

Also, papers to accompany bill H. R. 12928, granting an increase of pension to Daniel Reasoner; also, papers to accompany bill H. R. 17930, granting an increase of pension to Henry A. Hayes; also, papers to accompany bill H. R. 12918, granting an increase of pension to Reuben Vermillion—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: Papers to accompany bill granting an increase of pension to Henrietta C. Kenney—to the Committee on Pensions.

Also, papers to accompany bill H. R. 19136, for the relief of S. R. Ihly; also, papers to accompany bill H. R. 19141, for the relief of Josiah D. Johnson; also, papers to accompany bill H. R. 19139, for relief of Michael De Louch—to the Committee on War Claims.

By Mr. RUPPERT: Resolution of the national executive committee of the National German-American Alliance, in regard to the appointment of an immigration commission—to the Committee on Immigration and Naturalization.

By Mr. STERLING: Petition of John Wade, of Chenoa, Ill., for pure-food law and Federal inspection of slaughtering houses—to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Protest of Minnesota State Association of Builders' Exchanges, against passage of eight-hour law—to the Committee on Labor.

By Mr. THOMAS of North Carolina: Papers to accompany bill H. R. 17875, waiving age limit for admission to the Pay Corps of United States Navy in the case of N. N. Pierce—to the Committee on Naval Affairs.

By Mr. WOOD of Missouri: Papers to accompany bill for the relief of John H. Rhinelandler—to the Committee on Claims.

SENATE.

TUESDAY, June 12, 1906.

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

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.

REPORT ON ALASKAN SCHOOLS, ETC.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, a letter from the Commissioner of Education, together with the commentary of that officer on the report of Special Agent Churchill, regarding education in Alaska and the domestication of reindeer in the district of Alaska; which, on motion of Mr. GALLINGER, was, with the accompanying paper, ordered to lie on the table and be printed.

The VICE-PRESIDENT. On June 11 the Chair laid before the Senate a message from the President of the United States, transmitting the reports of Special Agent Frank C. Churchill, regarding the condition of educational and school service and the management of the reindeer service in the district of Alaska, which was ordered to be printed, together with the reports. Accompanying the same was a map, which, if there be no objection, will be ordered printed in connection with the reports.

GOVERNMENTAL AID FOR CALIFORNIA.

The VICE-PRESIDENT laid before the Senate a communication from Hon. George C. Pardee, governor of California, transmitting a copy of his message to the legislature now sitting in extraordinary session, expressing the gratitude of the people of California to the Senate of the United States for the very prompt and generous response made to their appeal by the Government of the United States and all the officers, officials, and Departments connected therewith; which, with the accompanying paper, was ordered to lie on the table.

APPROPRIATION FOR POSTAL SERVICE.

Mr. HALE. I ask the Chair to lay before the Senate the joint resolution from the House of Representatives supplying a deficiency in an appropriation for the postal service.

The joint resolution (H. J. Res. 172) to supply a deficiency in an appropriation for the postal service was read the first time by its title.

Mr. HALE. I ask that the joint resolution be put on its passage.

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

Resolved by the Senate and House of Representatives, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$80,000, to supply a deficiency in the appro-

riation for the manufacture of stamped envelopes and newspaper wrappers for the fiscal year 1906.

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

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

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 bill (S. 4376) to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 130. An act authorizing the extension of Kalorama road NW.;

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. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 12517. An act granting a pension to William Bays;

H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;

H. R. 14806. An act to amend the Code of Law for the District of Columbia relating to interest and usury;

H. R. 16483. An act requiring certain places of business in the District of Columbia to be closed on Sunday;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia;

H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;

H. R. 18716. An act to extend the authority of the Commissioners of the District of Columbia over all street railway companies operating in the streets of the city of Washington;

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; and

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes.

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. 6. An act granting an increase of pension to Ella N. Harvey;

S. 20. An act granting an increase of pension to Edward Higgins;

S. 215. An act granting an increase of pension to Elias Phelps;

S. 225. An act granting an increase of pension to Thomas R. Smith;

S. 267. An act to prohibit aliens from fishing in the waters of Alaska;

S. 453. An act granting an increase of pension to George K. Green;

S. 586. An act granting an increase of pension to Corydon W. Sanborn;

S. 663. An act granting a pension to Joseph Ellmore;

S. 668. An act granting an increase of pension to John C. Rassbach;

S. 722. An act granting an increase of pension to Robert Carney;

S. 772. An act granting a pension to Annis Bailey;

S. 911. An act granting an increase of pension to Julius A. Davis;

S. 1174. An act granting an increase of pension to Edwin Morgan;

S. 1224. An act granting an increase of pension to William A. Bowles;

S. 1256. An act granting an increase of pension to Lewis D. Moore;

S. 1264. An act granting an increase of pension to Joseph Shiny;

- S. 1428. An act granting an increase of pension to Daniel Lamprey;
 S. 1443. An act granting an increase of pension to Hiram C. Clark;
 S. 1510. An act granting an increase of pension to Byron K. May;
 S. 1570. An act granting an increase of pension to Lydia A. Johnson;
 S. 1664. An act granting an increase of pension to Elizabeth L. W. Bailey;
 S. 1849. An act granting an increase of pension to David T. Pettie;
 S. 1855. An act granting an increase of pension to James J. Brown;
 S. 1865. An act granting an increase of pension to Solomon H. Baker;
 S. 2008. An act granting a pension to Virginia A. McKnight;
 S. 2032. An act granting an increase of pension to Thomas F. Stevens;
 S. 2179. An act granting an increase of pension to G. Annie Gregg;
 S. 2429. An act granting an increase of pension to James Devor;
 S. 2619. An act granting an increase of pension to William H. Willie;
 S. 2728. An act granting an increase of pension to Louisa Carr;
 S. 2791. An act granting an increase of pension to John Lindt; and
 S. 2852. An act granting a pension to Bridget Manahan.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Division No. 90, Brotherhood of Railway Conductors, of Judson, Minn., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. KNOX presented memorials of Lodge No. 561, Brotherhood of Firemen, of Pottsville; Lodge No. 541, Brotherhood of Trainmen, of Shamokin; Lodge No. 63, Brotherhood of Trainmen, of Youngwood; Lodge No. 552, Brotherhood of Firemen, of Tyrone; Lodge No. 11, Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America, of Philadelphia; Order of Railway Telegraphers, of Lewistown; sundry employees of the Pennsylvania Railroad, of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KEAN presented the petition of John R. Paddock, of East Orange, N. J., and the petition of George W. Smith and sundry other citizens of Orange, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of New Cumberland, W. Va., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

FRENCH MERCHANT MARINE.

Mr. GALLINGER. Under date of June 9 the Acting Secretary of the Treasury forwarded to me a translation of a recent law concerning the French merchant marine, promulgated by the President of the French Republic April 19, 1906, which was prepared in the Office of Naval Intelligence of the Navy Department. It is a brief document and is of such general interest that I venture to ask that it be printed as a Senate document.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 5446) for the relief of John Hudgins, reported it without amendment, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (H. R. 18713) to validate certain certificates of naturalization, reported it with amendments, and submitted a report thereon.

Mr. CRANE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 6075) to regulate the salaries of letter carriers in free-delivery offices, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Finance, to whom was referred the bill (H. R. 15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico, reported it without amendment.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 2781) for the relief of Philip Loney, reported it without amendment, and submitted a report thereon.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (H. R. 3997) for the relief of John A. Meroney, reported it without amendment, and submitted a report thereon.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 14975) amending chapter 863, volume 31, of the Statutes at Large, reported it without amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 15140) to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes, reported it without amendment, and submitted a report thereon.

REAPPOINTMENT OF MIDSHIPMEN.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 6109) authorizing the reappointment of midshipmen recently dismissed from the Naval Academy for hazing, to report it favorably without amendment. I should like to have the bill passed now.

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

The Secretary read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized and empowered to reappoint such of the midshipmen at the Naval Academy recently dismissed for hazing as, in his judgment, may be so reappointed without prejudice to the interests of the naval service: *Provided*, That each midshipman so reappointed shall be assigned to the class below that of which he was a member when dismissed, and shall take rank therein according to the multiple formerly earned by him while a member of the class which he shall enter under such reappointment: *And provided further*, That midshipmen so reappointed shall be treated as additional to the number of midshipmen now authorized by law.

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

Mr. SCOTT. Mr. President, I should like to have the Senator from Maine give us some explanation of the bill. It looks to me as though if we pass this bill we might as well give up trying to control young men at Annapolis, and that we would turn the academy over to their tender mercies.

Mr. HALE. It was found, as a result of the examinations at Annapolis, that there were several cases of technical disobedience, which, under the then existing law, could only be punished by expulsion. There were a number that appealed to everyone as being cases where the punishment was too extreme, and steps were taken and investigations made by the Secretary of the Navy in reference to those cases. At first a bill was introduced naming the midshipmen who might be restored, because of the punishment being so far beyond the technical and small offense.

The committee on examination, after conference with the Department and on the suggestion of the President, concluded to report this bill, leaving the entire subject-matter to the Secretary and the President, or formally to the President. So, instead of its being fought out here on a bill naming persons, the whole matter is sent for examination to the Department, or to the President.

It will clearly apply only—and in that we may trust the executive officers—to cases where the Senator from West Virginia and I would agree that the extreme punishment of expulsion from the academy and from a chosen course upon which the young men have entered should not be enforced.

I have no doubt it is a wise measure, and it does not, as the result will be seen hereafter, in any way tend to encourage hazing.

Mr. SCOTT. I know the Senator from Maine is very careful, and no doubt he has given this subject very careful consideration in committee. During the trial of the young men and since the court-martial proceedings have been made public, in conversation with officers of the Naval Academy, they have told me that the fact that we restored some of the young men a year or two ago who had been dismissed for hazing had been the cause of the revolt, as you might call it, or the determination on the part of these youngsters to disregard the rules of the academy; that we, as legislators, were responsible for the conduct and the violation of the rules of the Naval Academy, whereby these young men took upon themselves to be commanding officers and to prescribe rules that the younger members entering the academy should be expected to live up to.

Now, Mr. President, are we again going to restore these young

men to their classes in the Naval Academy and then again have the spectacle of ordering a court-martial to try the same young men, or others who will be encouraged by the fact that they can disobey the laws laid down to them for the government of the academy, with the expectation on their part, judging the future by the past, that they will say to themselves, "We can be restored; we have influence enough to restore us again to the academy."

Mr. President, I certainly am at this moment opposed to the passage of the bill, unless the Senator from Maine, or others, can convince me that I am wrong. I do not want to lay a straw in the way of a young man who is deservingly entitled to be restored, but I have no doubt some of these young men should be kept out.

Mr. HALE. Mr. President—

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

Mr. PENROSE. I should like to interrogate the Senator from Maine. I was unable to attend the committee meeting at which the bill was acted on. I should like to ask whether it is simply retroactive or whether it refers also to cases occurring in the future?

Mr. HALE. It applies only to the present conditions.

Let me state further, which perhaps I in my desire not to take up too much of the time of the Senate ought to have said before, that I agree with the Senator from West Virginia that the restoration by act of Congress of the cadets a year or more ago was a mistake. That was a pronounced case of bad hazing. I did not vote for it and it got through only by great opportunity.

In this case it was found in the trial of these midshipmen that such was the fixed and ironclad statute that for the slightest offense all had to be expelled. Everybody realized that there ought to be some elasticity; and since then we have passed an act to remedy that and allow graded punishment, so that for slight, merely nominal, hazing the punishment of demerits and lowering of rank can be resorted to.

Mr. MALLORY. Will the Senator from Maine allow me to make a suggestion to him? I suggest to the Senator that when these men were convicted there was no accepted definition of hazing at the Annapolis Academy, and anything that might possibly be construed into hazing was so construed necessarily.

Mr. HALE. All of that was attended to by the statute which we passed fixing what hazing would mean, and making the punishment elastic.

This bill, I will say to the Senator from Pennsylvania, is intended only to apply and will only apply to the cases where under the law we have enacted these midshipmen would not have been expelled. The extreme cases—or real, hard, unjustifiable, brutal, cruel hazing—would never come under this act. It will be made to apply only to the midshipmen who, if the law had been then as now would not have been expelled. That is the only object of the bill.

Mr. McCUMBER. Mr. President—

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

Mr. HALE. I yield to the Senator.

Mr. McCUMBER. I wish to ask the Senator, first, how many will be affected by this measure, and, secondly, whether these persons were convicted of what we understand to be hazing?

Mr. HALE. They were convicted of what at that time was hazing; but in all these cases that will be treated by the Executive the offense was very slight; still it was hazing. There are, I think, seven or eight of them in all, in different parts of the country, and the committee has thought it better that it be dealt with administratively rather than that we should select by name, as was originally proposed, those to whom the benefits of this statute should apply.

Mr. McCUMBER. And I understand also that by the provisions of the bill we increase the number this year—that is, we add to the class; we make it greater for the purpose of securing places for these boys who have been punished by being expelled from the school; and it applies only to them.

Mr. HALE. It applies only to them, and they are put on as extra numbers.

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

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

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

ADVANCEMENT OF NAVAL OFFICERS.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 17663) 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, to report it favorably without amendment. I call the attention of the senior Senator from Louisiana to the bill.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill just reported by the Senator from California.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that officers of the Navy and Marine Corps advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall from the date of the passage of this act be carried as additional numbers of each grade in which they serve.

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

UINTAH RESERVATION LAND FOR MISSIONARY PURPOSES.

Mr. SUTHERLAND. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 6375) granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

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 be engrossed for a third reading, read the third time, and passed.

COURTS IN TENNESSEE.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 19150) 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 Greeneville, and for other purposes, to report it favorably without amendment.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Texas.

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.

Mr. FRAZIER. I move that the bill (S. 6149) 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 Greeneville, and for other purposes, be indefinitely postponed.

The motion was agreed to.

MAIL AND PACK TRAIL IN ALASKA.

Mr. NELSON. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 17510) to provide for a reconnaissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula in Alaska, and for other purposes, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

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.

INTERNAL-REVENUE RECORDS.

Mr. HANSBROUGH. From the Committee on Finance, I report back favorably, with an amendment, the bill (H. R. 14968) to amend the internal-revenue laws so as to provide for publicity of its records. It is a very short bill, and I ask for its present consideration.

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 Finance was, on page 1, line 12, to strike out the word "person" and insert "prosecuting officer of any State, county, or municipality;" so as to make the bill read:

Be it enacted, etc., That chapter 3 of the Revised Statutes of the United States be, and hereby is, amended in section 3240, so as to read:

"Sec. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof, as of a public record, for which a fee of \$1 for each 100 words or fraction thereof in the copy or copies so requested may be charged."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend the internal revenue laws so as to provide for certified copies of certain records."

JAMES N. ROBINSON AND SALLY B. M'COMB.

Mr. HEMENWAY. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, to report it favorably with an amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

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

The Secretary read the bill.

Mr. HEMENWAY. There is an amendment of the Committee on Claims, striking out "five thousand dollars" and inserting "twenty-five hundred dollars."

Mr. CULBERSON. I should like to ask the Senator in charge of the bill if this is a unanimous report from the committee?

Mr. HEMENWAY. I am directed by the Committee on Claims to report the bill.

Mr. CULBERSON. Is it a unanimous report?

Mr. HEMENWAY. It was not a unanimous report. There were two votes in the Committee on Claims against the report.

Mr. CULBERSON. Let the bill go over until to-morrow.

The VICE-PRESIDENT. Under objection, the bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. FLINT introduced a bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WARNER introduced a bill (S. 6444) 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; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 6445) to correct the military record of George W. Parker; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6446) granting an increase of pension to Gideon Howell, alias Judson Howell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 6447) to authorize the appointment of Acting Asst. Surg. George R. Plummer, United States Navy, as an assistant surgeon in the United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 6448) to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. STONE submitted an amendment proposing to appropriate \$50,000 for the repairing and completion of the public building at St. Joseph, Mo., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. ANKENY submitted an amendment proposing to appropriate \$30,000 for the purchase of a tract of land at American Lake, near Tacoma, Wash., to be used as a target range, 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. TELLER submitted an amendment proposing to appro-

priate \$3,705 to enable the Secretary of the Interior to return twenty-two pupils heretofore in the United States Indian School, Carlisle, Pa., to their respective homes in Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying memorandum, was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment relative to the Eskimos, Indians, Aleuts, and other natives of Alaska, 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.

WITHDRAWAL OF PAPERS—JACOB A. WARD.

On motion of Mr. SUTHERLAND, it was

Ordered, That the papers in the case of Jacob A. Ward be withdrawn from the files of the Senate, no adverse report having been made on the bill (S. 3268).

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 130. An act authorizing the extension of Kalorama road NW.;

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. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;

H. R. 14806. An act to amend the Code of Law for the District of Columbia, relating to interest and usury;

H. R. 16483. An act requiring certain places of business in the District of Columbia to be closed on Sunday;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia;

H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;

H. R. 18716. An act to extend the authority of the Commissioners of the District of Columbia over all street-railway companies operating in the streets of the city of Washington; and

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes.

H. R. 12517. An act granting a pension to William Bays was read twice by its title, and referred to the Committee on Pensions.

ITEMS IN CONFERENCE REPORTS.

Mr. GALLINGER. Mr. President, I was absent from the Chamber on yesterday when the Senator from Texas [Mr. BAILEY] made a point of order against an item in the conference report on the Indian appropriation bill.

I did not hear the debate, but I have read it with great interest in the CONGRESSIONAL RECORD of this morning. I notice that in that debate the Senator from Massachusetts [Mr. LODGE], a member of the Committee on Rules, a very wise parliamentarian, quoted from a decision rendered by the late Vice-President Hobart to sustain his contention that a point of order can properly lie in the Senate against an item in a conference report on an appropriation bill.

I remember, Mr. President, the very interesting discussion which took place at that time, the date being July 21, 1897, and I recall very clearly the decision of Vice-President Hobart on that question. I was surprised to note in the RECORD that the Senator from Massachusetts contended that the decision of Vice-President Hobart was in favor of the contention that a point of order would lie against an item in the conference report on an appropriation bill, my recollection being to the contrary.

I have taken the liberty, Mr. President, to go back to the RECORD, and I have very carefully read and reread the decision of the late Vice-President Hobart made at that time. I want to say that it confirms absolutely the view I then held and since have held that in this body a point of order does not lie against an item in a conference report.

The decision of the late Vice-President is not very lengthy, and if Senators do not object I should like to have it read by the Secretary. There are two sentences in it, however, that it seems to me decide the contention absolutely in favor of those

who hold that a point of order would not lie. He said, for instance:

Only the action of the Senate upon the vote taken upon concurrence has that power.

And again:

The Chair decides that the point is not well taken.

That would seem to settle it. Perhaps it is just as well that I shall ask that the entire opinion as rendered by the late Vice-President be printed in the RECORD without reading. I have marked it in the bound volume.

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

The VICE-PRESIDENT. The Chair has not the opportunity to look up any of the precedents that may exist on similar points of order made heretofore to the relevancy of items like the one in question contained in a conference report. The present occupant of the chair feels that it would be an unwelcome task if he is obliged to decide as to whether any or every amendment made in conference is germane to the original bill, or germane to the amendments made in either House or both Houses, or whether a conference report as submitted to the Senate contains new and improper or irrelevant matter.

The rules of the Senate certainly do not provide for such action, and the Chair calls the attention of the Senator from Arkansas and of the Senate to the fact that this conference report has been adopted by one House in this perfected shape, and that this report is now submitted here as a whole for parliamentary discussion and decision in the form of concurrence or disagreement.

All arbitrary ruling on a point of order like this after the bill has been fully passed by one House and approved by it can not be within the power of any presiding officer.

He can not decide while such a report is being discussed and during the progress of its presentation that matter has been inserted which is new or not relevant, and thus decide what should or should not have been agreed upon. It is not the province of the Chair.

All such questions are such as should go before the Senate when it votes upon the adoption or rejection of the report, which is the only competent and parliamentary action to be taken.

If the Senate itself can not amend this report, and it admittedly can not, the Chair can not do more in that respect than the Senate itself. The Senator from Arkansas asks the Chair by its decision to do that which the Senate itself can not do, to amend this conference report. It is not possible to amend by such a method. The Senate must decide for itself as to the competency of this report in all particulars and the relevancy of all amendments.

No rule or practice permits the presiding officer to annul the action of a conference committee, and thus indirectly to amend it. The Chair has not the power to thus negative the action of a free conference and send a passed bill back to a new conference without a vote. Only the action of the Senate upon the vote taken upon concurrence has that power.

The effect of such a decision, if made, can only be surmised. Where would the bill go if thus amended? Not to the conference committee, for that has been dissolved upon the making of its report to the other House and acceptance there. Not to the Senate conferees, for they have concluded their action also. Possibly to the Senate Finance Committee, where the bill started many months ago. Such a decision, therefore, that paragraph No. 396, contained in the conference report, contains new matter or new legislation, or is not germane or relevant, might be tantamount to indefinite postponement of the bill. Surely the Chair has no such power, and if exercised would be arbitrary in the highest degree.

The Chair decides that the point is not well taken. (CONGRESSIONAL RECORD, 55th Cong., 1st sess., vol. 30, pt. 3, pp. 2786, 2787.)

Mr. BAILEY. Mr. President, all the answer I desire to make is that if, under the rules of the Senate, a point of order can not be made and considered against the action of a conference committee exceeding its powers, then the rules of the Senate need a prompt amendment, and I shall introduce at once an amendment providing that the President of the Senate himself shall decide it, subject, of course, to appeal to the Senate.

I will add that it seems to me the better practice would be to make the point of order and have it disposed of. To spend two or three days discussing every provision in a conference report and finally have the Senate reject it, because the conference committee has exceeded its power, seems to me worse than a waste of time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1160) granting an increase of pension to Eliza Swords.

The message also announced that the House 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. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLET of Massachusetts, Mr. GARDNER

of Michigan, and Mr. BURLESON managers at the conference on the part of the House.

The message also announced that the House further insists on its disagreement to the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. SHERMAN, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

COMMITTEE SERVICE.

Mr. BAILEY. I ask the unanimous consent of the Senate to be relieved from further service upon the Committee on Canadian Relations.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none; and the Senator from Texas is excused from further service on the committee.

Mr. BLACKBURN. Mr. President, I ask the adoption of the following order providing for the filling of vacancies in certain of the committees of the Senate:

Ordered, That Mr. WHYTE be appointed to fill the vacancies in the Committee on Irrigation, the Committee on the District of Columbia, the Committee on the Library, the Committee on Printing, and the Committee on Canadian Relations.

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

HEIRS OF JOHN C. RIVES.

Mr. GALLINGER. I ask that the message from the House of Representatives in reference to Senate bill 4376 be now laid before the Senate.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4376) to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased; which were to strike out all after the enacting clause and insert:

That the United States hereby relinquishes all the right, title, and interest it may have acquired by the will of John C. Rives, deceased, in and to a certain lot of land lying partly in the District of Columbia and partly in the State of Maryland, consisting of about 52 acres, more or less, as described in the will of said testator.

And to amend the title so as to read:

A bill to relinquish all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland, formerly belonging to John C. Rives, deceased.

Mr. GALLINGER. I move that the Senate agree to the amendments made by the House of Representatives.

The motion was agreed to.

IMPROVEMENT OF CHANNELS ON NEW JERSEY SEACOAST.

Mr. DRYDEN. I ask unanimous consent for the present consideration of the bill (S. 6167) to improve the channels along the New Jersey seacoast.

The VICE-PRESIDENT. Is there objection to the consideration of the bill asked for by the Senator from New Jersey?

Mr. MALLORY. I should like to hear that bill read, Mr. President.

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

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

The bill had been reported from the Committee on Commerce with amendments. The first amendment was, on page 2, section 1, line 15, after the word "improvements," to insert:

And provided further, That this act shall not be construed as affecting in any way the jurisdiction and control of the Federal Government over any waters that may be improved in pursuance of the provisions thereof, nor as exempting such waters from the operation of the laws heretofore or hereafter enacted by Congress for the preservation and protection of navigable waters.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert as a new section the following:

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

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

STATEHOOD BILL—CONFERENCE REPORT.

Mr. BEVERIDGE. Mr. President, I desire to withdraw the conference report on the statehood bill, which was submitted to the Senate a few days ago.

Mr. BLACKBURN. Mr. President, I object. I raise the point that a conference report is the property of the two Houses and can not be withdrawn unless it be done by unanimous consent, nor can it be recommitted.

Mr. President, the practice of the Senate in years gone by was to permit the recommitment of a conference report, but the rule of the House of Representatives prohibited such action. In deference to that rule of the House the practice of the Senate was changed, and during all these years it has never been the practice of the Senate to permit the recommitment of a conference report, much less its withdrawal, without unanimous consent. Upon this proposition I think there can be but one opinion.

Mr. FORAKER. Mr. President, I understand that this question has been considered in report No. 1545, made to the Senate in the Fifty-seventh Congress, first session, with the result that it was there held and determined, as I understand, that a conference report could not be withdrawn except by leave, and the authorities are stated in that report. That is a question that I do not care to discuss, but I do not want any erroneous ruling made upon it.

It seems to be conceded that when conferees have made their report their office is at an end; the conference report is before the Senate, and it is also before the House, and the conferees have no further control over their report, except only by permission of the two bodies.

Mr. CARTER. Mr. President—

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

Mr. FORAKER. Certainly.

Mr. CARTER. I think the Senator from Ohio will find upon consulting the authorities to which he refers that in the case cited the conference report was first made to the House of Representatives. The report in that case having been agreed to by the Senate and then made to the House, presented a question essentially different from the question now under consideration.

I think the rule is clear that where the conference report was first made to the House the right to withdraw the report from the Senate would be questionable; but in the case here presented the conference report was first made to the Senate and the report has not been made to the House at all in a parliamentary sense. Under the rule of the House the conference report has only been printed in the RECORD for the information of its Members. The reason for the rule permitting the conferees on the part of the Senate to withdraw a report under these conditions is, I think, very clear.

Mr. BLACKBURN. Does the Senator from Montana assume that there is a rule allowing the withdrawal of such a report without unanimous consent?

Mr. CARTER. I think the Senator will find that the uniform practice of the Senate, independent of any rule, sustains the right of the conferees who make the report in the first instance to the Senate to withdraw that report at any time before the Senate takes action upon it.

Mr. BLACKBURN. Then I understand that the Senator from Montana does not contend that under the rule the right of withdrawal exists?

Mr. CARTER. I think the right exists under general parliamentary practice in the Senate.

Mr. BLACKBURN. But under no rule?

Mr. CARTER. I do not cite a rule; I cite the practice.

Mr. BLACKBURN. I insist that there is no such rule, and I insist further, with the Senator's permission, that the practice of the Senate does not sustain his contention as to the right of withdrawal without unanimous consent, and that that practice was abandoned in deference to the rule of the House of Representatives, which prohibited it upon the ground that a conference report was the joint property of the two Houses and that it became the joint property of the two Houses immediately upon the report of the conference committee, and requires concurrent action.

Mr. CARTER. With reference to the practice of the Senate, I beg to cite the Senator's attention to the holding of the Chair in the Senate on the 10th of April, in the case of the conference report on the bill relating to the Five Civilized Tribes. If I recall, the Senator from South Carolina [Mr. TILLMAN] upon that occasion questioned the right of the Senator from Minnesota [Mr. CLAPP] to have withdrawn the conference report, which withdrawal occurred on the 3d of April. The Chair held, upon the question thus raised by the Senator from South Carolina, that it was the right of the conferees upon the part of the Senate to withdraw a report at any time before the Senate took action upon it.

I think there is reason for that rule, Mr. President. The conferees might be conscious the moment after making a re-

port that an error, typographical or otherwise, had been made, an error appearing upon the face of the report itself.

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

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

Mr. CARTER. Certainly.

Mr. BLACKBURN. In the case the Senator cites, where the Senator from South Carolina questioned the withdrawal of a conference report at the request of the Senator from Minnesota, was not that done by unanimous consent? Was there an objection offered; and was not the request granted unanimously? That is all that I am contending for now—that it requires unanimous consent to withdraw a piece of common property that belongs to both Houses; and it can not be withdrawn from the possession of the Senate without unanimous consent.

Mr. LODGE. Will the Senator from Montana allow me a moment?

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

Mr. CARTER. I yield to the Senator.

Mr. LODGE. My own impression, Mr. President, was that the view taken by the Senator from Kentucky [Mr. BLACKBURN] was the proper interpretation of the statement made in the Manual of Law and Practice in regard to conferences and conference reports, that such withdrawal required in the Senate and in the House unanimous consent; but it is worded:

59. A conference report may be withdrawn in the Senate on leave, and in the House by unanimous consent.

I have looked at the authorities to make sure as to just what could be done, and I find that the phrase "on leave" means by vote of the Senate.

In the Thirty-second Congress, second session, January 28, 1853, on page 141 of the Journal of the Senate, I find this:

On motion by Mr. Hamlin.

Ordered, That the committee of conference on the part of the Senate have leave to withdraw their report.

Of course it can be done by unanimous consent; but it is perfectly obvious from the single precedent which I cite that leave to withdraw a conference report can be granted on motion.

Mr. BACON. By a majority vote?

Mr. CARTER. Mr. President, the principle upon which the rule rests is certainly modified in the case of the presentation of a conference report to the House of Representatives in the first instance, the House obtaining jurisdiction over the report.

The Senator from Kentucky suggests now that this conference report is the joint property of both bodies. That, I take it, is a statement subject to some qualification. No report has been made to the House. The original papers are wholly and exclusively within the jurisdiction of the Senate. A report has been made to this body by the conferees. Upon that report the Senate has taken no action, and I assume, until some action is taken by the Senate, the conferees, in the absence of any relation of the House to the matter, may withdraw the report for the correction of errors or the changing of their judgment with reference to the subject-matter.

