res. 170. Joint resolution to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings; and

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes.

H. R. 14397. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1907.

On June 12:

H. R. 1982. An act granting a pension to Ada Collins;

H. R. 5911. An act granting a pension to Edward D. Lockwood, alias George E. McDaniel;

H. R. 6120. An act granting a pension to Harriet M. Smithers;

H. R. 6533. An act granting a pension to Horace Salter;

H. R. 6878. An act granting a pension to Lucy Brown;

H. R. 13824. An act granting a pension to Noah Myers;

H. R. 14673. An act granting a pension to James A. Boggs;

H. R. 16272. An act granting a pension to William D. Willis;

H. R. 16595. An act granting a pension to James R. Hicks;

H. R. 16918. An act granting a pension to Matilda J. Williams;

H. R. 17340. An act granting a pension to Julia Walz;

H. R. 17940. An act granting a pension to Rhett Florence Tilton;

H. R. 18034. An act granting a pension to Mary A. Montgomery;

H. R. 18052. An act granting a pension to John Lewis Bernard Breighner;

H. R. 18426. An act granting a pension to Elizabeth Hathaway;

H. R. 18460. An act granting a pension to Benjamin F. Tudor;

H. R. 18966. An act granting a pension to John W. Ward;

H. R. 19005. An act granting a pension to Gideon M. Burris;

H. R. 612. An act granting an increase of pension to George W. Kohler;

H. R. 1034. An act granting an increase of pension to John Logan;

H. R. 1178. An act granting an increase of pension to Herman Buckthal;

H. R. 1247. An act granting an increase of pension to Columbus Botts;

- H. R. 1438. An act granting an increase of pension to Oliver T. Smith;
 H. R. 1614. An act granting an increase of pension to Jacob H. Lynch;
 H. R. 1650. An act granting an increase of pension to Frank B. Watkins;
 H. R. 1736. An act granting an increase of pension to Charles A. Walker;
 H. R. 1788. An act granting an increase of pension to William C. Christy;
 H. R. 2092. An act granting an increase of pension to Franklin M. Hill;
 H. R. 2237. An act granting an increase of pension to Martin Pool;
 H. R. 2247. An act granting an increase of pension to Anthony Sanspeur;
 H. R. 2265. An act granting an increase of pension to Hudson J. Van Scoter;
 H. R. 2785. An act granting an increase of pension to Margaret Bonyng;
 H. R. 3243. An act granting an increase of pension to John H. Anderson;
 H. R. 3351. An act granting an increase of pension to George King;
 H. R. 3488. An act granting an increase of pension to Egbert J. Olds;
 H. R. 3495. An act granting an increase of pension to Charles F. Tower;
 H. R. 3572. An act granting an increase of pension to William L. Riley;
 H. R. 3588. An act granting an increase of pension to William H. Riffin;
 H. R. 4161. An act granting an increase of pension to Robert Beatty;
 H. R. 4241. An act granting an increase of pension to David B. Coleman;
 H. R. 4597. An act granting an increase of pension to Martin Ellison;
 H. R. 4715. An act granting an increase of pension to John H. Whiting;
 H. R. 4956. An act granting an increase of pension to James C. Bryant;
 H. R. 5040. An act granting an increase of pension to Joseph Montgomery;
 H. R. 5560. An act granting an increase of pension to Henry Chubb;
 H. R. 6059. An act granting an increase of pension to Elias Hanes;
 H. R. 6205. An act granting an increase of pension to Lucy E. Engler;
 H. R. 6208. An act granting an increase of pension to William D. Conner;
 H. R. 6422. An act granting an increase of pension to Anthony Van Slyke;
 H. R. 6505. An act granting an increase of pension to Mary C. Chapman;
 H. R. 6596. An act granting an increase of pension to Alex O. Huffman;
 H. R. 6774. An act granting an increase of pension to John Platt;
 H. R. 7147. An act granting an increase of pension to Bronson Rothrock;
 H. R. 7244. An act granting an increase of pension to Christopher S. Guthrie;
 H. R. 7402. An act granting an increase of pension to Edwin M. Todd;
 H. R. 7535. An act granting an increase of pension to John L. Moore;
 H. R. 7836. An act granting an increase of pension to Alexander G. Patton;
 H. R. 8155. An act granting an increase of pension to Henry E. Seelye;
 H. R. 8232. An act granting an increase of pension to James M. Jared;
 H. R. 8722. An act granting an increase of pension to Arthur M. Lee;
 H. R. 8736. An act granting an increase of pension to Lowell M. Maxham;
 H. R. 8795. An act granting an increase of pension to Orrin A. A. Gardner;
 H. R. 8817. An act granting an increase of pension to Calvin M. Latham;
 H. R. 8852. An act granting an increase of pension to Frederick W. Clark;
 H. R. 9243. An act granting an increase of pension to Joseph A. Barnard;
 H. R. 9531. An act granting an increase of pension to Eliza Rogers;
 H. R. 9609. An act granting an increase of pension to Jesse M. Auchmuty;
 H. R. 9828. An act granting an increase of pension to John Broughton;
 H. R. 9844. An act granting an increase of pension to John J. Erick;
 H. R. 9862. An act granting an increase of pension to William B. Warren;
 H. R. 10794. An act granting an increase of pension to Jacob Schultz;
 H. R. 10828. An act granting an increase of pension to Michael Lennon;
 H. R. 10865. An act granting an increase of pension to Alexander Caldwell;
 H. R. 11057. An act granting an increase of pension to Lewis J. Post;
 H. R. 11152. An act granting an increase of pension to Theodore S. Currier;
 H. R. 11161. An act granting an increase of pension to Michael Aaron;
 H. R. 11260. An act granting an increase of pension to James H. Van Camp;
 H. R. 11457. An act granting an increase of pension to Cyrus Van Matre;
 H. R. 11855. An act granting an increase of pension to Mary Ann Shelly;
 H. R. 12184. An act granting an increase of pension to Joseph Sprauer;
 H. R. 12330. An act granting an increase of pension to Hester A. Van Derslice;
 H. R. 12336. An act granting an increase of pension to Margaret A. Montgomery;
 H. R. 12418. An act granting an increase of pension to Thomas P. Crandall;
 H. R. 12879. An act granting an increase of pension to Catharine Myers;
 H. R. 12971. An act granting an increase of pension to Matthew H. Brandon;
 H. R. 13069. An act granting an increase of pension to Friend S. Esmond;
 H. R. 13149. An act granting an increase of pension to Ida L. Martin;
 H. R. 13443. An act granting an increase of pension to James E. Hammonree;
 H. R. 13594. An act granting an increase of pension to Jonathan Snook;
 H. R. 13993. An act granting an increase of pension to Joseph Watson;
 H. R. 14264. An act granting an increase of pension to John H. Eversole;
 H. R. 14661. An act granting an increase of pension to John B. Bussell;
 H. R. 14702. An act granting an increase of pension to Christian Schlosser;
 H. R. 14729. An act granting an increase of pension to David Ford;
 H. R. 15056. An act granting an increase of pension to James Ramsey;
 H. R. 15104. An act granting an increase of pension to Thomas E. Owens;
 H. R. 15126. An act granting an increase of pension to William K. Trabue;
 H. R. 15288. An act granting an increase of pension to Benjamin F. Finical;
 H. R. 15613. An act granting an increase of pension to William W. Combs;
 H. R. 16005. An act granting an increase of pension to Hezekiah J. Reynolds;
 H. R. 16073. An act granting an increase of pension to John Ginther;
 H. R. 16109. An act granting an increase of pension to Jacob Cline;
 H. R. 16252. An act granting an increase of pension to Adam Dixon;
 H. R. 16441. An act granting an increase of pension to Joseph J. Goode;
 H. R. 16492. An act granting an increase of pension to John M. Logan;
 H. R. 16496. An act granting an increase of pension to Thomas Dailey;

H. R. 16525. An act granting an increase of pension to Mary Amanda Nash;
 H. R. 16565. An act granting an increase of pension to George H. Gordon, alias Gorton;
 H. R. 16662. An act granting an increase of pension to Van Buren Beam;
 H. R. 16682. An act granting an increase of pension to William Hammond;
 H. R. 16812. An act granting an increase of pension to Dudley McKibben;
 H. R. 16842. An act granting an increase of pension to Thomas H. Thornburgh;
 H. R. 16915. An act granting an increase of pension to Orange Bugbee;
 H. R. 16977. An act granting an increase of pension to Isabel Newlin;
 H. R. 16998. An act granting an increase of pension to Elijah Curtis;
 H. R. 17170. An act granting an increase of pension to Jackson D. Turley;
 H. R. 17171. An act granting an increase of pension to David H. Parker;
 H. R. 17210. An act granting an increase of pension to Daniel M. Vertner;
 H. R. 17309. An act granting an increase of pension to John W. Chase;
 H. R. 17346. An act granting an increase of pension to Newton S. Davis;
 H. R. 17374. An act granting an increase of pension to Isom Wilkerson;
 H. R. 17388. An act granting an increase of pension to Patrick McCarthy;
 H. R. 17390. An act granting an increase of pension to Mary Sheehan;
 H. R. 17445. An act granting an increase of pension to William H. Farrell;
 H. R. 17466. An act granting an increase of pension to James P. Hall;
 H. R. 17476. An act granting an increase of pension to Henry Ballard;
 H. R. 17542. An act granting an increase of pension to John Cain;
 H. R. 17590. An act granting an increase of pension to Jacob Woodruff;
 H. R. 17637. An act granting an increase of pension to Gardiner K. Haskell;
 H. R. 17678. An act granting an increase of pension to Alexander Moore;
 H. R. 17772. An act granting an increase of pension to John W. Henry;
 H. R. 17825. An act granting an increase of pension to Bolivar Ward;
 H. R. 17872. An act granting an increase of pension to Allen D. Metcalfe;
 H. R. 17891. An act granting an increase of pension to Eliza M. Bulce;
 H. R. 17920. An act granting an increase of pension to Sallie E. Blanding;
 H. R. 17922. An act granting an increase of pension to Thomas D. Adams;
 H. R. 17934. An act granting an increase of pension to Thomas J. Byrd;
 H. R. 17935. An act granting an increase of pension to Andrew C. Woodard;
 H. R. 17938. An act granting an increase of pension to Clarissa L. Dowling;
 H. R. 17999. An act granting an increase of pension to Samuel Yehl;
 H. R. 18038. An act granting an increase of pension to Erastus W. Briggs;
 H. R. 18039. An act granting an increase of pension to John W. Stephens;
 H. R. 18041. An act granting an increase of pension to William R. Hiner;
 H. R. 18073. An act granting an increase of pension to Mary McFarlane;
 H. R. 18076. An act granting an increase of pension to Elizabeth Bartley;
 H. R. 18105. An act granting an increase of pension to John A. Lyle;
 H. R. 18106. An act granting an increase of pension to Mary E. Patterson;
 H. R. 18121. An act granting an increase of pension to John W. Jones;

H. R. 18132. An act granting an increase of pension to John W. Blanchard;
 H. R. 18184. An act granting an increase of pension to John J. Howells;
 H. R. 18239. An act granting an increase of pension to Bryant Brown;
 H. R. 18243. An act granting an increase of pension to Jacob S. Rickard;
 H. R. 18249. An act granting an increase of pension to Hiram G. Hunt;
 H. R. 18262. An act granting an increase of pension to John H. Broadway;
 H. R. 18308. An act granting an increase of pension to Clay Riggs;
 H. R. 18310. An act granting an increase of pension to Virgil A. Bayley;
 H. R. 18319. An act granting an increase of pension to Newton Kinnison;
 H. R. 18355. An act granting an increase of pension to Rachel A. Webster;
 H. R. 18356. An act granting an increase of pension to William A. Custer;
 H. R. 18357. An act granting an increase of pension to William E. Starr;
 H. R. 18367. An act granting an increase of pension to John Wilkinson;
 H. R. 18378. An act granting an increase of pension to Martha A. Dunlap;
 H. R. 18399. An act granting an increase of pension to Pauline Bietry;
 H. R. 18400. An act granting an increase of pension to Elmira M. Gause;
 H. R. 18402. An act granting an increase of pension to Lucy W. Powell;
 H. R. 18447. An act granting an increase of pension to Elijah G. Gould;
 H. R. 18449. An act granting an increase of pension to Hannah R. Jacobs;
 H. R. 18467. An act granting an increase of pension to Rudolph W. H. Swendt;
 H. R. 18469. An act granting an increase of pension to Samuel C. Dean;
 H. R. 18486. An act granting an increase of pension to William F. Walker;
 H. R. 18505. An act granting an increase of pension to M. Belle May;
 H. R. 18509. An act granting an increase of pension to Ellen L. Stone;
 H. R. 18510. An act granting an increase of pension to Hugh R. Rutledge;
 H. R. 18524. An act granting an increase of pension to Julius Rector;
 H. R. 18539. An act granting an increase of pension to Angeline R. Lomax;
 H. R. 18542. An act granting an increase of pension to Sarah Ann Day;
 H. R. 18551. An act granting an increase of pension to William D. Brown;
 H. R. 18560. An act granting an increase of pension to John Hamilton;
 H. R. 18572. An act granting an increase of pension to Allamanza M. Harrison;
 H. R. 18573. An act granting an increase of pension to John M. Quinton;
 H. R. 18605. An act granting an increase of pension to William Lawrence;
 H. R. 18627. An act granting an increase of pension to Elizabeth A. Anderson;
 H. R. 18628. An act granting an increase of pension to William E. Chambers;
 H. R. 18633. An act granting an increase of pension to Jennie F. Belding;
 H. R. 18651. An act granting an increase of pension to Elizabeth Thomas;
 H. R. 18654. An act granting an increase of pension to Robert D. Gardner;
 H. R. 18655. An act granting an increase of pension to Leander Gilbert;
 H. R. 18678. An act granting an increase of pension to Evans P. Hoover;
 H. R. 18696. An act granting an increase of pension to Louisa C. Gibson;
 H. R. 18697. An act granting an increase of pension to Martha L. Beesley;

H. R. 18702. An act granting an increase of pension to Edward B. Prime;

H. R. 18724. An act granting an increase of pension to Alfred Gude;

H. R. 18730. An act granting an increase of pension to William C. Mahaffey;

H. R. 18746. An act granting an increase of pension to Isaac Howard;

H. R. 18747. An act granting an increase of pension to William H. Colegate;

H. R. 18794. An act granting an increase of pension to William C. McRoy;

H. R. 18795. An act granting an increase of pension to James E. Raney;

H. R. 18821. An act granting an increase of pension to Eliza Jane Witherspoon;

H. R. 18822. An act granting an increase of pension to Sophie S. Parker;

H. R. 18862. An act granting an increase of pension to Joseph H. Weaver;

H. R. 18887. An act granting an increase of pension to Alexander W. Carruth;

H. R. 18910. An act granting an increase of pension to Philo E. Davis;

H. R. 18930. An act granting an increase of pension to Eliza J. Mays;

H. R. 18935. An act granting an increase of pension to Minna A. Boswell;

H. R. 18959. An act granting an increase of pension to Albert G. Packer;

H. R. 18976. An act granting an increase of pension to Nelson S. Preston; and

H. R. 19001. An act granting an increase of pension to Elizabeth A. McKay.

On June 12:

H. R. 14184. An act to extend the irrigation act to the State of Texas.

On June 13:

H. J. Res. 172. Joint resolution to supply a deficiency in an appropriation for the postal service;

H. R. 14604. An act forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes;

H. R. 15692. An act granting a pension to Frank M. Dooley;

H. R. 3005. An act granting an increase of pension to Jacob C. Shafer;

H. R. 10395. An act granting an increase of pension to Stephen Cundiff;

H. R. 13828. An act granting an increase of pension to John M. Carroll;

H. R. 16878. An act granting an increase of pension to James B. Adams

H. R. 18116. An act granting an increase of pension to Green Evans;

H. R. 18135. An act granting an increase of pension to Benedict Sutter; and

H. R. 18561. An act granting an increase of pension to Jonathan Skeans.

On June 14:

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.;

H. R. 8410. An act to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek in Berkeley County, in the State of South Carolina; and

H. R. 17455. An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.

On June 15:

H. R. 4478. An act to amend section 64 of the bankruptcy act; and

H. R. 16946. An act releasing the right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Cal.

On June 16:

H. R. 12707. An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government

and be admitted into the Union on an equal footing with the original States;

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces;

H. R. 17881. An act permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota;

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907; and

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle.