Mr. FORAKER. Mr. President, I only want to say a word or two. I have no interest in this matter except only to have a correct ruling made. It is a question of parliamentary law that has never before arisen since I have been here in connection with anything I have had especially in hand, and, therefore, it is a new question to me. I have not any doubt, however, from the authorities cited, but that the conference report may be withdrawn by the conferees upon a majority vote granting leave to make such withdrawal.

Of course I do not know just what may result from the withdrawal of this report, but if the conferees for a good cause see fit to ask the privilege of withdrawing the report, I have no objection, so far as I am personally concerned, to that leave being granted. I think, however, it ought to be done upon motion, by leave being granted upon a majority vote. I suggest to the Senator from Indiana that he should make his application for leave to withdraw his report in the form of a motion to grant leave to withdraw it.

Mr. BEVERIDGE. Mr. President, in order to avoid any controversy, which I did not anticipate would arise upon my request to withdraw the report, I move that leave be granted to withdraw the report.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana that leave be granted to withdraw the report.

The motion was agreed to.

Mr. BEVERIDGE. I now withdraw the report.

ENTRY OF COAL LANDS IN ALASKA.

Mr. TELLER. Mr. President, on yesterday I made objection to the consideration of House bill 17415. It was at the close of the day, and I did not understand the contents of the bill. I have since examined the bill and find it unobjectionable. Therefore I desire to withdraw my objection.

Mr. NELSON. I ask unanimous consent that the bill may have present consideration. It was read yesterday.

The VICE-PRESIDENT. The Senator from Colorado having withdrawn his objection to it, the Senator from Minnesota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That section 1 of the act approved April 28, 1904, entitled "An act to amend an act entitled 'An act to extend the coal-land laws to the district of Alaska,'" approved June 6, 1900, is hereby amended so as to read as follows: "That any person or association of persons, or their assigns, qualified to make entry under the coal-land laws of the United States, shall, upon application to the register of the proper land office, have the right to enter, in rectangular tracts containing 40, 80, 160, 320, or 640 acres, upon the condition hereinafter prescribed, with north and south boundary lines run according to the true meridian, by marking the four corners thereof with permanent monuments, so that the boundaries thereof may be easily traced, any quantity of vacant coal lands of the United States, in the district of Alaska, not otherwise appropriated or reserved by competent authority, not exceeding 160 acres to such individual person or 320 acres to such association, upon payment to the receiver of not less than \$10 per acre for such lands where the same shall be situated more than 15 miles from any completed railroad, and not less than \$20 per acre for such lands as shall be within 15 miles of such road: *Provided*, That any person or association of persons severally qualified, as above provided, or their assigns, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry of the mines so opened and improved, for the quantity of land herein prescribed, and any association of not less than four persons, severally qualified as above, or their assigns, who shall have expended not less than \$5,000 in working and improving any such mine or mines, may enter not exceeding 640 acres, including such mining improvements: *And provided further*, That where, prior to the passage of this act, coal lands in Alaska have been in good faith located by qualified persons or associations of persons for the quantity prescribed by sections 2347 and 2348 of the Revised Statutes of the United States, extended to Alaska by the act of June 6, 1900, they or their assigns may, upon compliance with the other provisions of the coal-land laws applicable to Alaska, hold and enter the tracts so located to the extent allowed by said sections 2347 and 2348: *And provided further*, That all such locators shall within one year from the passage of this act, or within one year from making such location (except where this has already been done) file for record in the recording district and with the register and receiver of the land district in which the lands are located or situated, a notice containing the name or names of the locator or locators, the date of the location, the description of the lands, and a reference to such natural objects or permanent monuments as will readily identify the same."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. NELSON. The title should be amended.

The title was amended so as to read: "An act to amend an act approved April 28, 1904, entitled 'An act to amend an act entitled 'An act to extend the coal-land laws to the district of Alaska,'" approved June 6, 1900."

Mr. SPOONER subsequently said: Mr. President, I enter a motion to reconsider the vote by which the bill extending the coal-land laws of the United States to Alaska was passed. I do not wish to ask for a vote on my motion now.

The VICE-PRESIDENT. The motion to reconsider will be entered.

OSAGE INDIANS IN OKLAHOMA TERRITORY.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.

This is a House bill. It is somewhat lengthy and there are several committee amendments. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for committee amendments.

Mr. SPOONER. What is the bill?

Mr. LONG. It is a bill providing for the division of the lands or the allotment of the lands of the Osage tribe of Indians in Oklahoma. There are a few committee amendments.

Mr. SPOONER. Has it been called up by unanimous consent?

Mr. LONG. It has been called up by unanimous consent.

Mr. SPOONER. It is a very elaborate bill, Mr. President, and I think it ought not to be passed without some opportunity being given to look into it.

Mr. LONG. I think there can be no objection to the bill.

Mr. SPOONER. I should like to read it. I therefore object to its present consideration.

The VICE-PRESIDENT. Objection is made.

PREVENTION OF CRUELTY TO ANIMALS IN TRANSIT.

Mr. KEAN. Now, Mr. President, let us have the regular order.

Mr. WARREN. I ask unanimous consent for the present consideration of Senate bill 3413.

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

The SECRETARY. A bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from New Jersey demands the regular order; which is the Calendar under Rule VIII.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill for which I asked consideration.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wyoming that the Senate proceed to the consideration of the bill the title of which has just been stated. [Putting the question.] By the sound, the yeas have it.

Mr. WARREN. I ask for the yeas and nays.

Mr. BACON. I should like to make a parliamentary inquiry.

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

Mr. BACON. In the absence of this proposed action by the Senate, what would be the regular order?

The VICE-PRESIDENT. The Calendar under Rule VIII. The Senator from New Jersey [Mr. KEAN] demands the regular order, and the Senator from Wyoming [Mr. WARREN] asks for the yeas and nays on his motion that the Senate proceed to the consideration of the bill the title of which has been read. Is there a second to the demand for the yeas and nays?

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

Mr. MORGAN (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. ALLISON], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 54, nays 6, as follows:

YEAS—54.

Ankeny	Cullom	Kittredge	Piles
Bacon	Daniel	Knox	Rayner
Bailey	Dillingham	La Follette	Simmons
Blackburn	Dolliver	Long	Smoot
Brandagee	Dryden	McCumber	Stone
Bulkeley	Dubois	Mallory	Sutherland
Burkett	Flint	Martin	Tallaferro
Burnham	Foraker	Money	Teller
Burrows	Frazier	Nelson	Warner
Carter	Fulton	Nixon	Warren
Clark, Mont.	Gearin	Overman	Wetmore
Clarke, Ark.	Hansbrough	Patterson	Whyte
Clay	Hemenway	Penrose	
Culberson	Hopkins	Perkins	

NAYS—6.

Gallinger	Latimer	Scott	Spooner
Kean	Lodge		

NOT VOTING—28.

Aldrich	Clapp	Frye	Millard
Alger	Clark, Wyo.	Gamble	Morgan
Allee	Crane	Hale	Newlands
Allison	Depew	Heyburn	Pettus
Berry	Dick	McCreary	Platt
Beveridge	Elkins	McEnery	Proctor
Carmack	Foster	McLaurin	Tillman

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes, which had been reported from the Committee on Agriculture and Forestry with amendments.

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill.

The VICE-PRESIDENT. The bill was read in full on the 14th of March last.

Mr. KEAN. Let the amendments be stated.

The first amendment of the Committee on Agriculture and Forestry was, on page 2, line 10, after the word "hours," to strike out "except upon the written request of the owner or person in custody for that particular shipment, which written request shall be separate and apart from any printed bill of lading or other railroad form, when the time of confinement may be extended to thirty-six hours;" and in line 18, after the word "accidental," to insert "or unavoidable;" so as to read:

That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight.

The amendment was agreed to.

The next amendment was, on page 2, after the word "fore-sight," to insert:

Provided, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours.

Mr. LODGE. Mr. President, this is the amendment which, of course, is the main purpose or one of the main purposes of the bill—to extend the time in which cattle may be kept without rest or food or water, on the written request of the owner, from twenty-eight consecutive hours, according to the present law, as I understand, to thirty-six hours. It is done, I understand, to prevent cruelty to animals. Of course the original law was passed with that end in view. I have been unable to see why animals should be better off by being confined thirty-six hours without rest, food, or water than by being confined only twenty-eight. I can understand readily it would be more convenient to the shippers. It would be more convenient to the shippers if there was no legislation whatever.

The proposition that the present law sometimes obliges the shippers to unload cattle at inconvenient hours, it seems to me, does not go very far, because there is no more reason why thirty-six hours should expire at a convenient moment than that twenty-eight hours should expire at a convenient moment. It appears to me on the face of it that it is simply adding eight hours to the time in which live stock may be confined without rest or food or water. I can not, not being very familiar with it, conceive that it is a good thing to keep cattle in the cars an increased length of time. It seems to me it must be bad for them. It must bring them in a less good condition at the end of their journey, and it must cause them a good deal of additional suffering.

The only personal knowledge that I have as to the movement of animals by rail is in the transportation of horses, and I know how much horses suffer, even under the very best conditions, with men to give them water in the cars and to attend to them, even when they are sent by express. Especially in hot weather is the suffering very great.

It seems to me we ought to have a very good reason before we extend from twenty-eight to thirty-six hours the time during which cattle may be kept in cars, as expressed on the third page of the bill, without rest, food, or water. I have not yet heard such an explanation, and I should be extremely glad to hear one that would convince me that it is cruel to keep animals in cars twenty-eight hours, and that it will tend to prevent cruelty to keep them in such cars thirty-six hours, which the reading of the title of the bill seems to imply.

Mr. WARREN. Mr. President, replying to the statement of the Senator from Massachusetts [Mr. LODGE], I will acknowledge that thirty-six hours is too long to keep cattle penned in cars. Twenty-eight hours is too long, twenty hours is too long, eight hours is too long, eight minutes is too long, if it can be avoided.

Mr. SPOONER. Too long for what?

Mr. WARREN. To keep cattle penned up in cars. It is impossible to introduce beef cattle into cars without some injury. The matter of time depends upon circumstances. It would be inhumane to keep stock in cars thirty-six hours unnecessarily, but circumstances alter cases. Take the tame stock, such as are found in the eastern country, such as you can lead out, and they will immediately lie down and rest. No one thinks of their going as long as twenty-eight hours, unless some accident happens, without taking them out. But it is different when you are shipping live stock that will not rest except under the most

favorable circumstances. The owner of the stock or his agent is taking it to market to be sold. It will be sold on the market according to its condition. The stock will show any suffering to which it has been submitted. If there has been any cruelty practiced in the loading or unloading or shipping of the stock it takes that much out of the pocket of the owner. Having gone to the limit of the time allowed by law, he often finds himself where there are no proper facilities for unloading or feeding. Under the present law, if enforced, a shipper must stop wherever he is at the end of twenty-eight hours and the shipment must stay just where it is. He can either let the stock stay in the car over night, or be taken out where there is no place to eat or drink or lie down.

When the present law was passed the cars were smaller. They did not have the air-brake attachments. They had no hay-racks. They had no facilities for water. As it is now, almost every car that is loaded with cattle has its racks filled with hay, so while we speak of cattle being without food and water, in the general sense, yet, as a matter of fact, they are provided in a way with food and water. You will notice in cattle cars passing over the road the racks in the top are filled with hay. You will notice down the sides the troughs, although drinking from the troughs is not a success. The droppings and other filth get into the troughs, and we can not water the stock very well. What the stock need is dry, large, roomy yards, where they can be unloaded in the daytime, and where there is clean, running water and where the cattle have room to lie down and rest.

But, I submit, to arbitrarily take the cattle out at the end of twenty-eight hours in the mud or storm, to take them out where there are no facilities, where they mill around and become bruised in getting in and out of the car, is to impose greater suffering than where they are loaded and become fairly contented and within a few hours of good accommodations, and then go on without unloading for a few hours more.

Mr. President, the live-stock men are not hoodlums. They are not cruel men. They have as much care for their live stock surely as those who do not understand cattle and have no financial or other interest in them. The live-stock men, if for no other reason, are compelled to ship their stock in the best way they can and the most humane way, because they thus get more money for them. There is not one-tenth of 1 per cent of the beef supply of this country but is sold upon the market in the way it appears at the end of the shipment when unloaded and placed in the sales yard. If the cattle have been taken out and bruised, as will be the case with wild western cattle taken out arbitrarily at some place where there is no rest, the cattle are in worse condition by far, though they may have traveled but twenty-eight hours, than if they had gone through in thirty or thirty-one or thirty-six hours.

In shipping live stock to market, stockmen invariably have two objects in view; one to get the stock to market in the least possible time, and the other to get it to market in the best physical condition possible.

This bill is not intended to permit cruelty, and the best proof of that is that the Agricultural Department has struggled with this proposition all through the last two years, and it strongly recommends the passage of this bill, giving reasons why. It is not only the matter of extending the time, but there are other points in the bill. For instance, the head of the legal bureau in the Department says, giving the reasons why the bill should pass:

1. For reasons hereinbefore stated, provide that the time during which animals may be confined in cars without food, rest, and water be extended from twenty-eight hours to thirty-six hours.

2. Provide that the cattle must be loaded and unloaded in a humane manner into properly equipped pens. This is a serious omission in the present law.

There is nothing in the present law to compel the unloading into properly equipped pens or which compels the railroad to provide them.

3. Provide that the owner or shipper of the animals may furnish the necessary food if he so desires. Many companies have charged most exorbitant fees for supplying food, and, as the law gives a lien on the stock for food furnished, shippers and owners of stock have been in many cases outrageously overcharged.

Mr. KEAN. Are those the recommendations of the Department?

Mr. WARREN. Those are the reasons given by the legal bureau why the bill should pass.

Mr. KEAN. Is there any provision for inspection and tagging the cattle?

Mr. WARREN. That is not contained in this measure.

Mr. KEAN. Do you not think it ought to be in the bill?

Mr. WARREN. I would rather discuss that on some other measure, I will say to the Senator from New Jersey.

4. The statute should be broadened to cover practically every common carrier of live stock, including a receiver of any company. The

Supreme Court has held, in the case of the United States v. Harris (177 U. S., 305), that existing law does not include the receiver of a railroad company. At the present time a certain railroad, now in the hands of a Federal receiver, is confining animals fifty and even sixty hours without food, rest, and water.

6. The statute should be amended to cover the transportation of animals from a State to a Territory or from a Territory to a State. The United States district court for the district of Kansas has held recently, in the case of the United States v. The St. Louis and San Francisco Railroad Company (an unreported case), that the law does not cover a shipment from a Territory to a State, the wording of the statute being, " * * * which transports live stock from one State to another."

Mr. ALDRICH. Do I understand that this measure permits cattle to be taken from one end of the country to the other without supervision?

Mr. WARREN. The Senator from Rhode Island evidently has something else in his mind.

Mr. ALDRICH. I have seen a great deal in the newspapers about supervision of cattle. I did not know whether these particular cattle would be permitted to go without supervision or whether there was some kind of supervision provided for.

Mr. WARREN. When we get into the zone of supervision and inspection, I dare say they will be properly supervised and inspected. The cattle here referred to are under the care of the owner of the stock or his agents, and we are seeking to prevent hardships to the stock by permitting the owner in cases where he can not make the landing in twenty-eight hours upon written request made to the transportation company to extend the time not beyond thirty-six hours.

Mr. SCOTT. Mr. President, I hope there are enough Senators here who are interested in dumb animals to prevent the passage of the pending bill. The Senator from Wyoming [Mr. WARREN] made a statement in regard to providing water and hay in the cars for cattle to eat and drink while in transit. I did not want to interrupt the Senator in his discourse, but I am sure, had I asked him the question, he would have been compelled to answer that he never saw cattle either drink or eat when they were in transit. He says the racks in the cars are full of hay. Of course they are, because the cattle never touch it.

Mr. WARREN. I do not want the Senator to proceed any further quoting me. I will say to him that I have at times for many years accompanied stock, and I have not only seen them eat hay, but invariably they eat it, much or little; very little, of course, while they are in motion. But they do eat. Those that are hungriest will eat while traveling. That is why the racks were put in and why they are filled up with hay.

Mr. SCOTT. I am glad indeed to know that the Senator has noticed in his experience with shipping stock that they will occasionally, when they become very hungry, eat a little bit of hay.

I am like the Senator from Massachusetts [Mr. LODGE]. I can not see that we are affording to these dumb creatures betterment of their condition when we extend the time from twenty-eight to thirty-six hours. We have now sufficient talk in the newspapers in regard to meats and the troubles we are having in that connection. I think any Senator who as a boy was raised upon a farm knows that cattle in the condition that they would be in after being kept on the cars for this extended time—in fact, for any length of time, as the Senator from Wyoming very well said—are unfit for food, and they ought not to be killed when they arrive at the point of destination nor until they have had time to be fed up and to get over the fevered condition in which they undoubtedly arrive at the point of destination.

Mr. President, I think that the best point we could make in a bill would be to insist that the cattle should be butchered at the point where they are bought and should be shipped east as dressed meat. Then of course you would avoid the cruelty to the live animals. But I could not sit still without voicing my sense of justice to these dumb animals, nor could I fail to enter my protest against extending the time in which cattle may be kept in cars.

Mr. WARREN. Mr. President, I intended to ask to have read a letter, written by an Iowa gentleman to the Senator from Iowa [Mr. ALLISON], which the Senator sent to me with the request that I present it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

J. G. LINDON, LIVE STOCK AND LAND,
Clear Creek, Iowa, March 26, 1906.

Hon. WILLIAM B. ALLISON, Washington, D. C.

DEAR SIR: In behalf of the live-stock shippers and feeders, I earnestly beg of you to use your utmost power as a Member of Congress from this district. Your constituents, one and all, are deeply interested, both from a financial and a humane standpoint, in having the twenty-eight-hour law extended to a thirty-six-hour limit that live stock

shall remain in cars while in transit during this period of time. The present law works a great injustice to all concerned. It frequently happens that a railroad, in order to avoid breaking this law, will unload stock in small, muddy stock yards, without any place to feed and water, the stock huddled together in small yards, fighting and bruising each other and causing very heavy losses, and perhaps this unloading place is not over two or three hours' run to the destination. It is impossible for the railroads to provide ample feeding places without constructing such feeding places at every station on their lines, and that would cause an enormous expense to the railroad and would not benefit the shipper. I wish to say that this twenty-eight-hour law is an old law and entirely out of line under the present methods of shipping live stock. The railroads have very wisely constructed large, roomy cars, supplied with feed racks, which every shipper uses and provides his stock with plenty of feed while they are in transit. The railroads have also put the minimum weight on all live stock, except, perhaps, sheep, at a low minimum weight, which makes it very comfortable for the stock. I have frequently seen one-half of my cattle in transit lying down in the cars, resting as easily as they would in their feed lots at home. I know of no thing which is so important to the live-stock feeders and shippers in the State of Iowa, and farther west, as that this twenty-eight-hour law should be extended to a thirty-six-hour law.

I am, yours, truly,

J. G. LINDON.

Mr. WARREN. I have a great many other letters, but I do not want to encumber the Record with them. I will say that this is one of a very great many others along the same line.

Mr. SPOONER. Mr. President, I have had some letters explaining the financial advantage to shippers of live stock to the market which would result from the passage of the pending bill. The Senator from Massachusetts [Mr. LODGE] did well to call attention to the harmony between the title of this bill and its provisions. According to the title it is a bill to prevent cruelty to animals—cruelty through carrying them without unloading for rest, food, and water; and I take it the rest is very important as well as the food and water. The letter which was just read presents a very pleasing picture which I can behold in imagination, but which I have never seen—cattle lying down in the cars happy and peaceful and restful, as if they were in their fields at home. I have hundreds of times seen carloads of cattle so jammed together and struggling with each other to keep on their feet, so crowded that they could not lie down, could not even be thrown down, that the man with any sort of humanity would despise the people responsible for it.

Mr. WARREN. May I say to the Senator—

Mr. SPOONER. Yes; the Senator may.

Mr. WARREN. That the mode of shipping has been greatly changed in that respect very lately. Cattle are shipped by weight instead of per car. The shipment of cattle by weight gives many advantages. They have a great deal of room.

Mr. SPOONER. I do not question that—

Mr. SCOTT. Will the Senator from Wisconsin permit me for a moment?

Mr. SPOONER. Yes.

Mr. SCOTT. I want to ask the Senator from Wisconsin, in the line of what he has been saying, if he has not seen one of these poor dumb brutes get down, when the man in charge comes along with a prod at the end of a pole and compels him to get up?

Mr. SPOONER. No; I do not happen to remember to have seen that.

Mr. SCOTT. I have seen that many times.

Mr. SPOONER. I have seen horses and cattle in the course of transportation very tenderly cared for, with abundant accommodations and certainly excellent attention. But they were horses that were pets, or thoroughbred horses, for breeding purposes or otherwise, and the same as to cattle. So far as I can remember, I have not known that to be applicable to cattle that were shipped for slaughter, and I do not believe that cattle which are shipped to be butchered within a day or two days after they reach their destination are treated in the manner indicated by the Senator from Wyoming.

I am not a live stock man. The Senator knows more about it than I do because he is a live stock man among other things. He ships cattle to market. That is a part of his business, and it was more profitable a while ago than it is now.

But there are two phases of this subject, one the standpoint of humanity and the other the standpoint of the consumer, the general public interest. It is in the interest of the people who buy meat and eat meat, it is in the interest of the consumers of the country that live stock intended for the market, to be butchered and sold to the people for food, shall be humanely treated in transit, that they shall not be crowded as I have seen stock cars crowded, so that from the time the train starts until it reaches its destination it is a struggle between them all not for food or for water, but for life almost. It is important that they should be rested at proper times. It is important that they should be fed and that they should be watered.

The Senator from Wyoming says, demolishing the Senator from Massachusetts by way of admission, that eight hours is

too long to keep cattle, for the good of the cattle, penned in a car.

Mr. WARREN. I said that eight minutes was too long.

Mr. SPOONER. I am going to get to that. He said that eight hours is too long; that it is detrimental to the animal; and the Senator said that eight minutes is too long. Of course they must be confined more than eight minutes or they could not be transported to market at all. They must be confined for eight hours, and for more than eight hours, or they could not be transported from the farm or the plains to the shambles. But the Senator's concession ought to lead Senators to stop and consider whether a bill which extends the time from twenty-eight hours to thirty-six hours ought to be entitled "A bill to prevent cruelty to animals while in transit by railroad."

Mr. WARREN. It is to the stockmen.

Mr. SPOONER. Perhaps it is to the stockmen, the men who ship wild cattle, not as you would ship a pet horse or a pet cow or a pet lamb, but cattle shipped to be sold and butchered.

We have had a law on the statute books for thirty-four years which this bill proposes to repeal. It was passed in 1873. It is the twenty-eight-hour law, and it required that cattle while in transit should not be confined within a car for more than five consecutive hours, "unless prevented from so unloading by storm or other accidental causes." Congress was careful to go on and say:

In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included.

This bill industriously provides that the time for loading and unloading, which is not a quiet time for cattle, shall be excluded from the thirty-six hours.

Now, there is a form, and it is only a form, of retaining the twenty-eight-hour limit in this bill. That is retained. There is a prohibition on their being confined "in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours." Then follows this amendment, which does away with it all.

I suppose it was not thought wise to change the law by striking out "twenty-eight hours" and inserting "thirty-six hours." That would have been too brash. That would have brought the subject too strongly to the attention of humane people. But it is put in this qualified but none the less effective way, I take it:

Provided, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading or other railroad form, the time of confinement may be extended to thirty-six hours.

Has the Senator much doubt that that request would accompany every shipment of live stock to market?

Mr. WARREN. Mr. President, I take it, as the Senator has asked me that question, that he wishes me to reply.

Mr. SPOONER. Of course.

Mr. WARREN. I want to say to the Senator, with all the seriousness I am capable of commanding, that the bill has no such intention as he imputes to it, because the man with the stock will unload, not in twenty-eight hours, but in twenty or twenty-four hours if it is possible for him to get a proper place to unload and to handle the stock.

Exactly what this provision means is that, weighing the subject, he knows his cattle will suffer more to take them out where there are insufficient means of providing for them than to go on farther, and he will make this written order, and upon that he can proceed to market.

Mr. SPOONER. Why not, then, have it thirty-six hours and rely upon the selfishness and the humanity of the owner or the custodian accompanying the stock to take them out whenever it is needful in the interest of the cattle to do so?

Mr. WARREN. Notwithstanding the law has, as the Senators says, been upon the statute books all these years, practically that is exactly what has been done up to the last two years. The law has been almost a dead letter, because it is impracticable. For instance, if the Senator will permit me right there—

Mr. SPOONER. Why is it impracticable? That may be true as to sheep, perhaps, but why is it impracticable to take cattle out of a car in twenty-four hours and give them water and something to eat and a chance to stretch their limbs, as men do, and to rest themselves?

Mr. WARREN. I will suppose a case. You start for a point which you would make in twenty-six or twenty-seven hours ordinarily. There is not along that way, unless it is right at the start, a place where you can unload and get water suitably. You meet with some delay. Some accident occurs to the train and lays you up. You get within 50 or 100 miles of your destination. There has been no calculation whatever made at that point to unload the stock.

Mr. SPOONER. What does the Senator mean by "calculation?"

Mr. WARREN. There are no stock yards.

Mr. SPOONER. No facilities?

Mr. WARREN. You can not unload cattle on the ground. You must have stock yards, and those stock yards should have water, and the water has to be taken through pipes into troughs for them to drink. It is not like the pet horse and the pet cow.

I want to say to the Senator that with stock that is raised or fattened in small bunches there is no trouble, because that class of stock you can take out and ship or load on some movable platform, or get them to some livery stable and take care of them. But when there is a train load of twenty-five or thirty cars filled with cattle you can not so provide. As I said, the stockman is within 50 or 100 miles of his destination, where he can have his stock taken out and rest them, and they would be resting a day or two before they are slaughtered. If he is compelled to stop where he is or go back to some place—

Mr. SPOONER. I got my authority as to one or two days from the Senator.

Mr. WARREN. If he has to run back to some place and unload, he goes over twenty-eight hours. He must wait there, and the cattle will not rest and feed. Then he must again load them and get them to market after a delay of one, two, or three days, when the cattle are much more harassed and worse abused than if they had remained in the car two, three, or four additional hours.

Mr. SPOONER. Let me ask the Senator, is it not true that the railway companies which carry live stock have by this time provided facilities for loading and unloading and yards for watering and feeding stock at least once in twenty-four hours?

Mr. WARREN. Yes; they have provided it. If you could be always on schedule time and never have an accident or delay in getting away or in loading and never have an accident en route, they have arranged yards so that you could in twenty-four and twenty-eight hours unload them at the proper places.

This bill is absolutely and honestly in the interest of humane treatment of the stock and in the interest of the consumer and of those who have to pay for and consume the meat, and is also in the interest of the owner. The fact that it is financially to his interest to have his stock arrive in good and proper condition is no reason why he should be barred out from consideration.

Mr. SPOONER. Certainly not. Mr. President, the present law, which has been in force for thirty-four years—

Mr. WARREN. It has been enforced, if the Senator will pardon me, scarcely at all except within two years.

Mr. SPOONER. I did not say enforced. I say in force.

Mr. WARREN. I beg pardon.

Mr. SPOONER. I did not say enforced. There are a great many laws which have not been enforced that ought to have been enforced. I was about to say that this law, which has been in force for thirty-four years, was drafted with reference to the possibility that accidents might prevent strict obedience to it. It provides "unless prevented from so unloading by storm or other accidental causes."

Mr. WARREN. Will the Senator allow me right there?

Mr. SPOONER. Certainly.

Mr. WARREN. At the time the law was passed more than one-half of the territory that now furnishes the beef—that is, you may say the wild cattle, was unoccupied by cattle, or there were very few there. The cattle did not have to be shipped the long distances that they travel now, and there was an entirely different equipment to handle them in the way of cars, etc.

Mr. SPOONER. Now, Mr. President, the Senator said there was no provision in the bill for inspection. There is something else in the present law that is not in this bill. Whether it endears the bill to anyone or not, I do not know.

Under the present law it is provided that—

Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections—

As to unloading the stock and providing them with food and water and rest—

shall, for every such failure, be liable for and forfeit and pay a penalty of not less than \$100 nor more than \$500. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

Then the act provides how the penalty shall be recovered; that it shall be in civil action in some circuit or district court of the United States.

This bill leaves out the owner or custodian from the penalty clause of the present law and puts it entirely upon the carrier, and that, too, notwithstanding the fact that under the law the

carriage for thirty-six hours is upon the application of the owner or custodian. Why is that?

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

The VICE-PRESIDENT. The Senator from North Dakota asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Wisconsin will proceed.

Mr. SPOONER. Why is that?

Mr. WARREN. As to the penalty clause of the bill, it is that which the Department of Agriculture asks. If the Senator from Wisconsin thinks it is deficient, I have no objection to his offering any amendment which he thinks ought to cover the deficiency. The owner himself is not seeking to avoid any of the penalties that may properly be inflicted.

Mr. SPOONER. But the owner does avoid by this bill the penalty to which he was subject and has been for thirty-four years.

Mr. WARREN. I shall be glad to accept an amendment to cover it.

Mr. SPOONER. I want to know why it was left out of this bill. This bill was drawn with the Revised Statutes of the United States under the eye of the draftsman. It repeals by specific provision sections 4386, 4387, 4388, and 4389. It makes it the duty of the owner or custodian accompanying the stock to see to it that the stock are unloaded, rested, fed, and watered, but industriously it removes from the owner or custodian any penalty whatever for failing to obey the injunction of the law. Now, why is it omitted?

Mr. LODGE. Has the Senator noticed the reason given for it in the advisers of the Agricultural Department?

Mr. SPOONER. No; I have not seen the report.

Mr. LODGE. If the Senator will allow me, I will read it.

Mr. SPOONER. I shall be very glad to hear it.

Mr. LODGE (reading):

10. Section 3 of the present bill—a penalty section—is changed by exempting the owner or shipper of the live stock from the penalty for failure to unload for food, rest, and water. The present law, as construed by the Federal courts, imposes liability for this failure equally upon the shipper and the carrier. The shipper surrenders control of the live stock in a large measure to the carrier, and he is unable to unload the stock without the active cooperation of the carrier. Inasmuch as the carrier is assured payment for food furnished, it is thought the primary liability for failure to unload should be laid upon the carrier.

And therefore he is exempted from any liability whatever. I think that is one of the drollest statements of a reason that I ever read.

Mr. SPOONER. It is a reductio ad absurdum.

Mr. LODGE. Absolutely.

Mr. SPOONER. The other day, when the anti-pass amendment was pending here, it was stated to the Senate by the Senator from Wyoming, accurately of course, that it would be a great hardship and wrong not to permit the railway carriers to give passes to the owner or his agent accompanying livestock shipments; and the Senator stated, what was undoubtedly accurate, that the railroad corporations require the owner, or some representative of the owner, to accompany the shipments of live stock. He even argued that pro forma, so strict was the rule of the railway company, the owner or his representative became an employee in a sense of the carrier, and therefore he ought to be carried free.

Mr. WARREN. Mr. President—

Mr. SPOONER. Now, that being true, as I assume it to be true, I do not think the railway carriers would want to take the whole responsibility of looking after the stock. Why should the owner or the custodian be exempted from failure from penalty for not performing his humane duty under the statute?

Mr. WARREN. If the Senator understood me to say that all the railroads required—

Mr. SPOONER. I did.

Mr. WARREN. As part of the shipment that the owner should accompany it, he misunderstood me. I did not say that. I said that it was customary for the roads to ask the shipper or his men to accompany the stock, and that on their failure they would have to put men themselves to accompany it; and I made the point that they would use men who were not accustomed to handling stock.

Mr. BAILEY. As a matter of fact, many railroads do require a man to accompany the shipments, and they have declined to

receive them without a man in charge of them. The Senator from Wisconsin will permit me to say that it never happens in a case where a man is in charge of the stock that the conductor in charge of the train, having probably twenty cars, would permit the man in charge of one car of cattle to determine the movement of the train, and the conductor would stop that train and allow those cattle or horses to be fed and watered when he was ready.

It would be simply an outrage to punish a man for what he was absolutely powerless to prevent. I have known, and every man with any experience in the shipment of live stock has known, conductors to continue the shipment over the protest of the men in charge. In one instance that happened to come under my personal experience in a lawsuit against the railroad company for damages, they reached the stock yards knee deep in mud and the men in charge protested against unloading and feeding them there, but the railroad unloaded and fed the cattle. The men in charge are absolutely powerless to determine when or where this unloading and feeding shall take place; and it would therefore be a monstrous proposition to punish an American citizen for what was done against his will and over his protest.

Mr. SPOONER. It could not be done under the law.

Mr. BAILEY. It can be done, and is done every day under the law.

Mr. SPOONER. It could not be done under the law. I take it that if any owner accompanying the shipment of live stock or his representative was prevented from unloading the stock where water and feed would be afforded because the conductor of the train would not stop it, in a civil suit for a penalty under this statute the Senator does not think he would have the slightest difficulty in establishing a defense.

Mr. BAILEY. No; he need not have the slightest difficulty either in recovering from the railroad damages in that case, but it is hardly true that we want to force men to resort to the court where it is easy to obviate it.

Mr. President, while I am on my feet I want to say to the Senator from Wisconsin that he can not find a man in America with any practical experience in the shipment of cattle who will not say that it is more humane to carry cattle on to market than it is to unload them, feed them, and reload them when they are within six or eight hours of the market.

Mr. SPOONER. That may be.

Mr. BAILEY. That is all this does.

Now, if the Senator will permit me to further interrupt him a moment.

Mr. SPOONER. Yes.

Mr. BAILEY. If the distance required sixty hours under the law as it stands, they must be unloaded and fed three times, because twenty-eight hours to each does not cover the shipment and the last load, and unloading must occur within four hours of the market. Everybody knows—I will not say everybody, because some very excellent gentlemen have no experience in that, however much they may know about other things—but every gentleman who has practical knowledge and experience in shipping cattle knows that it is incomparably better to let those cattle go on to the market than it is to unload them there within five or six hours of the market.

If the Senator from Wisconsin will permit me to add one thing more. If a train reaches a feeding yard, the last one that will be reached within the time limited by the law, without regard to the condition of the weather and without regard to the condition of those pens, they must unload and feed, and yet it might happen that going on four or five hours they could find another stock pen free from the objection of the first, and any owner who was sane or any employee with intelligence enough to be trusted with a shipment of cattle would prefer to go on.

They do not obey that law, and the Agricultural Department is not trying to obey it, because it is unreasonable and works a hardship upon the men who ship cattle.

Mr. WARREN. The Secretary endeavored to apply the law, and discovered what the Senator says.

Mr. BAILEY. I was about to say that something more than a year ago they did order this law enforced and they enforced it for a little while. While I have no knowledge that it is true, I have seen it stated in the public prints that the President himself directed the Secretary of Agriculture not to attempt the enforcement of this law until after the adjournment of this Congress. Of course I do not undertake to say where the President derived the power to authorize his subordinates to suspend the law of the land, but I have seen it stated in the public prints that he has done so; but whether authorized by the President or not, the Secretary of Agriculture is not to-day attempting to enforce the law. I am one of those who believe that when a law is so obviously unjust that honest men charged with the duty

of its enforcement suspend it by a kind of common consent it is the wise thing for Congress to amend it until it is made reasonable, and then compel everybody charged with the duty of administering it to enforce it.

Mr. SPOONER. I confess my inability to cope with Senators who raise stock and who are familiar with this business. I do not claim to know very much about many subjects, and in that respect I differ from a good many. I differ from more, however, who think they know everything about every subject.

Mr. BAILEY. Well, Mr. President—

Mr. SPOONER. I do not apply that to the Senator.

Mr. BAILEY. Inasmuch as it came so nearly after I resumed my seat, I felt justified in asking the Senator if he did intend to apply it to me.

Mr. SPOONER. No; I withdraw it, if the Senator takes it as offensive to himself.

Mr. BAILEY. If it does not apply to me, of course it is not offensive. It would be offensive if intended to apply to me, and I am sure the Senator from Wisconsin is generally more cautious and always fairer than that.

Mr. SPOONER. It is not a question of caution. It is a question of courtesy and justice.

Mr. BAILEY. Well, Mr. President, the frankest man does not always say what he thinks, because there are times and places in which it would be proper to say a given thing, and there are times and places in which it would not be proper to say the same thing; and therefore a man might be cautious about what he said, looking to the time and place. However, that does not arise here. The Senator from Wisconsin says he does not intend a reference to me, and I am entirely satisfied.

Mr. SPOONER. The Senator made an observation which might have applied to me, but I did not think he meant it personally. That is all there is about that.

Mr. BAILEY. Mr. President, I did have in mind the Senator from Wisconsin when I referred to Senators who knew so much about other things, but who had no practical experience in this matter; and the Senator from Wisconsin should not be offended at that, because—

Mr. SPOONER. I admitted when I began to speak that I have not had experience as a shipper of stock.

Mr. BAILEY. Certainly; and I want to say that that was my excuse for differing from that Senator and others. I did believe that this was one of the very unimportant questions about which my experience might be worth at least consideration, and I did have the Senator from Wisconsin in my mind as well as other Senators.

Mr. SPOONER. The Senator need not have said that I know nothing about this subject, because I know something about it. I do not claim to know much about it. I know that cattle need water; I know they need rest; I know they need food, and I know that I have seen them in the course of transportation hundreds of times under circumstances which were absolutely brutal and merciless. I know that much about it.

Mr. BAILEY. Any man of the Senator's intelligence would know that in a general way, of course. I did not say he had no knowledge of the subject, but I said he had no practical experience.

Mr. SPOONER. To that I agree.

Mr. President, a great many of these cattle are carried hundreds of miles. They are carried from Idaho; they are carried from Montana; they are carried from Texas. I suppose it rarely happens that they stop within six hours of the point of destination for water and for feeding.

Mr. BAILEY. If the Senator will permit me to interrupt him—

Mr. SPOONER. Certainly.

Mr. BAILEY. There are points in Texas where a thirty-six-hour permission would carry the cattle from the point of shipment to the point of destination, to Kansas City and to St. Louis; but under the law as it stands I doubt if there is a single shipping point in the State that can come within the twenty-eight-hour limit.

I have talked with many of our cattlemen, and I have never talked with one—and they are men of intelligence, men of humanity as a rule, and they would not want the privilege of mistreating their cattle—I have never talked with one who was not in favor of this amendment to the law.

Mr. SPOONER. I take it under this proposed law that they could carry cattle thirty-six hours without stopping to water. I do not think it needs the cattle raiser or a man of experience to see that that is cruel—absolutely cruel. Think of it a minute! Put cattle into a car and transport them thirty-six hours without water, without food, and without rest!

Mr. BAILEY. Would the Senator indulge me while I offer him another evidence of my full information on this subject?

Mr. SPOONER. I think the Senator has great information on this subject.

Mr. BAILEY. I will say to the Senator from Wisconsin that on the ranges, where the cattle are not fed at all, they sometimes go thirty-six hours without water.

Mr. SPOONER. I know; but it is cruel.

Mr. BAILEY. Well, it is a cruelty which they put on themselves. They know where the water is. In the southern part of our State, which for years was a dry country—it is not nearly so dry now as it was then—on the great ranches there, they would probably on 100,000 acres not have over three or four watering places, and ranchmen of long experience have told me, where they herded their cattle even before the land was fenced, that many times cattle would go thirty-six hours, when turned loose on the prairie, without going to water.

Mr. SPOONER. But they can lie down.

Mr. BAILEY. Yes.

Mr. SCOTT. And then they feed on grass, and consequently do not need so much water.

Mr. BAILEY. And sometimes when the grass was good they watered less frequently.

Mr. SPOONER. Showing that they would rather eat than drink.

Mr. BAILEY. I am not so sure that if I had to do without either on the cattle ranches, I had rather go without grass than without water; but both are absolutely necessary for the thrifty condition of a cow; and yet I have seen, as have the Senator from Wyoming and the Senator from Utah, the prairies at certain times so burned and crisp that it did not seem that anything could exist there; and yet the cattle lived. Men who know about their habits know that it is not necessarily cruelty to keep them without feed or water for thirty-six hours, because they go without of their own accord for even a longer time. I have heard men say that they would go sometimes forty-eight hours without water.

Mr. SPOONER. Well, really, there is no argument in that, for the reason that conditions are so utterly different. In that case they are free; they can run around; they can go where they please; they can lie down; they can feed, and they may go without water; but, Mr. President, to pack them in a car so that they can not lie down, and to carry them thirty-six hours without feed and without water may seem more humane—that is the object of this bill, because the title says so—than to carry them eight hours less, packed like sardines, unable to lie down, without water and without feed. I have not had enough experience in this business to know whether it is more cruel or less cruel, but I think it more cruel.

Mr. WARREN. Mr. President, the Senator begs the question. Of course it depends altogether on the conditions whether it is more cruel to keep them on the cars for a longer time. As an illustration, it might be more painful for the moment to have a tooth extracted by a couple of twists than to have it extracted by one twist; but if it were necessary that it should be extracted and it took two twists to extract it, I presume the Senator would prefer that the two twists should be made in succession rather than wait until another day to suffer the second shock. So it is more humane that the cattle should sometimes remain for a few hours longer on the cars rather than suffer an extra unloading and reloading.

Mr. SPOONER. The tooth argument is a very powerful one, no doubt, but that is a thing that has to be done; and when it is done and past recall, that is the end and the pain is gone.

Mr. WARREN. The sooner it is over the better.

Mr. SPOONER. But in this case it does not hurt the owner as much as it does the stock.

Mr. WARREN. The Senator from West Virginia [Mr. SCOTT] was perhaps correct in saying that the beef ought to be slaughtered nearer where raised, and be shipped and disposed of in quarters; but I am afraid in that case we should have a good many musty quarters, when shipped thousands of miles.

Mr. SPOONER. Mr. President, I do not want to take any more time upon this bill. If the Senate thinks this time should be extended, as a matter of humanity, from twenty-eight hours, during which the cattle need to be fed and watered, and that thirty-six hours, if they think it in the interest of the consumer, if they think it decent treatment of dumb brutes, they will pass this bill.

Mr. CARTER obtained the floor.

Mr. BAILEY. Will the Senator permit me a moment?

Mr. CARTER. Certainly.

Mr. BAILEY. Mr. President, the Senator from Wisconsin rather complains that these cattle are packed in a car, as he describes it, like sardines in a box. He would know on a moment's reflection that in shipping wild cattle if you do not put them too close to fight you would hardly have a live one when

you reached the market. That is because of the rather ferocious disposition of the cow that comes from the plains or the large ranches. And, moreover, unless we could get very much lower railroad rates than any of us hope for, the freight bill would absorb what little profit is now left to the farmer or cattle grower if we should ship fewer to the car. We must tax the capacity of the car in most parts of the country to the utmost in order to get our cattle to the market at a reasonable cost.

Mr. SCOTT. Will the Senator allow me a moment?

Mr. BAILEY. I will.

Mr. SCOTT. Then, on the line of the Senator's argument, it is necessary to punish these poor dumb brutes in order that their owner may make more money out of the transaction when they arrive at the market by crowding them into the car in order to save freight.

Mr. BAILEY. The Senator from West Virginia was not attending to what I said at first. What I said at first was that if these cattle were not loaded close enough to prevent it they would injure each other very much more with their horns than the crowding in the car could possibly injure them. So as a matter of humanity—

Mr. SCOTT. And of economy.

Mr. BAILEY. It was required that we should load them closely. The Senator from West Virginia forgets and the Senator from Wisconsin also forgets that one of the very purposes of requiring an attendant in charge of these cattle is that at every stop, or at proper intervals, he will go along the car and if there is a cow down he will help it up. That is a part of the duty of such attendants, and the railroad, if it is carefully managed, will see to it that this duty is properly performed. Settling with the Senator from Wisconsin that question of humanity, I then made the other suggestion, which, of course, appeals to the owners' pocketbook.

Mr. President, I confess a very great sympathy with and a very sincere attachment to the men who grow cattle upon the plains and on the ranches of this country. As a rule, they are high-minded men; as a rule, they are more sincerely attached to God's dumb creatures than are the men who compose many of these organizations that would have us believe the cattle raisers are ruffians. They are men who do their duty to their country fearlessly and well, both in peace and in war; and I do not count it as any just subject of criticism against me because I look to the question of their profit, after I have first settled with my conscience and my judgment the question of humane treatment for these animals.

Many of these men year after year endured the hardships of that great country beyond the comforts and conveniences of our civilization. True, they have waited there, after having been pioneers, until civilization has overtaken them; but none of its evil tendencies have yet infected them, and I undertake to say that there are few cattle growers either in the great West or in the great Southwest that would not ride farther and faster to save a cow from suffering than many of these folk who think it is their duty to continually interfere with other people's business. Of course, the Senator from West Virginia will understand, when I make that statement, I have no reference to him or to any other Senator, because it is the duty of Senators to see that whatever legislation passes this body is wise and proper. That description I only intend to fit people who are always writing and telegraphing Members of Congress how we ought to perform our duties, no matter what the question is. Even in reference to the right of a Senator in this body to hold his seat, I have received within the last thirty days 500 telegrams from people who have never read or heard the testimony, and who do not know a syllable of the law which must govern the case.

Mr. SPOONER. About what?

Mr. BAILEY. A question involving the right of a member of this body to his seat. A few days ago, when the conferees of one body forced upon the conferees of this body an unjust anti-pass provision, Senators day after day stood here presenting hundreds of telegrams. Those who sent the telegrams had a right to appeal to us. They were immediately interested, and all they said was entitled to respectful consideration. I gave them respectful consideration in that instance, because they knew what they were talking about, and what they were talking about then came very close to their homes and involved a part of what may be fairly considered their compensation. But as to the testimony, the protests, and the criticisms against this legislation, I respectfully submit that it comes from worthy people who have absolutely no practical knowledge of this subject. From every source possessed of practical knowledge, from the Secretary of Agriculture himself, through all of his subordinates, whose duty it has been to administer this law, down to every cattleman in the land, it is insisted that the present law

is a hardship, and that they are fairly entitled to the amendment which is proposed to be made by the pending bill.

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

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

Mr. BAILEY. Certainly.

Mr. SPOONER. The Senator thinks that thirty-six hours, as a rule, is a fair limit, as I understand?

Mr. BAILEY. Mr. President—

Mr. SPOONER. I was going to follow that, if he says "Yes," by asking, Why, then, should it be left optional with the shipper?

Mr. BAILEY. The Senator, of course, observed that I did not answer that I think thirty-six hours under all circumstances—

Mr. SPOONER. As a rule.

Mr. BAILEY. Is a proper rule; and this amendment does not make it the rule under all circumstances.

Mr. WARREN. It makes it the exception.

Mr. BAILEY. This bill leaves twenty-eight hours, as stipulated in the present law, the rule, and only provides for an exception where the owner asks for it.

Mr. SPOONER. They will generally ask for it.

Mr. BAILEY. No. I am free to say if the owner were within two or three hours of the market he would probably go on, even if he felt the cattle would suffer. I ought not to say "the owner;" I ought to have said "some owners." I believe the majority of the men who grow cattle in this country would unload them whenever they felt the dictate of humanity intervened; but surely the Senator from Wisconsin will agree that it is more humane to take the cattle thirty-two hours and at last unload them in a dry yard, with fair weather, than it would be to unload them at the end of twenty-eight hours in a muddy yard and in a storm.

Mr. SPOONER. But this applies to journeys which will take sixty or seventy or eighty or even ninety hours, and on such trips the stock would not have to be unloaded except at thirty-six-hour periods.

Mr. BAILEY. Yes. What would happen in that case? If they started from a point in Wyoming to reach Chicago, they would take the average running time and they would divide it so as to feed according to that time; and if by going thirty-six hours they could save themselves unloading and reloading over three times, they would do so. Suppose the running time were eighty-five hours, then under the present law they would have to unload and reload four times, because three times twenty-eight would be eighty-four, and although the cattle would be only an hour or more on the cars, if the law were obeyed they would be compelled to unload again. In a case of that kind, under the pending bill, they would simply divide the travel so as to unload and reload most conveniently; in other words, this bill only allows an elasticity and a play of judgment, which may do a great deal of good, and which, in my opinion, can do no harm.

Mr. President, I apologize to the Senator from Montana. I only intended to say a word when I took the floor.

Mr. CARTER. The Senator from Texas has occupied the time very efficiently, I think, Mr. President. I wish to submit but a few observations on the pending bill. Quite unhappily, I think, the assumption is indulged that the stock owner or shipper desires this extension of time to the end that he may, under all circumstances and conditions, keep the stock in the cars for the full maximum limit here fixed. That, as I understand, is not the purpose of the bill at all.

The present law was passed thirty-four years ago, and many of the railroads largely engaged in transporting live stock, particularly from beyond the Mississippi, have, during the years while the law has been in force, made their arrangements for stock yards and feeding places along their respective lines. Through accident or unavoidable delay it occasionally happens that the twenty-eight-hour limit interferes to such an extent as to necessitate an extra loading and unloading along a given line or route. Let me illustrate. If, perchance, a train is two hours late coming from Montana into Fargo, N. Dak., the train must be unloaded there instead of being sent on to the stock yards at St. Paul; whereas, if the train entered Fargo strictly on time, the St. Paul stock yards would be made within the twenty-eight-hour limit.

Those familiar with the handling of live stock well know that it is a very difficult task to unload and reload a train of cattle. It is desirable that the unloading and reloading be limited, as far as practicable, without, of course, invading the humanitarian idea. The stock owners are as anxious as anyone to preserve the cattle in the best possible physical condi-

tion for entry into the market. They not only have the humanitarian purpose or impulse, but they have likewise the financial stimulus which generally constrains men to look well to the conditions which yield profit or result in loss.

Mr. GALLINGER. Will the Senator yield for a question?

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

Mr. CARTER. Yes.

Mr. GALLINGER. If that be so, what is the need of a law at all? If the men transporting cattle are so humanitarian in their impulses and they want to get the stock to the market in the best possible condition, why does Congress intervene to put a law on the statute book upon this subject? There must have been some abuses.

Mr. CARTER. I have no doubt to-day that if no limitation existed, self-interest and sentiments of humanity would secure as good results as can be or have ever been secured under the law. It is known to all people who ship live stock, particularly from the ranges, that the loading and unloading is a serious detriment to the stock.

Mr. WARREN. I will say to the Senator from New Hampshire, if the Senator from Montana will permit me—

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

Mr. CARTER. I yield.

Mr. WARREN. The twenty-eight-hour law was passed, as I recall, for two purposes—to yield to those representing humane societies who desired to make provision for better protection of live stock, and to act as a check upon the railroads, so that the stock shipper, for himself and for his stock, would have some support from the law in the matter of exacting hours of the railroads.

Let me say, further, that twenty-eight hours, with the equipment they then had, with no hayracks, water troughs, or air brakes, was a longer time, measured by the suffering of the stock, than forty hours would be now with the present equipment.

Mr. CARTER. I was about to touch upon that particular point. The Senator from Wyoming very clearly, I think, indicates one of the purposes in the enactment of the twenty-eight-hour limitation. It was the fact undoubtedly before the passage of that law that the stock shipper was wholly subject to the command of the train dispatcher. If the conductor received an order to stop only at a certain terminal point, a long distance ahead, the guardian of the stock, the owner, or person in charge was utterly powerless to compel a stop at any point nearer than that designated in the order. So that the twenty-eight-hour limit gave to the stock owner the right, with the law behind him, to command the railroad company to stop at a given point within the limit of time specified.

The Senator from Wyoming also wisely suggests that the equipment of thirty-four years ago made the twenty-eight-hour trip over a railroad more difficult and burdensome than twice that distance to-day.

Mr. GALLINGER. It did not lengthen the hours, did it?

Mr. CARTER. It did not lengthen the hours, but it certainly diminished the burden and weariness of travel, both for stock and for human beings. I well remember that twenty-eight years ago in the State of Illinois they had the old chair joints for the railroads, with soft roadbeds, and travel upon a train was not unlike going over a corduroy road in a lumber wagon. The box cars were ill-constructed, the springs ill-suited, and the brakes were turned by a wheel. When the train was stopped there was a great commotion, and a mighty jar between every car. The tendency was to throw the stock down, and passengers were compelled to hold onto the seats as they passed through a train in motion.

Since that time, Mr. President, we have reached the continuous steel rail and more thoroughly settled roadbeds. Instead of the little 30, 35, and 40 pound iron rail of thirty-four years ago we have the 60, 70, 80, and even 90 pounds steel rails of to-day. Thirty-four years ago it would have been impossible to have operated a dining car upon any passenger train in the United States. You could not have kept the table-ware on the table. A man would have jabbed himself in the face with his fork trying to guide food into his mouth. The railroad of thirty-four years ago no more compared with the railroad and the equipment of the railroad of to-day than a stagecoach practically of twenty years prior to that compared with the old-time railroad.

Mr. President, while the road has been improved with the heavy steel rail and a substantial roadbed, we have also the modern equipment. Instead of brakemen running up and down the train at the peril of their lives setting brakes we have the air brake, so that the long stock trains are stopped with

practically as little friction or jar as obtains in the case of an ordinary passenger train. The stock is not disturbed in shipment. The cars are higher and better ventilated. They are heavier and consequently less inclined to jolt about even if the tracks were as bad as of yore. To carry cattle for twenty-eight hours on a train thirty-four years ago was an act of cruelty compared with the carrying of a like shipment for thirty-six hours to-day.

But it is not the purpose to carry the cattle for thirty-six continuous hours. This bill is intended to meet a contingency which will arise now and then, and of that contingency the owner will be the judge, the man who has an interest in maintaining the condition of the stock the best possible under all the circumstances. If twenty-eight hours constituted a proper limitation thirty-four years ago, fifty-six hours would not be an excessive limit now. But, as I have suggested, the stock yards are built to accommodate the twenty-eight-hour run. The thirty-six-hour limit will be put into operation in the main under circumstances where the man in charge of the stock finds that he will run over twenty-eight hours by one, two, three, or four hours if he continues to the next feeding place, and having determined that this excess of time on the cars will prove less injurious, if you please, than to unload them twice instead of once, the order will be given.

I am quite sure, as the Senator from Texas well says, that the men who raise the cattle, who are interested in them, will be constrained by their financial interest, as well as the general interest every man has in his own property and business, to be at all times as humane as any outsider or person having no interest could possibly be; but if the man is conceded to lack humane principles, it will not be doubted that owners, in the main, want to make a profit instead of being compelled to encounter a loss. Enlightened self-interest, if not principles of humanity, will impel the owner to consider well the conditions under which the value of his property will be depreciated.

A single unnecessary unloading of stock in transit seriously impairs the weight and value of the stock. The owner is interested in having the stock placed upon the market in as good condition as possible. This bill will permit him to exercise some discretion when a contingency arises on the question of unloading or going on for a few hours longer, in order to avoid the extra punishment to the stock always inseparable from unloading and putting them back into the cars.

The Senator from Minnesota suggests to me the propriety of a further explanation of the method of getting stock into St. Paul. I wish to say that the St. Paul yards are probably the best stock yards in all the northwestern country. All of the stock raised between the Mississippi River and the State of Washington, or practically the Pacific Ocean, passes through the St. Paul stock yards. They have in those yards splendid facilities for unloading, for feeding, and for protecting the stock. It is impracticable to pass through St. Paul without unloading. All the railroads have arranged for St. Paul as one of the central and regular feeding and watering stations for stock.

Now, we will assume that because of a breakdown or some accident to some other train a stock train has been delayed three or four hours. It reaches Fargo, N. Dak., four hours late. If it had passed Fargo on time it would have reached St. Paul within the twenty-eight-hour limit, but being delayed in the course of the run it reaches the town of Fargo at such a time that it is manifest that, in the normal course of the schedule run, it will get to St. Paul after the twenty-eight-hour limit has expired. That necessitates an unloading at Fargo, in order to avoid this extra run of two or three or four hours to get into the stock yards at St. Paul. The unloading at Fargo will prove infinitely more injurious to the cattle than to run them the extra four hours beyond the twenty-eight-hour limit, and thus avoid one unloading and loading at Fargo. Under present conditions they must stop at Fargo, because there is no place on the line between Fargo and St. Paul where they can unload the cattle and feed them.

The stock owners have sought this bill not because they want to ship cattle continuously for thirty-six hours, but because they desire to avoid the consequences of accident and delay along the road and the difficulties that result from such accidents and being compelled to interject into the shipment of cattle in transit an extra and unnecessary unloading along the line.

Mr. SCOTT. Mr. President, the description given by the Senator from Montana [Mr. CARTER] of the great advancement in railroad comforts is undoubtedly true. But even with all the comforts we have to-day in the parlor car, I am sure the Senator from Montana would dislike very much to be crowded into such a car, so that he would have to stand even twenty-eight hours, to say nothing about thirty-six hours, notwith-

standing the fact that he would have the hundred-pound rails and the improved joint and couplings.

In all probability those of us who are taking the part of the dumb animals are going to be defeated when a vote on this bill is taken. The poor, dumb brute has not a vote. No man has a higher opinion, no man thinks more of the farmer who earns his bread in the sweat of his brow than I do. I was reared a poor boy, and drove an ox team when I was 16 years of age from Leavenworth to where the great city of Denver now stands, when there was not a house in it. My greatest friend at that time was my near-side ox. He knew where to go to lie down for the best shelter at night. He knew which way the wind was going to blow, and he lay with his back against the wind, and I moved in close to him to get a comfortable night's rest when I was herding.

I do not want the Senator from Texas to say that those of us who live in the East, surrounded, as he says, by luxuries, know nothing of the hardships of the cattlemen or those who live on the farm. I desire to say that I know all about it. I came up through tribulations. I am proud that we have organizations in this country which are doing all they can to prevent cruelty to dumb animals. As I started out to say, the gentlemen who are advocating this bill to-day are not advocating it because they believe it will be more just, more humane to the poor dumb brutes to confine them thirty-six hours in place of twenty-eight, but they are advocating it because of a constituency who want them to provide a means by which they may save something in the shipment of their cattle.

Mr. WARREN. Mr. President—

Mr. SCOTT. The truth of it is that they are objecting to the amount they have to pay for feed, as I could prove if I had the time.

Mr. WARREN. Mr. President—

Mr. SCOTT. The Senator will excuse me. I am on a conference committee, and shall have to go out of the Chamber.

Mr. WARREN. I did not care to have the Senator proceed with the statement that those who are advocating this bill are not doing it in the cause of humanity. I deny that statement. They are doing it in the cause of humanity.

Mr. SCOTT. I am glad to hear the Senator say so, but if he can point out to any man who is open to conviction where it is more humane to a dumb brute to keep it confined where it can neither eat or drink, where it is compelled to stand in one position, or, in other words, where it must brace itself, so as to avoid being thrown down, thirty-six hours instead of adhering to the present law of twenty-eight hours, I will gladly concede that I have made a mistake in opposing this bill.

Mr. PATTERSON. Mr. President, if I felt that I might, I would conclude that the view which those who oppose this measure take of the manner of handling stock in transit is that whenever the twenty-eight hours expire, wherever the train may be, there the cattle are unloaded and fed and watered and rested. But anybody who has any knowledge whatever of the transportation of cattle from the ranges to the market knows that that is utterly impossible. To unload the cattle taken from the range and en route to the market there must be facilities. There must be pens, cattle chutes, water, and feeding racks, and those facilities, from the very nature of the pursuit, can only be at stated intervals, to be determined by the railway company.

When the law was first passed the railway companies undertook to meet the requirements of the law by establishing feeding and watering places at what the companies supposed were proper places. It was found impracticable to enforce the law as it was when it was first enacted, and that is the reason why the law remained entirely unenforced until the effort made of late years, and for very largely the same reasons the effort to enforce the law has been largely abandoned, because latitude is given by the Secretary of Agriculture and his agents to omit to observe the law where the necessities of the occasion require it.