On June 18:

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation;

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greenville, and for other purposes; and

H. R. 1160. An act granting an increase of pension to Eliza Swords.

On June 19:

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

SALE OF CERTAIN PUBLIC LANDS.

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and put upon its passage the bill (S. 4190) to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States, approved February 26, 1895," with an amendment.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of February 26, 1895, entitled "An act to amend section 2455 of the Revised Statutes of the United States," be, and the same is hereby, amended so as to read as follows: "It shall be lawful for the Commissioner of the General Land Office to order into market and sell, at public auction at the land office of the district in which the land is situated, for not less than \$1.25 per acre, any isolated or disconnected tract or parcel of the public domain not exceeding one quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: *Provided*, That this act shall not defeat any valid right which has already attached under any pending entry or location."

The SPEAKER pro tempore. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I demand a second in order to ask the gentleman a question. I do not know I have any objection to the bill, but I want to ask the gentleman a question. In 1883 there was a law passed by Congress removing from sale all the mineral lands in Alabama, because it was the policy of the people there not to have those lands disposed of for speculation, but they wanted to have them reserved for school purposes. That law is still on the statute books. It is not desired to have this land put where it could be offered for sale. Some of them were valuable lands, where they would be taken up for speculation. Now, I would like to ask the gentleman in charge of the bill whether this bill if it passes will interfere with the operation of the statute in reference to that matter?

Mr. JENKINS. Well, I will say to the gentleman from Alabama that I am not prepared to answer that question. I yield to the chairman of the Committee on Public Lands.

Mr. LACEY. Mr. Speaker, I will say, in answer to the gentleman from Alabama, that a bill has been introduced to authorize a reexamination of those lands and find what portion of them, if any, are not mineral. All mineral lands have been withdrawn, and they were all classified as mineral. That bill was introduced by the gentleman's colleague [Mr. BURNETT] in anticipation of another bill that he had seeking to set apart so much land as is purely mineral for the use of the public schools of the State of Alabama, but that land—

Mr. UNDERWOOD. It is for that reason I wanted to ask about this.

Mr. LACEY. This bill would not affect that land in any way in the present condition of the land. The object of this bill—and it is a departmental bill, prepared by the Department, and sent in and introduced at their request—is to amend existing law as to disposal of these lands. They are little odds and ends here and there, generally islands or small tracts of land in the bend of rivers in the Northwest, and this is simply a method of disposing of those isolated tracts of land. And this is to simplify or modify the disposal of those tracts of land. The amendment suggested by the gentleman from Wisconsin was prepared by the committee and reported subsequently to the report upon the bill, providing that “nothing in this act shall defeat any vested right which is already attached under any pending entry or location.” Some of those lands have already been located and the entries have been held up.

Mr. UNDERWOOD. I understand that; but does this propose to sell homestead lands, too?

Mr. LACEY. Less than a quarter section of land. Of course, all of this land could have been taken under the homestead law long ago, but has not been taken.

Mr. UNDERWOOD. If there is more than one quarter section lying contiguously, then this bill does not apply?

Mr. LACEY. It does not. It is known as the “isolated-tract” bill.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. LACEY. Yes.

Mr. PERKINS. The gentleman says that the object of this bill is to simplify the selling of the land. I wish he would explain to the House what changes it makes. Many of us are not familiar with the procedure, and we do not know what this bill amounts to. What is the law, and what will be the law after this bill is passed?

Mr. LACEY. The act of 1895 was passed in order to provide for the disposition of these little isolated tracts of land. The Secretary of the Interior, in his annual report, uses the following language, which perhaps will answer the gentleman more clearly than a more elaborate statement from me:

Prior to February 26, 1895, under section 2455, United States Revised Statutes, small isolated tracts of public land were, in the discretion of the Commissioner of the General Land Office, after thirty days' notice, sold at public auction for not less than \$1.25 per acre. The act of February 26, 1895 (28 Stat. L., 687), amended said section 2455 by adding the proviso:

“That lands shall not become so isolated or disconnected until the same shall have been subject to homestead entry for a period of three years after the surrounding land has been entered, filed upon, or sold by the Government: *Provided*, That not more than 160 acres shall be sold to any one person.”

The result of this legislation has been to encourage speculation and deprive the Government of considerable revenue, as such isolated tracts are now often entered either as original entries or under soldiers' additional homestead rights to secure title to the land for uses other than agricultural. The simple remedy for these conditions is the repeal of the act of February 26, 1895.

Now, it had to be held open for three years for homestead entries, and in many cases entries were made colorably. The land is not adapted to homestead uses, and some of the lands have water power connected with them, and they will be put up now and sold to the highest bidder at public auction. This provision, in the nature of an amendment, was intended to cover some cases, however, where parties have entries on these lands, and it is not desired to disturb entries heretofore made if the entrymen have any vested right.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

GRANTING CONDEMNED CANNON.

Mr. DENBY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S. R. 47) granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan, as amended.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized and directed to deliver to the governor of the State of Michigan six bronze or brass condemned cannon, to be used to make a life-size statue of Stevens T. Mason, late governor of Michigan: *Provided*, That the Government shall be at no expense in connection with this gift.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

NAMES OF SAILING VESSELS.

Mr. GROSVENOR. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17600) granting authority to change the names of certain sailing vessels.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application by the owners, to change the

names of the following sailing vessels: Iron bark Abby Palmer, official number 107429; steel ship Balclutha, official number 3882; iron bark Euterpe, official number 136801; iron bark Himalaya, official number 96501; iron bark Coalunga, official number 127343.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second for the purpose of securing information.

Mr. GROSVENOR. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Are these all American ships?

Mr. GROSVENOR. They are all American ships, and this is the condition: By the law of the country as it stands now, upon the application to the Department of Commerce and Labor the name of a vessel may be changed by order of the Commissioner of Navigation without any act of Congress, unless there are incumbrances upon the vessels. In this particular case these five small vessels have a lot of almost unpronounceable names, and they are also, all of them, more or less encumbered by mortgages. Both the mortgagees and mortgagors have applied to have a change of names, so that they may conform them to the names of the lines to which they belong. All parties are agreed to the proposition, and there is an unanimous report from the committee in favor of the passage of the bill.

Mr. CLARK of Missouri. That is all the change it makes with reference to its status?

Mr. GROSVENOR. That is all. It simply changes their names and retains the lien of the mortgage.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SCHOOL DISTRICT NO. 57, NEZ PERCES, IDAHO.

Mr. FRENCH. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15506 as amended by the committee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause patent to issue to school district No. 57, in the county of Nez Perces, State of Idaho, for the use and benefit of said district, for the following-described tract of land within said county, to wit: Commencing on the east line of the right of way of the Lapwai branch of the Northern Pacific Railroad where it crosses the section line between sections 2 and 11, of township 35 north, range 4 west, of the Boise meridian, Idaho, marked by a stone 16 by 10 by 8 inches, set 12 inches in the ground and marked by a cross on top, from which the corner to sections 2, 3, 10, and 11 bears south 89° 54' W., 3,242 feet distant; thence running south 10° 25' E. along the east line of said right of way, 13 chains 70 links to the north line of the county road to a cedar post set 3 feet in the ground; thence north 80° E. along the north line of the county road to the east line of the former Fort Lapwai military reserve to a mound of rocks 2 feet high; thence north 26° W. along the east line of said former reserve to the line between sections 2 and 11, marked by a stone 15 by 10 by 10 inches and set 10 inches in the ground and marked with cross on top, from which corner to sections 1, 2, 11, and 12 bears north 89° 54' E., 26 chains distant; thence south 89° 54' W., 317 feet to the place of beginning, containing 3½ acres, more or less, and located on the northwest quarter of the northeast quarter of section 11, township 35 north, of range 4 west, Boise meridian.

Amend the title so as to read: “A bill authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho.”

The SPEAKER. Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PUBLIC HIGHWAY, FORT SHERMAN ABANDONED MILITARY RESERVATION.

Mr. FRENCH. Mr. Speaker, I move to suspend the rules and pass the bill S. 3414.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the county of Kootenai, State of Idaho, for a public highway, a strip of land lying on the east side of the abandoned Fort Sherman military reservation, in Idaho, designated by the official plat of survey as lots 1, 2, and 3 of section 12, and lots 1, 2, and 3 of section 13, township 50 north, range 4 west, Boise meridian. The title to said land is hereby vested in the county of Kootenai aforesaid for the purpose as above specified: *Provided*, That if the said county of Kootenai shall, at any time hereafter, abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States.

The SPEAKER. Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

COINAGE SYSTEM IN THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill S. 6243.

The bill was read, as follows:

Be it enacted, etc., That, with the approval of the President of the United States, the government of the Philippine Islands is hereby authorized, whenever in its opinion such action is desirable, in order to

carry out the provisions of section 6 of the act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," to change the weight and fineness of the silver coins authorized by said act, and may in its discretion provide a weight and fineness proportionately less for subsidiary coins than for the standard Philippine pesos, and may also in its discretion recoin any of the existing coins of the Philippine Islands at the new weight and fineness when such coins are received into the Treasury or into the gold standard fund of the Philippine Islands: *Provided*, That the weight and fineness of the silver peso to be coined in accordance with the provisions of this section shall not be reduced below 700 parts of pure silver to 300 of alloy.

Sec. 2. That section 8 of an act of Congress approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," as amended by section 10 of an act approved February 6, 1905, is hereby further amended to read as follows:

"Sec. 8. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive at the treasury of the government of the said islands or any of its branches deposits of the standard silver coins of ₱1 authorized by this act to be coined, in sums of not less than ₱20, Philippine currency, and to issue certificates therefor in denominations of not less than ₱2 nor more than ₱500, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and for all public dues in the Philippine Islands, and when so received may be reissued, and when held by any banking association in said islands may be counted as a part of its lawful reserve: *Provided*, That the treasurer of the Philippine Islands, with the approval of the governor-general, may substitute for any part of such silver pesos hereafter deposited, gold coin of the United States legally equivalent in value, and redeem the certificates hereafter issued in either silver pesos or such gold coin of equivalent value at the option of the treasurer: *Provided further*, That the amount of gold coin held in such reserve shall not at any time exceed 60 per cent of the total amount of certificates outstanding."

The SPEAKER. Is a second demanded?

Mr. SLAYDEN. Mr. Speaker, I demand a second.

Mr. COOPER of Wisconsin. I ask unanimous consent that a second may be considered as ordered.

Mr. SLAYDEN. My purpose is to get some information about the bill.

The SPEAKER. Is there objection to a second being considered as ordered? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Speaker, the necessity for the passage of the bill is owing to the fact that the recent marked increase in the value of silver makes the bullion value of the Philippine peso greater than its face value, thus leading to the melting of the pesos and to their exportation as bullion. The House will remember that the Philippines have a gold standard, the unit of value being the American gold dollar. They also have a silver coinage, limited in volume, and under the control of the Philippine government, the peso being coined at the ratio of 32 to 1. The coinage act for the islands Congress passed three years ago, when silver was worth—that is, the silver in the American dollar—37 cents in gold. Since that time silver has increased in value a little over 45 per cent. When the law establishing the Philippine coinage was enacted by Congress, silver was at its lowest value as compared with gold. This low price of silver was attributable to several causes, among these that the United States had closed its mints against silver; that the Latin Union was coining subsidiary coinage out of its 5-franc pieces, and that Germany had put on the market a great quantity of silver. Thus there was very little demand for the metal except in India and the Orient. Since that time, as I said, there has been a very considerable and also a most unexpected rise in the value of silver. This is due in part to a largely increased demand for it in Manchuria, owing to the result of the recent war between Russia and Japan, which gives to Japan practically the control of the commerce of that country; also to the fact that India is establishing what is called an "ingot reserve" in silver in London. This bill proposes—

Mr. SLAYDEN. I want to ask the gentleman from Wisconsin if this is a unanimous report?

Mr. COOPER of Wisconsin. It is not. There were two members of the Committee on Insular Affairs—the gentleman from Missouri, Judge RUCKER, and the gentleman from North Carolina, Judge PAGE—who said that while they would not agree to report the bill, they did not think that they would oppose it on the floor.

Mr. HULL. What does the bill do?

Mr. COOPER of Wisconsin. I was about to come to that when the gentleman from Texas propounded his question.