Now, take feeding and watering stations at intervals along the different lines of railway. How can the cattle owner accompanying his cattle regulate the speed of the train or avoid the delays incident to all railway trains? It may be that an accident has blocked the train conveying the cattle. It may be that some neglect of duty on the part of the engineer or conductor of a passenger train has made it necessary to sidetrack the train composed either in whole of cattle cars or of which cattle cars constitute a part. With what result? That it is impossible to reach the feeding and watering place within the twenty-eight-hour limit, and then those in charge of the train are confronted with this condition: They must either violate the law, run the risk of being prosecuted and heavily fined, or attempt to unload the stock where there are

no facilities; and in every instance they must be impaled upon the first horn of the dilemma, because it is a physical impossibility to unload cattle such as are transported from the grazing plains of the great Middle West to the meat markets of the East in the absence of proper facilities.

Therefore it was found necessary, if the law was to be observed, that some latitude should be given—a latitude within which there might be no reasonable excuse to evade the very letter as well as the spirit of the law. It is this latitude which is contained in the pending bill—a latitude of eight hours—so that in the event the cattle train should be delayed so that it could not reach the pens and the place for food and water the train may continue on its course, it may be for two or three or four or five hours, until the proper facilities are reached, without either the railway company or the owner of the cattle being chargeable with a violation of the statute.

Then, as has been repeatedly said by those who have spoken upon this subject, it is not infrequently the case that cattle trains could reach their point of destination within a very few hours after the twenty-eight-hour limit has expired. Suppose the destination is Chicago, and two hours more would take the stock into the yards at Chicago; or, taking St. Louis, that three or four more hours would take the train into the St. Louis yards. Is it not the height of absurdity as well as unnecessary cruelty to require that those cattle shall be unloaded, allowed to remain off the cars but for the period of five hours, and then forced again into the cars?

Mr. President, whoever has seen trains of western cattle—the broad-horned Texas steer and cow, and those that are upon the plains of the West to-day are nearly all either of that character or very closely allied; wild by nature, unruly in disposition, resenting control in close quarters—whoever has seen attempts to load and unload trains with this character of animals must realize that it is not an easy task, and that it is never accomplished without the greatest difficulty and a large amount of injury to the animals themselves. They resist, they balk, they attempt to evade the chute; they have to be driven up or driven down, many times by the use of violence, and when they reach the earth from the cars or the cars back again from the earth a very great amount of exhaustion has ensued as the result. With heated blood and nerves excited, if we can speak in that way of the nerves of a lot of cattle, they reach the market, when with but three or four hours more travel they would reach the market in a far better condition.

As the Senator from Texas and the Senator from Montana well said, the owners of cattle ought to be fairly presumed to desire so to handle their cattle, quite independently of the question of humanity, as that they will reap the largest results, and if it would yield greater profit to them to unload their cattle every twenty-eight hours they would do so, because self-interest would require them to do so. But having realized that frequent loading and unloading, not by reason of the cost, but by reason of the injury done to the cattle, is injurious to the cattle and injurious to the pockets of the owners, they have sought to have the limit enlarged in the way this bill proposes.

Mr. President, as I understand, this is simply intended to give to the owners of cattle a reasonable leeway in the transportation of their cattle from the prairie to the market, to enable them to cover every reasonable contingency, to enable them in the exercise of a sound judgment so to handle their cattle that there shall be the least injury done to the cattle and thereby the least injury done to themselves. And eight hours, even though they follow after twenty-eight hours, is not for cattle such a period of time. I am quite astonished that those who oppose measures of this kind do not insist that cattle should not be killed; that it is cruelty to animals and inhumane to slaughter them for human food. The next best thing they can do, I suppose, is to insist that the cattle shall be brought to market in as comfortable a condition as possible. It may be that they will insist that they shall have palace cattle cars; and indeed when some of the cars that are now provided for the transportation of cattle are compared with the cars of twenty or twenty-five or thirty years ago, they may well be called palace cattle cars.

Mr. President, the cattle are fed in transit, and as the Senator from Wyoming [Mr. WARREN] has said, cattle feed in transit. So they are not without food. All the food they require to appease their hunger in transit is placed in the cars that carry them, and with food to eat, the desire for water is largely modified, and the fatigue from standing is also thereby largely modified.

It seems to me, Mr. President, that the men who are most deeply concerned in the welfare of the cattle are those who should be most largely consulted in determining the matter of transportation. Their concern is not that of humanity, I am willing to admit; it is that of profit; but experience has taught

cattlemen as well as others that the profit consists in getting their cattle to market in the speediest possible time and in the best possible condition, and cattle can not be gotten to market in as good condition if inhumanity occurs in the handling of the cattle, and therefore the promptings of humanity are identical with the promptings of self-interest, and both require that cattle shall be gotten to their destination in the best possible form. If the men whose pockets are involved, whose financial interests depend on the outcome, insist that it will best serve their interests, because it means to them larger profits to give to them this leeway, I insist that they are far more likely to be right than the theorists who have made up their minds that twenty-eight hours is the limit of endurance, and that a minute or an hour beyond that time places the transaction within the boundaries of inhumanity.

There is nothing in this amendment that should not be incorporated in it, even the provision as to the parties to be responsible for a violation of the law. I think it was but common justice that the owner of the cattle should be eliminated from the equation, because the owner of the cattle has nothing whatever to do with the running of the train or the getting of the trains on time at the yards provided by the railway companies for unloading and feeding and watering stock.

The law, as it will stand, will declare that twenty-eight hours is the limit, practically saying that an emergency must exist, and when the emergency exists then the twenty-eight hours must be observed unless the owner or the person in charge of the cattle on the train shall in writing request that the time be extended. I think the Senate ought to have enough confidence in the character of the men so eloquently described by the Senator from Texas as to feel that they would not use the amendment that is asked for inhuman or horrible purposes.

Therefore, Mr. President, representing, as I do, a large constituency who are engaged in the cattle business, and having some practical knowledge, by observation more than otherwise, I have no hesitation in saying, and in giving it as my deliberate judgment, that the amendment which is proposed is one that should be enacted for the cause of humanity as well as for that degree of protection that the men engaged in this great industry are entitled to have at the hands of the lawmaking power.

Mr. GALLINGER. Mr. President, this is not a new question. The law has been on the statute book a good many years. But there have been various efforts made to amend the law. Heretofore the advocate of amended legislation has insisted that forty hours was not an excessive time, and we have had several bills before Congress extending the time from twenty-eight to forty hours. But those bills did not receive the favor of the Congress.

If I remember correctly, those bills did not provide, as is done in this bill, that the extension of time should be upon the written request of the owner or the person in charge of the stock, but they boldly asked Congress—and they then made the same plea that it was in the interest of humanity—that the time should be extended from twenty-eight to forty hours. Failing to get that, they have come now asking us to extend the time to thirty-six hours.

Mr. President, some weeks, and possibly some months, ago I was interviewed by certain parties interested in the passage of this bill. One of them was from my own State—a man whose father had been a long-time personal and political friend of mine. I listened to them very attentively and was impressed with their arguments. It seemed to me there was something in the contention, and I said to them, without making any promise one way or the other, that I would give the matter very careful and conscientious consideration.

I have examined the bill. I have examined the literature on the subject. I have read the arguments of those who are in favor of the bill, and I have likewise, as I am always glad to do, read the representations of those who represent the humane societies of the country, and I do not propose to admit mildly and dumbly that the criticisms upon that class of people made to-day are founded in justice. We would have much less healthy legislation, State and national, if it were not for the people who take an interest in the welfare not only of the dumb beasts, but of the human kind as well; and I am glad that there are men and women all over our country who are taking an interest in this legislation and all similar legislation, and in a proper way presenting their views to those of us who are to cast our votes.

After giving the matter very careful consideration, I have concluded that in an excess of caution, if nothing else, it is my duty to vote against the pending bill. I presume it will pass the Senate, but I prefer that my vote shall be recorded against it rather than it shall be recorded in its favor.

We have heard eloquent arguments to-day to the effect that the men who ship cattle want to get them to market in the best possible condition, and that self-interest prompts them to ask for legislation along proper lines. That may be so, and yet there are some things which lead me to doubt it.

I have been told that this bill originated in the Department of Agriculture. I do not know whether it did or not. If it did—

Mr. WARREN. Mr. President—

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

Mr. GALLINGER. With pleasure.

Mr. WARREN. If the Senator will permit me, it originated, so far as the calling of a preliminary meeting was concerned, with the stockmen and live-stock growers.

Mr. GALLINGER. The Secretary of Agriculture certainly has been brought into the discussion as being an advocate of this legislation.

Mr. WARREN. I am coming to that. The stockmen desired, as they always do, to obey the laws. The Department of Agriculture, in the last year or two, has attempted to apply and enforce this law—to take it from the dead-letter condition in which it slept for years and apply it. Its officials found, as everybody has found who has watched the shipment of stock, that the present law is not practical and not in the interest of the purchasers or consumers of meat and not conducive to the arrival at market of meat in the best condition.

The stockmen came to Washington and consulted with the Secretary of Agriculture and presented their views. I would not like to put it upon the Secretary of Agriculture that the bill was his and as coming from that Department as a command upon this Congress, but I do say it has the full approval of the Secretary of Agriculture and those in his Department who have been engaged in the last two years in an endeavor to enforce the twenty-eight-hour law.

Mr. GALLINGER. Mr. President, wherever the bill may have originated, one provision was incorporated in the bill in its original draft that the committee has eliminated, which, it strikes me, was in the interest of humanity. That will be found in section 5, where it is provided:

That it shall be the duty of every railroad, express company, car company, and of every common carrier other than by water, and of the receiver, trustee, or lessee of any of them, wholly or in part engaged in the transportation of live stock by railroad from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, to transport said live stock so by it or him being transported with due diligence, and to maintain in all trains containing ten or more cars of live stock which is being transported from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia an average minimum rate of speed of not less than 16 miles per hour from the time any such live stock is loaded upon or into its or his cars, and made part of said train, until such train reaches its destination, or junction point for delivery to another carrier, deducting only in the computation of such average minimum speed such reasonable time as the live stock may be necessarily delayed in unloading to feed, water, and rest, and in feeding, watering, and resting, and in reloading, and such time as the live stock may be delayed by storm or by other accidental causes which can not be anticipated or avoided by the exercise of due diligence and foresight.

Mr. WARREN. Will the Senator permit me?

Mr. GALLINGER. I will yield to the Senator in a moment. We have listened to a picture to-day painted as to the difference between the condition of the railroads of the country when this original law was enacted and the condition to-day. I take it that whatever the speed of trains may have been twenty or thirty years ago, 16 miles at the present time as a minimum speed for a stock train is not excessive speed; and I will ask the Senator from Wyoming why it was that that provision was taken from the bill?

Mr. WARREN. Mr. President, the sixteen-hour limit is far too low for most railroads; it is too high for others. For instance, upon the main lines the full trains of cattle are supposed to move at nearer 25 and even 30 miles an hour than 16. In the meantime the little branch railroad lines or feeders that come in from the plains or from the mountains and join the main line are of lighter rail, of poorer construction, sometimes with a soft track, and it is at times unsafe to move over those feeder railroad lines at perhaps faster than 10 or 12 miles with live stock, but when they get upon the main line they make speed. It seemed to those interested in this bill as if it carried more of a license to railroads to reduce their speed on the main lines to 16 miles an hour than anything else, and it would not conduce to faster running time.

Mr. GALLINGER. If the Senator will permit me, it would not be to the interest of any railroad corporation to run at a less speed than could readily be made with a load of cattle. There is surely no danger of a railroad doing that.

Mr. WARREN. Now, the Senator has answered his own inquiry. It is not in the interest of railroads to run slow when

they could run fast. They should and will run 20 or 25 miles an hour, and even more.

There is no necessity of having a limit in the bill. That limit was put in as a concession to members of the Humane Society of Washington who, as I am informed, stated that they would support the bill, or not oppose it, with that speed limit in, but when it was put in they nevertheless opposed the bill. It was, in my opinion, put in there as a concession, and not because it really added anything useful to the bill. I think it detracted from it, because it bound up the railroads upon the short lines, where they could not possibly make the time, and it seemingly gave the liberty on the main lines where neither their interest nor the interest of the stockmen require them to make as slow time as that.

I will say as to the main lines across the country, most of those shipping will average probably 25 miles an hour with stock trains. Of course freight trains can not move with the same regularity and can not depend upon making time every day as can passenger trains.

Mr. GALLINGER. Mr. President, in reading the bill my attention was attracted to that, and I thought I should like to hear an explanation of it. I submit it for what it is worth.

Now, Mr. President, I am one of those who make no pretension of knowing very much about the transportation of cattle, but I have seen a great many loads of cattle in transit and I have seen a great many cars of cattle unloaded at their destination. I want to say that from the slight observation I have made if there is any way that human intelligence and human ingenuity can devise to lessen the suffering of cattle transported from the far West to the markets at Chicago and other cities of the country it ought to be done, and I will express the hope that if this bill shall become a law—I trust it may not—the statements made by those who are advocating it to-day may be justified by facts.

There is need certainly for ameliorated conditions. So far as the transportation of live stock is concerned that is to be slaughtered and used for human food, I could wish that a measure which commended itself more to my limited intelligence had been presented to the Senate than the one that is now under consideration.

Several Senators, the last one being the Senator from Colorado [Mr. PATTERSON], have called attention to the fact, and it has been urged with great vehemence, that sometimes these cattle trains would reach their destination within two or three hours after the twenty-eight hours have expired and they are compelled to unload.

Mr. President, I think that is a hardship. Why was not a bill brought in here limiting this amelioration to that one instance? There would be no trouble about that. But while a hardship in that regard may be ameliorated—

Mr. PATTERSON. Mr. President—

Mr. GALLINGER. In a moment. It seems to me that in a great many other instances an added hardship will be the result.

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

Mr. GALLINGER. With pleasure.

Mr. PATTERSON. Would it not be equally a hardship, should a train be belated and so detained that it would not reach the yards for unloading, feeding, or watering within four or five hours of the twenty-eight hours, to compel the owners of the cattle and the railway company both to be adjudged violators of the law or else to unload where there were no facilities?

Mr. GALLINGER. Well, Mr. President, I long ago learned that one swallow does not make a summer, and because this thing may happen now and then is no reason why we should enact legislation compelling a different order of things to be put into operation.

The Senator from Colorado, in an excess, I think, of exuberance or possibly of humor, for which he is so noted, went beyond himself when he suggested that the good people who are interested in this legislation and the few of us who are representing them as best we may to-day will probably, after a little while, take exception to the killing of cattle; that that will be a natural step in advance of our present position.

Mr. President, if some of the loads of cattle that I have seen on the railroads of this country are a sample, and if some of the pictures that have been painted of the conditions existing where those poor, fevered, tuberculous cattle are slaughtered in this country have any truth at all in them, I am inclined to think it might be a good idea for somebody to rise up and advocate what the Senator from Colorado has suggested. I do not know but we would all be better off.

Mr. President, it is urged with a good deal of force, and it is in this bill, that these cattle are to be attended by people who

are interested in them, the owners or their representatives. I do not know how that may be, but I turn to the testimony given before the Interstate Commerce Committee, and on page 1220 I find the testimony of Mr. James C. Lincoln. Mr. Lincoln lives in St. Louis, and he is the general freight agent of the Missouri Pacific Railway, the St. Louis, Iron Mountain and Southern Railway, and several allied, leased, and operated lines embraced in what is known as the "Missouri Pacific Railway System," one of the great railway systems of the country. Mr. Lincoln gave a little testimony directly on this point. He was speaking, in the first place, of the burden—I do not know that he called it a burden, but upon the fact that they had to carry or did carry the attendants of these stock trains free of cost, and he said:

Another incident in connection with the transportation of live stock is the fact that the carriers, on the assumption that the shipper will look after his stock and care for the same while in transit, issues free transportation in both directions to shippers with every two cars of stock and one way with each single car of stock. To the traffic managers of the country it is well known that this live-stock transportation is manipulated to the depletion of the carrier's earnings on passenger traffic. It is also well known that the transportation falls into the hands of parties ostensibly the agents of the shippers, who are thoroughly incompetent to care for the stock while on the road, and who in many instances do not even take the trouble of looking after the stock, the transportation being given to lawyers, merchants, and clerks as a matter of accommodation to enable them to make trips to the larger cities. These alleged attendants, and, for that matter, regular live-stock attendants, are not familiar with the operation of trains and with the yards and switches, and are therefore much more liable to personal injury through their ignorance.

Mr. President, I will venture to ask the Senator from Wyoming if it is to any considerable extent the custom of the shippers of live stock to find a man who wants to take a trip from Cheyenne, we will say, to Chicago, and he is given free transportation by the shipper, with the idea that he is going to look after the live stock? He may be a clerk, he may be, as this statement says, a merchant, lawyer, clergyman, or some other man who simply wants to deadhead his way from Wyoming to Chicago, and he becomes the care taker of that stock. Of course, I can see exactly where the shipper would be benefited, because he would not lose the services of a man connected with his establishment for a minute, while if he sent one of his own men he would lose the time both on the journey outward and the journey inward, which would be a very considerable expense.

I know nothing about this beyond the testimony that Mr. Lincoln, who seems to be a well-qualified witness, has given. If it be so, I think we ought to express at least some degree of sympathy for the live stock that is put in the care of that class of men.

Mr. WARREN. Now, Mr. President, I take it for granted that the Senator asks that question in good faith.

Mr. GALLINGER. I do, indeed, because I have it upon the testimony that is contained here on page 1239, by a very reputable witness.

Mr. WARREN. Now, Mr. President, the gentleman who testifies there, of course, notwithstanding he represents strong roads, does not represent those that carry the larger share of the live stock of the country. I should be glad to read what comes before and what comes after the quotation. His main ground, if I understand it, is that the railroads are sending one man in both directions to each two cars or to send a man one way with one car. If the Missouri Pacific and those roads were as liberal as that in transportation, and were allowing a man for every two cars on a train, they would open the door themselves to that kind of fraud, because, if a man has but two cars of stock of course it requires a man to go with the two cars, but if he is shipping twenty cars of stock it does not require ten men to go with them. It is not the practice in my part of the country to do that.

Mr. GALLINGER. Mr. Lincoln does not say that.

Mr. WARREN. Whether he says it or not, if he says that he gives that much transportation, I say he is giving it in cases where there are some reasons other than the interests of the live stock during shipment.

Mr. GALLINGER. I beg the Senator's pardon. All that can possibly be construed from this language is that if there are two cars of stock, two persons may be shipped; if there is one car, one person goes along with it; but he does not say that for twenty or thirty cars there will be an individual for each car.

Mr. WARREN. Well, Mr. President, I think from my knowledge of the case that is what he did mean there, because there are times when railroads in their competition have reached that point.

Mr. GALLINGER. But, Mr. President, I am still wrong there. What he does say is that they issue "free transportation in both directions to shippers with every two cars of stock and one way with each single car of stock."

Mr. WARREN. That is what I said.

Let me say to the Senator from New Hampshire that I have sent lawyers and merchants and clerks with live stock, but they were live-stock men before they were lawyers, and very competent ones. Many clerks and many merchants in the western part of the country were cowboys in earlier days. An attorney-general of the State of Wyoming, who served acceptably and well* for years, came up to Wyoming over the trail from Texas with cattle.

Mr. GALLINGER. But did he accept service with the Senator to act as his agent to take a trip to Chicago?

Mr. WARREN. He would have been very glad to accompany me when I donned my overalls and went with stock. I was never too proud to do that sort of thing, and others feel that they are not.

Mr. GALLINGER. He was on a pleasure trip, I suppose?

Mr. WARREN. If you call rustling around with cattle a pleasure trip, yes.

Mr. GALLINGER. He was deadheaded through from the point of shipment to the destination?

Mr. WARREN. One of the men in charge of the cattle, yes; and it often happens that way.

Mr. GALLINGER. Well, Mr. President—

Mr. WARREN. I want to say that in all those cases they are competent men. They go in pursuance of a duty, and they perform that duty. The fact that a man may fall from grace and become a lawyer or a merchant does not detract from the honesty of purpose of the man who was once a cowboy.

Mr. GALLINGER. Mr. President, after a man has become a lawyer he certainly falls from grace if, for the sake of saving fare from Wyoming to Chicago, he accepts free transportation in charge of cattle.

Mr. WARREN. I distinctly stated he does not go that way; but when a man desires to go back to his earlier employment, as a sort of vacation, he is not open to any criticism from the Senator. They may look at things differently in New Hampshire, but in the western country it is no disgrace to get on rough clothing and do a little rough work.

Mr. GALLINGER. No people in all the world have done any more hustling in that direction than the people of New England. I am not making any criticism along this line, but I say the argument has been made that the stock is safe in the hands of those men, and that whatever representations or requests they make ought to be observed. I say that if they are the class of men that Mr. Lincoln represents as being sent in charge of stock trains I do not think that their representations or their wishes would count for very much, so far as the stock is concerned.

Mr. WARREN. He states simply an exception. That is not the rule.

Mr. GALLINGER. I know the Senator from Wyoming is anxious to get a vote, and I really did not intend to occupy more than a moment of time.

The argument is made that the owners of this stock are humane people, and I presume that is true as a rule; but if there had not been abuses, there never would have been a law on the statute book in reference to this subject. There must have been abuses; there must have been a reason for it. Congress would not have legislated if there had been no ground for legislation. While perhaps the stockmen have become more humane than they were twenty or thirty years ago, when very evidently there was need of legislation, I am not quite sure that we ought not at least to hem them in by some restrictions at the present time. The argument of humanity has been made sometimes for a good cause and sometimes for a bad cause. It was made in the days of slavery, at first, that you could trust the slave owner to treat his slaves humanely, because they were his property; but while a great many of them did treat their slaves humanely, a great many of them did not.

It is a mere question, after all, of healthy legislation. I am not prepared to say a word more against this bill. If it becomes a law, I hope that every claim which has been made for it by the Senator from Wyoming [Mr. WARREN]—who, of course, is sincere in his advocacy of it, and who has no purpose to mislead the Senate in what he says—if it becomes a law, I shall hope, in the interest of humanity, which I trust I am always ready to advocate in a proper way—will be fulfilled; but I have my fears, or, as the Scotchman would say, "I hae my doots."

Mr. LODGE obtained the floor.

Mr. ANKENY. Mr. President—

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

Mr. LODGE. Certainly; I yield to the Senator if he desires to ask me a question.

Mr. ANKENY. I wish to say a few words on the pending bill.

Mr. LODGE. Very well; I will yield to the Senator for that purpose.

Mr. ANKENY. Mr. President, I know the cattle business very well; indeed, I have been engaged in it all my life. All the discussion which has taken place, of course, bears upon it; but from my intimate knowledge of the business, I will say that I believe this bill is in the interest of humanity, and is also in the interest of the good management of the cattle and stock business. I shall therefore vote for the measure.

One thing that seems to scare so many of the opponents of this bill, and to which they attach much importance, is the case where stock arrives at its destination in bad condition. In our portion of the country cattle are shipped from point to point, many of them for stock purposes. Very few are slaughtered at the time of their arrival. So the bugbear on that point does not arise with us. Stock is usually in good order. Most of them, I repeat, are stock cattle, though some of those cattle are taken to Nebraska to be fed.

I can not see any objection to this measure. I hope it will appeal to the people who are opposing it as a good and proper measure, and that it will correct the abuses and troubles to which we have been subjected by being compelled to land cattle from the cars where it ought not to be done and where it is impossible to do it to advantage and in such manner as to benefit the cattle.

Mr. LODGE. Mr. President, the only knowledge that I have of the transportation of cattle by rail is what I have been able to see; and I am aware, from the utterances of wise men elsewhere, that what an ordinarily intelligent person is able to see is not evidence; that he must be an expert, and on the same authority I understand an expert to mean somebody who is interested in the business which is criticised.

Most of the cattle I have seen in transit have been in the East. I used to see many cattle trains in the eastern part of the country; but I see very few there now. The benefactors of mankind, who do our packing for us at Chicago, and who are now being persecuted, have pretty nearly stopped the traffic in live cattle in the East. They have been so solicitous for our welfare and so determined that we should have nothing but the best meat that when any butcher attempts to run a shop for the sale of locally killed beef they open another shop alongside of him and undersell him until they drive him out of business.

Mr. GALLINGER. If the Senator will allow me, he might go further than that. If a local butcher or dealer in meat should purchase an animal that has been fattened in Massachusetts or in New Hampshire, he is forbidden a supply of western beef to meet the necessities of his trade.

Mr. BAILEY. Will the Senators permit me to inquire of them if their State legislatures stand by and permit such a thing as that without enacting a law against it? Have you no antitrust legislation in your respective States?

Mr. LODGE. No State legislation could prevent the introduction of beef from the outside.

Mr. BAILEY. No; but State legislation could make it a crime to set down a shop by the side of a citizen of Massachusetts and close him up in that fashion, because that meat would have to be cut, as it could not be sold in the same packages in which it was brought, and, therefore, when they cut it it would become subject to the laws of Massachusetts.

Mr. LODGE. Mr. President, it may be very easy to do that, but what law of a State would prevent a man from selling beef at any price he pleases? We have no such laws as that yet, I am free to say. We may be very backward, but we have not such laws.

Mr. BAILEY. The State of Massachusetts has been the pioneer in much useful legislation to correct corporations and corporate abuses; and I am glad to be privileged to say to one of her Senators that it is well within the power of the State to punish precisely that kind of competition, because, instead of being that competition which promotes a healthy commercial growth, the very purpose of it is to destroy competition. It is neither more nor less than a deliberate conspiracy against the health and commerce of the State. My own opinion is that there is no graver offense against sound commercial principle than such misconduct as the Senator from Massachusetts has just indicated.

Mr. LODGE. Mr. President, if the way exists, we have not yet found it, of compelling a man by law to sell beef to another man—I mean the dealer, of course—or to fix the price at which the beef shall be sold.

Mr. BAILEY. Mr. President, the Senator must not understand me as saying that that is either permissible or wise legis-

lation, but what I do say is that when an individual or a corporation opens an establishment by the side of another individual or corporation and enters upon a course of commerce designed purely and only for the purpose of destroying a competitor, it is a crime against good morals, and it ought to be a crime everywhere against statutory enactment.

Mr. LODGE. That, as the Senator well knows, usually occurs under conditions where it would be something extremely hard to prove the case.

Mr. BAILEY. Of course.

Mr. LODGE. In practice it is almost impossible to do so. There is no doubt, however, of the fact either of what the Senator from New Hampshire [Mr. GALLINGER] states about the refusal to sell to local butchers western beef if they sell beef they get anywhere else—domestic beef—or about lowering the price in the neighborhood at more than one place.

Mr. WARREN. I want to say, before the Senator proceeds further with his interesting remarks, that I hope he will not hold the cattle growers responsible for the condition he describes.

Mr. LODGE. I will come to the cattle grower by and by.

Mr. WARREN. The cattle growers have for a long time been the sufferers from the conditions produced by the packers, and they have inveighed against it more than have the consumers. They are the ones to complain.

Mr. LODGE. In the remarks I am making I am merely leading up to the facts and explaining why it was that of late years we have seen so few cattle trains in the East. The remarks I have thus far made were merely incidental, and they were not designed to more than explain that situation. It is owing to the facts I have stated that we see so few cattle on the hoof in the East now, where we used to see cattle trains and also large herds of cattle driven in on the hoof for slaughter. It is owing, I say, to the efforts of these gentlemen in Chicago, who, we are assured, are perfectly faultless and working only for the benefit of mankind.

Mr. PATTERSON. Mr. President—

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

Mr. LODGE. I yield.

Mr. PATTERSON. Will the Senator from Massachusetts state who has been championing the morals and humanity of the packers of beef?

Mr. LODGE. The Senator from Colorado is an experienced parliamentarian and is well aware that it is not in order in this body to refer to the utterances of members of another body.

Mr. PATTERSON. I am glad, at least, that we have got the admission from the Senator from Massachusetts that nobody in this Chamber has undertaken that task as yet.

Mr. LODGE. No; we have not.

Mr. PATTERSON. It may be that we may find them on this floor.

Mr. LODGE. The subject has not yet been discussed, Mr. President.

Mr. PATTERSON. I do not say we will probably find them on this floor before the session closes.

Mr. LODGE. I think the Senate acted extremely wisely when they put on the amendment in relation to beef inspection without discussing it, and I think we should have been much better off if that course had been followed elsewhere; but that is by the way.

But in what cattle trains I see the cattle always impress me when I am looking at them—not as an expert or as a live-stock man, but simply as a plain citizen—the cattle always look to me extremely unhappy and uncomfortable, and in hot weather they seem to be suffering greatly.

Mr. President, the Senator from Texas [Mr. BAILEY] has explained that with wild cattle it is necessary to pack them very closely in order to prevent their fighting and injuring each other when they fight. Whether or not that danger of combat applies to sheep packed too closely, I am not enough of a live-stock man to say; but I have seen sheep and hogs packed so tightly that they seemed to me to be suffering a great deal, and I saw no signs of the sheep fighting each other or anything of that sort.

I understand that the extension of time to thirty-six hours in this bill is proposed in the interest of humanity to the cattle or live stock transported. That is exactly where my lack of expert knowledge comes in, for I do not see how it can benefit them. I am perfectly willing to admit, what, of course, everybody must know to be true, that the difference between the condition of the railroads now and their condition at the time the original law was enacted is very great. We have better rails; we have better roadbeds; the tracks are better ballasted; it is all immensely improved. That is, of course, a benefit to

the cattle; but I still come back to the point of the main question of time. It seems to me that when cattle are traveling packed together standing up, especially in very hot weather, every hour that you add makes their suffering greater.