Owing to the rise in silver, the silver peso has become worth more as bullion than it is as money at the ratio of 32 to 1 at which it is now coined. The difficulty in the Philippines which has accrued from this is a very serious one. The bullion value being more than the face value, certain persons in the islands took to melting the coin and exporting it as bullion. Thereupon the Philippine Commission passed a law prohibiting this from being done. But of course there is more or less of difficulty in strictly enforcing such a law in an archipelago like the Philippine Islands. As a remedy for all of this trouble, the pending bill proposes to confer upon the Philippine Govern-

ment power to fix a new ratio and to change the ratio to correspond with the development of events, but only upon the express condition that there shall be no modification or impairing in any way of the existing gold standard of value established by the act of March 2, 1903.

The cost of recoinage, if any be necessary, will be paid by the seigniorage.

The new coin would circulate at par, being redeemable, and also because the Mint would be closed by the Government against its free coinage. The House will see, however, that under present conditions there is the constant danger of the melting and exportation of which I have spoken.

Mr. SCOTT. As a practical detail, how is it proposed to get hold of the coins so that they may be recoined?

Mr. COOPER of Wisconsin. It is proposed by the bill to empower the Philippine government to change the standard of fineness, and thus keep the silver bullion in the peso worth less than 50 cents in gold, as it was when we passed the law three years ago.

Mr. SCOTT. I understand that, but that does not answer my question.

Mr. COOPER of Wisconsin. And also to prohibit the Philippine government from coining at a ratio below 700 parts of silver to 300 of alloy; in other words, seven-tenths fine. The coin is now nine-tenths fine.

Mr. KEIFER. That is our standard to-day.

Mr. COOPER of Wisconsin. That is our standard.

Mr. SCOTT. I think the gentleman does not understand my question. What he has said does not answer it. My question was, How does the Government propose to get hold of the overweight coins that are now in circulation in the Philippines and recoin them, or is it proposed simply to coin other bullion?

Mr. COOPER of Wisconsin. I will say to the gentleman that there are two or more courses open to the Philippine government in the event of the enactment of this bill into law. One would be to coin subsidiary coinage at a reduced rate, and let the pesos take their own course as bullion—go out of the islands, perhaps. Or they could recoin the subsidiary at a reduced rate, and recoin pesos also at a reduced rate, but reduce the subsidiary coinage more than the peso, so as to have a second bank or bulwark, so to speak, against a further increase in the value of silver bullion. They have these two alternatives, either one of which would make the new coinage perfectly safe and under the control of the government. On the other hand, if silver bullion should not rise in value, they might not find it necessary to change the weight or fineness of the coins.

Mr. HINSHAW. Then your bill proposes to cut down the value of the coin about two-tenths of its present face value?

Mr. COOPER of Wisconsin. Yes.

Mr. HINSHAW. It might occur that the peso would become more valuable than its face value.

Mr. COOPER of Wisconsin. Then the government can change it so as to make it a token coinage, just as it has before.

Mr. HINSHAW. Then you would have in circulation a peso of seven-tenths and a peso nine-tenths fine at the same time.

Mr. COOPER of Wisconsin. No; they would not coin one at seven-tenths fine unless the one at the higher ratio was at par.

Mr. HINSHAW. What would become of the nine-tenths fine?

Mr. COOPER of Wisconsin. As the gentleman well knows, under such circumstances the more valuable coin always goes out of circulation.

Mr. HINSHAW. Would it not be better to adopt the system of the United States, where we have a silver dollar worth 45, 50, or 55 cents, as the case may be, and which would be continuously a token coin and never probably go above the value of the gold dollar?

Mr. COOPER of Wisconsin. They would have complete power under this law to keep the bullion value less than the face value.

Mr. PAYNE. Under the law these token coins are redeemable in gold?

Mr. COOPER of Wisconsin. Yes.

Mr. PAYNE. So that they never depreciate in value?

Mr. COOPER of Wisconsin. No.

Mr. PAYNE. And the melting pot would take care of those that are worth more than the face?

Mr. COOPER of Wisconsin. Yes.

Mr. CRUMPACKER. Does not the bill under consideration authorize the Philippine government to change the ratio without any limitation being fixed, excepting that the coin shall be at least seven-tenths fine?

Mr. COOPER of Wisconsin. Yes.

Mr. CRUMPACKER. It does not limit the Philippine Commission in respect to the question of weight, but it does in respect to the question of fineness, and it is expected if a new

coinage is issued the ratio shall be so fixed that there will be no liability of the commercial value of the coin being greater than the coinage value.

Mr. HINSHAW. But the peso with its alloy will be the same size and weight as the old peso.

Mr. CRUMPACKER. That makes no difference unless the old peso be worth more as bullion than coin, because they would be backed up by the 50-cent gold piece.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RESURVEY OF CERTAIN TOWNSHIPS IN BACA COUNTY, COLO.

Mr. BROOKS of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9343) providing for the resurvey of certain townships of land in the county of Baca, Colo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in townships Nos. 31, 32, 33, 34, and 35 south, in each of the ranges Nos. 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 west of the sixth principal meridian in Baca County, in the State of Colorado; and all rules and regulations of the Interior Department requiring petitions from all settlers of said townships asking for resurvey and agreement to abide by the result of same, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied: *Provided further*, That before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. I demand a second.

Mr. BROOKS of Colorado. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. CLARK of Missouri. What is the necessity for this resurvey?

Mr. BROOKS of Colorado. Mr. Speaker, this is a county which in early days was thought to contain perhaps the least valuable land in that section. Little attention was given to it, and for some reason the original survey was particularly defective. For a long time it was comparatively unsettled. It was a grazing country where there were very few settlers. When the active settlement movement began a few years ago it was found that much of the land was very good and adaptable for cultivation, but in large sections absolutely no Government monuments existed, and to-day the surveyors have to go 25 or 27 miles to the State line between Kansas and Colorado, or between Colorado and New Mexico to get their ties. The condition is one that is retarding the settlement and development of the country very greatly. The evidence has been submitted to the surveyor-general of Colorado, to the General Land Office, and to the Department of the Interior, and everyone is in favor of the resurvey.

Mr. CLARK of Missouri. Is this a unanimous report of the committee?

Mr. BROOKS of Colorado. Absolutely.

Mr. CLARK of Missouri. How big a piece of ground is there there to be surveyed?

Mr. BROOKS of Colorado. A considerable area; some fifty townships, I think.

Mr. CLARK of Missouri. And the Government is to pay the expenses?

Mr. BROOKS of Colorado. Yes; but there is no appropriation carried by this bill. The Government will simply survey so much in any one year as the Interior Department or the Commissioner-General of the Land Office may determine. He will apportion a certain sum out of the general fund of the Department for this purpose.

Mr. CLARK of Missouri. How are the surveys going to be made, by contract or under the supervision of the surveyor-general of Colorado?

Mr. BROOKS of Colorado. In both ways. That is to say, I suppose it will be done as the Commissioner may determine, but usually these surveys are made by contract on public bids under the direction and control of the surveyor-general of the State, subject to the approval of the Commissioner of the General Land Office.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DEPOSIT BY RECEIVERS OF PUBLIC MONEYS.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11040) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys.

The Clerk read the bill, as follows:

Be it enacted, etc., That the receivers of public moneys for land districts are hereby authorized, under the direction of the Commissioner of the General Land Office, to deposit to the credit of the Treasurer of the United States all unearned fees and unofficial moneys that have been carried upon the books of their respective offices for a period of five years or more, which sums shall be covered into the Treasury by warrant and carried to the credit of the parties from whom such fees or moneys were received, and into an appropriation account to be denominated "Outstanding liabilities."

Sec. 2. That at the time of making such deposit the receiver shall furnish a list showing the date when the money was paid to him or to his predecessor; the names and residences of the parties; the purposes of the payments and the amounts thereof, which list shall bear the certificate of the register and receiver that the same is correct; that the amounts are due and payable; that diligence has been exercised to return the same, and that the sums specified have remained unclaimed for a period of five years or more.

Sec. 3. That amounts that appear in a receiver's accounts as "Moneys deposited by unknown parties" shall also be deposited to the credit of the Treasurer of the United States, accompanied by a list showing the amount and, if possible, the date of the receipt of each item; which list shall bear the certificate of the register and receiver that, after careful investigation, the ownership of said moneys could not be determined, and that they have been reported in the unearned fees and unofficial moneys accounts for five years or more.

Sec. 4. That any person or persons who shall have made payment to a receiver, or to his predecessor, and the money shall have been covered into the Treasury pursuant to section 1 or section 3 hereof, shall, on presenting satisfactory evidence of such payment to the proper officer of the Treasury Department, be entitled to have the same returned by the settlement of an account and the issuing of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: *Provided*, That when such moneys shall remain unclaimed in the Treasury for more than five years the right to recover the same shall be barred.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

WITHDRAWAL FROM ENTRY OF CERTAIN PUBLIC LANDS IN CHOUTEAU COUNTY, MONT.

Mr. DIXON of Montana. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19916) withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described tract of land situated in Chouteau County, in the State of Montana, to wit, section 22, in township 35 north, range 24 east, Montana meridian, be, and is hereby, set apart and withdrawn from entry or settlement under the land laws of the United States, and is hereby leased, demised, and let unto the board of trustees of the Montana College of Agriculture and Mechanic Arts, situated at Bozeman, Mont., for and during the full period of ten years from and after the approval of this act, for the purpose of maintaining thereon experiments in so-called dry-land farming and other experimental farming operations connected with said institution: *Provided*, That this act shall not be construed to confer any right, legal or equitable, upon the lessee herein named other than herein specifically stated.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS MISSOURI RIVER IN BROADWATER AND GALLATIN COUNTIES, MONT.

Mr. DIXON of Montana. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5989) to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Chicago, Milwaukee and St. Paul Railway Company, of Montana, its successors or assigns, be, and are hereby, authorized, to construct, maintain, and operate a railroad bridge and approaches thereto across the Missouri River at some convenient and practicable point within the limits of Broadwater County, or between Broadwater and Gallatin counties, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS MISSOURI RIVER IN LEWIS AND CLARKE COUNTY, MONT.

Mr. DIXON of Montana. Mr. Speaker, I call up from the Speaker's table the bill (S. 6234) to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.

The SPEAKER. The gentleman from Montana calls up from

the Speaker's table the bill S. 6234, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Chicago, Milwaukee and St. Paul Railway Company of Montana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Missouri River, at some convenient and practicable point in Lewis and Clarke County, between the southern limit of said county and the northern limit of township 11 north, range 2 west, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; and the bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, a similar bill on the House Calendar will lie on the table.

There was no objection, and it was so ordered.

MEDALS FOR CERTAIN PERSONS.

Mr. BONYNGE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16013) providing medals for certain persons, with an amendment thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to procure a bronze medal, with suitable device, to be presented to each of the several officers and enlisted men and families of such as may be dead, who, having volunteered and enlisted under the calls of the President for the war with Spain, served beyond the term of their enlistment to help to suppress the Philippine insurrection, and who subsequently received an honorable discharge from the Army of the United States, or who died prior to such discharge.

SEC. 2. That the sum of \$5,000 is hereby appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, for the purpose of carrying this act into effect.

The SPEAKER. Is a second demanded. [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

BATAN ISLAND MILITARY RESERVATION.

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17293) to authorize the leasing of the Batan Island Military Reservation for coal-mining purposes, with amendments thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lease the coal-mining rights in the Batan Island Military Reservation to any person, firm, company, or corporation organized under the laws of the United States, or any State thereof, or of the Philippine government, which in his opinion shall be deemed responsible for carrying out the provisions of said lease.

SEC. 2. That the term "mining rights" in the first section hereof shall be deemed to include the use of all land included in and all natural products of the said Batan Island Military Reservation which may be necessary for and consistent with the establishment and operation of a coal mine and coaling station, and shall also include the right to take and use water from the Sacarary Military Reservation.

SEC. 3. That the said lease shall be granted after due advertisement and public bidding for same, and shall run for a period not exceeding fifty years. Said lease shall be signed on behalf of the Government of the United States by the Secretary of War thereof, and by such person or firm, or, on behalf of the company or corporation undertaking the establishment and operation of said coal mine, by the chief officer thereof thereunto duly authorized by the stockholders and directors of the same, and shall contain among others the following provisions:

First. That all branches of the Government of the United States and of the government of the Philippine Islands thereof shall be supplied with such coal as they may desire laid on board ship at the harbor of Batan Island, known as Coal Harbor, at a price not to exceed 10 per cent above cost price of said coal, and any such lessee shall by such lease be obligated at all times to have on hand a supply of coal sufficient to meet all orders of the Government of the United States, or of the government of the Philippine Islands, for coal, and all orders of either of said governments for coal shall be filled prior to any order of, or contract with, any other party.

Second. That the necessary wharves for receiving vessels of up to 32 feet draft and for loading coal thereon shall be erected and maintained by the company or corporation operating the said mine.

Third. That the items included in the calculations of the cost of said coal shall consist of all items of expense for labor necessary for producing the coal and for handling and loading the same on board ship, for the proper care and handling of machinery connected therewith, for the proper care and management of the interior workings of a coal mine and all machinery connected with the safe and economical operation thereof, and for the proper upkeep of all exterior buildings, grounds, and machinery incident to the operation of a coal mine and coal-loading station; all items of expense for labor and material connected with the repairs of all machinery, rolling stock, buildings, and apparatus necessary for the safe and economical upkeep of the mine and its appurtenances and of the coal-loading apparatus and docks, but shall not include the cost of new work for the extension of the plant; all items of expense for supplies for the safe and economical extraction of coal, and the maintenance of the offices, buildings, and machinery maintained, erected, or in use on the aforesaid reservation; all items of general expense, such as taxes, insurance, and

reasonable depreciation on plant and property, and such others as may be also directly and solely connected with the management of the plant and offices installed on the reservation for the purpose of mining and loading coal, which shall include salaries for persons resident at the plant and necessary for the management and conduct thereof as above set forth.

Fourth. That such lease shall contain such other and further restrictions as the Secretary of War may see fit to impose.

Fifth. That the person, company, or corporation securing the lease shall pay to the Government of the United States a royalty of not less than 7 cents per ton for every ton of coal mined under the provisions of this act over and above that purchased by the Government of the United States or any branch thereof or by the government of the Philippine Islands.

SEC. 4. That all books and records of every nature of the person, firm, company, or corporation operating the said mine shall be subject to examination and inspection by any official or employee of the United States Government designated by the Secretary of War, and that any evasion of this provision shall, at the discretion of the Secretary of War, operate to render null and void any lease granted under the provisions of this act.

SEC. 5. The failure of any lessee under the provisions of this act to carry out the terms of such lease, or the violation of any of the terms of such lease by any such lessee, shall, at the discretion of the Secretary of War, operate to render said lease null and void.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second; but before doing that, without losing that privilege, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. A few days ago this same bill was knocked out under suspension of the rules, and I would like to know how it comes back here again.

The SPEAKER. The Chair will state to the gentleman in answer to his inquiry that the gentleman from Indiana [Mr. CRUMPACKER] informed the Chair that certain amendments have been agreed upon which he proposed to offer in connection with this bill; but the fact that the House might refuse to suspend the rules on a former occasion or at some other time does not bar a motion to suspend the rules a second time. Perchance there may be amendments offered or the House may be in a different temper.

Mr. CLARK of Missouri. Mr. Speaker, I demand a second.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. I object.

The SPEAKER. The gentleman from Missouri objects. The gentleman from Indiana [Mr. CRUMPACKER] and the gentleman from Missouri [Mr. CLARK] will take their places as tellers.

The House divided; and the tellers reported—ayes 51, noes 51. So a second was refused.

PORT OF DELIVERY AT SALT LAKE CITY, UTAH.

Mr. HOWELL of Utah. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 3263) to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah," and to suspend the rules and pass the bill, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to establish a port of delivery at Salt Lake City, Utah," approved March 18, 1904, be, and the same is hereby, amended to read as follows:

"SEC. 2. That there shall be appointed a surveyor of customs, to reside at said port, whose salary shall be \$1,500 per annum, in lieu of all fees and commissions of every kind whatsoever."

The SPEAKER. Is a second demanded?

Mr. PAYNE. Mr. Speaker, I demand a second.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWELL of Utah. Mr. Speaker, this increases the salary of the surveyor of the port at Salt Lake City.

Mr. PAYNE. Oh, I have no objection to that bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ARMY AND NAVY UNION.

Mr. PARKER. Mr. Speaker, I move to suspend the rules and pass joint resolution 31, relating to the badge of the Army and Navy Union, which I send to the Clerk's desk, with an amendment to the title.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the joint resolution of May 11, 1894, 28 Statutes at Large, page 583, be, and the same is hereby, amended by changing the name and title therein described from "Regular Army and Navy Union of the United States" to "Army and Navy Union of the United States of America," and that the organization so last entitled shall have all the rights and privileges conferred by and described in said joint resolution of May 11, 1894.

The SPEAKER. Has this joint resolution been reported?

Mr. PARKER. Yes, sir; it was reported to-day. We made no amendment to the bill, but simply changed the title.

The SPEAKER. Is there a second demanded?

A second not being demanded, the question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

SUBSIDIARY SILVER COINAGE.

Mr. SOUTHARD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8444) providing for the recoinage of abraded and uncurrent silver dollars into subsidiary coin.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of increasing the subsidiary coin to meet the constant and growing demand of the country for this kind of money, the Secretary of the Treasury be, and he is hereby, authorized to cause the recoinage of worn, abraded, and uncurrent silver dollars, in amounts not exceeding \$5,000,000 in any one year, into the several denominations of subsidiary coin as they are required to supply the needs of the public for such coin.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second, so as to get an explanation of the bill.

Mr. SOUTHARD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SOUTHARD. Mr. Speaker, this is a bill the purpose of which is to secure an increased quantity of subsidiary coin. We have what may be designated as "three kinds of coinage." One is the coinage of gold and of silver dollars; the other is subsidiary coinage, or the coinage of fractional silver—halves, quarters, and dimes; and the third kind is known as that of "minor coin"—nickels and cents. For a very long time the country has been in need of an increased quantity of subsidiary coin. From time to time provision has been made for an increase of this coin. In the act of March 14, 1900, there was a provision for the increase of subsidiary coin, and again in the act of March 3, 1903, and still the country suffers from a lack of this kind of money. The whole stock of subsidiary coin as it now exists, my recollection is, is about \$113,000,000, and it is estimated that the country could use conveniently a great deal more than we now have in circulation and in the vaults of the Treasury. Almost always the stock of subsidiary coin in the Treasury is small, and during certain seasons of the year there is a great demand for this kind of coin. There is no way now of materially increasing this subsidiary coin. Practically the only subsidiary coin that is now coined is the recoinage of abraded and uncurrent subsidiary coin as it is returned to the Treasury. There are now in the vaults of the Treasury something like three or four million dollars of abraded, uncurrent, worn silver dollars, and it is proposed by the Secretary of the Treasury to increase the amount of subsidiary coin by the coinage of these silver dollars into subsidiary coin—halves, quarters, and dimes as they are needed. The bill provides that there shall be a limitation upon the amount of subsidiary coin which may be coined in any year, and the limit placed upon the amount by the bill is \$5,000,000. Now, the Secretary of the Treasury, in his last report, in reference to this subject, uses this language:

The stock of bullion purchased under the act of July 14, 1890, became wholly exhausted during the past year. The coinage of silver dollars is necessarily discontinued and no subsidiary silver coins are being made, except by the recoinage of abraded and uncurrent coins of the same denomination as they accumulate in the Treasury. It probably will be necessary during the coming year to draw on some other supply of silver to meet the constant demand for these coins, and I recommend that the Secretary of the Treasury be authorized to cause the recoinage of abraded and uncurrent silver dollars, in amounts not exceeding \$5,000,000 per year, into the several denominations of subsidiary coins as they are required.

These abraded dollars, unfit for circulation, are accumulating, and some provision for their recoinage should be made. They can not be recoinced into dollars without a loss, which the Secretary of the Treasury is not authorized to incur. As the subsidiary coins are of lighter proportionate weight than the dollar pieces the latter may be converted into them without loss to the Treasury or to the circulation. In view of the enormous additions now being made to the country's monetary stock by the coinage of gold, the objection sometimes suggested that the stock of full legal-tender money would be reduced by such conversion seems unimportant.

Mr. KEIFER. May I ask the gentleman a question there? I would like to know by what rule the Treasury Department determines that a dollar is abraded.

Mr. SOUTHARD. So far as the subsidiary silver is concerned, I do not think there is any definite rule. In the manufacture of gold dollars and silver dollars and in the manufacture of coin generally, there are what are called "limits of tolerance," and my understanding is that whenever dollars have become worn and abraded so that they are far from what

is known as the "limit of tolerance," they are considered worn and abraded to such an extent that they are uncurrent and unfit for use. Sometimes they are worn in such a way as to be unrecognizable, except by a sort of common consent which seems to exist in the community and permits of their circulation.

Mr. KEIFER. Is the mere depreciation in weight, without any reference to appearance or marking, a test?

Mr. SOUTHARD. I do not understand that they make that a test, not as to silver dollars or fractional silver.

Mr. JAMES. Is that a unanimous report of the committee?

Mr. SOUTHARD. This is not a unanimous report of the committee. There is a minority report filed, signed by four members of the committee—Mr. GAINES of Tennessee, Mr. HARDWICK, Mr. WALLACE, and Mr. HEFLIN. This minority report is founded upon this objection, that the coinage of this much of what is known as the coin of ultimate or final redemption would reduce the stock of full legal-tender money. It is founded upon that proposition.

Mr. JAMES. Is it not true that it would be a curtailment of the legal-tender money?

Mr. SOUTHARD. To that extent, yes. But the answer of the Secretary of the Treasury is that the reduction would be so slight as to be unimportant. Of course, there are two theories with reference to this question of money. Those who believe in the objection made by those who filed the minority report contend for what is known as the quantitative theory of money—that the money in the country bears a sort of fixed and definite relation to the amount of property in the country. That if you increase the amount of money of final redemption, you increase the price of commodities and you increase the value of the property—that is, the nominal value of the property. You decrease the amount of money and you decrease prices. That, in a word, is the contention of those who profess to believe in what is known as the "quantitative theory of money."

There are others who contend that money is a mere tool, a mere instrument of exchange, and that it bears no fixed relation to the amount of property. But in any event, as is pointed out by the Secretary of the Treasury, the amount which will be coined in this instance is so small comparatively as to have no appreciable effect upon the total amount of money of final redemption which we have in the country. Of course the money of limited legal tender will be increased, because the amount of money that can be made out of a dollar in subsidiary coin will be larger than the amount measured in dollars, because one of our silver dollars will make more than \$1 in subsidiary coin, inasmuch as the degree of fineness is less in subsidiary coin.

Mr. JAMES. Could you not have avoided the decrease of circulating medium of the country by coining this subsidiary coin out of the bullion?

Mr. SOUTHARD. I have said, and I will say to the gentleman from Kentucky, that we have no bullion out of which to coin this money. We have abraded silver dollars which lie in the Treasury and are unused. They serve no purpose of any kind except to take up space in the vaults of the Treasury, and it is the proposition of the Secretary to coin this money into subsidiary coin and put it into use.

Mr. KEIFER. I would like to ask the gentleman a further question. I understood the distinguished gentleman to state that the degree of fineness of the subsidiary coin was less than that of the silver dollar. I do not think he meant to say that, did he?

Mr. SOUTHARD. I mean that the silver dollar is nine-tenths fine and the subsidiary coin is less than nine-tenths fine.

Mr. KEIFER. My understanding is that two half dollars would not weigh as much as one dollar, but the degree of fineness, the standard of silver, is just the same in 10-cent pieces, 25-cent pieces, and 50-cent pieces as in the dollar, but the weight relatively is less.

Mr. SOUTHARD. I think the gentleman is correct that the weight is less and that the degree of fineness is the same.

Mr. CLARK of Missouri. Where do we get the silver from to coin subsidiary coin now?

Mr. SOUTHARD. There is no subsidiary coin being coined now, or very little. There is the recoinage of abraded subsidiary silver going on as this becomes necessary. I will say that at the assay offices and at the mints, in the parting of the metals, they get a certain amount of silver, but it is a very small amount comparatively. There is no subsidiary coinage going on, and we have no bullion, as pointed out by the Secretary of the Treasury, out of which to make subsidiary coin.

Mr. CLARK of Missouri. Mr. Speaker, I yield as much time as he wants to the gentleman from Mississippi.

Mr. SOUTHARD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. WILLIAMS. Mr. Speaker, there is a silver fanaticism and an antisilver fanaticism. This bill is an illustration of antisilver fanaticism. There are some people so horribly opposed to the coinage of silver at all that they are not willing even to buy silver bullion for the purpose of coining dimes, quarters, and 50-cent pieces—fractional silver—which is not standard silver at all. This bill does not touch the question of the monetary standards in the slightest degree. This bill purports to recoin "worn, abraded, and uncurrent" silver dollars. Now, so far as I know, there are no uncurrent silver dollars. All the silver dollars of this country are current, either in themselves or in the shape of silver certificates that are doing the work of the coin itself—all except the few left over from month to month, as the accidents of current receipt and disbursement.

One of the great causes of our prosperity is the abundance of money in circulation among the people, either gold or the equivalent of gold in commercial use and debt-paying capacity. Now, instead of buying silver bullion to coin dimes, quarters, and half dollars—and the country is in very urgent need of dimes, quarters, and half dollars—recognizing that need, instead of buying the bullion to coin this fractional currency, gentlemen now propose to encroach upon the field of the standard silver dollars and to subtract from the sum total of our silver-dollar coinage \$5,000,000, I believe it is, "not to exceed \$5,000,000," in any one year. Now, it will be perfectly easy, of course, for the Treasury Department people, who will be charged with determining this question, to find every year at least 5,000,000 of "worn, abraded, and uncurrent" silver dollars, because they are going to start out to find them, and of course they will find them, and that will subtract just that much from what otherwise would be the money in currency among the people. Now I yield to the gentleman from Ohio.

Mr. SOUTHARD. Do I understand the gentleman to say that against all the coined silver we have silver certificates issued?

Mr. WILLIAMS. No; I did not. I said there were no uncurrent silver dollars except just as there are uncurrent greenbacks and uncurrent gold, accidentally and by normal fiscal operation gathered into the Treasury. There is always at some time a certain amount of greenbacks, a certain amount of gold, and a certain amount of silver lying idle in the Treasury.

Mr. SOUTHARD. May I ask the gentleman another question?

Mr. WILLIAMS. But every dollar of silver, with that exception, which is merely a current affair, every silver dollar—standard silver dollar—is doing its work either in propria persona or in the shape of a silver certificate.

Mr. SOUTHARD. Will the gentleman allow me to ask him this question: If it were to do over again, would the gentleman think it a wise provision to pile up silver in the Treasury against which to issue paper money in circulation as we have it now in circulation, representing the silver dollars in the Treasury of only limited value?

Mr. WILLIAMS. Mr. Chairman, the American silver dollar has a limit of value of 100 cents, and it is circulating at exactly that value to-day and it is doing that money work exactly, and no greenback, no national-bank note, no gold dollar, is doing work over 100 cents monetary work. If it is limited at all, it is limited to 100 cents. It is doing the work of 100 cents; and you want to subtract from what otherwise would be current money among the people \$5,000,000 a year and turn it into fractional currency; whereas if this bill is not passed we have got to have that amount of fractional currency, and you will be forced to buy silver bullion with which to coin it and add that much to our volume of currency.

Mr. SOUTHARD. In every practical sense is not the subsidiary dollar doing the work of 100 cents?

Mr. WILLIAMS. Yes; that is true; but the gentleman surely does not want to mislead the House. I know him too well to think that. If we do not pass this bill we have got to have about \$5,000,000 a year additional to coin into fractional currency—dimes, quarters, and halves—and that amount will have to be coined from silver bullion purchased in the market for this purpose; and if we do pass this bill that amount will be coined out of the so-called "abraded, worn, and uncurrent" silver. It is a question of addition on the one hand or substitution on the other. In other words, this bill will subtract \$5,000,000 a year from what otherwise would be the current money of the country.

Mr. SOUTHARD. Would the gentleman be in favor of buying bullion for the purpose of coining silver dollars?

Mr. WILLIAMS. "The gentleman" is in favor of buying

bullion for the purpose of coining dimes, quarters, and halves, and this bill is for the purpose of preventing that from being done. That is the precise question presented here, and no other question. [Applause on the Democratic side.]

Mr. SOUTHARD. In that respect I have no doubt the gentleman agrees perfectly with the smelting trust of the country.

Mr. WILLIAMS. Oh, Mr. Speaker, whenever I go down to buy a suit of clothes, which is not very frequently (the Speaker and I both agreeing in the fact that clothes are not necessities of life), I suppose I am, to a certain extent, "agreeing with" and encouraging the man who makes the clothes, but that is not my object. I am going to buy clothes because I want clothes, and not for the purpose of benefiting the seller of the clothes. Of course, the man who sells silver and the man who mines silver have an interest in the Government buying silver to make fractional silver currency; but the gentleman from Ohio certainly does not mean to charge that my motive on this floor is to help them. My motive is to help the people keep at least the amount of money that they otherwise would have without the passage of this bill. [Applause on the Democratic side.]