The Senator from Colorado [Mr. PATTERSON] said as the reductio ad absurdum that he supposed some of these theorists to whom he referred would presently urge that no cattle should be killed. Mr. President, we have to kill animals in order to feed ourselves; but it is none the less a painful and disagreeable thing to do, and I imagine that the animal does not enjoy the process. Certainly in bringing them to the slaughterhouse we ought at least, not merely in humanity to them, but in our own interest, use all the kindness and gentleness that is possible.

The only actual moving of live stock that I have ever had occasion to know anything about is to take two or three horses, perhaps, from here to my home in Massachusetts. For many years it was possible to do that by boat, and the horses went extremely well and in very good condition. The boats will no longer take horses, and it becomes necessary to send them by rail. I have tried that method. I know—and I am sure that anyone else who has had occasion to send horses in that way will agree with me—that it is cheaper to send horses by express, so that they go almost as quickly as you can go yourself on the fastest trains, at double the rate of ordinary freight, than to send them by ordinary freight. Horses sent in that way of course have men with them. They are watered and fed, and they are not crowded. They are treated with the utmost possible care, and yet every additional hour that they are kept on the train is an injury to them and they suffer to that extent. I can not speak of cattle or their transportation, but I know something about horses, and I know that the mere retention of a horse in a train, especially in warm weather, is an injury to him and that he suffers from it; and I draw the not unnatural inference that what is true of the horse may be true of other animals when it is necessary to transport them by rail.

Mr. PATTERSON. Mr. President—

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

Mr. LODGE. Certainly.

Mr. PATTERSON. I should like the Senator to state the length of time it usually occupies in transporting horses from here to Boston, and whether or not in transitu the horses are taken out and fed?

Mr. LODGE. You can send the horses by express.

Mr. PATTERSON. I know; but I mean by freight; the way you sent your horses.

Mr. LODGE. It generally takes forty-eight hours, I think; though sometimes more. The horses can be taken out. Often there is ample time to take them out at Jersey City. The cars are arranged with stalls. Men accompany the horses, and when the train stops they look after them. That is the way horses are carried, and yet every additional hour they remain on the train is an injury to the animal. There is no question about that; and it is a saving to pay double rates on the horses and avoid the additional time on the cars.

Mr. WARREN. Will the Senator permit me to interrupt him?

Mr. LODGE. Certainly.

Mr. WARREN. I think it fairer in discussing a question of this kind to make the statement as it is, and as it is proposed by those who support the bill, than to state it otherwise. Now, when the statement is made alone that this bill will operate to keep cattle on the cars for an additional length of time, and you leave it as if that were the whole proposition, you do an injustice, because we are not lengthening the time in changing the law, except under circumstances that render it more humane to lengthen the hours and by making up for it in some other way. To stop every twenty-eight hours and interrupt the progress of the car to enforce the present law oftentimes causes the cattle to stand in a car on a sidetrack all night, and even then they have to move backward next day to some feeding yard, whereas if they moved forward during the night without interruption they would arrive at some place where they could be unloaded many hours earlier and yet be nearer their destination.

Mr. LODGE. I am coming to that part of it in a moment. I am not going to misstate it. I was trying to state, first, what seemed to me an objection in increasing the length of time from twenty-eight hours to thirty-six hours. That is without reference to the unloading or reloading, which I am coming to. I am speaking of the increased length of time which this bill will permit cattle to be kept in the car. It is true it is said that it shall be done on request, but we may take it that it will always be done in practice.

The argument is made that the train may be delayed, that the cattle may be within an hour or two of their destination, and yet the twenty-eight-hour law would compel them to unload and reload. Mr. President, increasing the limit to thirty-six hours would simply enlarge the zone; that is all. You may find places where it is thirty-seven hours to the destination, and you will have to unload an hour away from it. You may have delays even when the limit is thirty-six hours. Making the limit thirty-six hours does not eliminate accidents or delays. All the things for which the extension of this limit is urged may occur with thirty-six hours as the outside time as well as with twenty-eight hours.

Mr. WARREN. Mr. President—

Mr. LODGE. It may be slightly reduced, but not much.

Mr. WARREN. Will the Senator permit me?

Mr. LODGE. Allow me to finish my sentence. The fact is, every one of the arguments lead straight to the proposition that there ought to be no limit at all; that we ought to trust it entirely to the men in charge of the cattle and to the live-stock owners without any limit of time at all. That is the logical argument, because otherwise we accept the proposition that some limitation is necessary, and that it is proper to put on a pretty reasonable limitation that will necessitate a fairly frequent loading or unloading of the cattle. It is only logical that there should be no limit, and the bill provides that men responsible for it shall not be made liable in any way, which would be in keeping with taking off all limit of time.

Mr. WARREN. Mr. President—

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

Mr. LODGE. Yes.

Mr. WARREN. The Senator evidently, as he says, has never shipped cattle. The operation of the bill is simply this—

Mr. LODGE. I admitted that in the beginning in the hope that it would put an end to this continual making the point that the man is not an expert who has not shipped cattle. I admit that once for all.

Mr. WARREN. I am saying that to excuse the very absurd statement you have just made.

Mr. LODGE. You need not excuse my statements. I will take care of them.

Mr. WARREN. Very well, I will take care of them, too, to some extent, if the Senator will permit me.

Mr. LODGE. I hope you will, but in your own time.

Mr. WARREN. Am I not to have the opportunity now?

Mr. LODGE. Not if you want to interrupt me for that sort of thing. If you are going to interrupt to ask me a question, I shall be delighted to have you do it.

Mr. WARREN. If the Senator will not interrupt me—

Mr. LODGE. I can not interrupt in my own time, Mr. President.

Mr. WARREN. What I was about to say, Mr. President, was that the extension of time to thirty-six hours would not make any difference whatever with the plans of the feeding stations or with keeping the regular runs within the twenty-eight hours. If you are going a forty-hour journey, there will be as near as there can be a feeding station provided in the middle of the journey. They would not go twenty-eight hours, but twenty hours. Regular runs will be confined at the very outside to twenty-eight hours, so far as the anticipated limits of the journey and the several runs are concerned. The application of the thirty-six-hour law will only come when unforeseen circumstances render it necessary to have the extra time, such as a delay—a behind-time train—which will cause them to be caught between proper feeding and unloading stations.

Mr. LODGE. Mr. President, I have no doubt that is all perfectly true, but I do not see why you can not be caught with a thirty-six-hour limit as well as with one of twenty-eight hours. The bill provides for the addition of eight hours. You of course increase the zone that is within reach in one journey in the cattle country, but certainly by taking thirty-six hours you can not alter the fact that you may get within an hour of your destination and then may have to unload. It certainly does not change any of those conditions or prevent accidents or prevent delays. It is simply making it perhaps a little more elastic.

My proposition is that if that argument is carried to its logical conclusion it means there ought not to be any limitation. I do not see any other way with it but to leave it to the enlightened self-interest—

Mr. PATTERSON. Mr. President, will the Senator from Massachusetts permit me just a moment?

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

Mr. LODGE. Certainly.

Mr. PATTERSON. It seems to me the Senator from Massachusetts ought to bear in mind that these railway companies have got their cars, their chutes, and their stations for feeding and watering cattle at stated intervals, and in the transporting of stock the location of these yards must always be taken into consideration. They have been erected with reference to the twenty-eight-hour limit. I have no doubt about that in the world. That is not going to be altered because of the leeway of eight hours that is proposed to be given. So that the twenty-eight-hour proposition is the proposition that is almost certain to prevail, and for that reason the eight-hour leeway will be the exceptional result almost necessarily.

Mr. LODGE. Mr. President, the bill proposes to give more leeway. If it were carried out logically, it would be better to provide that each man should decide for himself. In other words, we are assured again and again that enlightened self-interest will prevent injury to the cattle and the live stock. Enlightened self-interest, Mr. President, would prevent a man injuring his children or his wife, and yet it is necessary to have laws to prevent the abuse of wives and children. Enlightened self-interest would prevent the destruction of the game and the fish, with which this country was more largely endowed than probably any country in the world; and yet the men to whom it is of the most importance resist to the utmost any legislation, both State and national, which looks to the preservation of the food fishes and of game birds and game animals which are suited for the consumption of man.

If we could rely on enlightened self-interest, we should need very little law indeed. But we can not rely on it. In the first place, men do not understand very well their real interest, and they are not enlightened about it very frequently when they think they understand it. The old story of killing the goose that lays the golden egg is brought every day within our sight in dealing with a great many questions.

When it comes to the matter of enlightened self-interest, take the matter which has been alluded to this afternoon—the case of the packing houses at Chicago. What would enlightened self-interest dictate? That they should be above suspicion, and that they should welcome any legislation which would make their products of undoubted purity and merit in the eyes of the people of the world. What do we see? We see these men, with their business perishing beneath their eyes, fighting the legislation which—and it matters not whether the charges are true or false—is the only thing in the world which can restore the character of their products in the markets of the world. They are called great business men, and certainly ought to be governed by enlightened self-interest—

Mr. HOPKINS. Mr. President—

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

Mr. LODGE. I do.

Mr. HOPKINS. I am very sorry the Senator from Massachusetts has taken that subject to illustrate a point against the bill under consideration. I wish to inquire of the Senator from Massachusetts whether he understands that the report upon which he predicates the statement he has made shows that 92 per cent of the products of the Chicago packing houses is perfect and that the examination of the Government is beyond criticism?

Mr. LODGE. I am not arguing the merits of that report. If the Senator had listened to what I had said, he would have understood me to say what I now repeat, that from the point I am making it is of no earthly consequence whether that report is true, as I believe it to be in the main, or whether it is untrue. There is no question as to what the markets of the world think about it.

Mr. HOPKINS. But the Senator—

Mr. LODGE. I say if those people were not stupid beyond words, if they had not been so absolutely stupidified by greed for money, they would welcome legislation which would put their products in the markets of the world in such a way that no one could doubt their merit.

Mr. HOPKINS. Mr. President—

Mr. LODGE. I am not going to argue the question.

Mr. HOPKINS. Mr. President—

Mr. LODGE. If the Senator wants me to do it I will. I am quite ready to discuss the morals and methods of the packers of Chicago, but just now I am only discussing their lack of intelligence and their blindness to public opinion.

Mr. HOPKINS. The Senator from Massachusetts has assumed that these people do not want inspection and that they are fighting legislation. I desire to correct him upon that point, as he can evidently be corrected upon the facts themselves. The Chicago beef packers are not fighting inspection, but, on the contrary, welcome it, and the most severe that can be had.

They realize that after a good many of the wild statements which have been made in the country and sent abroad, it is important to American interests that there be legislation of a character that will stop this hysteria which is evidently spreading over the entire world.

Mr. LODGE. I do not know whether they are resisting it or not, but they sent a man here who purported to be their representative, who undertook to resist it at the hearings before the House committee, if he was correctly reported in the newspapers.

Mr. HOPKINS. The best way to find out—

Mr. LODGE. I do not know whether he was their representative or not. I am speaking merely from what appeared in the newspapers.

Mr. HOPKINS. The Senator evidently has not read the evidence taken before the House committee.

Mr. LODGE. I read all of it that appeared in the newspapers. I read the testimony of the man who purported to be their agent. I do not know whether he was their agent or not. He purported to be, and was accepted with open arms by the committee as such. I believe his name was Wilson. I do not know whether I am correct in that or not.

Mr. PATTERSON. Mr. President—

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

Mr. LODGE. I do.

Mr. PATTERSON. Mr. President, I think it is unfair to compare the so-called "enlightened self-interest" of the Chicago beef packers with the enlightened self-interest of the cattle grower. It is not enlightened self-interest in the case of the beef packers. It is simply the license that has grown out of a power, by reason of money and the associations and the combinations of beef packers, which made them believe they were absolutely above all law and above all criticism. Such is not the case, Mr. President, with the cattle growers.

I desire to say for the cattle growers that their sentiment, as it has come to me by numerous telegrams, is that "What we want is legislation, since it has to come, and we want it quickly, and we care not how stringent the legislation may be. The delay is ruining our business, and we are the real sufferers for the shortcomings of the beef packers." The cattle growers of the country want legislation, and they want it quickly, and they do not care where the expense of the legislation may fall.

Mr. LODGE. Mr. President, I merely used the packers as an instance of how impossible it is to rely on enlightened self-interest for the enforcement always of proper regulations in regard to any matter like the transportation of cattle or the preparation of food products. In those instances, as in many others, enlightened self-interest has been found to be an imperfect guide. Nothing was further from my thought than to compare the packers with the cattle raisers. I have the highest respect for that great body of men who are engaged in one of the most important industries in this country; and I notice that their representative, when he appeared before the House committee, if he was correctly reported, said substantially what I have said here this afternoon. He seemed to think that somebody was resisting the legislation. I refer to Mr. Cowan, who appeared before the committee in the House, and said that whether the Government was to pay for inspection or whether the cattle raiser and packer was to pay it—he thought the Government ought to pay it—was a secondary point; that what was needed was legislation and legislation at once, just as the Senator from Colorado says; legislation which the people shall believe real legislation and of some effect, and that nothing else would be of value to the cattle business. I think I have quoted him with substantial correctness.

I had not the slightest intention of comparing for one moment the packers in Chicago with the cattle raisers of the United States, for I have great respect for the cattle growers and cattle raisers of the United States.

Mr. President, I have spoken much longer than I meant to. I hope this bill will prove to be all that its friends think it is. It seems to me a mistake to extend the time. The bill contains many useful provisions, which will improve the law in many directions, as is pointed out in the report and in the memorandum of the officers of the Department of Agriculture. But I can not myself, probably from my lack of expert knowledge, see the value of the extension to thirty-six hours, and I merely wish to put on record my protest against that part of the bill.

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

The amendment was agreed to.

The next amendment of the Committee on Agriculture and Forestry was, on page 3, line 7, after the word "That," to

strike out "in the case of sheep, when the expiration of the time limit occurs at night, they may be allowed to continue in transit until daylight, if by so doing they will reach a place where they can be properly fed, watered, and cared for," and insert "it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours."

The VICE-PRESIDENT. The Chair would ask the Senator from Wyoming whether the committee has accepted the amendments proposed by the Senator from Idaho [Mr. HEYBURN] as committee amendments?

Mr. WARREN. They have.

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

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to strike out section 5, in the following words:

SEC. 5. That it shall be the duty of every railroad, express company, car company, and of every common carrier other than by water, and of the receiver, trustee, or lessee of any of them, wholly or in part engaged in the transportation of live stock by railroad from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, to transport said live stock so by it or him being transported with due diligence, and to maintain in all trains containing ten or more cars of live stock which is being transported from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia an average minimum rate of speed of not less than 16 miles per hour from the time any such live stock is loaded upon or into its or his cars, and made part of said train, until such train reaches its destination, or junction point for delivery to another carrier, deducting only in the computation of such average minimum speed such reasonable time as the live stock may be necessarily delayed in unloading to feed, water, and rest, and in feeding, watering, and resting, and in reloading, and such time as the live stock may be delayed by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight.

The amendment was agreed to.

The next amendment was, on page 6, strike out section 6, in the following words:

SEC. 6. That any railroad, express company, car company, common carrier other than by water, and the receiver, trustee, or lessee of any of them who knowingly and willfully fails to comply with the provisions of section 5 shall for every such failure be liable for and pay a penalty of not less than one hundred nor more than five hundred dollars, which shall be recovered as provided in section 4 of this act.

The amendment was agreed to.

Mr. GALLINGER. I call the Senator's attention to page 4, line 8. I suggest that the word "therefore" should be "therefor."

Mr. PATTERSON. That is right.

Mr. WARREN. I will ask the Secretary to change it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 8, it is proposed to strike out the word "therefore" and insert "therefor."

The amendment was agreed to.

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

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

Mr. WARREN. I ask unanimous consent to insert in the RECORD a half dozen or dozen letters from the Department of Agriculture and its experts in relation to the bill just passed.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

The matter referred to is as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,
Washington, D. C., April 9, 1906.

DEAR SENATOR: I have your letter of the 6th instant, inclosing a copy of Senate bill 3413, regulating the confinement of cattle in cars, etc., and have looked the bill over with some care. I think it will meet the emergencies that now exist in the transportation of live stock, but I will have another letter written to you about it when we have had time to make a more critical examination of the measure.

Very truly, yours,

JAMES WILSON, Secretary.

Hon. F. E. WARREN,
United States Senate.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SOLICITOR,
Washington, D. C., April 9, 1906.

Hon. F. E. WARREN,
United States Senate, Washington, D. C.

DEAR SENATOR WARREN: In fulfillment of the promise made in a recent telephone conversation I am sending you herewith some comment on the measures now before Congress amending sections 4386-4390, Revised Statutes. You will understand, of course, that the views expressed are personal opinions, as I am in no sense authorized to speak for the Department.

On pages 57-61 of the printed hearings before the Committee on Interstate and Foreign Commerce of the House of Representatives, on House bill 47, proposing to extend the time for which cattle and other

animals may be confined during shipment from one State to another, you will find a copy of a letter of the Secretary of Agriculture to the President. On page 59 the Secretary says:

"Based upon a careful observation of the workings of the law, the treatment of the cattle, and the advantage of the shippers and owners of live stock, it is my belief that if certain other amendments to the law, hereinafter described, shall be adopted, the time during which cattle may be confined in cars without food, rest, and water may be extended from twenty-eight hours to thirty-six hours without disadvantage to the cattle."

The other amendments which the Secretary declared necessary are found on pages 60 and 61, Nos. 1, 2, 3, 5, and 6, and are as follows:

"1. For reasons hereinbefore stated, provide that the time during which animals may be confined in cars without food, rest, and water be extended from twenty-eight hours to thirty-six hours."

"2. Provide that the cattle must be loaded and unloaded in a humane manner into properly equipped pens. This is a serious omission in the present law."

"3. Provide that the owner or shipper of the animals may furnish the necessary food if he so desires. Many companies have charged most exorbitant fees for supplying food, and, as the law gives a lien on the stock for food furnished, shippers and owners of stock have been in many cases outrageously overcharged."

"5. The statute should be broadened to cover practically every common carrier of live stock, including a receiver of any company. The Supreme Court has held, in the case of *The United States v. Harris* (177 U. S., 305), that existing law does not include the receiver of a railroad company. At the present time a certain railroad, now in the hands of a Federal receiver, is confining animals fifty and even sixty hours without food, rest, and water."

"6. The statute should be amended to cover the transportation of animals from a State to a Territory, or from a Territory to a State. The United States district court for the district of Kansas has held recently, in the case of *The United States v. The St. Louis and San Francisco Railroad Company* (an unreported case), that the law does not cover a shipment from a Territory to a State, the wording of the statute being "which transports live stock from one State to another."

In conclusion, I desire to say that, in my candid opinion, S. 3413, as amended by the committee and with the amendments submitted by Senator HEYBURN, is the best possible measure which can be secured at this time, and if the bill becomes the law, the treatment of cattle by transportation companies can be rendered far more humane than can be secured under the present twenty-eight-hour law, under which the Department can not require properly equipped pens nor humane loading and unloading. The extra eight hours' time will be requested by the shipper, in the majority of cases, only when his cattle can thereby get to market without unloading, and the extra time the cattle are confined is more than offset by the provision which will secure for them humane loading and unloading, proper pens, and decent food.

Very truly, yours,

GEO. P. McCABE.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., April 10, 1906.

HON. F. E. WARREN,
United States Senate.

MY DEAR SENATOR: In further reply to your letter of the 6th instant, asking my views upon Senate bill 3413, relating to live-stock shipping, I have to say that after further careful consideration the bill appears to us to be satisfactory, and I believe we can handle the business advantageously under its terms.

Very truly, yours,

JAMES WILSON, Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., May 24, 1906.

HON. F. E. WARREN,
United States Senate, Washington, D. C.

DEAR SENATOR WARREN: I beg to acknowledge receipt of your letter of May 23, in which you inquire whether the Department has any recent reports or communications from live-stock inspectors or agents on the question of railroad transportation of live stock.

In reply you are informed that on May 10, 1906, the Chief of the Bureau of Animal Industry sent out to the inspectors and agents in charge of the field stations of his Bureau the following circular letter:

"It is desired that you write a letter to the Chief of the Bureau immediately, setting out your candid views on the following points, based upon your personal observation of the transportation of live stock:

"1. Do you consider it inhuman or injurious to meat product to detain live stock in cars without food, rest, and water for a period of not to exceed twenty-eight hours?"

"2. When animals have been confined for a period of twenty-eight hours and can reach their final destination within eight hours more, from a humane standpoint is it better to unload the cattle for food, rest, and water at the end of the twenty-eight hours or to carry them through to destination?"

"3. Which do you consider preferable: To unload sheep at night, or when the time limit fixed by law expires in the nighttime, to carry them on in the cars until daylight?"

"4. Considering the matter wholly from a humane standpoint, is the operation of section 4386, Revised Statutes, popularly known as "the twenty-eight-hour law," beneficial?"

"5. Do you consider that the humane treatment of live stock in transit would be bettered by a strict enforcement of the present twenty-eight-hour law?"

Up to this time the Department has received sixteen replies from inspectors and agents in charge, which are inclosed herewith. The opinions of these men seem to agree very well upon the best and most humane course to pursue in the treatment of live stock in process of transportation, and as each one of them has had years of familiarity with the railroad transportation of live stock, their views are, in my opinion, entitled to a very considerable weight.

After the inclosed letters have served your purpose I shall be very glad to have them returned to the Department.

Very truly, yours,

JAMES WILSON, Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Kansas City, Kans., May 15, 1906.
CHIEF OF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

SIR: Referring to the transportation of live stock, I would offer the following observations:

1. I do not consider it inhuman or injurious to meat product to detain live stock in cars without feed, rest, or water for a period not to exceed twenty-eight hours.

2. When animals have been confined for a period of twenty-eight hours, and can reach their final destination within eight hours more, from a humane standpoint I consider it better to carry them through to destination, provided the trip can be completed in eight hours more.

3. I consider it preferable to unload sheep at night, when the time limit fixed by law expires, provided the facilities for doing so are first class. If not, I would consider it best to carry them on until daylight.

4. Considering the matter wholly from a humane standpoint, the operation of section 4386, Revised Statutes, is not beneficial, and in a great many cases very injurious, especially when animals are unloaded at small stations and in muddy yards, and without properly constructed water troughs and hayracks, which is generally the case at small stations.

5. I do not consider that the humane treatment of live stock in transit would be bettered by a strict enforcement of the twenty-eight-hour law; but would suggest that if animals were carried on cars twenty-eight hours that the time limit for feed, rest, and water be made three hours; but if carried on for thirty-six hours, that the time limit for rest, etc., be made six to eight hours. Also that all stock must be properly fed and watered immediately prior to their being loaded, and that the cars must be properly cleaned and bedded.

Very respectfully,

L. R. BAKER,
Inspector in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, National Stock Yards, Ill., May 14, 1906.

DR. A. D. MELVIN,
Chief of the Bureau of Animal Industry, Washington, D. C.

SIR: My candid opinion is that it is not inhuman or injurious to the meat product to detain live stock in cars without food, rest, and water for a period of not to exceed twenty-eight hours, and I am firmly convinced, from very careful observations of the transportation of live stock, that it is positively inhuman and injurious to the meat product to unload cattle for food, rest, and water at the end of twenty-eight hours when they can reach their destination in eight hours more. When the time limit fixed by law expires at night, I consider it preferable, from a humane standpoint, to carry sheep on in the cars until daylight.

Considering the matter wholly from a humane standpoint, the operation of section 4386, Revised Statutes, is not beneficial. The virtue of its operation is insignificant in comparison with the evils and inhumanity obtained from its enforcement, and I do not consider that the humane treatment of live stock in transit would be bettered by strict enforcement of the present "twenty-eight-hour law."

Very respectfully,

J. B. CLANCY, Inspector.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Denver, Colo., May 16, 1906.

CHIEF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

DEAR SIR: Referring to Bureau letter dated May 10, 1906, in regard to my views, based upon personal observation of the transportation of live stock, I will say that the views as given below are not only held by me, but is the unanimous opinion of all the men now engaged in inspecting live stock for shipment on this force:

1. I do not consider it inhuman or injurious to the meat product to detain live stock in cars without food, rest, and water for a period of not to exceed twenty-eight hours.

2. When animals have been confined for a period of twenty-eight hours and can reach their final destination within eight hours more I consider it far better, from a humane standpoint, to allow them to be carried through to destination without unloading for feed, rest, and water, as, in my opinion, based upon personal observation, the stock will undergo more hardship in the unloading and reloading than to be allowed to run the additional eight hours and then be unloaded and thoroughly rested, fed, and watered.

3. It is much better to allow sheep to be carried through until daylight in cases where the time fixed by law expires in the nighttime. Sheep that have to be unloaded in the night are of necessity very roughly treated, and it is against their nature and habits to move freely or at all in the nighttime.

4. Considering the matter wholly from a humane standpoint, the operation of section 4386, Revised Statutes, popularly known as the "twenty-eight-hour law," is not beneficial in many cases, particularly when the stock could reach final destination if allowed to run eight hours longer, or if it compels unloading in the nighttime, or if it compels unloading at stations where feeding and watering facilities are not good, when eight hours' additional time would carry them to a station where feeding and watering facilities were good.

5. I do not consider that the humane treatment of live stock in transit would be bettered by a strict enforcement of the present twenty-eight-hour law, for reasons as given above.

Very respectfully,

LOWELL CLARKE.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Salt Lake City, Utah, May 15, 1906.
CHIEF OF BUREAU, Washington, D. C.

SIR: Replying to your letter of May 10:
Answer to question 1: I do not consider it inhuman to retain live stock in cars without feed or water for a period of twenty-eight hours. The natural shrinkage caused by the confinement would be the only possible injury that could be done to the meat product.

Answer to question 2: From a humane standpoint, I consider it bet-

ter to carry all live stock to their destination if the time consumed will not exceed eight hours in excess of the twenty-eight-hour limit.

Answer to question 3: It is almost impossible to unload sheep at night, and I consider it very inhuman, and believe, from a humane standpoint, that it is much better to carry them until daylight before unloading.

Answer to question 4: I do not consider the strict compliance or enforcement of the twenty-eight-hour law beneficial from a humane standpoint.

Answer to question 5: I do not.
Very respectfully, yours,

GEO. S. HICKOX,
Agent in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Chicago, Ill., May 21, 1906.

CHIEF OF BUREAU, Washington, D. C.

SIR: Referring to your letter of the 10th instant concerning the "twenty-eight-hour law," the following is submitted:

1. No.
2. Carry them through to destination, provided the time does not exceed thirty-six hours.
3. Carry them on the cars until daylight.
4. The "twenty-eight-hour law" is better than nothing, and the enforcement of this law resulted in faster runs and in this way was an advantage to the shipper. I have seen cattle that were in the cars fifty-four hours while coming only 540 miles, yet they arrived in good condition apparently. I do not consider it inhuman to keep cattle on train thirty-six hours, but I think this should be the limit.
5. The enforcement of the twenty-eight-hour law might force the railroad companies to make better runs rather than build feeding sheds, but I do not think cattle would be benefited by being unloaded for feed and water every twenty-eight hours. The unloading in strange pens and new surroundings and the consequent reloading unduly excites particularly western cattle, and would probably do more harm than good.

Very respectfully,

S. E. BENNETT, Inspector.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Fargo, N. Dak., May 17, 1906.

CHIEF OF BUREAU, Washington, D. C.

SIR: In reply to your circular letter to inspectors in charge, under date of May 10, in regard to the workings of the twenty-eight-hour law, will state that I have from the past ten years' experience formed the following opinions:

First. That it is not inhuman or in any way injurious to the meat product to detain live stock in cars twenty-eight hours without food or water. Stock that has been reasonably handled, loaded on a fill, will not care for food or water before the nervousness caused by loading and car fright has worn off.

Second. That when animals have been confined in cars en route for a period of twenty-eight hours and can reach final destination within eight hours more, it is more humane to run range stock on to final destination in cars that have facilities for hay and water than it is to unload. Stock going to market from the West for the first twenty-four or twenty-eight hours suffer more from excitement of loading, car fright, passing trains, headlights, etc., than anything else; and when cars have been well hayed at loading point the stock will have just begun to get over this nervousness and start to eat, and will not suffer as much by being confined for eight hours more as they will by being unloaded and subjected to the ordeal of loading and unloading again.

Third. In the matter of unloading sheep at night, when the time limit fixed by law expires, will say that with a train load this is all but impossible, and sheep might better be carried on until daylight, covering one more division and being that much closer to market, than sitting on a side track and losing this much time without any possible benefit being derived, as passing trains will keep them from resting any, even if the cars are standing still.

Fourth. Considering the twenty-eight-hour law purely from a humane standpoint, I do not believe with strict enforcement that it accomplishes the desired ends, as in many instances that have met my personal observation it has worked otherwise. Say, for instance, a train of sheep are loaded at a Montana loading point and arrive at Mandan, N. Dak., at 2 a. m. the following morning, and have been on the cars twenty-six hours; they can not reach Jamestown, N. Dak., the next feeding point, within the time limit prescribed by law, but could reach it in thirty to thirty-two hours; so, to comply with the law they must stop at Mandan and lay on the side track until morning without benefit to sheep, owner, railroad, or anyone else. If this train could be sent on to Jamestown and unloaded at daylight, the sheep would get the same rest and be 100 miles nearer destination, the same results be obtained from a humane standpoint that strict compliance with the twenty-eight-hour law would have accomplished. As anyone who has tried to unload sheep after dark or watched the effort being made knows, this can only be accomplished by punching, dogging, and driving the animals frantic before they will leave the cars at night, as lights and shadows from them only make it worse.

Fifth. For the reasons stated above, based on actual experience, I do not believe that a strict enforcement of the twenty-eight-hour law would be beneficial to live stock from a humane standpoint.

Very respectfully,

R. H. TREACY, Inspector in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Albuquerque, N. Mex., May 16, 1906.

CHIEF OF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

SIR: Referring to circular letter dated the 10th instant, from the Chief of Bureau, relative to the unloading and feeding of cattle and sheep while in transit:

In this matter the scope covered is so broad and the condition so varied that I will in this letter confine myself wholly to range animals.