Mr. CLARK of Missouri. Mr. Speaker, how much more time have I?

The SPEAKER. The gentleman has eleven minutes.

Mr. CLARK of Missouri. Mr. Speaker, the whole sum and substance of this bill is that it takes out of circulation \$5,000,000 a year of good legal-tender money.

Mr. LITTLEFIELD. Mr. Speaker, I understood the gentleman from Ohio to say that this uncurrent money was not in circulation; that it was piled up in the Treasury, being entirely unused, not being the basis even of silver certificates. I do not know anything about what the fact is, but do the gentlemen disagree as to what the facts are?

Mr. CLARK of Missouri. I am not responsible for what the gentleman from Ohio says.

Mr. LITTLEFIELD. No; but do you disagree as to what the facts are?

Mr. SOUTHARD. I do not think the gentleman from Missouri will dispute what I have said.

Mr. CLARK of Missouri. I do not know as to that, but I do know that I never saw a silver dollar in my life that was not current silver that people were not willing to take.

Mr. LITTLEFIELD. When you saw it, it was current.

Mr. CLARK of Missouri. Yes.

Mr. LITTLEFIELD. But when it became uncurrent you did not see it, because it would not be in circulation.

Mr. CLARK of Missouri. I know; but who is it that says it is uncurrent?

Mr. LITTLEFIELD. The gentleman from Ohio so states. What I want to find out is whether the gentleman from Missouri and the gentleman from Ohio differ as to the fact. I do not know what the fact is.

Mr. CLARK of Missouri. If you will wait till I make my statement, you will not want any more information. [Laughter.]

Mr. LITTLEFIELD. I will have all there is.

Mr. CLARK of Missouri. The sum and substance of this bill is that it removes from circulation \$5,000,000 a year of full legal tenders, and it will only take about seventeen years to get all the silver dollars out of circulation; and that is what they have been working at for a third of a century.

Mr. PRINCE. Will not the effect of this bill be to change the form of the silver coin?

Mr. CLARK of Missouri. Yes; it not only changes the shape of the money, but it changes the character of the money. The silver dollar is full legal tender and fractional coin is not.

Mr. PRINCE. It is, up to a certain amount.

Mr. CLARK of Missouri. A very small amount.

Mr. CAMPBELL of Kansas. Up to \$5.

Mr. CLARK of Missouri. Yes; up to \$5. You must take into consideration, for the benefit of the gentleman from Maine [Mr. LITTLEFIELD], this further matter: The man who passes upon the question whether this coin is worn, abraded, or uncurrent is the Secretary of the Treasury. Personally, I have a high regard for Mr. Secretary Shaw. I think he is the best story-teller in the United States. [Applause.] But it is a matter of common knowledge that he is unfriendly to silver money, unless he has experienced a very sudden change of heart. An abraded coin is a coin some part of which is worn off. You can't use either gold or silver without abrading it somewhat. You put a brand-new silver dollar in your pocket and go from here to the Treasury with it, and by the time you get there it is an abraded coin to some extent.

If you have an unfriendly person to pass on the question as to what is an abraded coin, you are as certain to have \$5,000,000

of worn, abraded, uncurrent silver dollars every twelve months as the sun is to rise in the east to-morrow and to set in the west. It all depends upon the view point.

Mr. MADDEN. I should like to ask the gentleman, if the abraded silver dollars are not current now, and because they are not current are not in circulation, would not their recoinage into subsidiary coins get into circulation the money that is not now in circulation?

Mr. CLARK of Missouri. Now, Mr. Speaker, with all due respect to my friend from Chicago, I don't believe a syllable of that statement. It is owing to who passes on the question as to whether it is current or uncurrent silver or whether it is abraded or unbraded, and somebody who was friendly to it would keep that coin in circulation down there.

Mr. MADDEN. If we agree on the fact that it is not now in circulation and is abraded, wouldn't the recoinage into subsidiary coin put it into circulation?

Mr. CLARK of Missouri. As long as Secretary Shaw or any man like him is Secretary of the Treasury, every time he gets hold of a silver dollar that there is the slightest excuse for declaring uncurrent he would declare it so. If I were Secretary of the Treasury, every dollar that Secretary Shaw has got locked up in the Treasury vaults as uncurrent money would be in circulation this day. [Laughter and applause.]

Mr. LACEY. I would like to ask my friend a question.

Mr. CLARK of Missouri. Yes, certainly.

Mr. LACEY. If this is recoined, it will still be money, will it not?

Mr. CLARK of Missouri. Not as good as the silver dollar is, because the silver dollar is full legal tender.

Mr. LACEY. That is because it is twice as easy to get half a dollar as it is a dollar. [Laughter.]

Mr. CLARK of Missouri. That is owing to circumstances. The real effect of this bill is that it contracts the legal-tender money of the country \$5,000,000 a year.

Mr. MADDEN. Does the gentleman think that it takes it out of circulation?

Mr. CLARK of Missouri. If it was a friend of silver who was in the Treasury, it would be in circulation.

Mr. McCLEARY of Minnesota. Is my friend aware that we spend thousands of dollars a year trying to get it into circulation, and in spite of that fact it continually comes back?

Mr. CLARK of Missouri. I have heard that tale, and I do not believe a syllable of it and never did.

Mr. McCLEARY of Minnesota. The gentleman does not believe the appropriation bill which makes the appropriation to get it out?

Mr. CLARK of Missouri. What is the reason it doesn't go out like other money?

Mr. McCLEARY of Minnesota. My friend's mistake lies in the fact that while a silver dollar is unlimited legal tender, in fact, you wouldn't dream of offering more than four of them to a person, and if you did, you would apologize for it.

Mr. CLARK of Missouri. Did you ever see anybody, even in the State of Minnesota, refuse to take every silver dollar that he could lay his hands on? You never did.

Mr. McCLEARY of Minnesota. Yes; every man knows that he wouldn't dream of passing out more than four silver dollars to a person in change.

Mr. CLARK of Missouri. Let me ask my friend, Would you refuse to take five silver dollars as legal tender?

Mr. McCLEARY. If I wanted five silver dollars, I would take them. Let me ask my friend a question. Suppose that you bought something costing a dollar, and you laid down a twenty-dollar gold or silver certificate or a greenback, in your own State, and the merchant tendered you nineteen silver dollars; would you take them?

Mr. CLARK of Missouri. I would take them so quick it would make your head swim. [Laughter.]

Mr. McCLEARY of Minnesota. Suppose you laid down a hundred-dollar bill?

Mr. CLARK of Missouri. I would take that.

Mr. McCLEARY of Minnesota. When my friend goes down to the Sergeant-at-Arms' office and draws his salary, does he want it all except the change in paper?

Mr. CLARK of Missouri. I always take what they hand out and never ask any questions. [Laughter.]

Mr. McCLEARY of Minnesota. Now, laying all fun aside, let me ask my friend in good faith if he was doing business as a merchant and a person bought a dollar's worth of goods and gave him a twenty-dollar bill, would he, as a matter of fact, hand out nineteen silver dollars, or would he hand out three five-dollar bills and four in silver?

Mr. CLARK of Missouri. It would be entirely owing to which I had the most of.

Mr. McCLEARY. As a matter of stern necessity, you could not do any better; but there is no sane person living that would accept them if he could get paper.

Mr. CLARK of Missouri. I will give the gentleman my experience; I never heard of any living man refusing to accept the silver dollar when it was tendered to him, and I do not believe any such man ever lived on the face of the earth.

Mr. McCLEARY of Minnesota. It is legal tender and he couldn't refuse it, but the gentleman never saw in his life—and I ask him to deny it if he dare—a business man who would presume to offer nineteen silver dollars to any person.

Mr. CLARK of Missouri. Why, Mr. Speaker, I have had as many as fifty or sixty silver dollars in my pocket at one time many a time. [Laughter and applause.] And so has the Speaker and so has the gentleman from Minnesota [Mr. McCLEARY], and I will give the gentleman my experience about it. We do not live so very far apart. The gentleman lives a little farther up the river than I do, but out in the western country, anywhere west of the Allegheny Mountains, the people prefer silver dollars to paper dollars. That is absolutely true. No man will deny that proposition.

Mr. McCLEARY of Minnesota. That is true as to a very limited quantity, but they do not hanker after the opportunity of lugging around a pound or two of silver coin when they can have the same value in a more convenient form. The gentleman knows it.

Mr. CLARK of Missouri. Mr. Speaker, the same statement applies to gold as well as to silver. I do not object to subsidiary coin. If the Government has not enough of it, if there is not enough in circulation let the Government coin some more subsidiary coin. But the way to get the stuff to coin it out of is to go and buy the bullion to coin it. And I would not object to this bill so much if I did not know that the Secretary of the Treasury is unfriendly to the silver dollar and that he will recoin up to the maximum limit. And this is as certain as you live, that the whole sum and substance of it is a contraction of the currency to the amount of \$5,000,000 a year.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. By permission of the House, I append the minority report on this bill, which is as follows:

MINORITY REPORT.

The undersigned members of the Committee on Coinage, Weights, and Measures submitted the following as the views of the minority:

Without going into an elaborate discussion of the measure (H. R. 8444) proposing to give the Secretary of the Treasury authority to recoin "worn, abraded, and uncurrent silver dollars" into subsidiary silver coins, the minority submits the following reasons against the passage of the bill:

(1) Even if it is true that the country requires more subsidiary silver coins in order to conveniently transact its business, it seems that the simple, direct plan to pursue in order to get it would be to direct the Secretary to purchase the necessary amount of silver bullion and coin it into subsidiary coins.

(2) It would be very easy also to direct the Secretary to recoin worn and abraded silver dollars, using silver bullion now in the Treasury to do so, or, if necessary, purchasing such small amount of silver bullion as might be necessary to do so.

(3) Or, if we must pursue the plan recommended by the Director of the Mint and proposed by this bill, we insist, for the reason hereinafter stated, that the bill ought to be amended by adding the following proviso to the same:

"Provided, That the Secretary of the Treasury is hereby directed to purchase a sufficient amount of silver bullion and have the same coined into silver dollars of the present weight and fineness to an amount that, when coined, shall equal the amount of silver dollars coined into subsidiary coin under the foregoing provisions of the bill."

(4) The reason upon which we base our objection to the bill, unless so amended, is easily stated, and our objection to it is, we think, unanswerable. The bill authorizes the Secretary of the Treasury to have the silver dollars as they become worn, abraded, or "uncurrent" recoin into subsidiary silver coinage, in amounts not to exceed \$5,000,000 in any one year. It appears from the "circulation statement" of February 1, 1906, issued by the Treasury Department, that there was on that day in circulation 80,417,545 standard silver dollars, and 11,799,320 of them in the Treasury.

These dollars are full legal-tender money. Under the broad authority of the bill the Secretary is authorized to have them recoin into subsidiary coins, which are not full legal-tender money, whenever they become worn or abraded or, in his judgment, "uncurrent."

Under this authority it will, in our judgment, take just seventeen years for the Secretary to recoin them all, and as \$92,000,000 will be subtracted from our stock of full legal-tender money there will be contraction to that extent.

To contraction of this kind we are unalterably opposed.

Nor is it any answer to this objection for the supporters of the bill to assert that in sixteen years the contraction would only amount to \$1 per capita. That we concede. It is not the harm that might be done under this particular bill at which we are alarmed, but it is the harm that will surely follow the extension of the principles that underlie it. In all probability it is but the entering wedge for a series of bills that will work serious harm, and will materially contract the currency. Who can tell how long before some proposition may be submitted looking to the retirement of the \$468,000,000 of silver certificates and the recoinage of the bullion held in the Treasury against them also? Our estimated circulation per capita is to-day only \$31.88, and that, we submit, is small enough. We are opposed to this scheme to reduce it.

(5) We submit in conclusion that we do not believe the business world, or the people anywhere, desire any tinkering of this sort with the present currency system, and certainly none in the direction of con-

traction, and that it is unwise to disturb present conditions by the enactment of the pending bill.

JNO. W. GAINES.
THOS. W. HARDWICK.
ROBT. M. WALLACE.
J. THOS. HEFLIN.

Mr. SOUTHARD. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. McCLEARY].

Mr. McCLEARY of Minnesota. Mr. Speaker, my friend from Mississippi [Mr. WILLIAMS] speaks of reducing the volume of "full legal-tender money." Of course my friend knows that silver certificates are not legal tender at all. No man takes either silver coin or silver certificates because of the fact of their being legal tender. No one takes them because of the compulsive power of the law. He takes them because he knows that when he desires to buy anything—

Mr. WILLIAMS. Mr. Speaker, if the gentleman will permit an interruption for the purpose of setting him right—and I presume he does not want to be wrong—I desire to state that the gentleman from Mississippi does not remember that he said a word about legal tender, one way or the other. What the gentleman from Mississippi said was that if this bill was passed it would amount to a reduction of what otherwise would be the volume current among the people.

Mr. McCLEARY of Minnesota. Then the gentleman is further wrong than I supposed he was, because as a matter of fact it increases the amount of money, nominally in dollars, current among the people. The silver in the silver dollars will make more money, face value, when coined into subsidiary coin than in the form of dollars.

Mr. WILLIAMS. But if the gentleman will allow me, I did not say it would reduce the present volume. I said it would reduce the volume of what otherwise would be current. Now, in other words, if this bill does not pass, we are bound to have about five millions a year of fractional currency coined, and if this bill does not pass we will have to go into the market and buy the bullion and that will amount to an increase of that much. If this bill does pass, instead of our having that increase we will have merely a substitution of that kind of fractional currency for that amount of standard currency.

Mr. McCLEARY of Minnesota. Mr. Speaker, the question involved in the bill now before the House is a very simple one. It is this: Shall we or shall we not coin the silver that has been bought with the people's money into the form that will best serve the people's interest and suit the people's convenience? And there would not be a moment's doubt or a minute's debate on the matter if it were not for the fact that our friends on the other side feel it to be their duty to try to be consistent with certain positions heretofore taken relative to silver.

In the discussion of the question before the House three elemental ideas have been touched upon—namely, the idea of a "standard of value," the idea of "legal tender," and the idea of "current money."

As a matter of historic fact, the silver dollar has not been a standard of value in this country for over seventy years, since the coinage act of 1834, passed during the Administration of Andrew Jackson and with his approval.

As a matter of law, silver dollars are legal tender to any amount, but they are not a business tender except in small amounts, depending on the habits of the people. In this city a merchant will apologize for offering you as many as one silver dollar, and will explain that he has no \$1 bills. As we move west, the amount of silver that can be safely offered in making change increases, and on the Pacific coast one does not mind carrying around \$6 or \$8 in silver.

My friend from Missouri [Mr. CLARK] and I are familiar with the use of the silver dollar. Out in our country we have very few paper dollars. We use the silver dollar, but we use it only to a very limited extent. The limit of the usefulness of the silver dollar is fixed by the burdensomeness of the weight of it.

Of course if somebody submitted to me the proposition of whether or not I would accept a thousand silver dollars if they were tendered to me, if the question were asked that way, without modification, there would be but one answer, and that would be "yes." Wouldn't you take a million silver dollars if they were tendered to you? Why, certainly, but that is not the question. The question is, Would I take them if I could have the choice of a more convenient kind of money. Then the answer would be "no." Inasmuch as in business people have that choice, they do not take them as a matter of fact, but accept a very limited sum—about \$4 in the Middle West. The usefulness of the silver dollar as a currency, as I have said, is limited by its burdensomeness.

Mr. JAMES. Is the purpose of this bill, as is hinted, to ulti-

mately retire silver from circulation, because the people do not like to use it?

Mr. McCLEARY of Minnesota. No; it is to put it into form to accommodate the people for the use they want to make of it.

Mr. JAMES. Then why does not the Secretary of the Treasury call for authority to buy sufficient bullion to recoin these abraded dollars and then ask for sufficient authority to buy bullion enough to make the subsidiary coin requested?

Mr. McCLEARY of Minnesota. Because we have far more silver dollars now than is possible to use as silver dollars. That was, in fact, confessed when those in favor of the more extended use of silver asked for and secured authorization for the issuance of the silver certificate in place of the silver dollar. And these "friends of silver" were willing to have these certificates without "legal tender," because they knew if they simply had the thing itself, the silver dollar, the limit of its usefulness would be so small that the purpose they had in mind would not be accomplished.

Mr. JAMES. But you do not contend in seriousness to the House that this bill would increase the circulating medium of the country, do you?

Mr. McCLEARY of Minnesota. I certainly do.

Mr. JAMES. Of money of final redemption?

Mr. McCLEARY of Minnesota. "Money of final redemption," my friend, so far as silver is concerned, is a mere jangle of words.

Mr. JAMES. Why, it meant considerable to you gentlemen in another campaign.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. SOUTHARD. Mr. Speaker, just one word. There is no question that silver dollars become abraded just as fractional money becomes abraded. We are recoining fractional money all the while, and to say that silver dollars do not become abraded and uncurrent is stating what is simply not a fact. I understand that there are several million silver dollars now piled up in the vaults of the Treasury serving no purpose—

Mr. WILLIAMS. The gentleman said several millions. Can he give the exact amount?

Mr. SOUTHARD. I understand three or four millions.

Mr. WILLIAMS. Now, I would like to ask the gentleman a question.

Mr. SOUTHARD. I have very little time.

Mr. WILLIAMS. Is there not fully that much of each other form of money in the United States lying up in the Treasury doing no good? Is not there very much more of the gold over and above the gold reserve?

Mr. SOUTHARD. I can not answer that question, of course, but I understand there is other money in the form of abraded, worn, silver dollars that is uncurrent that ought to be recoined in some shape. Now, one of two things must be done: We must coin these uncurrent silver dollars into subsidiary silver, or we must go into the market and buy silver bullion under some authority, which must be given by Congress, in order to increase our stock of subsidiary silver. Now, which is the common-sense plan? Which ought to be done. What would you do if you were the United States, with this stock of silver on hand, and needed more subsidiary silver, as the country does now, to meet the requirements of the Treasury?

The SPEAKER. The time of the gentleman has expired.

The question was taken.

The SPEAKER. The Chair is in doubt. As many as are in favor of passing the bill will rise and stand until counted. [After counting.] Upon this vote the ayes are 115, the noes are 90; two-thirds not having voted for the bill, the bill is not passed. [Applause on the Democratic side.]

PRINTING IN RECORD.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to have read and inserted in the RECORD the following letter, addressed to the Speaker of the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to have read and printed in the RECORD a letter which the Clerk will report.

Mr. WILLIAMS. Mr. Speaker, before the letter is read, will the gentleman give us some idea of its contents?

Mr. TAWNEY. I will state the letter is a letter addressed to the Speaker of the House by the Rev. Henry S. Burrage, chaplain of the Soldiers' Home at Togus, Me., who was formerly a major under General Draper, of Massachusetts, in regard to the action of the House in respect to the abolition of the canteen in the Soldiers' Home.

Mr. WILLIAMS. I have no objection.

The SPEAKER. Is there objection to the printing of the

letter in the RECORD? [After a pause.] The Chair hears none. Does the gentleman from Minnesota desire to have the letter read?

Mr. TAWNEY. I asked unanimous consent to have the letter read and inserted in the RECORD.

The SPEAKER. If there be no objection, the letter will be read.

There was no objection.

The Clerk read as follows:

EASTERN BRANCH, NATIONAL HOME FOR
DISABLED VOLUNTEER SOLDIERS,
Togus, Me., June 15, 1906.

HON. JOSEPH G. CANNON.

DEAR SIR: As to the canteen amendment I have this to say, that all the officers here who were at Togus before the establishment of the canteen regret the action of the House. They tell me that there has been better order in the Home and much less drunkenness since the establishment of the canteen than was the case formerly. You know that I am a strenuous believer in and advocate of prohibition. I am not in favor of the canteen in the Army or Navy. But I find myself in daily contact with men from 60 to 70, 80, and 90 years of age. A large number of these men have long been accustomed to the use of liquors of one kind or another. They are now at that period of life when it is extremely difficult to change one's habits. Character tends to fixedness. I have known this, but I have had this knowledge greatly increased since my residence here. You can not do much in the way of reforming men after they have come to their three score years and ten. Because of what the officers here say as to the condition of things before the establishment of the canteen, I have come to the conclusion that temperance in the Home is not likely to be promoted by the amendment. I wish the men would not drink. I wish they would not use tobacco. They are not likely to give up the one habit any more than the other.

I fear, therefore, that with the canteen abolished the men who have been accustomed to drink for many years will make their way to the rum holes in Augusta and Gardiner, or will patronize the pocket peddlers who have been accustomed to hang on to the outskirts of the Home about pension time. The canteen, at which only beer is sold, is under restrictions established by the Home. If these are not satisfactory to Congress they can be made so.

I hope I have made my point plain. I am opposed to the canteen in the Army and Navy, because I would not wish to have a son of mine at the formative period of life subjected to canteen influences. The old soldiers here long ago passed that period, and the differences in the circumstances in which they stand and those of the young men in the Army and Navy should be taken into account, it seems to me.

I am, truly, yours,

HENRY S. BURRAGE.

[Applause.]

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to insert in the RECORD some additional facts in relation to the question to which the letter relates, some additional statistics which I did not put in the RECORD the other day.

The SPEAKER. Is there objection?

Mr. TAWNEY. I have also a letter—

Mr. SULLIVAN of Massachusetts. Mr. Speaker, reserving the right—

The SPEAKER. The gentleman from Minnesota was not through.

Mr. LITTLEFIELD. I will wait.

Mr. TAWNEY. I have another letter, received this morning from an inmate of the National Home at Leavenworth, Kans., addressed to myself, which I ask unanimous consent to insert in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to have the letter read.

Mr. HEFLIN. I object to having it read:

The letter is as follows:

NATIONAL MILITARY HOME, KANSAS, June 16, 1906.

HON. JAMES A. TAWNEY, Washington, D. C.

SIR: I see that an amendment to some act, the civil bill, I think, was offered by the Hon. J. D. BOWERSOCK, of Kansas, to do away with our canteen, and that the amendment carried by a big majority, but a small vote. Now, although the honorable Member of Congress from Lawrence, Kans., lives almost within hailing distance of this Home, I have no recollection of his ever being here. One that has the good of the soldiers at his heart so much, and in the Halls of Congress, too, should get better acquainted. Now, I was never intoxicated in my life and do not average one drink of beer in a year and do not think I have taken one in our Home canteen in three years; still I believe it is for the best that the canteen be allowed to run. These men who have all their lives been used to their beer are not going to quit when the Home canteen is closed, but will go where they can get it, and then they will mix whisky of very poor quality with it. Here they get nothing but beer, and they endeavor to get the best article, and the officer in charge will not let them get intoxicated. Here there is no danger of their being robbed, but every pension day lots of gamblers hold up men, and thugs of all kinds congregate in Leavenworth, Kans., 2½ miles north, looking for the pickings, and there are abundant opportunities in the alleys, etc. There is the danger also of car accidents, and scarcely a pension day passes that two or three are not hurt by the cars, and about two per year killed. Now, this amendment will shove men, who never go to the city saloons, out where they can drink to the limit, and there are plenty who do all their drinking at the Home canteen. If they could not get anything to drink elsewhere, then there would be some sense in the amendment. I feel sorry for that Member of Congress from Michigan who is going to make the boys good by legislation. That has been tried for a good many thousand

years, and I can see no improvement. He might do as the colonel of a regiment in the Army, who told the adjutant to detail so many men for baptism. Henry Ward Beecher said, when some one objected to the kind of books some one had collected to send to one of the Soldiers' Homes (in the first start of the Homes), and Mr. Beecher told the objectors that none of these books would hurt these men. You tell a man that he can not have any more to drink, and does he go off somewhere and go to praying? Oh, no; he goes where he can get it and fills himself up. It is human nature.

The canteen brings a profit of from \$12,000 to \$15,000 each year, which goes toward providing amusements. We usually have one good play each week in winter, and a game of baseball once a week in the summer (league games) besides probably as many more plays and concerts in the winter of a cheaper class, but first class of the kind.

It will be a clear gain for the saloons of Leavenworth of at least \$1,000 per month, and a couple of hundred to the electric line. These are actual facts, and for your own consideration, so you may know the facts of the case in case the bill should come up for any further consideration in the House.

Yours, respectfully,

A. S. CHURCH,

Late of Company I, One hundred and twentieth Ohio Infantry.

Mr. LITTLEFIELD. Then, Mr. Speaker, I ask unanimous consent to insert in the RECORD, after those two letters, additional statistics showing the facts in relation to the various Homes, and which I did not put into the RECORD the other day, but which I then had in my hand for that purpose.

The SPEAKER. Is there objection?

Mr. SULLIVAN of Massachusetts. Reserving the right to object, I would like to ask a question of the gentleman from Maine and make a brief statement. The other day he stated in the most ponderous fashion that he was not going to argue the question of the canteen, but simply to state facts. Before he got through we found that he was not stating facts, but only statistics compiled by the president of the Anti-Saloon League. [Applause and laughter.] Now, I wish to ask the gentleman from Maine whether the facts which he is going to insert in the RECORD to-day are statistics, merely, compiled by the same gentleman.

Mr. LITTLEFIELD. Well, now, "the gentleman from Maine," in an imponderous way—not quite so ponderous—will state that he wants to put in the RECORD statistics compiled by the same gentleman.

Mr. SULLIVAN of Massachusetts. I have no objection to that, so long as they are called by their proper names. [Laughter.]

Mr. LITTLEFIELD. If the gentleman desires, I would like to have unanimous consent to put in the RECORD the record of the various Homes from which the statistics were compiled, which I think will give absolute foundation for the computation.

The matter referred to is as follows:

[Page 279.]

Report of the Board of Commissioners of the Soldiers' Home.

THE SOLDIERS' HOME,
OFFICE OF THE BOARD OF COMMISSIONERS,
Washington, D. C., July 19, 1904.

SIR: Under the requirements of section 1 of the act of Congress approved March 3, 1883, prescribing regulations for the Soldiers' Home in the District of Columbia, I have the honor to submit the following report of the Board of Commissioners of the Soldiers' Home for the year ended June 30, 1904, and to invite attention to the following table showing the changes that have occurred in the number of beneficiaries during that period:

	Regular.	Tempo- rary.	Total.
On the rolls June 30, 1903.....	1,382	82	1,414
Admitted since.....	254	164	418
Readmitted.....	325	.....	325
Total.....	1,961	196	2,157
Withdrawn from the Home.....	422	.....	422
Dropped, dismissed, etc.....	121	78	199
Died.....	117	4	121
Transferred to permanent roll.....	.....	83	83
Total.....	660	165	820
Leaving on the rolls June 30, 1904.....	1,301	31	1,332
Temporarily admitted for medical treatment.....	.....	41	41
Denied admission.....	.....	29	29
Number applying for readmission.....	.....	337	337
Granted outdoor relief.....	.....	25	25
Denied outdoor relief.....	.....	40	40
Inmates present having service in Mexico.....	.....	30	30
Inmates on outdoor relief having service in Mexico.....	.....	114	114
Total inmates having service in Mexico, of whom 34 had service in the civil war.....	.....	144	144
Inmates present having service in the civil war.....	.....	304	304
Inmates absent having service in the civil war.....	.....	73	73
Total inmates having service in the civil war.....	.....	377	377

List of delinquencies committed during the year ending June 30, 1904.

Drunkenness	108
Absence without leave	66
Drunk and disorderly	70
Disobedience of orders	1
Introducing whisky	8
Destroying Home property	1
Assaulting other inmates	4
Using abusive language	2
Insubordination	2
Theft	1

Total number of offenses..... 263

[Page 159.]

Report of the Board of Commissioners of the Soldiers' Home.

THE SOLDIERS' HOME,
OFFICE OF THE BOARD OF COMMISSIONERS,
Washington, D. C., August 15, 1905.

SIR: Under the requirements of section 1 of the act of Congress approved March 3, 1883, prescribing regulations for the Soldiers' Home in the District of Columbia, I have the honor to submit this report of the board of commissioners of the Soldiers' Home for the year ended June 30, 1905, and to invite attention to the following table showing the changes that have occurred in the number of beneficiaries during that period:

	Regular.	Tempo- rary.	Total.
On the rolls June 30, 1904.....	1,301	31	1,332
Admitted since.....	261	174	435
Readmitted.....	265		265
Total.....	1,827	205	2,032
Withdrawn from the Home.....	368		368
Dropped, dismissed, etc.....	79	82	161
Died.....	83	1	84
Transferred to permanent roll.....		85	85
Total.....	530	168	698
Leaving on the rolls June 30, 1905.....	1,297	37	1,334

Temporarily admitted for medical treatment.....	86
Denied admission.....	28
Number applying for readmission.....	296
Granted outdoor relief.....	25
Denied outdoor relief.....	26

Inmates present having service in Mexico.....	29
Inmates on outdoor relief having service in Mexico.....	92

Total inmates having service in Mexico, of whom 28 had service in the civil war..... 121

Inmates present having service in the civil war.....	301
Inmates absent having service in the civil war.....	72

Total inmates having service in the civil war..... 373

List of delinquencies committed during the year ending June 30, 1905.