To my mind it hardly seems possible to frame a general regulation or law to cover same in a satisfactory manner. For example, sucking calves and lambs fret almost continuously when taken from their mothers and eat and drink but little while in transit, and the sooner said animals can be gotten on to the market the better. While it may

hardly seem consistent, I am of the opinion that these young animals will stand a longer haul than mature animals. Emaciated cattle should, in my opinion, be unloaded and fed frequently, and when more than 4 per cent of said animals are down in the cars they should be unloaded and fed at the first available corrals regardless of time in transit. On this class of stuff the minimum time on feed or for feeding might be doubled with beneficial results.

1. Shipment of meat-producing animals always injurious. Retaining all in cars for a period not to exceed twenty-eight hours will not reduce said injury to the minimum.

2. If animals are riding well, proceed to destination providing same can be reached in thirty-six hours, taking for the basis the running time already made.

3. Unloading sheep from cars at night is almost a physical impossibility, and if the distance to the next feeding point is consistent with the schedule already made by said shipment, I would recommend that they be permitted to carry them to the next feeding point.

4. As applied indiscriminately, no.

5. I do not consider that the humane treatment of live stock in transit would be better by a strict enforcement of the present twenty-eight-hour law. Lowering the running schedule is of the greatest importance from a humane as well as other standpoints.

Very respectfully,

LOUIS METSKER,
Inspector in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Fort Worth, Tex., May 14, 1906.
CHIEF OF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

SIR: Referring to circular letter of the 10th instant relative to the "twenty-eight-hour law," and taking up questions in the order as given:

1. I do not consider it at all inhuman or injurious to detain live stock in good condition on cars without food, rest, and water for a period of twenty-eight hours, under ordinary circumstances. The time when such detention becomes inhuman is to a great extent relative, depending largely on the condition of the animals and the circumstances under which shipment is made.

2. As a rule it is much better to carry through to destination.

3. Would advise carrying on cars until daylight.

4. Yes.

5. No; no fixed time limit applicable to all classes of animals can be made. What would be the kindest treatment when applied to strong range steers, for instance, would be absolute cruelty in connection with poor and enfeebled cattle. In the former case a run of thirty-six to forty hours, or even longer, would entail neither injury nor distress, while in the latter a period of even twenty hours might find many of the cattle down and in a condition calling imperatively for the relief which could only be afforded by unloading.

Animals as a rule suffer little, if at all, from lack of food and water in an ordinary journey of, say, forty-eight hours. It is well known that animals on short rations travel incomparably better than those which are heavily fed and watered just before or in transit. Most of the suffering to which stock is subjected is due to bad weather conditions and the animals getting down, when they are trampled upon. This last is generally due either to the poor condition of the animals before starting or to bad judgment in loading, the cars being either over or under loaded.

While the humane side of this question should be given due weight, the economic features should also receive consideration. An indiscriminate enforcement of the present law is neither desirable from an economic standpoint nor necessary from a humane one. Except under certain circumstances, it is against the interest of both the shipper and the railroad to keep stock in the cars for a period which will cause injury. It is these exceptions which require legislative restriction. What is needed is a law which will permit carrying stock in good condition for a period of thirty-six to forty hours, but which will compel animals to be unloaded within twenty-four hours if their condition demands it.

Very respectfully,

A. H. WALLACE,
Inspector, B. A. I.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Buffalo, N. Y., May 16, 1906.

DR. A. D. MELVIN,
Chief of Bureau, Washington, D. C.

SIR: In reply to letter of May 10, based upon my personal observation of the transportation of live stock, I respectfully submit the following answers:

1. When comfortably loaded I do not consider it inhuman or injurious to the meat product to detain live stock in cars without food, rest, and water for a period of not to exceed twenty-eight hours.

2. When animals are properly loaded, according to my judgment, it would be much better to allow them to continue on their journey, providing they can reach their destination inside of thirty-six hours. Loading and unloading necessarily causes more or less damage to the stock. It is an experience entirely new to them, something they are not accustomed to; causes them fright, necessitates more or less pounding and jamming against the sides of the car and of the door, causing bruises, etc., and sometimes breaking of bones and crippling in various ways.

3. I consider it preferable to allow sheep to continue in the cars until daylight, providing they can reach their destination inside or close to thirty-six hours. As a matter of fact, it is almost impossible to unload sheep in the dark.

4. Taking everything into consideration wholly from a humane standpoint, I do not in all cases consider "the twenty-eight-hour law" beneficial. When stock can reach its destination in from thirty-two to thirty-six hours, I believe that it is better for the animals to be allowed to continue on their journey without unloading and reloading at the end of twenty-eight hours. In order not to violate the twenty-eight-hour law, in many cases the railroads unload and reload stock, whereas in from six to eight hours longer they would have reached their final destination. On the other hand, if it were not for the strict enforcement of the law specifying the intervals that should elapse between the feeding and watering of stock, the animals would be left in some instances for longer periods than would be humane without food and water, and would cause a great amount of suffering amongst the live stock.

5. I believe in many cases the strict enforcement of "the twenty-eight-hour law" would not better the humane treatment of live stock in transit. The loading of stock has much to do with the condition the animals are in when they arrive at their destination. Stock properly loaded will be in better condition at the end of thirty-six hours than stock crowded into cars would be at the end of twenty-eight hours. At a great many feeding points the facilities for unloading are very poor, and stock is greatly abused in being taken off and reloaded. Therefore I am of the opinion that a maximum of thirty-six hours would cause no great suffering if the stock was properly loaded.

From my observation and knowledge of the delay in stock en route to this market, I think the railroads are, in a great many instances, grossly negligent, as in many cases stock loaded at stations in the West arrive here within the time limit, and within a few hours other stock loaded at the same station would be delayed along the route and be unloaded once or twice at the different feeding stations and not arrive here within thirty-six to sixty hours, with the same weather conditions existing.

With your permission, I would like to make a suggestion in regard to the shipment of live stock. If it were possible, the railroads ought to be compelled to placard their cars, stating point of shipment and hour and date of loading.

Very respectfully,

BERNHARD P. WENDE,
Inspector in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, South Omaha, Neb., May 12, 1906.

DR. A. D. MELVIN,
Chief of Bureau, Washington, D. C.

DEAR DOCTOR: Replying to yours of 10th instant with reference to the five questions regarding the transportation of live stock.

1. I do not consider it inhuman or injurious to meat product to detain stock in cars without food, rest, or water for a period not exceeding twenty-eight hours.

2. I think it better to ship through to destination rather than unload if destination can be reached within an additional period of eight hours.

3. I consider it much preferable not to unload sheep at night, but carry them on until daylight, even though the time limit expires in the night.

4. In my judgment, the operation of the twenty-eight-hour law is very beneficial.

5. With the exceptions above mentioned, I consider a strict enforcement of the present twenty-eight-hour law would better the treatment of live stock in transit.

Respectfully,

DON C. AYER,
Inspector in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, South St. Paul, Minn., May 14, 1906.

CHIEF OF BUREAU,
Washington, D. C.

SIR: In reply to your letter of the 10th instant, requesting my views regarding the transportation of live stock, I beg to submit the following:

It is understood that the transportation of live stock under the most favorable conditions is attended with more or less suffering. These views are based on the supposition that there is no overcrowding in transit.

1. I do not consider it inhuman to detain live stock in cars for twenty-eight hours without rest, food, and water. My observation is, when, on arrival at destination, such animals are properly fed and watered and allowed rest for a period of about twenty-four hours before slaughter, there is no injury to the meat product.

2. When animals that have been confined for a period of twenty-eight hours and can reach their destination in eight hours more, I think in many cases it is more humane to carry them direct to their destination. The loading and unloading with only five hours' rest will cause more suffering among wild cattle than the extra eight hours in the cars.

3. As it is almost impossible to unload some sheep in the night, I consider it preferable to allow them to remain in the cars until daylight.

4. In some cases which have come under my observation the enforcement of the twenty-eight-hour law has been an injury to live stock in transit. Under the law it has been necessary sometimes to unload stock in small yards, where they were obliged to stand for five hours knee deep in mud and without shelter from a cold rain.

5. From a humane point of view there are other things which I consider of more importance in the transportation of live animals than the number of hours they are allowed to be confined in cars without unloading for food, water, and rest. The overcrowding of light-weight stock cattle is of common occurrence, and is often of such a degree as to cause more suffering than is caused by failure to feed and water cattle more comfortably loaded for a longer period than twenty-eight hours.

Unless dry pens are provided where the animals are sheltered from storms and from the hot sun in summer, live stock in transit will not be benefited by enforcing the twenty-eight-hour law.

Very respectfully,

F. D. KETCHUM, Inspector.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Stock Yards Station, Kansas City, Kans., May 14, 1906.

CHIEF OF BUREAU OF ANIMAL INDUSTRY: Referring to circular letter dated the 10th instant relative to the twenty-eight-hour law.

First, I do not consider it inhumane to detain live stock in cars without food, water, or rest for a period of twenty-eight consecutive hours. It is a matter of common knowledge with shippers that cattle, especially range cattle, are more or less sick after any shipment. The variable degree of fever, the constant diarrhea, and the refusal to eat or drink upon unloading all bear evidence of this. Carcasses of such animals when slaughtered do not firm well upon chilling.

Second, for a shipment of grass-fed range cattle, properly loaded, I believe it would be better to make a run of thirty-four hours, than to unload for feed and rest at expiration of twenty-eight hours, then to reload for a further six-hour run to destination, the injury the cattle sustain from unloading and reloading being greater than that inflicted

by withholding rest, feed, and water for a like time. The method most satisfactory to the shipper, most humane to such cattle, and least injurious to the ultimate food product and practiced by all experienced shippers, is this: Withhold all green feed, grain, and water for the last twelve hours before loading, make a run of not less than twenty-eight hours without feed or water, and, if practicable to reach destination within an additional six hours, make the run rather than to unload and reload. Cattle shipped in this manner are not sick and have the minimum of bruises upon arrival at destination.

Third, with present equipment for lighting ordinary stock yards it is not practicable to unload or load sheep at night. It would be far more satisfactory and even humane to run sheep until daylight, than undertake to load or unload at night.

Fourth, probably beneficial from humane standpoint.

Fifth, not without the privilege of extending the time at the discretion of the shipper not to exceed six hours.

Very respectfully,

ALBERT DEAN,
Live Stock Agent in Charge.

DR. A. D. MELVIN,
Washington, D. C.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Boston, Mass., May 14, 1906.

CHIEF OF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

SIR: Relative to the operation of what is known as the "twenty-eight-hour law," it is my opinion, based upon personal observation, that—

First, it is not injurious to the meat product or inhuman to detain live stock in cars for a period of twenty-eight hours without food or rest. During the summer season, when the weather is very hot, it is no doubt cruel to keep them without water for twenty-eight hours, especially cattle and hogs. This can be remedied by spraying the animals with a hose through the slats of the car and filling the troughs, provided in most cars for the purpose, with water.

Second, it is far better to keep live stock confined thirty-six hours to destination than to unload them at the expiration of twenty-eight hours. There is always a certain amount of unavoidable cruelty in loading and unloading live stock. Cattle are either very anxious to leave a car and become jammed and bruised in the doorways or they remain stubborn and are cruelly beaten and prodded by ignorant men to make them come out. The same applies to the loading.

Third, I consider it preferable to keep sheep confined in cars without food or water thirty-six hours than to unload them at night. Sheep being naturally very timid animals, especially at night, will not either eat or drink when unloaded in strange yards under cover of darkness. Sheep, due to their timidity, probably shrink more in transit than any other class of animals, and should therefore be handled as little as possible.

Fourth, considering the matter wholly from a humane standpoint, I am of the opinion that what is popularly known as the "twenty-eight-hour law" is beneficial, as it acts as a check to those who would willfully violate the law, but I do not consider that the humane treatment of live stock in transit would be bettered by a strict enforcement of the law as it now stands. It is to the interest of owners and shippers to have their stock delivered in the best of condition and with as little shrinkage as possible. Experience has taught them that the less the stock is handled and excited the better. The five hours' rest prescribed by law is more than offset by the process of unloading and loading.

Considering the matter as a whole, I think that when modern cars are used, provided with feed racks and water troughs (most cars are so equipped), it is far better to keep live stock confined to destination, even though it take thirty-six hours, than to subject them to the unloading and loading process every twenty-eight hours at the different feeding stations. These stations are, as a rule, inadequate and give no protection against rain or snow storms. Another point why live stock should not be unloaded unless absolutely necessary is that the animals are usually very thirsty and drink too much water. The water is probably different in composition to what they have been accustomed to, and often causes violent intestinal disturbance resulting in profuse scouring and diarrhea. This trouble is aggravated by any excitement.

Very respectfully,

J. F. RYDER.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, New York, N. Y., May 11, 1906.

DR. A. D. MELVIN,
Chief of Bureau of Animal Industry, Washington, D. C.

SIR: I inclose replies to questions asked with regard to the humane transportation of live stock, but have found it very difficult to answer with a simple "yes" or "no." In order for you to decide upon regulations to be imposed, a number of questions must be taken into consideration, and, in order to answer your questions intelligently, the same attention must be given to the matter by persons replying to them. I give below a few points which seem to affect the question of regulating transportation of live stock.

Animals are usually started with hay in the cars, which lasts for part of the journey.

In winter animals can go longer without water than in summer.

Sheep suffer less from deprivation of water than cattle do.

It would seem unreasonable to demand that cattle should be unloaded at a small way station for food and water when close to regular stock yards. In cases of unavoidable detention in transit some margin should be allowed, but perhaps four hours might be better than eight hours or two hours better than four hours.

The following suggestions are not made flippantly, but to draw attention to the fact that any excess of humanity shown to cattle beyond that displayed to human beings, and at the expense of the latter, may cause adverse comment.

A tramp who is more than twenty-eight hours by railroad from a town where free food and water and no necessity for work for the rest of his life await him will voluntarily place himself in a freight car and would prefer that to be locked in, without food or water. Most of us would prefer that to be locked in rather than ask us for transportation expenses. The cattle have had the free food and water and idleness all their lives, and we inflict upon them at the end the same suffering which the man would inflict upon himself.

In cases of military necessity soldiers may have to go more than twenty-eight hours without food or water.

The economical transportation of the tramp is a necessity, the economical transportation of the soldier may be a military necessity, and the economical transportation of the cattle is a commercial necessity. Extra expenses forced upon transportation companies must eventually be paid by the consumer in the increased price of beef.

Any increase in the price of food increases the sufferings of the poor. In answering your letter, humanity to the cattle was the only point taken into consideration.

Very respectfully,

H. N. WALLER, *Inspector.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, New York, N. Y., May 11, 1906.

Dr. A. D. MELVIN,
Chief of Bureau of Animal Industry, Washington, D. C.

SIR: I beg to acknowledge receipt of your letter of the 10th instant, containing questions to be answered in reference to transportation of live stock.

Taking these questions seriatim, replies are as follows:

1. No.
2. Better to unload the cattle.
3. Keep the sheep in cars until daylight.
4. The twenty-eight-hour law is beneficial.
5. Yes.

Very respectfully,

H. N. WALLER, *Inspector.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Los Angeles, Cal., May 15, 1906.

Dr. A. D. MELVIN,
Chief of Bureau, Washington, D. C.

SIR: Replying to your letter of May 10, 1906, propounding five questions concerning the operation of the "twenty-eight-hour law," I submit the following answers, with a general summary of reasons, based upon by observation:

- Question 1: No.
Question 2: Carry them through to destination.
Question 3: During hot summer months unload during nighttime, at other seasons in daytime.
Question 4: Throughout the East, where docile and tractable native stock is handled, yes; with western range stock, no.
Question 5: No; not from a western viewpoint.

In recording the above answers I have been governed in a great measure by my observation of conditions as they prevail throughout the range territory of the West. Generally speaking, conditions in the transit of live stock, that injure the shipper financially, through shrinkage on account of unnecessary handling and the unfavorable facilities afforded for the unloading, yarding, and caring of live stock that prevails at the average stock-yard station throughout the country, makes the strict enforcement of this law more or less inhuman.

I do not say this in defense of the shipping interests, but because I sincerely believe that the methods in handling and shipping live stock which, in a general way, is most profitable from a financial standpoint is also the most humane and the least injurious to the meat product.

Very respectfully,

ALBERT E. RISHEL, *Inspector.*

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendments and agree to the conference asked for by the House, and that the conferees be appointed by the Vice-President.

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

EMPLOYMENT AGENCIES IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 19642) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations; which was read the first time by its title.

Mr. GALLINGER. I ask that the bill remain on the table. A similar bill is on the Calendar in the Senate. At the proper time I am going to ask that the House bill be considered.

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

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

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 Commerce with amendments.

Mr. KNOX. Mr. President, I should like to say a few words in explanation of this bill. The bill, as all know, is one of considerable length. The proposition, however, is a simple one. The provisions of the bill are plain and easily understood, and the power of Congress to pass the bill is one which no one will challenge. The bill has passed the House, and it is proposed to be amended in some material matters by the Senate committee.

The amendments of the committee are, in my judgment, wise ones and ones made in the public interest.

This is a bill to incorporate the Lake Erie and Ohio River Ship Canal Company, a corporation having for its object, as its name implies, the construction of a ship canal between the Ohio River and Lake Erie. The route for this proposed canal is to extend from a point on the Ohio River somewhere between Beaver and Pittsburg, Pa., by way of the Ohio, Beaver, and Mahoning rivers in the State of Pennsylvania, and the Mahoning River in the State of Ohio, to a point at or near Niles, Ohio, thence by canal northwardly through the State of Ohio to an accessible harbor on Lake Erie, between the Pennsylvania and Ohio State limit and the mouth of the Grand River. The bill also provides for a branch of the canal along the Shenango River in Pennsylvania and another along the Mahoning River in Ohio.

Mr. President, the general object of the canal is apparent at a glance, but its full import and the importance of the undertaking can only be understood by considering the conditions of trade existing in the sections to be connected, the natural resources and the manufactured products of each section, and the great advantage of bringing together without transshipment and with the minimum expense for transportation of the natural products of each section. These matters have been very clearly set forth in the reports of the committees of the House and Senate which have had this matter under consideration. (House Report No. 1343 and Senate Report No. 1997.)

The canal when constructed will connect the Great Lakes system and the St. Lawrence River with the Ohio and the Mississippi rivers and their tributaries and with the Gulf of Mexico and the Pacific coast when the Panama Canal shall be completed.

The importance of waterways as a means of commerce is well understood by every nation, and enormous sums of money have been expended in attempts to secure water communication for commerce with different sections of country and with the world at large. Inland cities have been given ports, thus securing to them the advantages of a location on deep water. Cities whence the tide of commerce was ebbing because of inadequate water communication have dug their way back to prosperity and commercial position. Interior rivers and lakes have been connected with each other and with the ocean to the inestimable advantage of commerce and to the development of large sections of country. Oceans have been connected, thereby changing and shortening the great routes of commerce of the world, and the United States is now engaged in the most stupendous undertaking of them all, the construction of the Panama Canal.

The reason why so much importance is attached to the waterways of a country is that it is the cheapest means of transportation known. It has been estimated that the lowest cost per ton-mile ever attained in this country is about $3\frac{1}{2}$ to 4 mills per ton-mile, the average charge by all railroads of the country being nearly 9 mills per ton-mile. Water transportation is easily one-sixth to one-eighth as cheap.

Because of the importance of this means of transportation, the United States exercises particular care in its control of the navigable waters, regulating the height and character of the bridges to be constructed, and preventing obstructions to navigation generally, and Congress annually appropriates large sums of money for river and harbor improvements.

It is particularly fitting, therefore, that the National Government should, by the granting of the charter requested, receive and assume the control over this important factor of interstate commerce, which so intimately concerns the welfare and prosperity of large sections of this country.

The Pittsburg district to-day moves an annual tonnage greater than the cities of New York, London, Antwerp, Hamburg, and Liverpool combined, and greater than New York, Boston, Baltimore, and Chicago combined. In assessed wealth, Allegheny County alone exceeds every State in the Union except thirteen. The reason for this is its natural advantages. Located on a navigable river, and the center of the coal and coke producing sections of Pennsylvania, Ohio, and West Virginia, it could not be less than a great manufacturing district. But Pittsburg is at a disadvantage in one respect. Its iron ore comes from the mines of the Northwest, a large portion of which must come by rail from Lake Erie to Pittsburg. The Northwest, on the other hand, requires and receives almost an equal tonnage of coal and coke. Thus the two sections of country require mutually the products of the other. Pennsylvania and Ohio require the ore and grain products of the Northwest, and the Northwest requires the coal and coke and manufactured products of these and adjoining States.

Ideal conditions for the development of commerce and manufacture are approximated in the degree that these natural

products can be brought together with the least inconvenience and at the least expense. As has already been stated, the cost of transportation by rail from Lake Erie to Pittsburg is from six to eight times what it is estimated it would be by water. With this canal, wheat and iron ore and other products of the Northwest could be placed on a vessel at Duluth, or any other port on the Great Lakes, and carried without reshipment to Pittsburg, or any other place on the Ohio or Mississippi rivers and their tributaries where navigation permits. Twenty-four States will thus be connected, and an interchange of natural products and manufactures made possible at a minimum cost for transportation.

Cheaper transportation means cheaper and better living for the people in the sections affected thereby. Cheaper cost of living and cheaper natural products mean cheaper manufactured products, and cheaper manufactured products means growth in trade and commerce and in the material wealth of the country. And not only does it mean prosperity for the manufacturing interests, but the agricultural and mining and lumbering interests of the country are likewise benefited. To them it means a market for their products, and in return cheaper coal and coke and manufactured articles. Thus all sections affected by the canal will be mutually benefited thereby.

The cheapening of the cost of transportation is the greatest factor in commercial expansion, and it is therefore a matter of highest wisdom on the part of State, municipal, or National Government to afford every proper encouragement and facility to that end. This is universally recognized. The State of New York a few years ago appropriated \$100,000,000 to deepen the Erie Canal to 12 feet, and thus secure better and cheaper transportation from the Great Lakes to the ocean. Many cities have made large expenditures for similar purposes. Chicago has spent over \$38,000,000 in her drainage canal, which is a portion of a canal designed to connect that city with the Mississippi River. Glasgow expended \$60,000,000 in digging her way out to the sea by way of the Clyde. Liverpool expended \$106,000,000 on improvements at the mouth of the Mersey River, and the United States expends millions of dollars annually in river and harbor improvements, and it also assisted in the construction of the Pacific railroads. So the National Government stands committed to the policy of encouraging in every way it can efforts to cheapen the cost of transportation.

The proposed canal is a work of great national importance, devoted entirely, or at least very largely, to interstate commerce, and therefore is one which should be under the control of Congress. The United States has not yet, and it is to be hoped that it never will be necessary for it to embark upon a policy of national construction and ownership of the great agencies of interstate commerce. Nor can it engage in any such undertaking unless such ownership is essential or necessary for the proper and effective exercise of its power to regulate commerce. The interest the United States has in such matters is the regulation of the commerce, and this can very easily be accomplished, at least so far as new interstate carriers are concerned, by the means suggested by the pending bill—that is, by allowing such carriers to secure national charters and retaining to itself such powers of control and regulation as are deemed expedient. This is better than government ownership. It involves no expenditure of money, no annoying perplexities of construction and management, and secures to the Government every feature of control that may be deemed essential or desirable.

True the United States is now engaged in the construction of the Panama Canal, but it is apparent that it could not undertake very many enterprises of the same kind at the same time. That is to be an international highway, and for reasons of highest governmental policy and protection it is obvious that the United States was practically compelled to engage in that undertaking.

Already the difficulties are manifest, to say nothing of the enormous expense involved. The construction of this canal will engage the attention of the National Government for many years to come, and there is no probability that the United States would desire to undertake the construction of the canal now in question. Clearly, therefore, if this canal is to be constructed at all, or in the near future, it must be done by private enterprise. It is a matter of importance, however, that the National Government should at its inception assume and exercise all needed control.

This is precisely what is contemplated by the incorporation of this company, to give to Congress the absolute control of the situation, so far as it is deemed necessary or desirable, and to create and vest in the company such powers, and such powers only, as are necessary and expedient for it to have.

It means the taking control of a great factor of interstate

commerce in its incipient stages and fashioning and limiting its powers to meet the views of Congress and the legitimate needs of the country, instead of allowing it to spring into existence under State authority and outside of the control of Congress, except so far as it may be subject to general legislation upon the subject of interstate commerce.

Mr. President, at this time, when almost an entire session of Congress has been devoted to the passage of laws seeking to gain control over interstate carriers, this argument should apply with peculiar force. In these times, when great aggregations of capital, the creations of State authority, threaten and bid defiance to Federal control, and the utmost energies of Congress are devoted to securing a measure of control, it would seem to be an act of highest wisdom for Congress to outline in the initial stages the scope of the powers to be conferred upon such carriers, and to retain all needed powers for their regulation and control, without trusting to the efficacy of a statute of general application, hampered by constitutional restrictions, in order to obtain and enforce such control.

In the present instance we have an aggregation of capital seeking a Federal charter for the purpose of carrying out an enterprise of great national importance. Not a dollar of national funds is asked for. Private enterprise will assume the whole cost of the undertaking and the difficulties. It offers to the United States a national control, including the regulation of the rates to be charged, and in return asks only for a Federal charter, allowing such powers as should properly and of necessity belong to it.

The bill has been favorably reported by the committees of both Houses and extensively amended to cover every reasonable objection. The company is to exercise the right of eminent domain in conformity with and subject to the laws of the States through which it is to be constructed; the taking of water from rivers, lakes, brooks, streams, etc., for the use of the canal is to be subject to the rights of the States through which it passes and of the municipalities affected thereby, and the act provides that nothing contained in the bill shall authorize the company to impair the navigability of any rivers or streams, or to diminish at any time the water supply of any city, village, or municipality below the normal minimum discharge of any such river or stream; and in the matter of taxation, the company is made subject to the laws of the respective States in which it does business, regulating the taxation of foreign corporations.

As to the power of Congress to create such a corporation as a means of regulating interstate commerce, there can be no doubt. A similar question arose in the case of *Luxton v. The North River Bridge Company* (153 U. S., 525) over the constitutionality of the act of Congress of July 11, 1890 (ch. 669, 26 Stat. L., 268), incorporating the North River Bridge Company. The court sustained the constitutionality of that act and affirmed the power of Congress to exercise the right of eminent domain whenever this is necessary for the accomplishment of any object within its authority, and with or without a concurrent act of the State in which the lands lie, Mr. Justice Gray saying (p. 529) that the validity of the act rested "upon principles of constitutional law now established beyond dispute."

Mr. President, I will say, in conclusion, that in addition to the safeguards which have been thrown around this bill by the amendments provided in the Senate there is a distinct provision that not a stroke of work upon the canal shall be done until all of the plans have been submitted to and approved by the Secretary of War.

Mr. LA FOLLETTE. Mr. President—

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

Mr. KNOX. I have finished.

Mr. LA FOLLETTE. Before the Senator resumes his seat, I should like to have him state, if he has not already stated, the length of this proposed canal in miles.

Mr. KNOX. About 150 miles.

Mr. SPOONER. How much?

Mr. KNOX. About 150 miles from the nearest point on Lake Erie to a point between the mouth of the Allegheny River and the mouth of the Beaver.

Mr. BACON. Does that include lateral canals?

Mr. KNOX. It does not include lateral canals.

Mr. BACON. How much, including them?

Mr. KNOX. There is nothing in the report or nothing in the testimony which indicates that. The lateral canals, I should imagine, would be half the distance of the whole canal. I judge that from my knowledge of the geography of the country, as it is described in the bill.

Mr. BACON. About 75 miles?

Mr. KNOX. I should say all the lateral canals would not exceed in length 75 miles.

Mr. CULBERSON. Before the Senator resumes his seat, I desire to make an inquiry of him.

Mr. President, Congress chartered the Texas and Pacific Railway Company, which was proposed to be constructed through several States. Among others it crossed the State of Texas. The railroad commission of that State, in 1891, undertook to fix rates of freight for that railroad company for freight which was transported between points wholly within the State. The company attacked the action of the commission on the ground that it was chartered by Federal authority and was not subject to regulation of freight charges by the State even between points wholly within the State. In one of the Reagan cases reported in 154 United States, the one in which the Texas and Pacific Railway Company was a party, the Supreme Court considered that question and held that that company as to intra-State freight was subject to State authority.

The justice who delivered the opinion, however, Mr. Justice Brewer, suggested that if Congress had seen proper it might possibly have conferred such power upon the Texas and Pacific Railway Company as would have taken from the State the authority to regulate freight wholly within its limits, but left the question undetermined. What I desire to ask the Senator from Pennsylvania after this explanation, is what provision there is in this bill on that subject, if any; that is to say, is the power reserved to Congress to regulate and control the rates on freight which will be transported between points entirely within a State?

Mr. KNOX. Mr. President, in the most careful way that has been provided for by a Senate amendment.

That Congress hereby reserves the right to regulate the tolls—

Mr. CULBERSON. What amendment is that?

Mr. KNOX. It is section 9. I am reading from the sixth page of the bill—

to regulate the tolls, fares, and rates to be charged by said company for the use of said canals; and the said company and the said canals and all transportation thereon—

Not interstate transportation—

shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts supplemental thereto and amendatory thereof, now or hereafter enacted.

And then there is a more general provision in the latter part of the bill.

Mr. CULBERSON. I call the Senator's attention, if I do not misunderstand this provision, to the fact that the provision which he has read gives Congress power to regulate the interstate freight of this canal.

Mr. KNOX. No; it gives the power to regulate all transportation upon the canal.

Mr. CULBERSON. That would include intrastate freight.

Mr. KNOX. Certainly; and that is the idea. The idea was to put this canal absolutely, in consideration of its receiving from the Congress of the United States a charter, under Federal control in respect to every particle of business that it does.

Mr. CULBERSON. The Senator, as I understand him then, takes the position that Congress has the power to regulate freight carried wholly within the limits of the State by a Federal corporation.