Drunkenness	116
Absence without leave	83
Drunk and disorderly	59
Introducing whisky	16
Disobedience of orders	2
Neglect of duty	1
Destroying Home property	1
Assaulting other inmates	7
Using abusive language	3
Disposing of Home clothing	3

Total number of offenses..... 291

National Home for Regulars, Washington, D. C., 1903.

(No canteen.)

Average number present.....	1,414
Total cases of discipline.....	259
Per cent.....	.183

ITEMS OF ABOVE CASES AND PER CENT.

Bringing liquors into grounds.....	9
Per cent.....	.006
Drunkenness and disorderly.....	166
Per cent.....	.117
Absent without leave.....	74
Per cent.....	.052

National Home for Regulars, Washington, D. C., 1904.

(No canteen.)

Average number present.....	1,332
Total cases of discipline.....	263
Per cent.....	.197

ITEMS OF ABOVE CASES AND PER CENT.

Introducing liquors into grounds.....	8
Per cent.....	.006
Drunkenness and disorderly.....	178
Per cent.....	.133
Absent without leave.....	66
Per cent.....	.049

National Home for Regulars, Washington, D. C., 1905.

(No canteen.)

Average number present.....	1,334
Total cases of discipline.....	291
Per cent.....	.218

ITEMS OF ABOVE CASES AND PER CENT.

Bringing liquors into grounds.....	16
Per cent.....	.011
Drunkenness and disorderly.....	175
Per cent.....	.131
Absent without leave.....	83
Per cent.....	.062

CENTRAL BRANCH (DAYTON, OHIO).

Discipline.

Changes from present to absent.....	1,823
Changes from absent to present.....	1,773

Total changes..... 3,596

Arrests under major charges.....	694
Arrests under minor charges.....	1,982

Total charges..... 2,676

Charges.

Major:	
Penal offenses.....	303
Bringing intoxicating liquors within the limits of the Branch.....	334
Drunkenness on duty.....	12
Absent without leave while under sentence.....	42
Insubordination to an officer.....	
Total.....	694

Minor:	
Absent without leave.....	1,273
Drunkenness.....	647
Disorderly conduct in quarters or on the grounds.....	9
Lying or falsely accusing.....	10
Violation of rules.....	20
Other misconducts.....	23
Total.....	1,982

Grand total..... 2,676

Major:	
Penal offenses.....	44
Bringing intoxicating liquors within the limits of the Branch.....	372
Drunkenness on duty.....	22
Absent without leave while under sentence.....	144
Insubordination to an officer.....	98
Total.....	680

Minor:	
Absent without leave.....	1,175
Drunkenness.....	730
Disorderly conduct in quarters or on the grounds.....	57
Lying or falsely accusing.....	17
Violations of rules.....	62
Other misconducts.....	21
Total.....	2,062

Grand total..... 2,724

Discipline.

Changes from present to absent.....	1,902
Changes from absent to present.....	1,906

Total changes..... 3,808

Arrest under major charges.....	486
Arrest under minor charges.....	2,119

Total charges..... 2,605

Charges.

Major:	
Penal offenses.....	8
Bringing intoxicating liquors within the limits of the Branch.....	265
Drunkenness on duty.....	21
Absent without leave while under sentence.....	120
Insubordination to an officer.....	72
Total.....	486

Minor:	
Absent without leave.....	906
Drunkenness.....	676
Disorderly conduct in quarters or on the grounds.....	244
Lying or falsely accusing.....	8
Violation of rules.....	240
Other misconduct.....	45
Total.....	2,119

Grand total..... 2,605

Central Branch, Dayton, Ohio, 1903.

Average number present.....	4,729
Total cases of discipline.....	2,676
Per cent.....	.565

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within limits of Branch.....	334
Per cent.....	.07
Drunkenness on and off duty.....	650
Per cent.....	.137
Penal offenses (admitted "drunks") in city courts.....	303
Per cent.....	.064
Absent without leave.....	1,273
Per cent.....	.269

Central Branch, Dayton, Ohio, 1904.

Average number present-----4,658
Total cases of discipline-----2,724
Per cent-----584

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within limits of Branch-----372
Per cent-----079
Drunkness on and off duty-----752
Per cent-----161
Penal offenses (admitted "drunks") in city courts-----44
Per cent-----009
Absent without leave-----1,175
Per cent-----252

Central Branch, Dayton, Ohio, 1905.

Average number present-----4,569
Total cases of discipline-----2,605
Per cent-----57

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within limits of Branch-----265
Per cent-----057
Drunkness on and off duty-----697
Per cent-----152
Penal offenses (admitted "drunks") in city courts-----8
Per cent-----001
Absent without leave-----906
Per cent-----198

*Annual report of Northwestern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1903. (Milwaukee, Wis.)*NATIONAL HOME,
Milwaukee County, Wis., July 10, 1903.

Sir: I have the honor to submit the following report of this Branch for the year ending June 30, 1903:
Average present for the year ended June 30, 1903, 2,175.

Charges.

Major:
Bringing intoxicating liquors into Home grounds-----74
Drunkness on duty-----5
Absent without leave while under sentence-----17
Total-----96
Minor:
Absent without leave-----380
Drunkness-----357
Disorderly conduct-----50
Violation of rules-----41
Other misconduct-----29
Total-----857
96
Total-----953

*Annual report of Northwestern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1904. (Milwaukee, Wis.)*NATIONAL HOME,
Milwaukee County, Wis., July 16, 1904.

Sir: I have the honor to submit the following report of this Branch for the year ending June 30, 1904:
Average present for the year ended June 30, 1904, 2,181.

Social condition:
Married, or having living wives, or minor children, or both-----868
Single-----2,316
Total-----3,184

Two thousand nine hundred and twenty-four could read and write, and 260 could neither read nor write. Of the latter 45 per cent were native born and 55 per cent were foreign born. Number of colored members, present and absent, June 30, 1904, 27.

Discipline:
Changes from present to absent-----866
Changes from absent to present-----924
Total changes-----1,790
Arrest under major charges-----87
Arrest under minor charges-----1,092
Total charges-----1,179

Charges.

Major:
Bringing intoxicating liquors within the limits of the Home grounds-----75
Drunkness on duty-----3
Absence without leave while under sentence-----7
Insubordination to an officer-----2
Total-----87
Minor:
Absence without leave-----518
Drunkness-----405
Disorderly conduct-----24
Lying, or falsely accusing-----1
Violation of rules-----107
Other misconduct-----37
Total-----1,092
Total offenses-----1,179

*Annual report of the Northwestern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1905. (Milwaukee, Wis.)*NATIONAL HOME,
Milwaukee County, Wis., July 14, 1905.

Sir: I have the honor to submit the following report of this Branch for the year ending June 30, 1905:
Average present for the year ending June 30, 1905, 2,107.

Discipline.

Changes from present to absent-----945
Changes from absent to present-----1,000
Total changes-----1,945
Arrest under major charges-----103
Arrest under minor charges-----1,002
Total charges-----1,105

Charges.

Major:
Bringing intoxicating liquors within the limits of the Home grounds-----101
Insubordination to an officer-----2
Total-----103
Minor:
Absence without leave-----432
Drunkness-----338
Disorderly conduct in quarters or on the grounds-----85
Lying or falsely accusing-----1
Violation of rules-----123
Other misconduct-----23
Total-----1,002
Grand total-----1,105

Northwestern Branch, Milwaukee, Wis., 1903.

Average number present-----2,175
Total cases of discipline-----953
Per cent-----438

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within Home grounds-----74
Per cent-----034
Drunkness-----362
Per cent-----166
Absent without leave-----397
Per cent-----182

Northwestern Branch, Milwaukee, Wis., 1904.

Average number present-----2,181
Total cases of discipline-----1,346
Per cent-----625

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within Home grounds-----58
Per cent-----026
Drunkness-----813
Per cent-----372
Absent without leave-----285
Per cent-----130

Northwestern Branch, Milwaukee, Wis., 1905.

Average number present-----2,107
Total cases of discipline-----1,105
Per cent-----524

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within Home grounds-----101
Per cent-----047
Drunkness-----338
Per cent-----112
Absent without leave-----432
Per cent-----205

[Page 111.]

Annual report of Southern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1903.

SOUTHERN BRANCH, July 25, 1903.

Sir: I have the honor to submit the following report of this Branch for the year ending June 30, 1903:
Average number present year ending June 30, 1903, 2,773.

Discipline:
Changes from present to absent-----1,280
Changes from absent to present-----1,297
Total changes-----2,577
Arrests under major charges-----101
Arrests under minor charges-----1,586
Total charges-----1,687

Charges:
Absence without leave, more than ten days-----58
Assaulting comrades-----7
Bringing whisky into camp-----42
Drunk-----1,077
Fighting in camp-----65
Jumping the fence-----48
Other minor offenses-----390
Total-----1,687

[Page 114.]

Annual report of the Southern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1904.

ELIZABETH CITY COUNTY, VA., July 25, 1904.

SIR: I have the honor to submit the following report of this Branch for the year ending June 30, 1904:

Average number present year ending June 30, 1904----- 2,670

Charges.

Absence without leave, more than 10 days	285
Assaulting comrades	7
Bringing whisky into Home grounds	58
Drunkness	738
Drunk and disorderly	75
Fighting on Home grounds	30
Jumping the fence	30
Other minor offenses	141
Total	1,304

[Page 119.]

Annual report of the Southern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1905.

ELIZABETH CITY COUNTY, VA., July 27, 1905.

SIR: I have the honor to submit the following report of this Branch for the year ending June 30, 1905:

Average number present, year ending June 30, 1905----- 2,616

Charges.

Major:	
Penal offenses	3
Bringing liquor	60
Absent without leave while under sentence	37
Insubordination	4
	104

Minor:

Absent without leave	353
Drunkness	625
Disorderly conduct	103
Violation of rules	59
Other misconduct	127
	1,267

Southern Branch, Hampton, Va., 1903.

Average number present	2,773
Total cases of discipline	1,687
Per cent	.608

ITEMS OF ABOVE CASES AND PER CENT.

Bringing in liquor	42
Per cent	.015
Drunkness	1,077
Per cent	.383
Absent without leave	58
Per cent	.02

Southern Branch, Hampton, Va., 1904.

Average number present	2,670
Total cases of discipline	1,364
Per cent	.51

ITEMS OF ABOVE CASES AND PER CENT.

Bringing in liquor	58
Per cent	.021
Drunkness	813
Per cent	.304
Absent without leave	285
Per cent	.106

Southern Branch, Hampton, Va., 1905.

Average number present	2,616
Total cases of discipline	1,371
Per cent	.524

ITEMS OF ABOVE CASES AND PER CENT.

Bringing in liquor	60
Per cent	.023
Drunkness	625
Per cent	.238
Absent without leave	390
Per cent	.148

Marion Branch, Marion, Ind.

Average present for year ending June 30, 1903, reported on page 162, Report of Board of Managers of the National Home for Disabled Volunteer Soldiers.

*Charges.**Major:*

Penalty—	
Arrested by civil authorities	3
Assault and battery	6
Bringing intoxicating liquor within the limits of the Home	68
Drunkness while on duty or under sentence	39
Fence jumping and absent without leave while on duty or under sentence	35
Insubordination	11
Total	162

Minor:

Drunk or repeatedly drunk	127
Drunk, fence jumping, absent without leave	14
Drunk, disorderly, or threatening	85
Fence jumping and absent without leave	133
Violation of Home rules	22
Total	381

Grand total----- 543

Average present during year ending June 30, 1904 (see page 169) - 1,714

*Charges.**Major:*

Penalty—	
Arrested by civil authorities	42
Assault and battery	14
Bringing intoxicating liquors within the limits of the Branch	119
Drunkness while on duty or under sentence	36
Fence jumping and absent without leave while on duty or under sentence	35
Insubordination to an officer	19
Total	265

Minor:

Drunk, or drunk fence jumping, and absent without leave	196
Drunk, or drunk and disorderly, or threatening, or both	44
Fence jumping, absent without leave	53
Violation of Home rules	45
Total	343

Total charges----- 608

Average present during year ending June 30, 1905 (see page 174) - 1,682

*Charges.**Major:*

Arrested by civil authorities	42
Assault and battery	17
Stealing or attempting to steal	1
Indecent exposure	5
Bringing intoxicants within the Home limits	71
Drunkness on duty	10
Fence jumping and absence without leave while on duty	8
Insubordination	22
Total	176

Minor:

Drunk or repeatedly drunk	201
Drunk, fence jumping, absence without leave	31
Drunk, brought to guardhouse on cart	24
Drunk, disorderly, threatening	66
Absence without leave	95
Fence jumping and absence without leave	117
Disorderly conduct	15
Using profane language	5
Violation of Home rules	7
Total	561

*Total charges**Marion Branch, Marion, Ind., 1903.*

Average number present	1,750
Total cases of discipline	543
Per cent	.31

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within Home grounds	68
Per cent	.038
Drunkness	265
Per cent	.151

Marion Branch, Marion, Ind., 1904.

Average number present	1,714
Total cases of discipline	608
Per cent	.354

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors into Home grounds	119
Per cent	.069
Drunkness	276
Per cent	.161
Absent without leave	53
Per cent	.03

Marion Branch, Marion, Ind., 1905.

Average number present	1,682
Total cases of discipline	737
Per cent	.438

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors into Home grounds	71
Per cent	.042
Drunkness	332
Per cent	.19
Absent without leave	220
Per cent	.13

Mr. SULLIVAN of Massachusetts. In connection with that I would like to ask unanimous consent to insert in the Record, alongside of the statistics of the gentleman from Maine [Mr. LITTLEFIELD] a statement made by Mr. Crafts before our committee with reference to the manner in which statistics may be used, in which he repeated the old saying that "While figures do not lie, liars may figure." [Laughter.]

MR. CRAFTS'S OPINION OF STATISTICS.

Mr. CRAFTS. Certainly; but these men are witnesses. They are not talking theory.