Mr. KNOX. I take the position that Congress has the right to regulate anything that a corporation which it creates does by virtue of that charter.

Mr. CULBERSON. But, Mr. President, Congress has no power to charter this company except to regulate interstate commerce, and consequently if its power to charter a company is limited to its power to regulate interstate rates, how can it by chartering the company extend its authority to the regulation of intrastate rates?

Mr. KNOX. I think there can be no doubt of the proposition that if Congress has the power to charter a corporation, to bring it into life, to give it all of its power and vitality under a provision of the Constitution which permits it to regulate commerce between the States, it follows that because of the power of creation it controls everything that that corporation may do. The corporation is not bound to take a charter out under the laws of the United States, but if it does take a charter out under the laws of the United States it may in all respects be made subject to the laws of the United States and the will of the United States by the act of its creation.

Mr. CULBERSON. But, Mr. President, I submit to the Senator from Pennsylvania that the power in Congress is limited to a specific grant in the Constitution, which is to regulate rates of freight which is carried from one State to another or from this country to foreign countries.

Its authority to grant such a charter as this rests upon its authority to regulate such foreign and interstate commerce,

and it can not, by granting a charter, exceed its constitutional authority to regulate interstate freight. If that is the proposition which the Senator will insist upon in the passage of this bill, Mr. President, some of us, at least, will be denied the pleasure of supporting it.

Before I take my seat I wish to ask the Senator another question, and I rose simply to make these inquiries of the Senator.

Section 10 of this bill—and that is the only section I have had an opportunity to read—provides for the construction of a number of lateral or branch canals, as I believe they are called. What I desire to ask the Senator is if the construction of these canals will create parallel and competing lines either among themselves or with the main line, so that if this authority is granted a certain territory will be monopolized by this company for the carriage of freight?

Mr. NELSON. Mr. President—

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

Mr. KNOX. Certainly.

Mr. NELSON. I desire to answer the Senator from Texas on that point. I am somewhat familiar with the bill, because it was reported by the Committee on Commerce, and that committee largely amended the bill. The other canals that are referred to in the bill are simply small feeders. They are not lateral canals. They are not intended to cover independent territory, but rather as feeders to this canal to bring in traffic by side lines to the main line. The main object is to reach certain coal fields of Pennsylvania and Ohio and bring that coal in those canals into the main canal.

Mr. CULBERSON. An inquiry was made by another Senator a moment ago as to the length of the branch or lateral canals, and I understood the Senator from Pennsylvania, though I may have misunderstood him, to say that he was not able to give the length of these lateral or branch canals.

Mr. KNOX. I can answer only from my knowledge of the geography of that country. If it is an important question, I would not want you to rely upon any answer that I would make without some examination.

Mr. CULBERSON. If the Senator will permit me, the matter in my mind, though it may not be important if I knew all the facts, is whether or not the construction of these branch canals will amount to the construction of parallel waterways for the transportation of freight, so that a considerable portion of country, so far as the carriage of freight is concerned, will be monopolized by this corporation.

Mr. KNOX. I can not answer that question accurately. It would not create any such condition as the Senator has described. I know that from the description of the streams along which the lateral canals are to be built.

Then I want to add to the answer I made a moment ago to the Senator from Texas. The Senator has raised an entirely new question in connection with the ninth section and the power of Congress to regulate the entirely local freight. I do not want to feel that I am myself committed by the answer I have made, but I do not see how, in any event, it is deprived of it because, after all, that is a question for construction by the courts.

Mr. BAILEY. Before the Senator resumes his seat, I wish to say that the trouble is that the language of this bill brings it within the rule which the justice declared in the Reagan case that Congress might do. For my part, I do not believe Congress possesses the power to regulate intrastate commerce, even though the instrumentality of that commerce is created by Congress. I sincerely hope, if that question is presented to the court, that the court will not decide according to the intimation of the justice. But even if Congress possesses that power, I never want to see it exercised. So, following the suggestion of my colleague [Mr. CULBERSON], it seems that if the Senator from Pennsylvania would confine this authority to interstate and foreign commerce, then he would bring this law within the rule laid down in the Reagan case, in which it was held that it was not the intention of Congress to remove it from the regulation of interstate commerce, and the Senator might escape the serious question as to the validity of his bill in the court, for if this amendment remains in it and the court should finally decide, as I think the court ought, that under the power to regulate commerce Congress can not create a corporation for any purpose except the regulation of interstate and foreign commerce, and that when Congress attempts to create a corporation as a means of regulating intrastate commerce it exceeds its authority, then this bill, expressing a different rule, might be subject to a serious constitutional objection.

Mr. NELSON. Mr. President, will the Senator from Pennsylvania allow me to make a suggestion, which I think will solve the difficulty?

Mr. KNOX. Certainly.

Mr. NELSON. After the word "regulate," on page 6, section 9, line 13, I suggest that there be inserted the words "as to interstate commerce;" so as to read:

That Congress hereby reserves the right to regulate, as to interstate commerce, the tolls, fares, and rates to be charged, etc.

Mr. BAILEY. Make it "interstate and foreign commerce."

Mr. NELSON. Very well; "interstate and foreign commerce." I think the Senator from Pennsylvania will have no objection to that provision.

Mr. KNOX. Not the slightest in the world. I only want to add—and I think I am entitled to add, in justice to myself—that I have had nothing whatever to do in the preparation of this bill; I did not even appear before the committee in its interest; and, in fact, had not read it until within the last few days, when we expected to bring the bill up. That was the reason I was so free to disavow the accuracy of my own answer. I think the suggestion, however, made by the Senator from Texas corrects that entirely.

Mr. NELSON. I want to say to Senators that when that amendment in the bill is reached, I will move to add the amendment which I have indicated, if it be agreeable to the Senator from Pennsylvania.

Mr. KNOX. Entirely so.

Mr. CULBERSON. I suggest to the Senator from Pennsylvania that the remaining part of section 9 needs correction also, where it reads, beginning with line 14:

And the said company and the said canals and all transportation thereon shall be subject to all the provisions of an act entitled, etc.

Mr. KNOX. It should read "all transportation aforesaid."

Mr. NELSON. Mr. President, I will say to the Senator from Texas that we can make an amendment there to harmonize with the other amendment.

Mr. PENROSE. Mr. President, I have no prepared speech to make upon this measure, but I desire to say that I earnestly hope the Senate will pass this bill. It is a novelty in legislation. Congress is importuned at every session to pass enormous river and harbor bills for internal improvements. Here is a proposition before this body which involves an internal improvement of a waterway perhaps more far-reaching and important than was ever provided for in a river and harbor bill, and entirely by private enterprise. Not one dollar is asked from the Federal Government to construct this canal, some 100 miles in length, connecting over twenty-four States by a 12-foot waterway—the New England States and the Northwest as far as the great State represented by the Senator from Michigan.

The gentlemen who have applied for this charter of incorporation are not making the application on any speculation. They do not ask this privilege from Congress for the purpose of hawking this act around for syndicates and banks. The act provides that they must pay 10 per cent of the authorized capital within three years in the actual construction of this work, and the probabilities are that the canal will be finished within ten years, thereby adding enormously to the industrial prosperity of Pittsburg and western Pennsylvania, and enabling the ores and farm products of the great States bordering upon the Great Lakes to be brought to the great industrial centers at the head of the Ohio River.

The bill has been most carefully amended by the Senate Committee on Commerce, of which I happen to be a member, largely owing to the fidelity and care with which the Senator from Minnesota [Mr. NELSON] scrutinized the measure, who has inserted, as the Senate will observe, almost every provision which can be imagined to safeguard the Government and the patrons of the canal in line with all the recent thoughts that have been developed in reference to common carriers in the discussion in connection with the railroad rate bill.

The only possible objection that can be made to this bill is the technical one that perhaps Congress has not the power to pass an act of incorporation of this character. It is contended, however, that such authority does exist, and it is evident that if authority does exist this case is beyond all others a proper one for its exercise, as it pertains to the great internal waterway improvements in the country.

It was originally contemplated that the Government should have the right to take possession of this canal within fifty years. The Senate committee struck out that provision, not at the request of the gentlemen having this enterprise in charge, but because the committee did not want to pledge the Government in any way to take possession of the work. But I have no doubt—and I do not think any member of the Senate Committee on Commerce has any doubt—that ultimately this waterway will be controlled and owned by the United States Government. I repeat, it will be 12 feet in depth, a depth similar to

that in the Erie Canal, for which the State of New York has appropriated \$100,000,000, and will put the manufactured products of Pittsburg and the industrial establishments at the head of the Ohio—the oil, the coal, the iron, and the steel—within the reach of New England, and bring their products in return to that section and to the mouth of the Mississippi.

Mr. BACON. Will the Senator pardon an inquiry?

Mr. PENROSE. Certainly.

Mr. BACON. I should like to ask the Senator from Pennsylvania what good reason there is why this enterprise should not be chartered by the State of Pennsylvania instead of by the United States?

Mr. PENROSE. The reasons are twofold, Mr. President. One reason is that this is a matter which peculiarly should come under the jurisdiction of the Federal Government. It involves the taking of water from great waterways; it involves intruding upon waterways and encroaching upon the Great Lakes and headwaters of the Ohio and Mississippi rivers; it applies to interstate commerce; and there is no legislation either at Harrisburg or at Columbus, and such legislation can not be obtained except after great effort and after a long series of years, which would enable such an incorporation to be made successfully and to be successfully carried out. It would be very difficult to bring about such a union of action between the States of Ohio and Pennsylvania as would render this a practical proposition.

Mr. BACON. If the Senator will pardon me—I do not know that I understood him correctly—did I understand him to say that it would take a number of years to get such a charter from the State of Pennsylvania?

Mr. PENROSE. There are no laws on the statute book of Pennsylvania covering all the questions which arise under this bill and no such laws in the State of Ohio. It would require a separate effort in both States to cover all the points raised and the questions involved. This is a simple and direct method and the most expeditious. As the question involves the waterways of the United States and as the work will unquestionably be some day owned by the Government, there is thought to be ample justification for the application to Congress in this case.

I repeat, the bill has been most carefully amended and the canal will be commenced at once. I for one, in view of the ceaseless efforts from localities all over the country to get help from Congress, contend that this enterprise—a private effort, involving the expenditure of many millions of dollars—should be encouraged by the prompt and favorable action of this body.

Mr. FORAKER. Mr. President, before the vote is taken on the measure, in view of the fact that this proposed canal is to pass through Ohio and that it is to be a canal connecting Lake Erie with Pittsburg, it is proper, perhaps, that I should say a word about it.

When this bill was introduced I had some misgiving as to the power of Congress to incorporate, under the commerce clause of the Constitution, such a company as this, but after having examined the authorities I find that there are at least dicta to the effect that Congress, in the exercise of the power conferred by the commerce clause of the Constitution, has power to create corporations to carry out such enterprises as this.

The only objection I had to this measure at any time was as to the question of power. Accepting these dicta as settling that question, it seems to me there is no good reason, under all the circumstances attending this proposition, why this bill should not pass. It will certainly be a very beneficial help to the commerce that it is intended to accommodate to have such a canal constructed and put into operation as this bill authorizes this company to construct and operate. Therefore, without detaining the Senate at this late hour to add to the arguments which have been made by the Senators from Pennsylvania, I want to express my desire to see the measure enacted.

Mr. TELLER. Mr. President, I wish to inquire of the Senators who have this bill in charge if they desire that it shall be voted on to-night?

Mr. KNOX. So far as I am personally concerned, I will say that I think the longer Senators examine this bill the better they will like it and the fewer objections, I think, they will see in it. I should not, however, myself like it to lose any parliamentary position which it possesses. It will, of course, be subject to the will of the Senate in that respect.

Mr. TELLER. I do not desire to delay the Senators having the bill in charge, nor the Senate, if it desires that there shall be a vote on it. So far as I am concerned, however, I have not had my doubts settled, as has the Senator from Ohio [Mr. FORAKER], as to the power of the Government to authorize the building of this canal. I certainly can not subscribe to the doctrine announced by the Senator from Pennsylvania [Mr. Knox] that the Government of the United States can control

the entire commerce on this canal—the commerce starting in the State of Ohio and ending in the State of Ohio, or starting in Pennsylvania and ending in Pennsylvania. Mr. President, if Congress has got the power to do that—

Mr. KNOX. Mr. President—

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

Mr. TELLER. Certainly.

Mr. KNOX. The Senator from Colorado probably was not attending at the time it was agreed among us that that proposition need not be involved here, by eliminating from the bill the provision that the control should be over all commerce and limiting it simply to commerce between the States and between the States and foreign nations.

Mr. TELLER. I suppose the bill might be so framed as on its face it would not claim that. I do not believe the courts would ever hold that we could have control over commerce of the character mentioned. Yet if on the face of the bill it is plainly apparent that we have that power, that might at some time be a very persuasive argument before the court. The court might think Congress had determined that question, although, of course, it would not bind the court.

I do not believe there is any necessity for a charter by the General Government to build this canal. I myself regret very much that there seems to be a growing idea that a charter from the General Government can be had for any kind of an enterprise. I have not the slightest doubt that in the next five or ten years we shall see endeavors made to get Federal charters to carry out ordinary commercial and manufacturing affairs, upon the theory, I suppose, that they are going to export the goods at some time to Europe, to Canada, or elsewhere.

The reason the senior Senator from Pennsylvania [Mr. PENROSE] gives as to the necessity for a charter from the General Government, it seems to me, is not a very strong one. Ohio has chartered railroads that have passed out of Ohio into Pennsylvania, and Pennsylvania has chartered railroads that have passed out of Pennsylvania into Ohio. The States do that. I do not mean to say that Pennsylvania may charter a railroad in Ohio—

Mr. PENROSE. Mr. President—

Mr. TELLER. But there has never been any difficulty—in a moment I will yield to the Senator—in arranging the matter in such way that when a railroad reached another State line it could secure the privilege of entering that State. Now, I will hear what the Senator wants to say.

Mr. PENROSE. The point I made is that neither Pennsylvania nor Ohio has canal legislation as compared with their railroad legislation. There is ample legislation in both States providing for every contingency that may arise in connection with railroads; but neither State has any legislation of any account in connection with canals. It was found that the questions that would arise were so complicated and numerous if a State charter were attempted that, unless both States could be got to work in conjunction to enact legislation—which would obviously be somewhat difficult, as the legislatures may meet in different years and meet separately—it was thought this was the most expeditious, convenient, and best way, and that there was justification for it, as I have said, because it involved great waterways that ultimately would become the property of the United States Government.

Mr. FORAKER. Mr. President—

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

Mr. TELLER. I yield.

Mr. FORAKER. I want to call the Senator's attention to one of the dicta to which I referred a moment ago as leading me to the conclusion that this was within the power of Congress. In 127 United States Reports, Mr. Justice Bradley said, in the case of *California v. Pacific Railroad Company*:

It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws.

Now, I say that was purely dicta, and I do not like to base a conclusion upon dicta; but dicta similar to that have appeared in other cases. Some other justices, in decisions of the Supreme Court of the United States—just what they would decide were a question to come before the court on that particular point I do not know—but, in so far as they have given any indication, it is to the effect that they would hold that, under the power to regulate commerce, Congress has the power to incorporate a company to construct a railroad or a canal to engage in interstate commerce. It has never seemed to me to be quite clear upon reason that such a conclusion could be de-

duced from that provision; but I yield to what seems to be the trend of the expressions on that subject.

That is the only trouble I have had at any time in regard to this proposed legislation; and, in view of the comment the Senator made—which I thought was entirely justified, because I had great difficulty about it—I felt as though I wanted to call attention—and I thank him for allowing me to do so—to the quotation that I had in mind.

Mr. TELLER. I have not had the opportunity of reading this bill, except since I came into the Chamber within the last ten minutes. I see some things in it that I do not understand, and there are some things in it that I think might be changed very properly; but I am not prepared to go on at this time. I ask the Senator from Pennsylvania, who has this bill in charge, if he has any objection to allowing the bill to go over until opportunity may be had to examine into it more closely. I do not myself intend to take up any time on this subject, but I should like to look at the bill. Possibly I might be induced to vote for it, but I really do not see how I could with my present opinions.

Mr. BACON. I hope the Senator from Pennsylvania will let the bill go over. I wish to say a word or two with reference to it; but it is rather late this evening, and we have had a somewhat arduous day.

Mr. KNOX. May I ask the Chair—because I have no knowledge upon the subject—what will be the parliamentary position with respect to this bill in the morning?

The VICE-PRESIDENT. It will go to the Calendar, and can be taken up by unanimous consent or upon motion.

Mr. PENROSE. I ask unanimous consent that the bill be taken up after the routine business is over to-morrow morning. My colleague is to leave the city in a few days, and is very anxious to have the bill disposed of, as I am.

Mr. TELLER. I want to say that I have no desire to delay the bill. I should like at least to read it over before I am called upon to vote on it. I confess that I ought to have done that before; but I have had other things to do. I do not object to the suggestion made by the senior Senator from Pennsylvania.

The VICE-PRESIDENT. The senior Senator from Pennsylvania [Mr. PENROSE] asks unanimous consent that the pending bill may be taken up immediately upon the conclusion of the routine morning business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. I offer two amendments to the bill called up by the Senator from Pennsylvania. I ask to have them printed in the RECORD, that they may be looked over by members of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin that the proposed amendments be printed in the RECORD?

Mr. GALLINGER. And also printed in the usual form.

Mr. PENROSE. And printed in the usual form.

The VICE-PRESIDENT. They will be printed in the usual form and also printed in the RECORD in the absence of objection.

The amendments referred to are as follows:

Amendment intended to be proposed by Mr. LA FOLLETTE to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, viz: On page 13, after line 13, insert a new section, to read as follows:

SEC. — It shall be the duty of the Interstate Commerce Commission to investigate and determine the true fair value of the said canal, canals, property, and appurtenances thereto belonging and used, or to be used, for the convenience of the public. Such investigation shall be commenced as soon as any work on the said canal is undertaken and shall continue as improvements are made and contracts are given. For the purpose of such investigation, the Commission is authorized to employ such engineers, experts, and other assistants as may be necessary. The canal company, or any construction company or other person, firm, or corporation engaged in the construction of the said canals or works or any parts thereof, shall furnish to the Commission, from time to time, and as the Commission may require, maps, profiles, contracts, reports of engineers, and other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the said canals, property, and appurtenances.

The Commission shall thereafter, in like manner, keep itself informed of all extensions and improvements or other changes in the condition of the property of the said canal and ascertain the fair value thereof, and from time to time, as may be required for the regulation of tolls, charges, and services under the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof, revise and correct its valuation of the property of the said canal company. To enable the Commission to make such valuation and such changes and corrections in its valuation, the said canal company is required to report currently to the Commission, and as the Commission may require, all improvements and changes in its property and to file with the Commission copies of all contracts for such improvements at the time the same are executed.

Whenever the Commission shall have completed the valuation of the property, or any part thereof, and before said valuation shall be recorded as finally determined by said Commission, the Commission shall give notice by registered letter to the said canal company, stating the

valuation placed upon the said canals, appurtenances, or parts thereof used, or to be used, for the convenience of the public, and shall allow the company twenty days in which to file a protest of the same with the Commission. If no protest is filed within twenty days, such valuation shall be made a matter of record by the Commission.

If notice of contest is filed by the said canal company, the Commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto presented by the said company in support of its protest so filed as aforesaid. If after hearing any contest of such valuation, under the provisions of this act, the Commission is of the opinion that its valuation is incorrect, it shall correct the same and determine a fair valuation of such property, and shall make such determination a matter of record in the office of the Commission. All such valuations by the Commission shall be prima facie evidence of the fair value of the said canals, property, and appurtenances in any proceedings under the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof, and in all proceedings which may be instituted for the purchase of the said canals, property, and appurtenances by the United States.

Amendment intended to be proposed by Mr. LA FOLLETTE to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, viz: After line 5, page 4, insert the following:

Provided further, That the Lake Erie and Ohio River Ship Canal Company, its successors and assigns, shall issue only such amounts of stocks and bonds, coupon notes, and other evidences of indebtedness payable at periods of more than twelve months after the date thereof as the Interstate Commerce Commission may from time to time determine is reasonably necessary for the purpose for which such issue of stock or bonds has been authorized. And the Interstate Commerce Commission is hereby authorized and empowered and it shall be its duty to determine, upon application, what issues of stocks, bonds, coupon notes, or other evidences of indebtedness may be reasonably necessary to pay the cost of construction, equipment, maintenance, and operation of said canals and works. Said Commission shall render a decision, upon an application for such issue, within thirty days after final hearing thereon, which decision shall be in writing, shall assign the reasons therefor, and shall, if authorizing such issue, specify the respective amounts of stocks or bonds or of coupon notes or of other evidences of indebtedness as aforesaid which are authorized to be issued for the respective purposes to which the proceeds thereof are to be applied. Such decision shall be filed in the office of the Commission, and a certified copy of such decision shall be delivered to the said canal company, which shall cause the same to be entered upon its records before any stocks, bonds, coupon notes, or other evidences of indebtedness thereby authorized are issued. Every certificate of stock, every bond, and other evidence of indebtedness of such canal company operating as a lien upon the property of such company which shall be made, issued, or sold without compliance with this act shall be void. Any officer or director of said canal company who shall knowingly make any false statement or shall withhold from the Interstate Commerce Commission any information requested by such Commission to procure the approval of said Commission to any issue of stocks, or bonds, or coupon notes, or other evidences of indebtedness shall be deemed guilty of a misdemeanor, and upon conviction thereof in the United States district court of the district in which such offense is committed shall be punished by imprisonment for a term of not less than two nor more than ten years, and shall likewise be liable to any creditor of such company for the full amount of damages sustained by such wrongful act.

MONUMENT ON KINGS MOUNTAIN BATTLE GROUND.

Mr. OVERMAN. I ask unanimous consent to call up the bill (H. R. 17983) 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.

Mr. GALLINGER. I shall not object to this bill, but after it has been acted on I shall ask to act on a House bill now on the table.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates \$30,000 for the erection of a monument and inclosure for the same on Kings Mountain battle ground, in York County, S. C.

Mr. OVERMAN. After the word "Shelby," in line 1, on page 2, I move to insert "Charles McDowell."

The amendment was agreed to.

Mr. OVERMAN. On page 2, line 10, I move to strike out "Battle Ground" and insert in lieu thereof the word "Centennial."

The SECRETARY. On page 2, line 10, after the word "Mountain," it is proposed to strike out "Battle Ground" and insert "Centennial;" so as to read:

The Kings Mountain Centennial Association of South Carolina.

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EMPLOYMENT AGENCIES IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I desire to call up from the table the bill (H. R. 19642) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

The VICE-PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from New Hampshire.

The bill was read the second time at length.

Mr. GALLINGER. The Committee on the District of Columbia of the Senate has given this matter very careful consideration, and there is on the Calendar a similar Senate bill. I venture to ask unanimous consent for the present consideration of the House bill.

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.

The bill (S. 6394) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations was indefinitely postponed.

CITIZENS' BANK OF LOUISIANA.

Mr. McENERY. I ask for the present consideration of the bill (S. 1806) for the relief of the Citizens' Bank of Louisiana.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the Citizens' Bank of Louisiana \$215,820.89, for a claim found due said bank by the Court of Claims.

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

ALASKA RAILROAD COMPANY.

Mr. BURNHAM. I ask unanimous consent to take up from the Calendar the bill (S. 6358) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska.

Mr. HANSBROUGH. I ask the Senator from New Hampshire whether this is the bill which was reported from the Committee on Territories?

Mr. BURNHAM. It is substantially the same bill. There are certain amendments.

Mr. HANSBROUGH. Is it the same bill which was under consideration here a few weeks ago?

Mr. BURNHAM. Yes; reported from the Committee on Territories on the 9th of February. It is the same bill, with some minor amendments.

Mr. HANSBROUGH. At the time the bill was up in the Senate there was some discussion about it, and I think there are some objections to it.

Mr. BURNHAM. The bill was read at that time, and I only wish to have the bill read now, so that it will not have to be read again.

Mr. HANSBROUGH. I understood that the bill was read at the time it was up before.

Mr. BURNHAM. Yes; but there are some amendments.

Mr. HANSBROUGH. I shall have to object to the passage of the bill.

The VICE-PRESIDENT. Objection is interposed.

Mr. BURNHAM. I desire to have the bill read.

Mr. HANSBROUGH. I do not object to the reading of it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

Mr. BURNHAM. This is a new draft. It was read in substance before, and these amendments are minor amendments. This bill was reported to conform to the bill as it came from the House.

The VICE-PRESIDENT. The bill has been read in full.

STATEHOOD BILL.

Mr. BEVERIDGE. I present a conference report on the statehood bill.

The Secretary proceeded to read the report.

Mr. CARTER. I ask that the report be printed, and that it lie on the table.

The VICE-PRESIDENT. Without objection, it is so ordered. The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12707) "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," 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 1, 2, 3, 4, 5, 7, 13, 37, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 12, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 39, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to same with an amendment as follows: Strike out all of said amendment and insert: "and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall appoint an election commissioner who shall establish voting precincts in said Osage Indian Reservation, and shall appoint the judges for election in said Osage Indian Reservation;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out "each of said districts" and insert "said Osage district;" and the Senate agree to the same.

Amendment numbered 11: 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: After "President" strike out "who;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "and shall not be changed therefrom previous to anno Domini nineteen hundred and thirteen, but said capital shall, after said year, be located by the electors of said State at an election to be provided for by the legislature: *Provided, however,* That the legislature of said State, except as shall be necessary for the convenient transaction of the public business of said State at said capital, shall not appropriate any public moneys of the State for the erection of buildings for capitol purposes during such period;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out "or in which the United States maintained laws prohibiting the traffic in intoxicating liquors;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"Where any part of the lands granted by this act to the State of Oklahoma are valuable for minerals, which term shall also include gas and oil, such lands shall not be sold by the said State prior to January first, nineteen hundred and fifteen; but the same may be leased for periods not exceeding five years by the State officers duly authorized for that purpose, such leasing to be made by public competition after not less than thirty days' advertisement in the manner to be prescribed by law, and all such leasing shall be done under sealed bids and awarded to the highest responsible bidder. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which they shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the proper State authorities in writing: *Provided, however,* That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The legislature of the State may prescribe additional legislation governing such leases not in conflict herewith."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 23. That the inhabitants of all that part of the area of the United States now constituting the Territories of Arizona and New Mexico, as at present described, may become the State of Arizona, as hereinafter provided.

"SEC. 24. That at the general election to be held on the 6th day of November, 1906, all the electors of said Territories, respectively, qualified to vote at such election, are hereby authorized to vote for and choose delegates to form a convention for said Territories. The aforesaid convention shall consist of one hundred and ten delegates, sixty-six of which delegates shall be elected to said convention by the people of the Territory of New Mexico and forty-four by the people of the Territory of Arizona; and the governors, chief justices, and secretaries of

each of said Territories, respectively, shall apportion the delegates to be thus elected from their respective Territories, as nearly as may be, equitably among the several counties thereof in accordance with the voting population as shown by the vote cast for Delegate in Congress in the respective Territories in nineteen hundred and four.

"That at the said general election and on the same ballots on which the names of candidates to the convention aforesaid are printed, there shall be submitted to said qualified electors of each of said Territories a question which shall be stated on the ballot in substance and form as follows:

"Shall Arizona and New Mexico be united to form one State?"

Yes.

No.

"Electors desiring to vote in the affirmative shall place a cross mark in the square to the left of the word "Yes," and those desiring to vote in the negative shall place a cross mark in the square to the left of the word "No" in the form above prescribed. The governors and secretaries of the respective Territories shall certify and transmit, as soon as may be practicable, the results of said election each to the other and likewise to the Secretary of the Interior, and if it appears from the returns thus certified that a majority of the qualified electors in each of said Territories who voted on the question aforesaid at such election voted in favor of the union of New Mexico and Arizona as one State, then, and not otherwise, the inhabitants of that part of the area of the United States now constituting the Territories of Arizona and New Mexico as at present described may become the State of Arizona as hereinafter provided; but if in either of said Territories a majority of the qualified electors voting on the question aforesaid at such election shall appear by such certified returns to have voted against the union of said Territories then, and in that event, section 23 and all succeeding sections of this act shall thereafter be null and void and of no effect, excepting that the appropriation made in section 41 hereof shall be and remain available for defraying all and every kind and character of expense incurred on account of the election of delegates to the convention and the submission of the question aforesaid.

"The governors of said Territories, respectively, shall, within thirty days after the approval of this act, by proclamation in which the aforesaid apportionment of delegates to the convention shall be fully specified and announced and the aforesaid question to be voted on by the electors shall be clearly stated, order that the delegates aforesaid in their respective Territories shall be voted for and the question aforesaid shall be submitted to the qualified electors in each of said Territories as herein required at the aforesaid general election. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as near as may be, in the same manner as is prescribed by the laws of said Territories, respectively, regulating elections therein of members of the legislature: *Provided,* That if it appears from the returns that a majority of the qualified electors in the Territory of Arizona who voted on the question at the election voted in favor of the union of New Mexico and Arizona as one State, then, and not otherwise, the secretary or other proper officer of said Territory of Arizona into whose hands the result of said election finally comes, shall immediately transmit and certify the result as to the election of delegates to the convention to the secretary of the Territory of New Mexico, at Santa Fe, and if it appears from the returns from the election held in New Mexico that a majority of the qualified voters aforesaid voted in favor of joint statehood, then in that event the secretary of said Territory of New Mexico shall make up a temporary roll of the convention from the certified returns from both of said Territories, and he shall call the convention to order at the time herein required, and said convention when so called to order and organized shall be the sole judge of the election and qualifications of its own members. Persons possessing the qualifications entitling them to vote at the aforesaid general election shall be entitled to vote on the ratification or rejection of the constitution, if submitted to the people of said Territories hereunder, and on the election of all officials whose election is taking place at the same time, under such rules or regulations as said convention may prescribe, not in conflict with this act.

SEC. 25. That if a majority in each of said Territories at the election aforesaid shall vote for joint statehood, and not otherwise, the delegates to the convention thus elected shall meet in the hall of the house of representatives of the Territory of New Mexico, in the city of Santa Fe therein, at twelve o'clock noon on Monday, December third, nineteen hundred and six, but they shall not receive compensation for more than sixty days of service, and after organization shall declare

on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

"Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes, except as hereinafter provided, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and such Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

"Third. That the debts and liabilities of said Territory of Arizona and of said Territory of New Mexico shall be assumed and paid by said State, and that said State shall be subrogated to all the rights of indemnity and reimbursement which either of said Territories now has.

"Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English: *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

"Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

"Sixth. That the capital of said State shall temporarily be at the city of Santa Fe, in the present Territory of New Mexico, and shall not be changed therefrom previous to anno Domini nineteen hundred and fifteen, but the permanent location of said capital may, after said year, be fixed by the electors of said State, voting at an election to be provided for by the legislature.

"Sec. 26. That in case a constitution and State government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection, at an election to be held at a time fixed in said ordinance, which shall be not less than sixty days nor more than ninety days from the adjournment of the convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe; who, with the governors and chief justices of said Territories, or any four of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same; and if a majority of the legal votes cast

on that question shall be for the constitution the said canvassing board shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said board, to issue his proclamation announcing the result of said election, and thereupon the proposed State shall be deemed admitted by Congress into the Union, under and by virtue of this act, under the name of Arizona, on an equal footing with the original States, from and after the date of said proclamation.

"The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election shall be forwarded and turned over by the secretary of the Territory of New Mexico to the State authorities.

"Sec. 27. That until the next general census, or until otherwise provided by law, said State shall be entitled to two Representatives in the House of Representatives of the United States, which Representatives, together with the governor and other officers provided for in said constitution, and also all other State and county officers, shall be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of the constitution, and the State is admitted into the Union, the Territorial officers of said Territories, respectively, including delegates to Congress, shall continue to discharge the duties of their respective offices in said Territories until their successors are duly elected and qualified.

"Sec. 28. That upon the admission of said State into the Union there is hereby granted unto it, including the sections thereof heretofore granted, four sections of public land in each township in the proposed State for the support of free public nonsectarian common schools, to wit: Sections numbered thirteen, sixteen, thirty-three, and thirty-six, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other lands equivalent thereto, in legal subdivisions of not less than one quarter section and as contiguous as may be to the section in lieu of which the same is taken; such indemnity lands to be selected within said respective portions of said State in the manner provided in this act: *Provided*, That the thirteenth, sixteenth, thirty-third, and thirty-sixth sections embraced in permanent reservations for national purposes shall not at any time be subjected to the grants nor to the indemnity provisions of this act, but other lands equivalent thereto may be selected for such school purposes in lieu thereof; nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants of this act, but such reservation lands shall be subject to the indemnity provision of this act: *Provided*, That nothing in this act contained shall repeal or affect any act of Congress relating to the Casa Grande Ruin as now defined or as may be hereafter defined or extended, or the power of the United States over it, or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archaeological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Casa Grande Ruin as it now is or may be hereafter defined or extended by law, but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Casa Grande Ruin, or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State; and said lands shall not be subject at any time to the school grants of this act that may be embraced within the metes and bounds of the national park, game preserve, and other reservation, or the said Casa Grande Ruin, as now defined or may be hereafter defined; but other lands equivalent thereto may be selected for such school purposes hereinbefore provided in lieu thereof.

"Sec. 29. That three hundred sections of the unappropriated nonmineral public lands within said State, to be selected and located in legal subdivisions, as provided in this act, are hereby

granted to said State for the purpose of erecting legislative, executive, and judicial public buildings in the same, and for the payment of the bonds heretofore or hereafter issued therefor.

"Sec. 30. That the lands granted to the Territory of Arizona by the act of February eighteenth, eighteen hundred and eighty-one, entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes,' are hereby vested in the proposed State to the extent of the full quantity of seventy-five sections, and any portion of said lands that may not have been selected by said Territory of Arizona may be selected by the said State. In addition to the foregoing, and in addition to all lands heretofore granted for such purpose, there shall be, and hereby is, granted to said State, to take effect when the same is admitted to the Union, three hundred sections of land, to be selected from the public domain within said State in the same manner as provided in this act, and the proceeds of all such lands shall constitute a permanent fund, to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

"Sec. 31. That nothing in this act shall be so construed, except where the same is so specifically stated, as to repeal any grant of land heretofore made by any act of Congress to either of said Territories, but such grants are hereby ratified and confirmed in and to said State, and all of the land that may not, at the time of the admission of said State into the Union, have been selected and segregated from the public domain, may be so selected and segregated in the manner provided in this act.

"Sec. 32. That five per centum of the proceeds of the sales of 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 to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five million dollars for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid. Said appropriation of five million dollars shall be held inviolable and invested by said State, in trust, for the use and benefit of said schools.

"Sec. 33. That all lands herein granted for educational purposes may be appraised and disposed of only at public sale, the proceeds to constitute a permanent school fund, the income from which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than ten years, and such common school land shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"Sec. 34. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by the said State under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of any grant of saline lands to said State, save as heretofore made, the following grants of land from public lands of the United States within said State are hereby made, to wit:

"For the establishment and maintenance and support of insane asylums in the said State, two hundred thousand acres; for penitentiaries, two hundred thousand acres; for schools for the deaf, dumb, and the blind, two hundred thousand acres; for miners' hospitals for disabled miners, one hundred thousand acres; for normal schools, two hundred thousand acres; for State charitable, penal, and reformatory institutions, two hundred thousand acres; for agricultural and mechanical colleges, three hundred thousand acres: *Provided*, That the two national appropriations heretofore annually paid to the two agricultural and mechanical colleges of said Territories, respectively, shall,

until the further order of Congress, continue to be paid to said State for the use of said respective institutions; for schools of mines, two hundred thousand acres; for military institutes, two hundred thousand acres.

"Sec. 35. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the unappropriated public lands of the United States within the limits of the said State, by a commission composed of the governor, surveyor-general, and attorney-general of said State; and no fees shall be charged for passing the title to the same or for the preliminary proceedings thereof.

"Sec. 36. That all mineral lands shall be exempted from the grants made by this act; but if any portion thereof shall be found by the Department of the Interior to be mineral lands, said State, by the commission provided for in section thirty-five hereof, under the direction of the Secretary of the Interior, is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State in lieu thereof.

"Sec. 37. That the said State, when admitted as aforesaid, shall constitute two judicial districts, to be named, respectively, the eastern and western districts of Arizona, the boundaries of said districts to be the same as the boundaries of said Territories, respectively, and the circuit and district court of said districts shall be held, respectively, at Albuquerque and Phoenix for the time being, and the said districts shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at said Albuquerque and Phoenix in said State. The regular terms of said courts shall be held in said districts, at the places aforesaid, on the first Monday in April and the first Monday in November of each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territories of Arizona and New Mexico, respectively.

"Sec. 38. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of said Territories, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district courts, respectively, hereby established within the said State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme courts of the said Territories as to all such cases arising within the limits or embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme courts of the said Territories mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union.

"Sec. 39. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territories at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said

circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territories, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territories at the time of the admission of such Territories into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territories shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however,* That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

"Sec. 40. That the constitutional convention shall by ordinance provide for the election of officers for a full State government, including members of the legislature and two Representatives in Congress, at the time for the election for the ratification or rejection of the constitution; one of which Representatives shall be chosen from a Congressional district comprised of the present Territory of Arizona, to be known as the First Congressional district, and the other from a Congressional district comprised of the remainder of said State, to be known as the Second Congressional district; but the said State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act. In case the constitution of said State shall be ratified by a majority of the qualified voters of said Territories voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Sante Fe, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and when such State is admitted into the Union, as provided in this act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws of said Territories in force at the time of their admission into the Union shall be in force in the respective portions of said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said States as elsewhere within the United States.

"Sec. 41. That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and conventions provided for in this act; that is, the payment of the expenses of holding the election for members of the constitutional convention and the submission of the question of joint statehood and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided,* That any expense incurred in excess of said sum of one hundred and fifty thousand dollars shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of Arizona and in the present Territory of New Mexico, through the respective secretaries of said Territories, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act."

Restore the title so as to read: "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."

And the Senate agree to the same.

ALBERT J. BEVERIDGE,
WM. P. DILLINGHAM,
T. M. PATTERSON,
Managers on the part of the Senate.
E. L. HAMILTON,
A. L. BRICK,
JOHN A. MOON,
Managers on the part of the House.

ALASKA CENTRAL RAILWAY.

Mr. PILES obtained the floor.

Mr. FORAKER. Mr. President, if I can get the floor at this time, I wish to ask for the present consideration of a bill relating to Hawaii.

The VICE-PRESIDENT. The Senator from Washington has been recognized.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 5901) to extend the time for the completion of the Alaska Central Railway, and for other purposes.

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

Mr. HANSBROUGH. I should like to ask the Senator from Washington what committee reported the bill.

Mr. PILES. The Committee on Territories. This has no relation to the other bill.

Mr. HANSBROUGH. I know, but I must enter my objection, as chairman of the Committee on Public Lands, to the passage of bills coming from any committee which grant public lands. Any bill granting public lands, it seems to me, should be sent to the Committee on Public Lands. That has been the uniform practice heretofore, and I do not understand why these several railroad bills, which grant public lands for right of way and other purposes, have not been sent to the Committee on Public Lands, which certainly has jurisdiction of questions of that kind.

Mr. PILES. I hope the Senator will not object to the bill.

The VICE-PRESIDENT. Does the Senator from North Dakota object to the present consideration of the bill?

Mr. HANSBROUGH. I do not want to object to it. I do not want to cast any reflection on the Committee on Territories. But it comes from a committee that does not have jurisdiction of these questions, and I simply desire to enter my protest here against it, because I desire to preserve the integrity of the Committee on Public Lands.

Mr. PATTERSON. I hope the Senator will not object to the consideration and passage of the bill.

Mr. HANSBROUGH. I simply wish to enter a protest to legislation of this kind coming from any committee other than the Committee on Public Lands.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. PILES. Certainly.

Mr. CARTER. I understand that the senior Senator from Colorado [Mr. TELLER] has some amendments to offer to the bill, and I have some that I desire to offer. The amendments were substantially prepared, but in the meantime the form of the bill was changed somewhat from the original.

Mr. PILES. This is a different bill, if the Senator will pardon me. This is a bill about which I spoke to the Senator a few days ago, which ex-Senator Turner requested me to get through for him.

Mr. CARTER. The Alaska railroad?

Mr. PILES. The Alaska Central Railroad.

Mr. CARTER. I have no objection to it.

Mr. CULLOM. I hope there will be no further objection to the bill.

The bill had been reported from the Committee on Territories with an amendment, on page 4, line 9, after the word "company," to strike out "and its property;" in line 10, after the word "from," to strike out "taxation" and insert "license tax and tax on its railway and railway property;" so as to make the clause read:

Fifth. Said company shall be exempt from license tax and tax on its railway and railway property during the period of construction and for five years thereafter.

Mr. PETTUS. Is this bill now on its passage?

The VICE-PRESIDENT. The bill is in the Committee of the Whole, and the question is on agreeing to the amendment which has just been stated.

Mr. PETTUS. Has the Senate agreed to its consideration?

The VICE-PRESIDENT. The Chair understood there was no objection to its consideration.

Mr. PETTUS. There are a great many important grants in it, and I should like to have them explained by the report of the committee.

Mr. PILES. The grants, if the Senator will pardon me, are not at all important, as I view it. The grant of land to this company, which has already built 46 miles of railroad and which has expended \$2,500,000, is 160 acres for terminal facilities on the Tanana and Yukon rivers, and a similar grant between intermediate points approximately 100 miles apart. Then it gives a small amount, a shore line, of an acre, or thereabouts. Then it gives twenty-eight one-hundredths of an acre and the right to purchase an intervening tract of land lying between two homesteads. There is no large grant of land in this bill. It is merely a grant that is absolutely necessary to enable the company to have proper terminal facilities for the carrying on of the great enterprise, on which, as I have heretofore said, they have already spent more than \$2,000,000.

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

The amendment was agreed to.

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

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

CLINTON COUNTY, IOWA.

Mr. DOLLIVER. I desire to ask unanimous consent for the present consideration of the bill (H. R. 18330) transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa.

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 an amendment, to add at the end of the bill the following:

But the same shall be proceeded with and tried in the said northern district.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

LIEUT. JAMES M. PICKRELL, UNITED STATES NAVY, RETIRED.

Mr. MARTIN. I ask unanimous consent for the immediate consideration of the bill (S. 1812) for the relief of Lieut. James M. Pickrell, United States Navy, retired.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint Lieut. James M. Pickrell, United States Navy, retired, a lieutenant-commander on the retired list of the Navy.

The bill had been reported from the Committee on Naval Affairs with an amendment, to insert at the end of the bill the following:

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

Mr. MARTIN. The amendment was incorporated by mistake. It was not ordered by the committee. It is withdrawn.

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

The Committee on Naval Affairs reported an amendment, to strike out the preamble; which was agreed to.

CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. DUBOIS. I ask unanimous consent for the present consideration of the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. On June 6 last the bill was considered in Committee of the Whole and read.

The bill had been reported from the Committee on Education and Labor with an amendment, to strike out all after the enacting clause and insert:

That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop,

mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, theater, bowling alley, or in the distribution or transmission of merchandise or messages, or selling newspapers. No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session, nor before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening.

SEC. 2. That no child under 16 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any of the establishments named in section 1, unless the person or corporation employing him procures and keeps on file and accessible to the inspectors authorized by this act and the truant officers of the District of Columbia an age and schooling certificate, and keeps two complete lists of all such children and schooling certificate, and one conspicuously posted near the principal entrance of the building in which such children are employed.

SEC. 3. That an age and schooling certificate shall be approved only by the superintendent of public schools, or by a person authorized by him in writing, who shall have authority to administer the oath provided for therein, but no fee shall be charged therefor.

SEC. 4. That an age and schooling certificate shall not be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child, or other religious record, or the register of birth or the affidavit of the parent or guardian or custodian of a child, which affidavit shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not procured and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor.

SEC. 5. That the age and schooling certificate of a child under 10 years of age shall be in the following form:

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, guardian, or custodian) of (name of child) _____ and that (he or she) was born at (name of town or city) _____, in the county (name of county, if known) _____ and State (or country) of _____, on the (day and year of birth) _____ and is now (number of years and months) _____ old.

Signature of (father, mother, guardian, or custodian).
(Date.)

There personally appeared before me the above-named (name of person signing) _____ and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) _____, height (feet and inches) _____, eyes (color) _____, complexion (fair or dark) _____, hair (color) _____, having no sufficient reason to doubt that (he or she) is of the age therein certified. I hereby certify that (he or she) can read at sight and can write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and thirty days during the school year previous to arriving at the age of 14 years, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic, to and including fractions.

This certificate belongs to (name of child in whose behalf it is drawn) _____ and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools.

(Signature of person authorized to approve and sign, with official character or authority.)
(Date.)

A duplicate of each age and schooling certificate shall be filled out and kept on file by the superintendent of public schools. Any explanatory matter may be printed with such certificate, in the discretion of said superintendent.

SEC. 6. That whoever employs a child under 16 years of age, and whoever having under his control a child under such age permits such child to be employed, in violation of sections 1, 2, 3, or 5 of this act shall, for such offense, be fined not more than \$50; and whoever continues to employ any child in violation of any of said sections of this act, after being notified by an inspector, authorized by this act, or a truant officer of the District of Columbia, shall for every day thereafter that such employment continues be fined not less than \$5 nor more than \$20. A failure to produce to an inspector authorized by this act, or a truant officer of the District of Columbia, any age or schooling certificate or list required by this act shall be prima facie evidence of illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of section 5 of this act shall be fined \$10. Every person authorized to sign the certificate prescribed by section 5 of this act who knowingly certifies to any materially false statement therein shall be fined not more than \$50.

SEC. 7. That inspectors authorized by this act and the truant officers of the District of Columbia may visit the factories, workshops, and mercantile establishments in the District of Columbia and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of public schools and the corporation counsel of the District of Columbia. Inspectors authorized by this act and the truant officers of the District of Columbia may require that the age and schooling certificates and lists provided for in this act of minors employed in such factories, workshops, or mercantile establishments shall be produced for their inspection.

SEC. 8. That no minor under 16 years of age shall be employed, permitted, or suffered to work in any manufacturing, mechanical, or mercantile establishment more than eight hours in any one day, or before the hour of 6 o'clock a. m., or after the hour of 7 o'clock p. m., and in no case shall the number of hours exceed forty-eight in a week.

SEC. 9. That every employer shall post in a conspicuous place in every room where such persons are employed a printed notice, stating the number of hours required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The

printed form of such notice shall be furnished by the inspectors authorized by this act and the truant officers of the District of Columbia, and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this section.

SEC. 10. That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act, at a compensation not exceeding \$1,200 each per annum.

The amendment was agreed to.

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

Mr. BRANDEGEE. I desire to offer an amendment to the bill.

The VICE-PRESIDENT. The Senator from Connecticut proposes an amendment, which will be stated by the Secretary.

The SECRETARY. On page 7, line 8, after the word "newspapers," insert the following:

Except that the Board of Commissioners of the District of Columbia may make regulations for the issuance of licenses to minors between the ages of 12 and 14 years to sell newspapers: *Provided*, That no such licenses shall be issued except on the written consent of the superintendent of the public schools, and that such license so issued shall be revoked at any time on the demand of the said superintendent of the public schools.

Mr. DUBOIS. I have no objection to the amendment.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. NELSON. I would inquire whether the bill requires boys to take out licenses before they may sell newspapers?

Mr. BRANDEGEE. I will say to the Senator from Minnesota that, as I understand the bill, it did prohibit newsboys from selling newspapers, and the amendment I have offered allows boys of the age of 12 to 14 to sell newspapers when they have been licensed.

Mr. NELSON. I object to that provision in the bill.

Mr. CLAY. I will ask the Senator whether it is not true—

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

Mr. BRANDEGEE. Certainly.

Mr. CLAY. Is it not true that no boy can sell a newspaper in this city, under the bill and amendment, unless licensed by the Commissioners of the District of Columbia, and the Commissioners of the District of Columbia would be the sole judges as to whether a boy may sell newspapers?

Mr. BRANDEGEE. That is true under the amendment, but my understanding is that a boy is absolutely prohibited from doing it under the terms of the bill, and the amendment was designed to fix it so that he might secure a license.

Mr. NELSON. Then I shall have to object to the bill. I began life in 1849 as a newsboy. I had to earn my living. I do not think it is fair that a good honest boy must go and procure a license before he can sell newspapers in the city of Washington. If that is in the bill, I am opposed to it, and object to its present consideration.

The VICE-PRESIDENT. Objection is made to the consideration of the bill. It will lie over and retain its place on the Calendar.

TIMBER ON MENOMINEE INDIAN LANDS.

Mr. LA FOLLETTE. I ask unanimous consent for the consideration of the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.

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 Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized to permit the business committee of the Menominee tribe of Indians in Wisconsin to cause to be cut into logs and hauled to suitable places for sawing and cause to be scaled, under such rules and regulations as he may prescribe, the dead and down timber on the north one-half of township No. 29, range No. 13 east; the north half of township No. 29, range No. 14 east, and in the south half of township No. 30, range No. 13 east, on the Menominee Indian Reservation in Wisconsin, as herein provided, such cutting of timber to be in addition to the amount authorized to be cut and sold annually by the act of June 12, 1890 (26 Statutes at Large, page 146).

The Secretary of the Interior shall make contracts with a sufficient number of portable-mill owners to come upon the reservation and saw into lumber the logs so cut from such dead and down timber, the compensation for such sawing to be fixed at a certain rate per thousand feet, which amount shall not exceed the sum of \$3.50 per thousand feet board measure, both hard and soft wood included. That in so far as possible the labor employed in sawing said timber into lumber shall be secured from among the members of said tribe.

That the Secretary of the Interior is hereby authorized to pay out of the funds of said Menominee tribe of Indians now on deposit in the United States Treasury all necessary expenses incurred in the cutting and sawing of the timber, as provided herein, which amount of money shall be reimbursed from the sale of the lumber as herein provided.

That said lumber shall be sold in such quantities as the Secretary of the Interior may direct, under such rules and regulations as he may

prescribe, to the highest and best bidder for cash after due advertisement inviting proposals and in such manner and at such time and place as the Secretary may direct, and from the proceeds of the sales of such lumber there shall be deposited in the Treasury of the United States to the credit of the said Menominee tribe of Indians the amount of money paid out of said fund as the expense of cutting, sawing, piling, and grading said lumber; and there shall also be deposited in the Treasury of the United States to the credit of said Indians the one-fifth part of the net proceeds of the sales of said lumber, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be deposited in the United States Treasury to the credit of said tribe and shall bear interest at the rate of 5 per cent per annum, to be paid to the said tribe per capita in semiannual cash payments.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin."

PENSIONS TO SURVIVORS OF INDIAN WARS IN UTAH.

Mr. SMOOT. I ask unanimous consent for the consideration of the bill (S. 3469) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892."

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend the provisions of the act of July 27, 1892, as amended by the act of June 27, 1902, to include the Indian wars which occurred in the Territory of Utah down to and including those which took place in the year 1867. But before the name of any person shall be placed on the pension roll under this act proof shall be made, under such rules and regulations as the Commissioner of Pensions with the approval of the Secretary of the Interior shall prescribe, that the applicant is entitled to a pension under this act. The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of service performed and an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge, the applicant may establish the same by other satisfactory testimony.

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

LAND IN PENSACOLA, FLA.

Mr. MALLORY obtained the floor.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. MALLORY. I yield to the Senator.

Mr. BRANDEGEE. When I offered the amendment as to boys selling newspapers to the bill regulating the employment of child labor in the District of Columbia, I did not anticipate that the Senator from Minnesota would object to the whole bill. I am perfectly willing to withdraw that amendment, if there will be no objection to the consideration of the bill.

Mr. NELSON. If I understand that the bill itself does not require newsboys to take out licenses and that that amendment is not to be offered, I will make no objection.

Mr. DUBOIS. The bill does not require newsboys to take out licenses.

Mr. NELSON. If that amendment will not be offered, then I withdraw my objection.

The VICE-PRESIDENT. Does the Senator from Florida yield for that purpose?

Mr. MALLORY. I prefer to have the bill considered that I rose to call up. I ask the Senate to proceed to the consideration of the bill (S. 5418) relinquishing the title of the United States to certain land in the city of Pensacola, Fla., to James Wilkins.

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

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

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

LAKE SCHUTTE CEMETERY CORPORATION.

Mr. HANSBROUGH. I ask for the present consideration of the bill (S. 6256) to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it.

The Secretary read the bill.

Mr. PETTUS. That seems to be an act diverting land from the use for which it was granted. I should like to hear the report of the committee read.

The VICE-PRESIDENT. The Secretary will read the report. The Secretary read the report submitted by Mr. HANSBROUGH May 31, 1906, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 6256) to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it, having had the same under consideration, beg leave to report it back with the recommendation that it do pass.

The facts leading up to this legislation are as follows: By section 5 of the act of February 28, 1899 (30 Stat. L., 916), the S. 1/4 of the NW. 1/4 of sec. 30, T. 162 N., R. 72 W., was granted to the Lake Schutte Cemetery Corporation, of Dunseith, N. Dak., "to have and to hold said lands to its use and behoof forever for cemetery purposes."

On May 5, 1905, lots 3 and 4 (N. 1/2) of the SW. 1/4 of this section were patented to Robert C. Wynn.

It transpired subsequent to the passage of the act of February 28, 1899, that the cemetery is located, wholly or in part, on lot 3, or the NW. 1/4 of the SW. 1/4 of sec. 30, instead of on the lands granted, and it is now desired that the cemetery company be empowered to make a transfer in order to rectify this mistake.

The following letter from Dr. C. M. Wagner, of Dunseith, N. Dak., to Senator HANSBROUGH, serves further to explain the situation:

DUNSEITH, N. DAK., May 10, 1906.

MY DEAR SENATOR: We are in a plight about our cemetery being on the wrong land. The land deeded to the Lake Schutte Cemetery through your kindness several years ago is the wrong eighty. The cemetery now is on land owned by one Robert Wynn, while the land deeded to us is an eighty north. Now, Mr. Wynn will transfer the land where the burial ground is now for the land we were given for the cemetery, providing we are given power from Congress to make the transfer. The land given us is the SW. 1/4 of the NW. 1/4, sec. 30, T. 162 N., R. 72 W., while the burial ground is on the NW. 1/4 of the SW. 1/4. Can't you have this tangle straightened out for us and greatly oblige the community here?

I am, yours, most truly,

C. M. WAGNER.

Hon. H. C. HANSBROUGH, Washington, D. C.

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

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

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

FISHERIES OF ALASKA.

Mr. FULTON. I ask for the consideration of bill (H. R. 13543) for the protection and regulation of the fisheries of Alaska.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Fisheries with an amendment, on page 4, to strike out section 3, in the following words:

SEC. 3. That the money derived from the license taxes, as provided for in section 1 of this act, shall be paid into the United States Treasury and shall constitute a permanent appropriation, to be known as the "Alaskan fisheries fund," to be used under the direction of the Secretary of Commerce and Labor for the purpose of propagation and fish culture and the construction and maintenance of fish hatcheries in the waters of Alaska, for the protection, regulation, investigation, and inspection of the Alaskan fisheries and hatcheries, for the collection and compilation of statistics and information pertaining thereto, and for the enforcement of the law and the regulations made thereunder with reference to the subject of fisheries in the waters of Alaska.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

LAND IN COMANCHE COUNTY, OKLA.

Mr. LONG. I ask unanimous consent for the consideration of the bill (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.

Mr. BLACKBURN. After the consideration of that bill I shall move to adjourn.

Mr. PETTUS. Mr. President, I suggest that there is no quorum present.

Mr. CARTER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 13, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 12, 1906.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

THE JOURNAL.

Mr. SHERMAN. Mr. Speaker, I wish to correct the Journal. As I understood, the Clerk announced that Mr. LAMAR was appointed as one of the conferees on the bill H. R. 19681. It was Mr. ZENOR who was the minority conferee.

The SPEAKER. The Journal is correct.

RAILROAD RATES.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House, No. 571, have had the same under consideration, and in lieu thereof report the following:

"Resolved, That the bill (H. R. 12987) to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, with the Senate amendments thereto, be, and hereby is, taken from the Speaker's table; that the House further insists on its disagreement to the Senate amendments thereto in gross, and that the conference asked by the Senate is hereby agreed to; whereupon immediately, without intervening motion, the managers of the conference shall be appointed."

Mr. DALZELL. And on that, Mr. Speaker, I demand the previous question.

Mr. WILLIAMS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I want to ask the gentleman from Pennsylvania a question.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Mississippi?

Mr. DALZELL. I do.

Mr. WILLIAMS. I want to ask the gentleman from Pennsylvania if he would yield to me for the purpose of offering an amendment before he calls for the previous question?

Mr. DALZELL. Certainly not.

The SPEAKER. The gentleman declines to yield.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 150, noes 81.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 92, answered "present" 8, not voting 94, as follows:

YEAS—186.

Acheson	Dawes	Ketcham	Perkins
Adams	Dawson	Kinkaid	Pollard
Alexander	Denby	Klepper	Powers
Allen, Me.	Dixon, Mont.	Knopf	Prince
Allen, N. J.	Draper	Knowland	Reeder
Ames	Dresser	Lacey	Reynolds
Babcock	Driscoll	Lafcan	Rives
Barchfeld	Ellis	Landis, Chas. B.	Rodenberg
Bartholdt	Esch	Landis, Frederick	Samuel
Bates	Fletcher	Law	Shartel
Bede	Fordney	Lawrence	Sherman
Bennet, N. Y.	Foss	Littauer	Sibley
Birdsall	Foster, Ind.	Littlefield	Slomp
Bishop	French	Loud	Smith, Cal.
Bonyng	Fulkerson	Loudenslager	Smith, Ill.
Bontell	Gardner, Mich.	Loving	Smith, Iowa
Bowersock	Gardner, N. J.	McCall	Smith, Wm. Alden
Bradley	Gilbert, Ind.	McCarthy	Smith, Pa.
Brick	Gillett, Cal.	McClary, Minn.	Smyser
Brooks, Colo.	Gillett, Mass.	McGavin	Snapp
Brownlow	Goebel	McKinlay, Cal.	Southwick
Buckman	Graff	McKinley, Ill.	Sperry
Burke, Pa.	Greene	McKinney	Stafford
Burke, S. Dak.	Grosvenor	McLachlan	Sterling
Burton, Ohio	Hale	McMorran	Stevens, Minn.
Butler, Pa.	Hamilton	Madden	Sulloway
Calder	Haskins	Mabon	Tawney
Calderhead	Hayes	Mann	Taylor, Ohio
Campbell, Kans.	Hedge	Marshall	Thomas, Ohio
Campbell, Ohio	Henry, Conn.	Martin	Tirrell
Capron	Hepburn	Michalek	Townsend
Cassel	Hermann	Miller	Volstead
Chaney	Higgins	Minor	Wachter
Chapman	Hill, Conn.	Moon, Pa.	Waldo
Cocks	Hinshaw	Morrell	Wanger
Cole	Hoar	Murdoch	Watson
Comer	Howell, N. J.	Needham	Webber
Cousins	Howell, Utah	Nevin	Weems
Cramer	Hubbard	Olcott	Wharton
Crumpacker	Huff	Olmsted	Wiley, N. J.
Currier	Hull	Otjen	Wilson
Curtis	Humphrey, Wash.	Overstreet	Wood, N. J.
Cushman	Jenkins	Parker	Woodyard
Dale	Jones, Wash.	Parsons	Young
Daizell	Keifer	Payne	
Davidson	Kennedy, Nebr.	Pearre	
Davis, Minn.	Kennedy, Ohio		