Mr. SULLIVAN. Do you say that they are better witnesses than the managers of the Soldiers' Homes themselves?

Mr. CRAFTS. The managers are prejudiced, too.

Mr. SULLIVAN. What is the reason for that? Let me put an exact case. Major Harris, General Henderson, and Mr. Murphy were before the committee the other day. Major Harris made his statement in the presence of the other two men, who are managers. His testimony was that the beer halls in the National Homes were a benefit to the soldier.

That these soldiers were men of advanced years; that their habits were fixed, and that it would cost them great discomfort, if not ill health, to change their habits abruptly at their time of life; and that

It was a charitable and merciful thing to allow them to have beer in the beer hall. Much more so than to send them out to the adjacent districts to be given over to the tender mercies of the rum seller and the keeper of disorderly places, and all that sort of thing. His statement was that if the State Homes were managed as well as the National Homes with the same regulations properly enforced, that he could see no objection to allowing the liquor to the old soldiers in the State Homes; and he saw no objection as a result of his observations to allowing it in the National Homes. That statement had the apparent approval of General Henderson and Mr. Murphy. Unless you can show that these witnesses are prejudiced, that they are in the pay of the liquor trade, or prejudiced in any way in favor of the liquor trade, how can you overweigh that kind of testimony?

Mr. CRAFTS. That is only an opinion. They did not give you the facts to prove it, and you don't know that. While figures can never lie, yet liars can figure.

Mr. SULLIVAN. Do you say that Mr. Murphy and General Henderson and Major Harris would lie?

Mr. CRAFTS. No; but I say that users of statistics can take lies and make them appear as facts.

Mr. LITTLEFIELD. I have no objection to that.

The SPEAKER. Is there objection to the request?

Mr. MANN. Mr. Speaker, I think we ought to have some idea as to the extent of this. The gentleman from Maine states that he wants to put in all the records of the Soldiers' Homes. It may be a dozen volumes like that [indicating] for all I know.

Mr. LITTLEFIELD. I will put in only so much of the record [indicating] of the Soldiers' Homes—extracts upon which computations are based.

The SPEAKER. Is there objection?

Mr. BARTHOLDT. Mr. Speaker, I do not object to this request if coupled with it I may be given permission to insert a statement on the other side of the question.

Mr. LITTLEFIELD. I have not the slightest objection, so far as I am concerned.

The SPEAKER. Does the gentleman from Missouri [Mr. BARTHOLDT] object or not?

Mr. BARTHOLDT. I do not object if I have the same privilege.

The SPEAKER. Then it is in the shape of an amendment. [Laughter.]

Mr. SLAYDEN. I want to ask the gentleman from Missouri [Mr. BARTHOLDT] a question, with his permission. Is the gentleman from Missouri prepared to print in the Record statements, arguments, and statistics equally strong as those read a moment ago from the Home of old soldiers in Maine, which go to show that sobriety, decency, good order, and better discipline were maintained in the Army when the canteen was in full effect?

Mr. BARTHOLDT. In answer to the question, if the gentleman will do me the honor to read what I am going to print in the Record, he can judge for himself.

The SPEAKER. This proceeding has been by unanimous consent.

Mr. BARTHOLDT. I ask unanimous consent, Mr. Speaker, to be allowed to print a statement in the Record.

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

The SPEAKER. The gentleman couples with the request of the gentleman from Maine the request that he may print remarks on the other side. Is there objection? Also a similar request is made by the gentleman from Massachusetts [Mr. SULLIVAN]. Is there objection to the requests?

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, I ask leave to print in connection with my remarks the minority report of the Committee on Coinage, Weights, and Measures. It is very short.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent the bill H. R. 8761, to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, and the bill H. R. 11016, for the preservation of American antiquities, were ordered to lie on the table, they being similar to Senate bill which had been passed to-day.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DEEMER was granted leave of absence indefinitely, on account of illness.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905; and

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe and to adjust the existing claims between the two branches as to said annuities.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;

S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal;

S. 280. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island;

S. 4250. An act to further enlarge the powers and authority of Public Health and Marine Service, and to impose further duties thereon; and

S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907;

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, between Columbus, Ga., and Franklin, Ga.;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 3997. An act for the relief of John A. Meroney;

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia; and

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes.

WITHDRAWAL OF PAPERS.

By unanimous consent Mr. TAWNEY obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of the bill (H. R. 2803) for the relief of De Witt Eastman.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. ZENOR. Mr. Speaker, I desire to make a privileged motion on the bill H. R. 16785. I move that the House concur in the Senate amendment. The bill is from the Speaker's table.

The SPEAKER. Will it be convenient for the gentleman to be here in the morning? The papers have been filed away.

Mr. ZENOR. Very well.

The motion of the gentleman from New York [Mr. PAYNE] was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of harbor of refuge at Harbor Beach, Mich.—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments in favor of claimants in Indian depredation cases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, recommending legislation for the relief of the W. C. Walsh Company—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SPERRY, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the House (H. R. 5292) to prevent the sale of intoxicating liquors in buildings and upon premises around or controlled by the United States Government, reported the same with amendment, accompanied by a report (No. 4954); which said bill and report were referred to the House Calendar.

Mr. SULZER, from the Committee on Patents, to which was referred the bill of the House (H. R. 11943) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, reported the same with amendment, accompanied

by a report (No. 4955); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 43) authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans., reported the same without amendment, accompanied by a report (No. 4961); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the concurrent resolution (H. C. Res. 34) for the examination and survey of the harbor at Duluth, Minn., reported the same without amendment, accompanied by a report (No. 4963); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19431) permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 4964); which said bill and report were referred to the House Calendar.

Mr. RANDELL of Louisiana, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 7083) to repeal section 5, chapter 1482, act of March 3, 1905, reported the same with amendment, accompanied by a report (No. 4965); which said bill and report were referred to the House Calendar.

Mr. FOSTER of Indiana, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16008) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where court shall be held, and for other purposes connected therewith, reported the same with amendment, accompanied by a report (No. 4967); which said bill and report were referred to the House Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18920) to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, reported the same with amendment, accompanied by a report (No. 4968); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 6395) for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 4970); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4197) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis, reported the same without amendment, accompanied by a report (No. 4956); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 20220) to correct the military record of James Devlin, reported the same without amendment, accompanied by a report (No. 4957); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1166) to correct the military record of Peleg T. Griffith, reported the same without amendment, accompanied by a report (No. 4969); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOPKINS: A bill (H. R. 20287) to authorize George

Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: A bill (H. R. 20288) to refund certain duties paid on merchandise brought into the Hawaiian Islands from the United States between August 12, 1898, and April 30, 1900, and also to refund all duties in excess of those provided in the act of July 24, 1897, entitled "An act to provide revenue for the Government, and to encourage the industries of the United States," collected by the United States Government on importations into said Hawaiian Islands from countries other than the United States between August 12, 1898, and April 30, 1900, and for other purposes—to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 20289) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904—to the Committee on the Judiciary.

By Mr. OTJEN: A bill (H. R. 20290) to amend the river and harbor act of March 3, 1905—to the Committee on Rivers and Harbors.

By Mr. TOWNE: A resolution (H. Res. 597) requesting the Secretary of State to send to the House of Representatives all correspondence relating to Hon. H. N. Allen, late minister to Korea—to the Committee on Foreign 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. AIKEN: A bill (H. R. 20291) granting an increase of pension to Emma F. Buchanan—to the Committee on Pensions.

By Mr. ANDRUS: A bill (H. R. 20292) granting a pension to Howard William Archer—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 20293) for the relief of Alonzo H. Adams—to the Committee on Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 20294) granting an increase of pension to Jefferson Wilson—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 20295) granting an increase of pension to Francis K. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20296) for the relief of A. L. Robb—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS of West Virginia: A bill (H. R. 20297) granting an increase of pension to Sylvester Lipscomb—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 20298) granting an increase of pension to William H. Isbell—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 20299) granting an increase of pension to Lizzie E. Enright—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 20300) granting an increase of pension to B. A. Mills—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 20301) for the relief of Howard F. Esterline—to the Committee on Invalid Pensions.

By Mr. McGAVIN: A bill (H. R. 20302) to grant an extension of certain letters patent to Madison Maginn—to the Committee on Patents.

By Mr. MOUSER: A bill (H. R. 20303) granting an increase of pension to John Crowley—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 20304) granting an increase of pension to Eliza Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20305) granting an increase of pension to James E. Pangle—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 20306) granting an increase of pension to John S. Watson—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 20307) for the relief of Levi W. Revelle—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 20308) for the relief of H. B. Massey—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 20309) granting an increase of pension to Daniel McGuire—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 20310) granting an increase

of pension to John Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20311) granting an increase of pension to John W. Mooney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20312) granting a pension to James Cave—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20313) granting a pension to Elias G. Friend—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20314) granting an increase of pension to William R. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20315) granting an increase of pension to James H. Rains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20316) granting an increase of pension to Herman H. Meyerkoly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20317) granting an increase of pension to Phillip Heinrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20318) granting a pension to Sarah F. Pink—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 20319) granting an increase of pension to Davis Garvin—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 20320) granting an increase of pension to Charles Hussey—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: Petition of citizens of German descent at Caspers Union, N. Y., for negotiation of arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of International Missionary Union, against harshness of administration of Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. ACHESON: Petition of R. W. Mason, Washington, Pa.; Edw. McDonald, McDonald, Pa.; Wiles Boyd & Co., McDonald, Pa., and Crude Oil Company, Oil City, Pa., for amendment to the pipe-line provision of the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. AIKEN: Paper to accompany bill for relief of Emma F. Buchanan—to the Committee on Pensions.

By Mr. BONYNGE: Petition of citizens of Colorado against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN: Petition or resolution of residents of Prentice, Wis., against Sunday bill now before Congress—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of Savings Bank Association of Maine, against bill to establish postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Jefferson Wilson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Petition of United Commercial Travelers of America, Grand Council of Ohio, against bill H. R. 4549, relative to parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COLE: Petition of Pennock Brothers, for amendment of section 137 of United States Postal Laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of ladies of McKeesport, Pa., relative to abuses in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. DUNWELL: Petition of New Immigrants' Protective League, favoring the Bartholdt joint resolution, relative to immigration—to the Committee on Immigration and Naturalization.

Also, petition of Wholesale Liquor Dealers' League, relative to certain modifications of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of the New Immigrants' Protective League, for measures to insure a better distribution of immigrants—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Lyman Hawley, of Gardner, Ill., for pure-food bill and Federal inspection of meat-packing products—to the Committee on Agriculture.

Also, petition of National German Alliance of America, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Petitions, in form of letters and telegrams, protesting against the passage of the eight-hour bill, from the following cities: Rockford, Ill., Chicago, Ill., Providence,

R. I., Moline, Ill., and Cleveland, Ohio—to the Committee on Rules.

By Mr. HOWELL of Utah: Petition of Lake Typographical Union, No. 115, et al., labor associations of Salt Lake City, for passage of the Pearre bill (H. R. 18752)—to the Committee on the Judiciary.

By Mr. KENNEDY of Nebraska: Petition of Nebraska Stock Growers' Association, for action relative to disposition of such public lands in Nebraska as are unfit for agricultural purposes—to the Committee on the Public Lands.

Also, petition of Nebraska Stock Growers' Association, for speedy Government meat inspection—to the Committee on Agriculture.

By Mr. KENNEDY of Ohio: Petition of citizens of Youngstown, Ohio, urging exemption of aliens who come to the United States by reason of religious or political persecution from considerations of Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. KINKAID: Petition of business firms of Nebraska, for immediate action on Government inspection of meat-packing products—to the Committee on Interstate and Foreign Commerce.

By Mr. KLINE: Paper to accompany bill for relief of Howard F. Esterline—to the Committee on Claims.

By Mr. LINDSAY: Petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

Also, petition of General Federated Union of New York, against the antipilotage bill being passed as a rider to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. LORIMER: Petition of Edwards & Deutch Lithograph Company, against Gardner eight-hour bill—to the Committee on Labor.

By Mr. MCCARTHY: Petition of Frank Dowd and J. H. Rothnell, for the pure-food bill and Federal inspection of meat-packing products—to the Committee on Agriculture.

Also, petition of Nebraska Stock Growers' Association, for such action relative to public lands in Nebraska as shall prevent destruction of the cattle industry—to the Committee on the Public Lands.

Also, petition of Nebraska Stock Growers' Association, for careful revision of Beveridge bill, relative to meat inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. McNARY: Petition of citizens of Massachusetts, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NORRIS: Petition of citizens of Nebraska, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PADGETT: Paper to accompany bill for relief of John M. Defoe—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of citizens of Seventh Massachusetts district, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of United German Societies of New York, for the furtherance of arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of Central Federated Union of New York, against the antipilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Charles W. Airey—to the Committee on Invalid Pensions.

Also, petition of citizens of United States of German birth, of New York, for furtherance of arbitration treaties—to the Committee on Foreign Affairs.

By Mr. THOMAS of Ohio: Petition of the Sentinel, Jefferson, Ohio, and Lawrence Times, Lawrence, Mich.—to the Committee on Ways and Means.

Also, petition of Grand Council of Order of the United Commercial Travelers of America, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WEBBER: Petition of hundreds of influential citizens of Washington, D. C., for bill H. R. 6016, for prohibiting manufacture and sale of liquor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEEKS: Petition of Boston Christian Endeavor Union, for appropriate action by the Federal Government relative to abuses of power in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of citizens of Boston and West Newton, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILEY of Alabama: Paper to accompany bill for relief of Charles Hussey—to the Committee on Pensions.

SENATE.

WEDNESDAY, June 20, 1906.

Prayer by Rev. JOHN VAN SCHAIK, of the city of Washington.

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

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

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

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;"

S. 3414. An act providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho;

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.;

S. 6234. An act to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.;

S. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands; and

S. 6451. An act to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.;

The message also announced that the House had passed the following bills and joint resolution with amendments; in which it requested the concurrence of the Senate:

S. 1540. An act to increase the efficiency of the Ordnance Department of the United States Army;

S. 1697. An act confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida;

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes;

S. 3044. An act to promote the efficiency of the Revenue-Cutter Service;

S. 4190. An act to repeal an act entitled "An act to amend section 2455 of the Revised Statutes of the United States, approved February 26, 1895;"

S. 5769. An act defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893; and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903; and

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes; and

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 9343. An act providing for the resurvey of certain townships of land in the county of Baca, Colo.;

H. R. 10858. An act to establish a naval militia and define its relations to the General Government;

H. R. 11040. An act to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys;

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas;